

Amended Captain's Cove Redevelopment Study

Borough of Highlands
Monmouth County, New Jersey

November 16, 2024

Prepared by:



236 Broad Street
Red Bank, NJ 07701
732-741-2900

The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.

Susan S. Gruel, P.P. #1955

With assistance from Bailey Surbrook

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INTRODUCTION

The purpose of this amendment (Report) to the Captain's Cove Area In Need of Redevelopment Investigation Report dated November, 2017 (2017 Report) is to determine whether the property located in the Borough of Highlands, New Jersey (Borough) known as the Captain's Cove Marina located on Block 84, Lot 2.01 as identified on the Borough's tax maps, along with all riparian rights, streets, and rights of way appurtenant thereto (the "Study Area"), qualifies as a "condemnation area in need of redevelopment" as defined in the Local Redevelopment and Housing Law N.J.S.A. 40A:12-1 et seq (LRHL). This report is written pursuant to section 6 of the LRHL, which provides the following:

- No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L 1992/c.79 (C.40A:12A-5).
- The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined or not be determined, by the municipal governing body to be a redevelopment area.
- After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

On December 7, 2016, the Governing Body of the Borough of Highlands (Borough Council) adopted Resolution #16-228 authorizing the Land Use Board of the Borough (Land Use Board) to undertake an investigation to determine whether a portion of the Study Area is a non-condemnation area in need of redevelopment in accordance with the LRHL. Heyer, Gruel & Associates, the Borough Planner, prepared the 2017 Report.

In Resolution 24-168 adopted on October 2, 2024, the Borough Council authorized the Land Use Board to undertake an investigation to determine whether the Study Area qualifies as a condemnation area in need of redevelopment pursuant to the LRHL. The authorizing resolution is attached as Appendix A of this document.

The Redevelopment Study Area Map (see Figure 1) constitutes a "map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included

therein." This report serves as the "statement setting forth the basis for the investigation" which is required by Section 6(b) of the LRHL (N.J.S.A. 40A: 12A-6).



Figure 1 - Study Area Map

HISTORY OF THE STUDY AREA

Block 84, Lot 2.01 within the Study Area was the subject of a previous non-condemnation "Area in Need of Redevelopment" investigation as set forth in the 2017 Report. At a public hearing held on January 31, 2018, the Land Use Board recommended that the Borough Council designate Block 84, Lot 2.01 as a non-condemnation area in need of redevelopment. At its March 21, 2018, meeting, the Borough Council formally designated the Captain's Cove Redevelopment Area as a non-condemnation area in need of redevelopment per Council Resolution 18-070. This current area in need of redevelopment investigation expands the previous redevelopment area to include portions of the right-of-way along Washington Avenue, Cheerful Place, and Rogers Avenue and proposes designation of the area as a condemnation area.

STUDY AREA AND LOCATION

The Borough of Highlands is approximately 0.71 square miles and is located at the base of Sandy Hook where the Raritan Bay meets the confluence of the Navesink and Shrewsbury Rivers. The physical form of the Borough is characterized by a sharp elevation change between its waterfront and downtown neighborhoods, which are only a few feet above sea level, and the up-hill areas that quickly ascend to over 100 feet of elevation. The lower portions of the Borough were significantly impacted by storm surge and flooding from Superstorm Sandy in October 2012.

The Borough's main downtown commercial corridor runs along Bay Avenue. There are pockets of waterfront commercial uses along the river and bay frontage that are occupied by marine-oriented businesses and restaurants. There are also several small pockets of highway-orientated commercial development. The remainder of the Borough is predominantly zoned for, and developed with, single-family homes, although there are a few pockets of multi-family development.

The Study Area is located in the north-central portion of the Borough along the Sandy Hook Bay. The Study Area consists of Block 84, Lot 2.01 along with small portions of adjacent rights-of-way in the southern portion of the Study Area. The Study Area is +/- 69,560 square feet (approximately 1.60 acres). The Study Area is predominately water, except for a portion of land at the southern portion of the site adjacent to where Cheerful Place and Washington Avenue intersect. The western boundary of the site borders the side and rear yards of homes that have frontage on Huddy Avenue, Bedle Place, and Recreation Place. The eastern boundary of the site borders Washington Avenue. The site currently serves as a marina. A Sanborn map of the area from 1922 shows that the property was used as a boat slip at that time, the bulkhead along both sides of the

channel was in place, and the Water Witch Society Club was located at the intersection of Cheerful Place and Washington Avenue (see Figure 2).

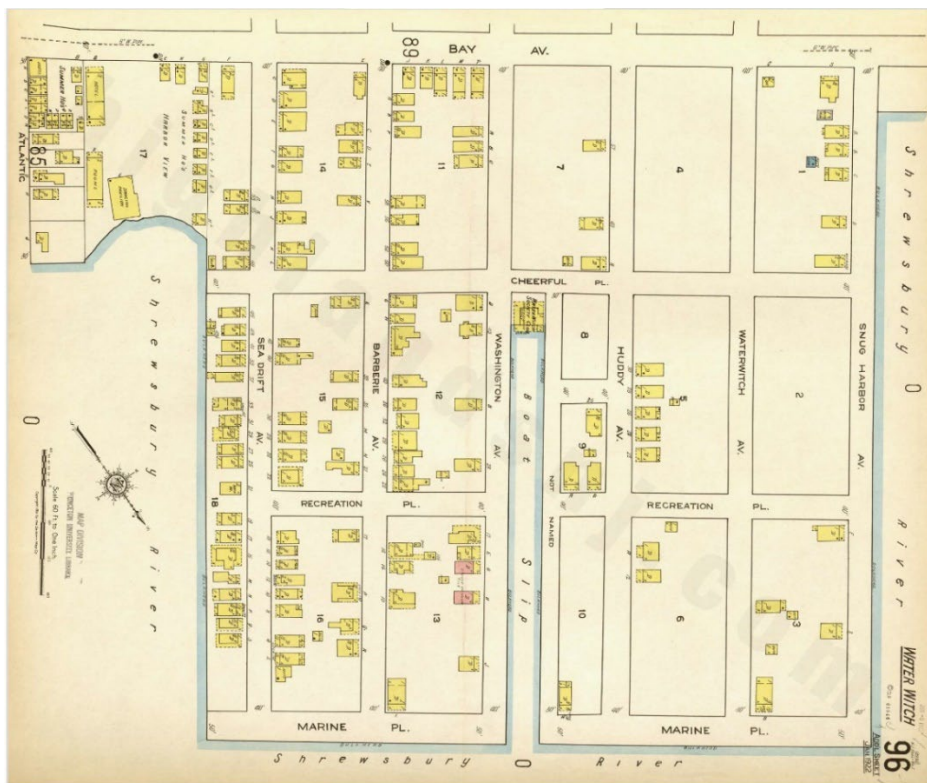


Figure 2 – Sanborn Map Sheet 96 “Water Witch” (1922)

EXISTING ZONING

The Study Area is located within the CCR: Captain's Cove Redevelopment District and the R-2.01: Single Family Residential District. The CCR District permits marinas, retail, office, and eating and drinking establishments as principal uses. The CCR District has a minimum building setback to Washington Avenue and Cheerful Place of 5-feet, a minimum setback to Block 87, Lot 1 of 10-feet, a minimum setback to the bulkhead of 5-feet, and a maximum building height of 3-stories/35-feet.

The R-2.01 District permits single-family detached dwellings, public uses operated by the Borough, public utility rights-of-way, religious institutions, and public and private schools as principal uses. The R-2.01 District requires that lots have a minimum size of 3,750 square feet, a minimum width of 50-feet, a minimum depth of 75-feet, a minimum front yard setback of 20-feet, a minimum rear yard setback of 20-feet, and a minimum side yard setback of 6-feet. Buildings are permitted a maximum height of 30-feet, and a maximum building coverage of 33%. The maximum impervious lot coverage is 75%.



Figure 3 - Zoning Map

RELATIONSHIP TO THE BOROUGH OF HIGHLANDS MASTER PLAN

The Borough's current Master Plan was adopted in 2004. A re-examination report was adopted in 2009, and another re-examination report was adopted in 2016. The following goals, objectives, recommendations, and strategies that are present in these planning documents and are relevant to this investigation are as follows:

MASTER PLAN (2004)

General Objectives

1. Physically – Meet the needs of the Borough with the creation of mixed-use development of exceptional design quality, a waterfront destination for activity and relaxation (p. G&O-3).

Commercial

2. Continue the Improvement of commercial properties in the Borough (p. G&O-4).
8. Encourage redevelopment of commercial properties that need rehabilitation or improvement (p. G&O-5).
9. Encourage upgrading of commercial properties and their surroundings (p. G&O-5).

Circulation

13. To improve public access to the waterfront (p. G&O-6).

Economic Development / Redevelopment Goals

6. Encourage redevelopment in areas that need rehabilitation or improvement (p. G&O-6).
8. Capitalize on the economic resources represented by Sandy Hook, Route 36, the Twin Lights, the New York Ferry and the physical attractiveness of the Area (p. G&O-6).

Land Use Element

- Development Along the Waterfront – The land use plan recognizes the waterfront area as one of Highlands' greatest assets. A key guiding principle or philosophy of this Plan is to encourage the development of land use regulations that maximize the view corridor to the waterfront. (p. LU-22).

RE-EXAMINATION REPORT (2016)

The 2016 Re-examination report and master plan amendments carry forward the General Objectives and Economic Development / Redevelopment Goals espoused in the 2004 Master Plan. The re-exam also includes additional language specific to the Captain's Cove Marina site.

Zone Changes

7. Create a new Waterfront Commercial (WC-3) district encompassing Block 84, Lot 2.01 to allow for commercial boat basins. *The unique characteristics of this site and historic usage should be acknowledged. Zoning regulations should be created for a new Waterfront Commercial Zone District which allow for commercial boat basins, SUP rentals, and provide parking standards based on the number of boat slips.* (p. 55).

CRITERIA FOR REDEVELOPMENT AREA DETERMINATION

The criteria contained in Section 5 of the LRHL that were considered in evaluating the Study Area are the following.

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Furthermore, Section 3 of the LRHL permits the inclusion of parcels that do not meet the criteria if they are necessary for the effective redevelopment of the area, stating:

"A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found

necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part."

EVALUATION OF THE STUDY AREA FOR CONFORMITY WITH REDEVELOPMENT AREA CRITERIA

An analysis of the Study Area's existing land use, physical characteristics, history, operational needs, and other considerations was conducted using:

- Borough of Highlands Tax maps and GIS data
- Tax and ownership records for the Study Area
- Aerial photos of the Study Area property
- Field Inspections of the Study Area, site, and surroundings on October 21, 2024.
- Borough of Highlands Tax Assessment Data
- Captain's Cove Marina Structural Inspection Report, dated October 14, 2024, revised November 4, 2024 prepared by Colliers Engineering and Design. (See Appendix E)
- A Letter prepared by Colliers Engineering and Design, dated January 9, 2023. (See Appendix D)
- A Letter prepared by Colliers Engineering and Design, dated November 6, 2024. (See Appendix F)
- Photos and Email Correspondence from 2019 to 2024, Collected by William Brunt – the Borough's Code Enforcement Officer.



Figure 4 – Borough of Highlands Tax Map (Study Area Outlined in Red)

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Initial site visits were conducted in October 2024, although the site has been the subject of several on-site inspections from Borough officials over the past several years. There is substantial evidence, which will be discussed in detail below, to demonstrate that the Study Area may be designated as in need of redevelopment under criterion “d” of Section 5 of the LRHL, which states:

“Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

PROPERTY AND BUILDING DESCRIPTION

Block 84, Lot 2.01	
Current Owner	Captain's Cove Marina, LLC
Address of Current Owner	PO Box 8100, Red Bank, NJ 07701
Lot Area	+/- 66,754 (1.53 Acres)
Property Class	4A (Commercial)
Land Value (2023)	\$480,000
Improvement Value (2023)	\$350,000
Total Value (2023)	\$830,000

Description:

The Study Area consists of the Captain's Cove Marina located at Block 84, Lot 2.01, along with portions of the adjacent rights-of-way along Washington Avenue, Cheerful Place, and Rodgers Avenue. Block 84, Lot 2.01 encompasses approximately 1.53 acres of the approximately 1.60-acre Study Area. The majority of Block 84, Lot 2.01 consists of water that is used for boat slips. At the time of the site visit on October 21, 2024, there were boats occupying the slips in the marina. The bulkhead runs along both sides of the marina channel from Sandy Hook Bay in the north towards the intersection of Cheerful Place and Washington Avenue in the south. The southern portion of the site is developed with several temporary structures, including a food establishment which operates from a trailer under the name “Dock Donuts,” and a storage container. At the time of the site visit, deck chairs and repurposed wooden cable reels served as outdoor seating and tables. Also, at the time of the site visit, a few construction equipment vehicles were parked on the site and several skiffs were stacked up along the southern side of the marina's bulkhead. The

site is unpaved and has a sand and gravel surface. Other improvements on the site include a flagpole and signage for Captain's Cove Marina.



Photo facing Dock Donuts (10-21-2024) (Provided by HGA)



View looking down the Rogers Avenue Right-of-Way (11-11-2024) (Provided by HGA)

The entire site, as is much of the Borough, is located within the Federal Emergency Management Agency's (FEMA) 100-year floodplain. The northernmost portion of the property is located in the VE zone, which indicates flood hazard with storm wave hazards. The remainder of the property is located within the AE zone (see Figure 5).

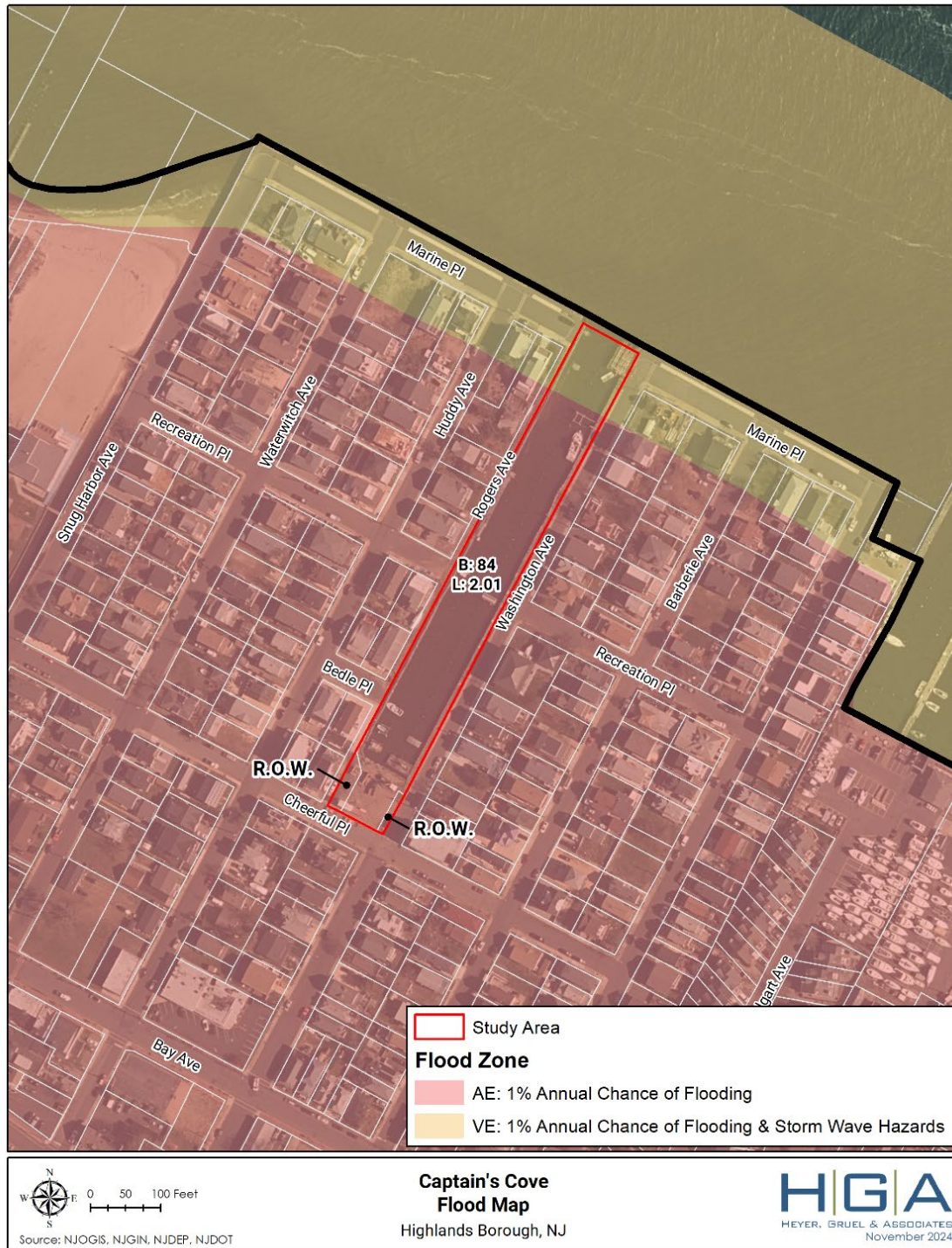


Figure 5 – Flood Hazard Area

Evaluation:**Dilapidation**

Per criterion "d," areas with buildings or improvements qualify as in need of redevelopment if by reason of their dilapidation are detrimental to the safety, health, or welfare of the community. There is a documented history of flooding due to the poor condition of the bulkhead at Captain's Cove Marina in the Study Area over the past five years. This flooding is detrimental to the safety, health, and welfare of the community as it has negatively impacted the safety of the surrounding rights-of-ways and damaged Borough infrastructure, and if not corrected, would further increase the risk of flooding which would result in damage to neighboring properties and Borough infrastructure. Photos taken during site inspections and site visits since 2019 were provided by William Brunt, the Code Enforcement Officer for the Borough of Highlands. The following photos depict flooding that occurred at Captain's Cove Marina on September 30, 2019, and October 12, 2020.



Flooding observed at Recreation Place (9-30-2019)(Provided by William Brunt)



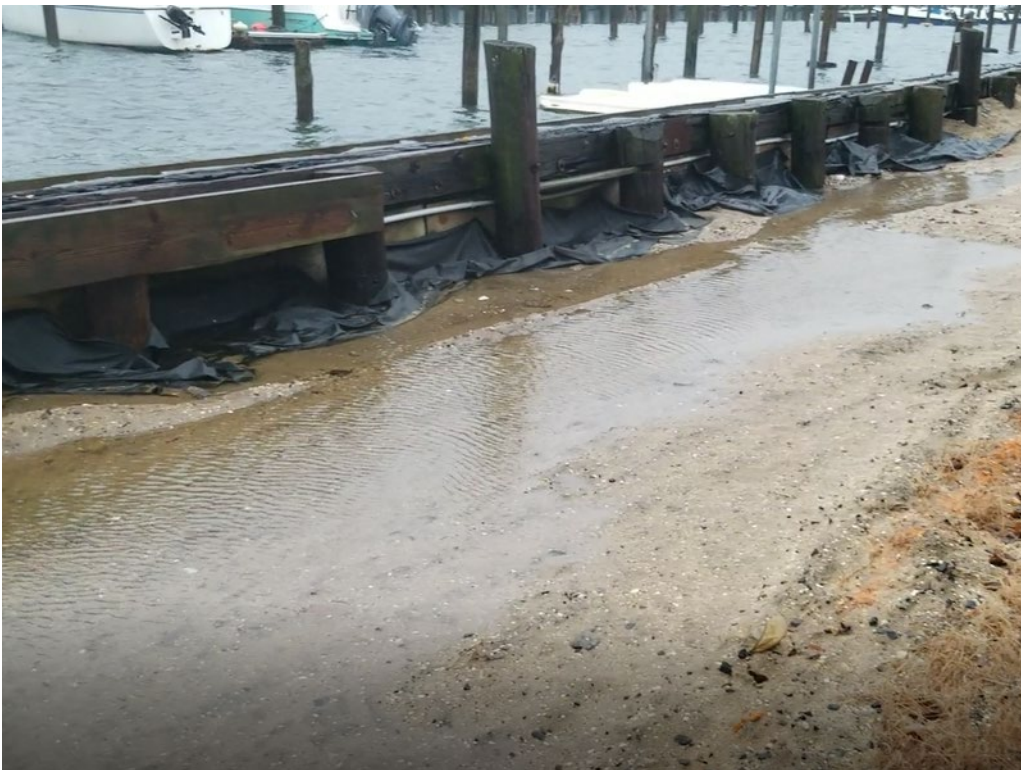
Flooding observed along the Captain's Cove bulkhead (9-30-2019) (Provided by William Brunt)



Flooding observed at Bedle Place (9-30-2019) (Provided by William Brunt)



Flooding at the intersection of Huddy Avenue and Bedle Place (9-30-2019)(Provided by William Brunt)



Flooding observed along the Captain's Cove bulkhead at the Rogers Avenue Right-of-Way (10-12-2020)(Provided by William Brunt)

In addition, on October 3, 2022, flooding was observed coming through a small portion of the bulkhead, which was left open, causing erosion damage to the Washington Avenue roadway. Photos taken on October 4, 2022, and December 23, 2022, show damage to the concrete curb along Washington Avenue and evidence of the undermining of the roadway itself. On December 30, 2022, Colliers Engineering and Design performed an on-site inspection of the Captain's Cove Marina along Washington Avenue. A letter prepared by Colliers Engineering and Design, dated January 9, 2023, (see Appendix D) notes that approximately 8 months prior to the inspection, that representatives had met with the owner of Captain's Cove and were told that the existing timber bulkhead would be removed and replaced with new PVC sheeting and timber piles/deadmen in a timely fashion. The letter notes that the existing timber sheets were still in place at the time of the inspection. In addition, the letter notes that, due to the flooding, the concrete gutters and curbs were lost along approximately 100-feet of Washington Avenue. The letter also states that each rainstorm, high tide, and moon tide would continue to exacerbate the soil losses along Washington Avenue, increasing the potential for roadway sink-hole failure. The letter recommended protecting the damaged area with a barrier or fence to prohibit people or vehicles from entering the area due to the public safety risk posed by the damage. For a more detailed description of the inspection performed on December 30, 2022, please refer to Colliers Engineering and Design's January 9th, 2023, letter included within Appendix D.



Flooding observed at Washington Avenue (10-3-2022)(Provided by William Brunt)



Damage to the Washington Avenue Right-of-Way (10-4-2022)(Provided by William Brunt)



Damage to the Washington Avenue Right-of-Way (12-23-2022)(Provided by William Brunt)



*Photo depicting poor condition of the bulkhead along Washington Avenue (December 2022)
(Provided by Michael Muscillo)*



*Road sub-base eroded into the cove
(From Colliers Engineering and Design's Letter dated January 9, 2023)*



Erosion right up to roadway

(From Colliers Engineering and Design's Letter dated January 9, 2023)

Additional flooding has been observed at the site since 2022. As such, on September 13, 2024, Colliers Engineering and Design, at the request of the Borough, performed on site inspections of the Captain's Cove Marina located at Block 84, Lot 2.01. Findings from this inspection were included in a report dated October 14th, 2024, revised November 4, 2024 (See Appendix E). The evaluation was based upon visual inspections of the marina's Easternly bulkhead (Section A), Southernly Bulkhead (Section B), Westerly bulkhead (Section C), and Easternly Dock (Section D). The report notes that:

- “**Section B** (Southernly Bulkhead) exhibited **CRITICAL** structural condition. Advanced deterioration, overstressing, failing connections and inadequate construction was observed along the entire structure. These deficiencies significantly reduce the load-bearing capacity of the bulkhead and more widespread failures are likely to occur if the structure remains and storm events occur.”
- “**Section C** (Westerly Bulkhead) exhibited **CRITICAL** structural condition. Advanced deterioration, overstressing, failing connections and inadequate construction was observed along the entire structure. These deficiencies significantly reduce the load-bearing capacity of the bulkhead and more widespread failures are likely to occur if the structure remains and storm events occur.”

For a more detailed description of the deficiencies observed by Colliers Engineering and Design for the Southernly and Westerly Bulkhead, please refer to their November 4th, 2024, report included within Appendix E.

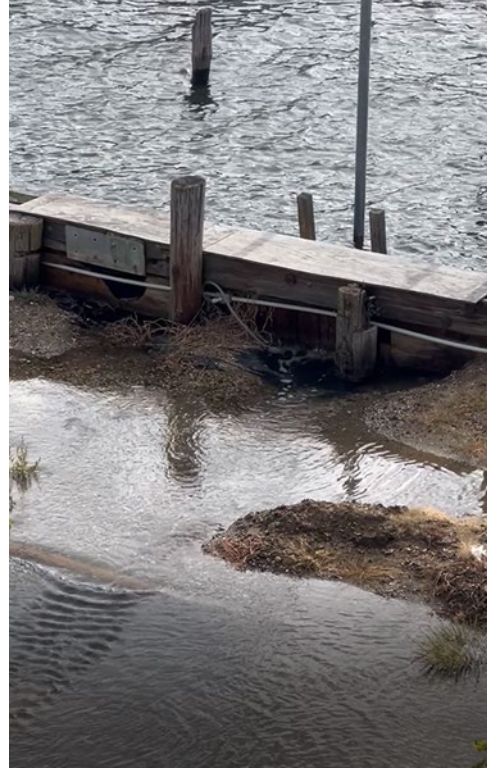
In addition, Colliers Engineering and Design reviewed the current conditions of Captain's Cove Marina and examined the site's original New Jersey Department of Environmental Protection (NJDEP) permit #1317-090002.1 LUP210001. In a letter dated November 6, 2024, (see Appendix F) Colliers Engineering and Design noted the following deficiencies with the bulkhead's replacement construction:

- "The permit requires that the installed sheets meet the approved length specified in the plans (22 feet). A site inspection conducted on December 30, 2022, revealed that the sheets installed are only 18 feet long, with additional cutting of 1 to 3 feet from the top. This modification has reduced the actual embedment depth of the bulkhead below the required specifications, thereby decreasing its structural capacity to the design parameters in the approved permit plans."
- "The permit expressly states, 'The existing timber bulkhead will be removed, and the vinyl bulkhead will be in the same footprint as the existing timber bulkhead.' However, on the southern and western sections of the bulkhead, the existing timber bulkhead was left intact, and the new vinyl bulkhead was installed in front of it, contrary to the permit's directives."
- "Each of these deficiencies reflects a deviation from the approved permit requirements, which may compromise the structural integrity and compliance status of the project."

The study area meets the criteria to be designated as in need of redevelopment per criterion "d" due to the documented history of repeated flooding resulting from the dilapidation of the marina's bulkhead. The poor condition of the bulkhead has, in the past, compromised the safety of the Washington Avenue right-of-way, and repeatedly inundated surrounding rights-of-way. The current critical condition of the bulkhead, as noted by Colliers Engineering and Design, also continues to pose a safety risk to users of the marina and to neighboring properties as it increases the risk of a structural failure which would cause greater flooding in the surrounding area. The report states that "the deteriorating bulkhead is causing soil erosion and sinkholes along its backside" and that "continued soil loss could undermine adjacent roadways, leading to failures, collapses, and hazardous sinkholes, all of which would threaten public safety and the integrity of nearby stormwater and utility systems." The report also states that "residential properties in close proximity could also face land loss and possible foundation damage."



*Flooding observed at the bulkhead
(February 2024)
(Provided by William Brunt)*



*Flooding observed at the bulkhead
(September 2024)
(Provided by William Brunt)*



*Southernly Bulkhead, Fastener and metal sheetpile bulkhead condition
(From Colliers Engineering and Design's Report dated November 4, 2024)*



Photo of the Southerly Bulkhead (10-21-2024)(Provided by HGA)



Photo of the Westerly Bulkhead (10-21-2024)(Provided by HGA)

CONCLUSION

There is substantial evidence to designate the Study Area as a condemnation area in need of redevelopment per criterion "d." Since 2019, there have been several documented incidents of flooding resulting from the poor condition of the bulkhead within the Study Area . This flooding has resulted in the repeated inundation of surrounding rights-of-ways and caused damage to the Washington Avenue right-of-way. Per Colliers Engineering and Design, portions of the existing bulkhead are in critical condition, exacerbating the risk of structural failure which would increase the risk of greater flooding in the surrounding area. This is further exacerbated by the fact that the entire site is located within the FEMA 100-year flood hazard area. The repeated flooding and the further risk of greater flooding poses a hazard to the safety, health, and welfare of the surrounding community as it creates dangerous conditions, and it could damage property and Borough infrastructure within the vicinity of the Study Area .

APPENDICES

APPENDIX A: Borough of Highlands Council Resolution

APPENDIX B: Borough of Highlands Tax Assessment Records

APPENDIX C: Property Deeds for Block 82, Lot 2.01

APPENDIX D: Letter from Colliers Engineering and Design, dated January 9, 2023

APPENDIX E: Captain's Cove Marina Structural Inspection Report, prepared October 14, 2024, revised November 4, 2024, by Colliers Engineering and Design.

APPENDIX F: Letter from Colliers Engineering and Design, dated November 6, 2024

APPENDIX A: Borough of Highlands Council Resolution



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 24-168

AUTHORIZING AND DIRECTING THE BOROUGH LAND USE BOARD TO INVESTIGATE WHETHER THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH AS BLOCK 84, LOT 2.01 CONSTITUTES A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, by way of Resolution No. 16-228 adopted on December 7, 2016, the municipal council of the Borough (the “**Borough Council**”) of Highlands, in the County of Monmouth, New Jersey (the “**Borough**”) authorized and directed the Land Use Board of the Borough (the “**Land Use Board**”) to conduct a preliminary investigation of the property identified as Block 84, Lot 2.01 on the Borough’s tax maps, commonly known as Captain’s Cove Marina (the “**Property**”) to determine whether the Property met the criteria for a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law; and

WHEREAS, by way of Resolution No. 18-070 adopted on March 21, 2018, the Mayor of the Borough and Borough Council determined and declared that the Property be designated a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Borough Council now desire to authorize and direct the Borough’s planning consultant (the “**Planning Consultant**”), to determine whether the Property, along with all riparian rights and streets and rights of way appurtenant thereto, as set forth in **Exhibit A** attached hereto, (collectively, the “**Study Area**”) meets the criteria set forth in the Redevelopment Law for designation as a Condemnation area in need of redevelopment (the “**Study**”) and to submit a report to Land Use Board detailing its findings (the “**Report**”); and

WHEREAS, the Borough Council desire to refer to the Land Use Board, upon completion, the Report for review in accordance with the Redevelopment Law; and

WHEREAS, the redevelopment area determination requested hereunder, in connection with the Study Area authorizes the Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “**Condemnation Redevelopment Area**”); and

WHEREAS, the Borough Council therefore authorizes and directs the Land Use Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Borough Council, all in accordance with the Redevelopment Law.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey, as follows:

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.

2. **Investigation of Study Area Authorized.** The Land Use Board and Planning Consultant are hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in the Redevelopment Law, including N.J.S.A. 40A:12A-5, to be designated as a Condemnation Redevelopment Area and to submit the Report to the Land Use Board with respect thereto.

3. **Map to be Prepared.** As part of this investigation, the Planning Consultant shall prepare a map showing the boundary of the Study Area.

4. **Public Hearing Required.** The Land Use Board shall conduct a public hearing, after giving due notice of the proposed boundary of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is a Condemnation Redevelopment Area.

5. **Land Use Board to Make Recommendations.** After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Borough Council as to whether the Borough should designate the Study Area as a Condemnation Redevelopment Area.

6. **Preparation of a Redevelopment Plan.** In the event the Land Use Board determines to recommend that the Borough Council designate the Study Area as a Condemnation Redevelopment Area, the Land Use Board is hereby authorized and directed to prepare a redevelopment plan for the Study Area without need of further action by the Borough Council.

7. **Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

8. **Availability of the Resolution.** A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

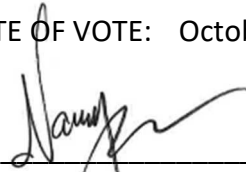
9. **Effective Date.** This Resolution shall take effect immediately.

Motion to Approve R 24-168:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						X
CHELAK		X	X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 2, 2024



Nancy Tran, Municipal Clerk
Borough of Highlands

APPENDIX B: Borough of Highlands Tax Assessment Records

ASSESSOR'S OFFICE
BOROUGH OF HIGHLANDS
BORO HALL, 171 BAY AVE
HIGHLANDS NJ 07732

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
FREEHOLD NJ
PERMIT #1

DISTRICT: BOROUGH OF HIGHLANDS

DATE MAILED: 11/15/23
#000152
NOTICE OF PROPERTY TAX ASSESSMENT FOR 2024
THIS NOTICE IS REQUIRED UNDER N.J.S.A. 54:4-38.1
BLOCK: 84 **LOT:** 2.01 **QUAL:**

PROPERTY LOCATION: MARINE PLACE **CLASS:** 4A

LAND: 480,000 **BUILDING:** 350,000 **TOTAL:** 830,000

NET PROPERTY TAXES BILLED FOR 2023 2023 **ASSESSMENT**
WERE: \$16,649.80 **TOTAL:** 830,000

THIS IS NOT A BILL. SEE OTHER SIDE FOR APPEAL INFORMATION.

P.O. BOX 8100
RED BANK, NJ 07701

APPEAL INSTRUCTIONS

If you agree with the assessed value shown, you do not need to do anything.

If you disagree with the assessed value shown, you may file an appeal with the Monmouth County Board of Taxation. Forms, instructions and a guide to the process Understanding Property Assessment Appeals for Monmouth County may be obtained at <https://secure.njappealonline.com> or through your municipal assessor at the address printed on the reverse of this notice.

Assessment appeals filed with the Monmouth County Board of Taxation must be filed **on or before January 15 or 45 days from the date mailed**, as it appears on the front of this notice, **whichever date is later**.

Also, note that the Monmouth County Board of Taxation has developed an online appeal system accessed via <https://secure.njappealonline.com>. Traditional "paper" appeals are also available at your municipal assessor's office.

If the assessed value exceeds \$1,000,000, you have the option of filing your appeal directly with the Tax Court at PO Box 972, Hughes Justice Complex, Trenton, New Jersey 08625. Pursuant to N.J.S.A. 54:3-21(a)(2), all assessment appeals filed directly to the Tax Court must be filed **on or before April 1 or 45 days from the date mailed** as it appears on this assessment notice, **whichever date is later**.

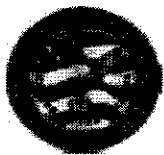
Forms which you may use to file your complaint may be found at <http://www.judiciary.state.nj.us/taxcourt/dcmform.html>

This assessment will be used to calculate your property tax bill. Do not multiply last year's property tax rate by the current year's assessment value to determine taxes for the current year.

New Search		Assessment Postcard		Property Card	
Block:	84	Prop Loc:	MARINE PLACE	Owner:	CAPTAIN'S COVE MARINA, LLC
Lot:	2.01	District:	1319 HIGHLANDS	Street:	PO BOX 8100
Qual:		Class:	4A	City State:	RED BANK, NJ 07701
Prior Block:	8	Acct Num:	00015980	Additional Information	
Prior Lot:		Mtg Acct:		Add Lots:	
Prior Qual:		Bank Code:	0	Land Desc:	
Updated:	10/16/24	Tax Codes:	S01	Bldg Desc:	
Zone:	R201	Map Page:	16	ClassCd:	739
				Acreage:	1.5
Sale Date:	02/28/24	Book:	9679 Page: 9796	Price:	
					I NU#: 25
Year	Property Location	Land/Imp/Tot	Exemption	Assessed	Property Class
<u>2024</u>	MARINE PLACE	480000 350000 830000	0	830000	4A
<u>2023</u>	MARINE PLACE	480000 350000 830000	0	830000	4A
<u>2022</u>	MARINE PLACE	440000 350000 790000	0	790000	4A
<u>2021</u>	MARINE PLACE	400000 350000 750000	0	750000	4A


*Click on Underlined Year for Tax List Page
 **Click Here for More History

APPENDIX C: Property Deeds for Block 82, Lot 2.01



Monmouth County Document Summary Sheet



MONMOUTH COUNTY CLERK PO BOX 1251 MARKET YARD FREEHOLD NJ 07728	Return Name and Address Suburban Title Examiners, Inc. 2253 South Avenue, Suite 7 P.O. Box 249 Scotch Plains, NJ 07076	 601A5I
---	--	--

Official Use Only

CHRISTINE GIORDANO HANLON
 COUNTY CLERK
 MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER
2021020183
 RECORDED ON
Feb 05, 2021
3:14:18 PM
BOOK: OR-9479
PAGE: 9638
 Total Pages: 6

REALTY TRANSFER FEES \$6,775.00
 COUNTY RECORDING FEES \$90.00
 TOTAL PAID \$6,865.00

Submitting Company	Suburban Title Examiners, Inc.	
Document Type	Deed	
Document Date (mm/dd/yyyy)	1/17/2021	
Total Number of Pages (including the cover sheet)	6	
Consideration Amount (if applicable)	\$750,000.00	
Official Use Only		
<p style="font-size: 2em; margin: 0;">\$ 6,775</p> <p style="margin: 0;">JAN 25 2021 <i>SW</i></p>		6

	Name(s) (Last Name, First Name or Company Name)	Address (Optional)
First Party	RA Multimedia Corporation	
Second Party	Captain's Cove Marina LLC	1160 Amboy Ave, Perth Amboy, NJ 08861
The Following Section is Required for DEEDS Only		
Parcel Information	Municipality	Block
	Lot	Qualifier
	Property Address	
	Borough of Highlands	84
		2.01
	Marine Pl, Highlands, NJ 07732	
Recording Reference to Original Document (if applicable)		
Reference Information (Marginal Notation)	Book	Beginning Page
		Instrument No.

Please do not detach this page from the original document as it contains important recording information and is it part of the permanent record.

Deed

This Deed is made on **January 17, 2021**,
BETWEEN

RA MULTIMEDIA CORPORATION
a corporation of the state of **NEW JERSEY**
having its principal office at
49 Washington Avenue
Highlands, NJ 07732
referred to as the Grantor,
AND

CAPTAIN'S COVE MARINA LLC

whose post office address is
1160 Amboy Avenue
Perth Amboy, NJ 08861

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

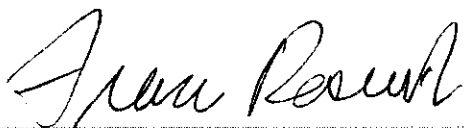
1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **\$ 750,000.00, Seven Hundred Fifty Thousand Dollars and No Cents**

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference**(N.J.S.A. 46:26A-3) Municipality of **HIGHLANDS** Block No. **84**, Lot No. **2.01**, Qualifier No. _____, Account No. _____
 No property tax identification number is available on the date of this Deed. *(Check Box if Applicable)*
3. **Property** The Property consists of the land and all the building and structures on the land in the **Borough** of **Highlands** County of **Monmouth** and State of New Jersey. The legal description is:
 Please see attached Legal Description annexed hereto and made part hereof. *(Check Box if Applicable)*

Being the same premises conveyed to the Grantor by Deed from Captain's Cove Associates, dated December 1, 2000, recorded December 4, 2000 in the Monmouth County Clerk's Office in Deed Book 5995, Page 983.

Prepared by:



FREDERIC ROSIAK

(For Recorders Use Only)

**SCHEDULE A
LEGAL DESCRIPTION**

Issuing Office File No. 36785

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF WASHINGTON AVENUE, (R.O.W. VARIES), WITH THE NORTHLY LINE OF CHEERFUL PLACE, (40.00 FOOT R.O.W.), THENCE;

(1) NORTH 51 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A POINT; THENCE

(2) NORTH 39 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 66.00 FEET TO A POINT; THENCE

(3) NORTH 00 DEGREES 20 MINUTES 25 SECONDS EAST, A DISTANCE OF 32.01 FEET TO A POINT; THENCE

(4) NORTH 39 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 831.96 FEET TO A POINT; THENCE

(5) SOUTH 50 DEGREES 38 MINUTES 00 SECONDS EAST, A DISTANCE OF 90.00 FEET TO A POINT; THENCE

(6) SOUTH 39 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 856.38 FEET TO A POINT; THENCE

(7) NORTH 51 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE

(8) SOUTH 39 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION IS IN ACCORDANCE WITH A SURVEY PREPARED BY BERNARD M. COLLINS SURVEYING, INC., DATED 6-3-2020.

TOGETHER WITH ALL RIGHT TITLE AND INTEREST UNDER A CERTAIN RIPARIAN GRANT FROM THE STATE OF NEW JERSEY TO JESSE A. HOWLAND, ET ALS, DATED 12-27-1905 AND FILED IN THE STATE IN LIBER Q PAGE 608 AND IN THE MONMOUTH COUNTY CLERK'S OFFICE ON 4-27-1906 IN BOOK 774, PAGE 110 AND A CERTAIN RIPARIAN GRANT FROM THE STATE OF NEW JERSEY TO WATER WITCH DEVELOPMENT CO., DATED 11-29-1912 AND FILED IN THE STATE IN LIBER T PAGE 590 AND IN THE MONMOUTH COUNTY CLERK'S OFFICE ON 1-28-1913 IN BOOK 944, PAGE 322.

NOTE FOR INFORMATIONAL PURPOSES: THE ABOVE REFERENCED RIPARIAN LANDS AND PREMISES ARE INCLUDED WITHIN THE METES AND BOUNDS DESCRIPTION FIRST ABOVE.

FOR INFORMATION PURPOSES ONLY: BEING KNOWN AS MARINE PL., TAX LOT 2.01, TAX BLOCK 84 ON THE OFFICIAL TAX MAP OF BOROUGH OF HIGHLANDS, NEW JERSEY 07732.

NOTE: LOT AND BLOCK SHOWN FOR INFORMATIONAL PURPOSES ONLY.

GIT/REP-3
(8-19)
(Print or Type)

State of New Jersey Seller's Residency Certification/Exemption

Seller's Information

Name(s)
RA MULTIMEDIA CORPORATION

Current Street Address
49 Washington Avenue

City, Town, Post Office
Highlands State **NJ** ZIP Code **07732**

Property Information

Block(s) **84** Lot(s) **2.01** Qualifier

Street Address
Marine Place

City, Town, Post Office
Highlands State **NJ** ZIP Code **07732**

Seller's Percentage of Ownership **100** Total Consideration **\$750,000.00** Owner's Share of Consideration **\$750,000.00** Closing Date **1-20-2021**

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
8. Seller did not receive non-like kind property.
9. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
10. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
11. The deed is dated prior to August 1, 2004, and was not previously recorded.
12. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
13. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
14. The property transferred is a cemetery plot.
15. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
16. The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
17. The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

1/17/2021
Date

Frederic Rosiak
Signature (Seller)

Frederic Rosiak, President
Indicate if Power of Attorney or Attorney in Fact

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY }
COUNTY MONMOUTH } SS. County Municipal Code
1319

FOR RECORDER'S USE ONLY
Consideration \$ _____
RTF paid by seller \$ _____ †
Date _____ By _____

Municipality of Property Location: HIGHLANDS

† Use symbol "C" to indicate that fee is exclusively for county use.

(1) **PARTY OR LEGAL REPRESENTATIVE** (Instructions 3 and 4 attached)
Deponent, FREDERIC ROSIAK, being duly sworn according to law upon his/her oath, deposes

and says that he/she is the Corporate Officer in a deed dated 1/17/2021
(Grantor, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)

transferring real property identified as Block No. 84, Lot No. 2.01 located at
Marine Place, Highlands, New Jersey 07732 and annexed thereto.
(Street Address, Town)

(2) **CONSIDERATION: \$750,000.00** (Instructions 1 and 5) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C. If property transferred is Class 4A, calculation in Section 3A below is required.
(circle one)

(3A) **REQUIRED CALCULATION of Equalized Valuation for all Class 4A (Commercial) Property Transactions:**

(Instructions 5A and 7)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation
\$750,000.00 ÷ 98.31 % = \$ 762,892.89

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) **FULL EXEMPTION FROM FEE:** (Instruction 8)
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to the exemption symbol is insufficient. Explain in detail.

(5) **PARTIAL EXEMPTION FROM FEE:** (Instruction 9) **NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED.** Failure to do so will void claim for partial exemption.

Deponent claims that this deed transaction is exempt from the State's portion of the Basic, Supplemental and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975; C. 143, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN** (Instruction 9)
 - Grantor(s) 62 years of age or over*
 - Owned and occupied by grantor(s) at time of sale
 - One- or two-family residential premises
 - Resident of the State of New Jersey
 - Owners as joint tenants must all qualify
- B. BLIND PERSON** (Instruction 9)
 - Grantor(s) legally blind*
 - Owned and occupied by grantor(s) at time of sale
 - One- or two-family residential premises
 - Resident of the State of New Jersey
 - Owners as joint tenants must all qualify
- DISABLED PERSON** (Instruction 9)
 - Grantor(s) permanently and totally disabled*
 - Grantor(s) receiving disability payments*
 - Grantor(s) not gainfully employed*
 - Owned and occupied by grantor(s) at time of sale
 - One- or two-family residential premises
 - Resident of the State of New Jersey
 - Owners as joint tenants must all qualify
- C. LOW AND MODERATE INCOME HOUSING** (Instruction 9)
 - Affordable according to HUD standards
 - Meets income requirements of region
 - Reserved for occupancy
 - Subject to resale controls

* IN THE CASE OF HUSBAND AND WIFE OR STATUTORY PARTNER, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

(6) **NEW CONSTRUCTION** (Instructions 2, 10 and 12)
 Entirely new improvement Not previously occupied
 Not previously used for any purpose "New Construction" printed clearly at top of the first page of the deed

(7) **RELATED LEGAL ENTITIES TO LEGAL ENTITIES** (Instructions 5, 12 and 14)
 No prior mortgage assumed or to which property is subject at time of sale
 No contributions to capital by either grantor or grantee legal entity
 No stock or money exchanged by or between grantor or grantee legal entities

(8) Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 17th day
of January, 2021

Frederic Rosiak
Signature of Deponent
**49 Washington Avenue
Highlands, NJ 07732**
Deponent Address

FREDERIC ROSIAK, President of
Grantor Name
**RA Multimedia Corporation
49 Washington Avenue
Highlands, NJ 07732**
Grantor Address at Time of Sale

JAMES E. MALCZEVICH
A Notary Public of New Jersey
My Commission Expires April 28, 2025

XXX-XX-X 2 0 6
Last 3 digits in Grantor's Soc. Sec. No.

Name/Company of Settlement Officer

County recording officers shall forward one copy of each Affidavit of Consideration for Use by Seller when section 3A is completed to:

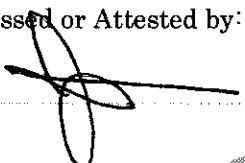
FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

State of New Jersey - Division of Taxation, P.O. Box 251, Trenton, NJ 08695-0251, Attention: Realty Transfer Fee Unit
The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without the prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at www.state.nj.us/treasury/taxation/lpt/localtax.htm.

The street address of the Property is:
Marine Place, Highlands, New Jersey 07732

4. **Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed. (Print name below each signature.)

Witnessed or Attested by:



RA MULTIMEDIA CORPORATION

By: 
Frederic Rosiak
President

STATE OF NEW JERSEY, COUNTY OF MONMOUTH SS:
I CERTIFY that on January 17, 2021


Frederic Rosiak

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as **President** of **RA MULTIMEDIA CORPORATION** the entity named in this Deed;
- (c) made this Deed for **\$ 750,000.00** as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity.

RECORD AND RETURN TO
James E. Mackevich, Esq.
MACKEVICH, BURKE & STANICKI
1435 Raritan Road
PO Box 919
Clark, NJ 07066-0919

Print name and title below signature


JAMES E. MACKEVICH
A Notary Public of New Jersey
My Commission Expires April 28, 2025



Monmouth County Document Summary Sheet

MONMOUTH COUNTY CLERK PO BOX 1251 MARKET YARD FREEHOLD NJ 07728	Transaction Identification Number 7052470 8613344	Recorded Document to be Returned by Submitter to: SUBURBAN TITLE EXAMINERS, INC. 2253 SOUTH AVE STE 7 SCOTCH PLAINS, NJ 07076
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Official Use Only

CHRISTINE GIORDANO HANLON
 COUNTY CLERK
 MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER
 2024015074
 RECORDED ON
 Mar 06, 2024
 11:09:55 AM
 BOOK:OR-9679 PAGE:9796
 Total Pages: 9

COUNTY RECORDING FEES \$110.00
 TOTAL PAID \$110.00

Submission Date (mm/dd/yyyy)		03/06/2024
No. of Pages (excluding Summary Sheet)		7
Recording Fee (excluding transfer tax)		\$110.00
Realty Transfer Tax		\$0.00
Total Amount		\$110.00
Document Type	DEED-NO CONSIDERATION	
Electronic Recordation Level		L2 - Level 2 (With Images)
Municipal Codes		HIGHLANDS 1901
		1487387

Additional Information (Official Use Only)

*** DO NOT REMOVE THIS PAGE.**
COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF MONMOUTH COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.



Monmouth County Document Summary Sheet

DEED-NO CONSIDERATION	Type		DEED-NO CONSIDERATION			
	Consideration		\$1.00			
	Submitted By		SIMPLIFILE, LLC. (SIMPLIFILE)			
	Document Date		03/06/2024			
	Reference Info					
	Book ID		Book	Beginning Page	Instrument No.	Recorded/File Date
			9479	9638		
	GRANTOR		Name			Address
			RA MULTIMEDIA CORPORATION			
	GRANTEE		Name			Address
			CAPTAINS COVE MARINA LLC			
	Parcel Info					
	Property Type		Tax Dist.	Block	Lot	Qualifier
			19	84	2.01	

*** DO NOT REMOVE THIS PAGE.
COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF MONMOUTH COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.**



Monmouth County Document Summary Sheet



MONMOUTH COUNTY CLERK PO BOX 1251 MARKET YARD FREEHOLD NJ 07728	Return Name and Address James E. Mackevich, Esq. Mackevich, Burke & Stanicki 1435 Raritan Road Clark, NJ 07066			
Official Use Only	Submitting Company	Mackevich, Burke & Stanicki		
	Document Type	Deed <input type="checkbox"/>		
	Document Date (mm/dd/yyyy)		02/28/2024	
	Total Number of Pages (Including the cover sheet)		7	
	Consideration Amount (If applicable)		\$1.00	
	Official Use Only			

First Party	Name(s) (Last Name, First Name or Company Name)		Address (Optional)		
	RA Multimedia Corporation		49 Washington Avenue Highlands, NJ 07732		
Second Party	Name(s) (Last Name, First Name or Company Name)		Address (Optional)		
	Captain's Cove Marina LLC		PO Box 8100 Red Bank, NJ 07701		
The Following Section is Required for DEEDS Only					
Parcel Information	Municipality	Block	Lot	Qualifier	Property Address
	Highlands	<input checked="" type="checkbox"/> 84	2.01		Marine Place Highlands, NJ 07732
Recording Reference to Original Document (if applicable)					
Reference Information (Marginal Notation)	Book		Beginning Page		Instrument No.
	9479		9638		2021020183
Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.					

Not Certified Copy

CORRECTIVE Deed

This Deed is made on **February 28, 2024,**

BETWEEN

RA MULTIMEDIA CORPORATION

a corporation of the state of **NEW JERSEY**

having its principal office at

49 Washington Avenue

Highlands, NJ 07732

referred to as the Grantor,

AND

CAPTAIN'S COVE MARINA LLC

whose post office address is

PO Box 8100

Red Bank, NJ 07701

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **\$ 1.00, One Dollar and No Cents**

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference**(N.J.S.A. 46:26A-3) Municipality of **HIGHLANDS** Block No. **84**, Lot No. **2.01**, Qualifier No. , Account No.
 No property tax identification number is available on the date of this Deed. *(Check Box if Applicable)*

3. **Property** The Property consists of the land and all the building and structures on the land in the **Borough of Highlands** County of **Monmouth** and State of New Jersey. The legal description is:
 Please see attached Legal Description annexed hereto and made part hereof. *(Check Box if Applicable)*

Together with all right title and interest under a certain riparian grant from the State of New Jersey to Jesse A. Howland, et.als, dated December 27, 10905 and filed in the State in Liber Q Page 608 and in the Monmouth County Clerk's Office on April 27, 1906 in Book 774, Page 110 and certain riparian grant from the State of New Jersey to Water Witch Development co., dated November 29, 1912 and filed in the State Liber T Page 590 and in the Monmouth County Clerk's Office on January 28, 1913 in Book 944, Page 322.

For information purposes only: Being known as Marine Place, Tax Lot 2.01, Tax Block 84 on the official tax map of Borough of Highlands, New Jersey 07732

Being the same premises conveyed to the Grantor by Deed from RA Multimedia Corporation, date January 17, 2021, recorded February 5, 2021 in the Monmouth County Clerk's Office in Deed Book OR-9479, Page 9638.

Being the same premises conveyed to RA Multimedia Corporation from Captain's Cove Associates, dated December 1, 2000, recorded December 4, 2000 in the Monmouth County Clerk's Office in Deed Book 5995, Page 983.

This Deed has been executed for the purpose of correcting the metes and bounds description of the property intended to be conveyed by the Grantor to the Grantee.

Prepared by: JAMES E. MACKEVICH, Esq.

(For Recorders Use Only)

14367

Metes And Bounds

Description Of Property Known As Captains Cove Marina, Also Known As Lot 2.01 In Block 84 Situated In The Borough Of Highlands, Monmouth County, New Jersey.

Beginning At A Point, Said Point Being The Intersection Of The Easterly Right Of Way Line Of Cheerful Place (40' Right Of Way) With The Northerly Right Of Way Line Of Washington Avenue (40' Right Of Way) (40' Right Of Way), Thence;

1] North 51 Degrees, 00 Minutes, 00 Seconds West, Along The Easterly Right Of Way Line Of Cheerful Place (40' Right Of Way), A Distance Of 60.00 Feet To A Capped Iron Bar Found At The Southerly Right Of Way Line Of Rogers Avenue (40' Right Of Way), Thence;

2] North 39 Degrees, 00 Minutes, 00 Seconds East, Along The Southerly Right Of Way Line Of Rogers Avenue (40' Right Of Way), A Distance Of 66.00 Feet To A Point, Thence;

3] North 00 Degrees, 20 Minutes, 25 Seconds East, Still Along The Southerly Right Of Way Line Of Rogers Avenue (Variable Right Of Way), A Distance Of 32.01 Feet To A Point, Thence;

4] North 39 Degrees, 00 Minutes, 00 Seconds East, Still Along The Southerly Right Of Way Line Of Rogers Avenue (10' Right Of Way), A Distance Of 681.96 Feet To A Point On The Easterly Right Of Way Line Of Marine Place (45' Right Of Way), Thence;

5] North 50 Degrees, 37 Minutes, 51 Seconds West, Along The Easterly Right Of Way Line Of Marine Place (45' Right Of Way) And The Easterly Lot Line Of Lot 1.01 In Block 97, A Distance Of 550.01 Feet To A Point, Thence;

6] North 39 Degrees, 00 Minutes, 00 Seconds East, A Distance Of 150.00 Feet To The Pierhead Line, Thence;

7] South 50 Degrees, 38 Minutes, 00 Seconds East, Along The Pierhead Line A Distance Of 1,150.02 Feet To A Point Being The Extension Of The Southerly Lot Line Of Block 72 As Shown On The Tax Map Of The Borough Of Highlands, Thence;

8] South 39 Degrees, 00 Minutes, 00 Seconds West, Along The Extension Of Block 72, A Distance Of 150.00 Feet To The Extension Of The Westerly Right Of Way Line Of Marine Place (45' Right Of Way), Thence;

9] North 50 Degrees, 37 Minutes, 51 Seconds West, Along The Westerly Lot Line Of Lot 41.91 And The Right Of Way Line Of Marine Place (45' Right Of Way), A Distance Of 480.01 Feet To A Point On The Northerly Right Of Way Line Of Washington Avenue (30' Right Of Way), Thence;

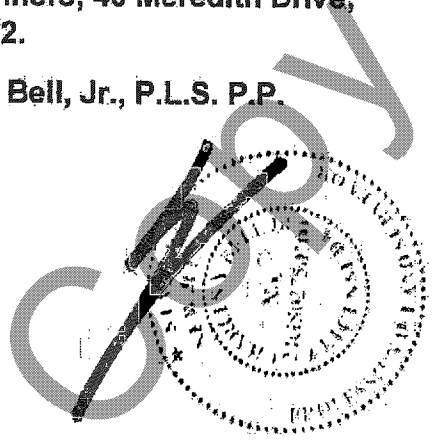
10] South 39 Degrees, 00 Minutes, 00 Seconds West, Along The Northerly Right Of Way Line Of Washington Avenue (30' Right Of Way), A Distance Of 706.38 Feet To A Capped Iron Bar Found, Thence;

11] North 51 Degrees, 00 Minutes, 00 Seconds West, Along The Easterly Right Of Way Line Of Washington Avenue, A Distance Of 10.00 Feet To A Capped Iron Bar Found, Thence;

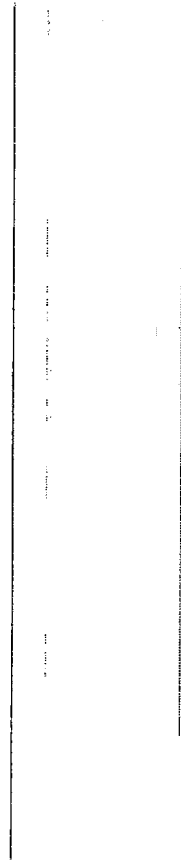
12] South 39 Degrees, 00 Minutes, 00 Seconds West, Along The Northerly Right Of Way Line Of Washington Avenue (40' Right Of Way), A Distance Of 66.00 Feet To The Point And Place Of Beginning.

The Above Description Is Based On A Survey Prepared by Charles V. Bell Associates, Inc., Professional Land Surveyors And Planners, 40 Meredith Drive, Tinton Falls, New Jersey 07724, Dated December 5, 2022.

Metes And Bounds Description Prepared By Charles V. Bell, Jr., P.L.S. P.P.



Not Certified



GIT/REP-4A
(06-10)

State of New Jersey
Waiver of Seller's Filing Requirement of
GIT/REP Forms and Payment For Corrected Deed
With No Consideration
 (C.55, P.L. 2004)

(Print or Type)

Owner's Information

Name(s)

CAPTAIN'S COVE MARINA LLC

Current Resident Address

PO BOX 8100

City, Town, Post Office

RED BANK

State

NJ

ZIP Code

07701

Property Information (Brief Property Description)

Block(s)

84

Lot(s)

2.01

Qualifier

Street Address

Marine Place

City, Town, Post Office

Highlands

State

NJ

ZIP Code

07732

Owner(s) Declaration

The undersigned is (are) the title owner(s) of the real property identified under the "Property Information" section above. By presenting this declaration fully completed and signed by me (us), I (we) represent that the deed to which this form is attached is for corrective or confirmatory purposes only. In other words, the deed needs to be recorded or re-recorded solely due to a typographical, clerical, property description, or other scrivener error or omission and there is no consideration for the corrective or confirmatory deed. The county recording officer will accept this form for recording along with such deed. The recording officer may also, however, continue to accept the GIT/REP-4 form with the Division's raised seal in lieu of the GIT/REP-4A. By checking this box I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

This waiver form may be presented to the appropriate county recording officer for recording along with the deed of the owner as identified in the information above. Accordingly, the county recording officer is hereby authorized to accept this waiver form in lieu of any other GIT/REP form without any further payment of any tax on estimated income gain pursuant P.L. 2004, c. 55.

2/28/2024

Date

CAPTAIN'S COVE MARINA LLC

Signature (Owner)

Indicate if Power of Attorney or Attorney in Fact

By: Geoffrey Pierini, Managing Member

Date

Signature (Owner)

Indicate if Power of Attorney or Attorney in Fact

The street address of the Property is:
Marine Place, Highlands, New Jersey 07732

4. **Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed. (Print name below each signature.)

Witnessed or Attested by:

RA MULTIMEDIA CORPORATION

By: *Frederic Rosiak*
Frederic Rosiak
President

STATE OF NEW JERSEY, COUNTY OF Monmouth SS:
I CERTIFY that on **February 28, 2024**

Frederic Rosiak

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as **President** of **RA MULTIMEDIA CORPORATION** the entity named in this Deed;
- (c) made this Deed for **\$ 1.00** as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity.

RECORD AND RETURN TO
James E. Mackevich, Esq.
MACKEVICH, BURKE & STANICKI
1435 Raritan Road
Clark, NJ 07066-0919

Kevin Rooney
Print name and title below signature

KEVIN ROONEY
Notary Public, State of New Jersey
Commission # 00170801
My Commission Expires Sept. 1, 2028

MUST SUBMIT IN DUPLICATE
NC1645 - Affidavit of Consideration
RTF-1 (Rev. 3/2/22) P6/22

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www.aslegal.com 800.222.0510 Page 1

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY }
COUNTY MONMOUTH } SS. County Municipal Code
1319
Municipality of Property Location: HIGHLANDS

FOR RECORDER'S USE ONLY
Consideration \$ _____
RTF paid by seller \$ _____ †
Date _____ By _____

† Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (Instructions 3 and 4 attached)

Deponent, FREDERIC ROSIAK (Name), being duly sworn according to law upon his/her oath, deposes

and says that he/she is the Corporate Officer in a deed dated February 28, 2024
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

transferring real property identified as Block No. 84, Lot No. 2.01 located at
Marine Place, Highlands, New Jersey 07732 and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION: \$ 1.00 (Instructions 1 and 5) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C. If property transferred is Class 4A, calculation in Section 3A below is required.
(circle one)

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (Instructions 5A and 7)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation
\$ 750,000 ÷ 97.31 % = \$ 762,892.89

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE: (Instruction 8)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to the exemption symbol is insufficient. Explain in detail. a) For consideration of less than \$100.00, To correct Deed Previously recorded

(5) PARTIAL EXEMPTION FROM FEE: (Instruction 9) NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption.

Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975; C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s): _____

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over * (Instruction 9)
- B. BLIND PERSON Grantor(s) legally blind or *
- DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments
 not gainfully employed *

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria

- Owned and occupied by grantor(s) at time of sale Resident of State of New Jersey
- One or two-family residential premises Owners as joint tenants must all qualify

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction 9) IF APPLIES ALL BOXES MUST BE CHECKED

- Affordable according to HUD standards Reserved for occupancy
- Meets income requirements of region Subject to resale controls

(6) NEW CONSTRUCTION (Instructions 2, 10 and 12) IF APPLIES ALL BOXES MUST BE CHECKED

- Entirely new improvement Not previously occupied
- Not previously used for any purpose "NEW CONSTRUCTION" printed clearly at top of the first page of the deed

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions 5, 12 and 14) IF APPLIES ALL BOXES MUST BE CHECKED

- No prior mortgage assumed or to which property is subject at time of sale
- No contributions to capital by either grantor or grantee legal entity
- No stock or money exchanged by or between grantor or grantee legal entities

(8) INTERCOMPANY TRANSFER (Instructions 15) IF APPLIES ALL BOXES MUST BE CHECKED

- Intercompany transfer between combined group members as part of the unitary business
- Combined group NU ID number (Required)

(9) Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 28 day
of February, 20 24

Fred Rosiak
Signature of Deponent

FREDERIC ROSIAK, President of
Grantor Name

49 Washington Avenue
Highlands, NJ 07732
Deponent Address

RA Multimedia Corporation
49 Washington Avenue
Highlands, NJ 07732
Grantor Address at Time of Sale

Kevin Rooney
Notary Public

XXX-XX-X 2 0 6

Last 3 digits in Grantor's Soc. Sec. No.

Name/Company of Settlement Officer

County recording officers shall forward one copy of each RTF-1 form when section 3A is completed to: State of New Jersey, P.O. Box 251, Trenton, NJ 08695-0251, Attention: Realty Transfer Fee Unit

FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: www.state.nj.us/treasury/taxation/lpt/localtax.htm

KEVIN ROONEY
Notary Public, State of New Jersey
Commission # 80170501
My Commission Expires Sept. 1, 2026

APPENDIX D: Letter from Colliers Engineering and Design, dated January 9, 2023

January 9, 2023

Mr. Michael Muscillo, Borough Administrator
Borough of Highlands
42 Shore Drive
Highlands, New Jersey 07732

Captains Cove Marina Bulkhead Repairs – Block 84, Lot 2.01; Washington Avenue
Borough of Highlands, Monmouth County, New Jersey

**Notice of Imminent Danger of Public along Washington Avenue – Lack of Bulkheading
Soil Loss / Potential Road Structure Loss / Safety Threat**

Colliers Engineering & Design Project No. 23002142a

Dear Michael,

A site meeting was called for on December 30, 2022, at noon, at the direction of Administration; I met with Mr. Muscillo, on-site to walk the Captain's Cove area along Washington Avenue. A number of pictures were taken and attached hereto, describing the imminent danger along the shoulder of the local street.

Roughly 8 months ago, we met with the owner of Captain's Cove, and he stated to Administration that the old timber bulkhead would be removed and replaced with new PVC sheeting and timber piles/deadmen in a timely fashion.

This is not the case; our inspection concludes that the old timber sheets are still in place, failing and the lack of bulkheading along Captain's Cove is now posing a threat to the local right of way, Washington Avenue.

Below are our findings as they relate to public safety and welfare of the residents and motorists:

I. Bulkhead missing:

Bulkhead was missing during my inspection; soil was lost during multiple storms, thus eroding into the open waters of the Cove. The opening was roughly 20-ft long.

II. Loss of roadway and curbs/gutters:

My inspection concluded that the roadway structure, public property, was damaged thus resulting in the loss of the concrete gutters and curbs along roughly 100-ft of the public street, Washington Avenue.

I also noted that roadway sub-base material may have eroded from beneath the roadway structure, thus creating a health and safety threat; the loss of sub-base material beneath a hot mix asphalt roadway surface will eventually result in a roadway failure. We cannot assess this since the barriers are placed right at this soil loss area.

The only solution to this problem is to saw-cut and remove the roadway HMA surface near the problem area, until the 'soil loss' limits are uncovered. This is an unknown, since there is no way of determining the extent of soil loss.

Each rainstorm / high tide / moon tide will exacerbate the soil losses and potential for roadway sink-hole failure.

We highly recommend that the public street be closed, in the area within 25-ft of the known point of soil loss.

The entire danger area should be protected with barrier or fence to prohibit children or passerbys or vehicles from entering this area.

Potential sink-hole areas cannot be trusted; this area is suspect and should be closed with barrier / fencing.

III. Bulkhead PVC Sheeting Installed:

When I visited the site, I noted that the PVC sheets staged on the ground may not be the prescribed lengths, as per the approved Zane Permit Plan.

It was confirmed that the PVC sheets being used may only be 18-ft long.

By permit, the sheets should be 22-ft long, tip to tip, not including any cut-off at the top after set. Right now, we have been noticing that a number of the sheets are being left roughly 1-3 high, and then subsequently cut-off to match the Top of BH Height of roughly 6.0 elevation.

If nearly 2-ft of the sheet is cut-off and the sheets are only 18-ft long, then the embedment will be roughly 6-ft short of the Engineer's Certified Construction Plan.

This poses a significant problem from a structural and safety standpoint.

A meeting should be scheduled right away between the landowner, Contractor, the Engineer of Record, Borough, and the NJDEP.

IV. Timber Pile Lengths by Design Plan:

The approved plans show a new PVC sheet, 22-ft long, be driven in along side the new timber piles. However, when we reviewed the previous design plans from 2012, the timber piles should be 25-ft long. The Engineer of Record should review the design and affirm that the reduction from 25-ft to 20-ft for pile lengths is permitted, without adversely impacting the load rating and ability to resist push-out.

V. Alignment of New Bulkhead:

The visual inspection concludes that the new bulkheads have a waving alignment of nearly 3-ft off from the original timber bulkhead alignment.

Once this mis-aligned bulkhead is complete, and the dredging is complete, the Owner may have a significant issue when setting the new floating docks and stairs / boat slips.

The slips and floating docks require a straight and consistent alignment from mounting and assuring zero gaps between sections, for safety.

The Zoning Officer and Code Official for the Borough should also attend this meeting.

NJDEP Involvement:

We understand that the NJDEP may be visiting the site in the coming days. We ask that a meeting be scheduled where we may be present as well as the Borough Officials.

The NJDEP should be involved in any meetings since the construction to date may not meet the requirements of the approved Bulkhead Replacement Plans approved by the State Agency.

Please call me with any questions or concerns.

Sincerely,

Colliers Engineering & Design



Theodore Wilkinson, PE, CME
Municipal Associate / Senior Project Manager

TW/tw

cc: Mayor
Andrew Ball, Solicitor
NJDEP, Suzanne Biggins
NJDEP Enforcement
Spencer Carpenter, Public Works

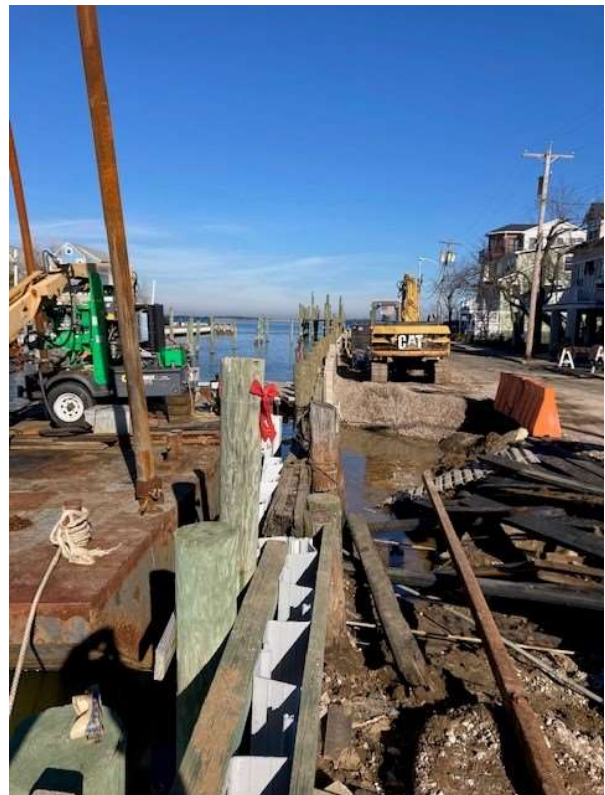


Road sub-base is eroded into Cove

Erosion right up to roadway



Sheets measured 18-ft



Alignment is not straight

APPENDIX E: Captain's Cove Marina Structural Inspection Report, prepared October 14, 2024, revised November 4, 2024, by Colliers Engineering and Design.



Engineering
& Design

Captain's Cove Marina

Structural Inspection Report

Inspection Date: October 25, 2024

Prepared: October 14th, 2024

Revised: November 4, 2024

2 Washington Ave, Highlands, New Jersey 07732

Prepared for:

Carolyn Broullon, Mayor
Borough of Highlands
151 Navesink Ave.
Highlands NJ, 07732
Phone: (732) 872-1224

Prepared by:

Richard C. Maloney
NJ Professional Engineer
License No. 39023

Ian R. Walczak
NJ Professional Engineer
License No. 59849

Colliers Engineering & Design
101 Crawford's Corner Road Suite
3400 Holmdel New Jersey 07733
Main: 877 627 3772
Colliersengineering.com

Project No. HIBC0001

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Executive Summary

Colliers Engineering & Design, Inc. (CED) conducted a condition inspection of the Captain's Cove Marina located at 2 Washington Ave, Highlands, New Jersey on September 13, 2024. The inspection aimed to evaluate the structural integrity of the bulkhead due to safety concerns raised by the Borough of Highlands. The evaluation was based on visual observations, focusing solely on the structural components, with no testing or detailed structural analysis performed. This report uses a condition rating scale from ASCE 130, ranging from 6 (Good) to 1 (Critical). Captain's Cove Marina, measuring 52,500 square feet, consists of four sections, refer to *Figure 1: Captain's Cove Marina Sections* and *Table 1: Captain's Cove Marina Sections Index* for additional information.

Section A (Easternly Bulkhead) exhibited **FAIR** structural condition. The bulkhead is missing a timber cap but overall appears to be in the best condition of the three runs of bulkhead. CED does have concerns with this section's structural capacity given the findings that the installed bulkhead sheets are embedded roughly 6ft shorter than what was specified on the design plans. CED suggests performing a structural analysis on the bulkhead using its as-built condition to determine its structural capacity to ensure safety and durability moving forward.

Section B (Southernly Bulkhead) exhibited **CRITICAL** structural condition. Advanced deterioration, overstressing, failing connections and inadequate construction was observed along the entire structure. These deficiencies significantly reduce the load-bearing capacity of the bulkhead and more widespread failures are likely to occur if the structure remains and storm events occur.

Section C (Westerly Bulkhead) exhibited **CRITICAL** structural condition. Advanced deterioration, overstressing, failing connections and inadequate construction was observed along the entire structure. These deficiencies significantly reduce the load-bearing capacity of the bulkhead and more widespread failures are likely to occur if the structure remains and storm events occur.

Section D (Easternly Dock) exhibited **FAIR** structural condition. The timber elements are in fair condition, but CED has concerns over the structural capacity of the connections given no notching of the piles was implemented.

In conclusion, the inspection of Captain's Cove Marina reveals serious structural and construction deficiencies. Action is essential to restore the Marina's integrity, prevent further deterioration, and ensure the safety of its users and adjacent properties. Considering these findings, a series of recommendations have been developed to enhance the safety and longevity of the Marina.

1.0 Introduction

1.1 Background

Colliers Engineering & Design, Inc. (CED) was contracted by the Borough of Highlands to perform a condition inspection of the Captain's Cove Marina located at 2 Washington Ave, Highlands, New Jersey, Block 84, Lot 2.01 for the purposes of evaluating the structural condition of the bulkhead. This request stemmed from erosion issues and partial failure of the Western Section of the bulkhead.

The information contained in this report is based solely on visual observations of the Marina. No testing of material or structural analysis was conducted. This report represents CED's best efforts to describe the exposed existing structural conditions of the bulkhead at the time of our site visit. The approximately 1,475 linear foot bulkhead was inspected and evaluated by CED, which divided the bulkhead into the following three sections. CED also inspected the easternly dock.



Figure 1: Captain's Cove Marina Sections

<i>Table 1: Captain's Cove Marina Sections Index</i>			
Section	Identifying Name	Dimension	Fig. 1. Reference Color
A	Easternly Bulkhead	700 Linear Feet	Green
B	Southernly Bulkhead	75 Linear Feet	Blue
C	Westerly Bulkhead	700 Linear Feet	Red
D	Easternly Dock	N/A	Yellow

1.2 Scope of Work

The scope of the inspection is limited to the structural systems (Bulkheads) only. Evaluation of mechanical, electrical, lighting and fire protection systems are not included in the scope of CED's inspection. The existing building structures, associated Marina structures, and other miscellaneous elements are not included in the scope of CED's inspection unless explicitly specified in this document. The primary objectives of the inspection were to assess the general structural condition of the Marina's Bulkheads and identify recommended repairs.

1.3 Condition Rating Scale

The Condition Assessment Ratings contained in *ASCE 130: Marine Facilities and Inspection Manual* were utilized in this report. Per ASCE 130, the general condition assessment ratings for all element groups are based on the six ratings of the assessment scale as follows:

(6) Good: No visible damage or only minor damage noted. Structural elements may show very minor deterioration, but no overstressing observed. No repairs are required.

(5) Satisfactory: Limited minor to moderate defects or deterioration observed but no overstressing observed. No repairs are required.

(4) Fair: All primary structural elements are sound, but minor or moderate defects or deterioration observed. Localized areas of moderate to advanced deterioration may be present but do not significantly reduce the load-bearing capacity of the structure. Repairs are recommended, but the priority of the recommended repairs is low.

(3) Poor: Advanced deterioration or overstressing observed on widespread portions of the structure but does not significantly reduce the load-bearing capacity of the structure. Repairs may need to be carried out with moderate urgency.

(2) Serious: Advanced deterioration, overstressing, or breakage may have significantly affected the load-bearing capacity of primary structural components. Local failures are possible, and loading restrictions may be necessary. Repairs may need to be carried out on a high-priority basis with urgency.

(1) Critical: Very advanced deterioration, overstressing, or breakage has resulted in localized failure(s) of primary structural components. More widespread failures are possible or likely to occur, and load restrictions should be implemented as necessary. Repairs may need to be carried out on a very high-priority basis with strong urgency.

2.0 Marina Description

The owner currently uses the property for private sea-craft mooring. The property sits directly on the Raritan Bay. The Marina is located between the paper street of Rodgers Street and Washington Avenue.

Additional inspection photos and photos referenced through this report can be found in **Appendix A – Inspection Photos**.

2.1 Section A – Easternly Bulkhead

Section A is the Easternly Bulkhead section of the Marina. It extends approximately 700-feet in from the Washinton Avenue and Marine Place Corner intersection (Photo 1). The bulkhead is composed of driven, vinyl sheet piles, supported by external top and bottom timber walers. The walers span between timber piles that are spaced roughly 5-feet on center. Tie-rods are exposed on each timber pile, their length and deadman system is unknown currently (Photos 3-6). The bulkhead has timber framing running at the top of the sheet piles for the top timber cap connection (Photo 2). In some locations the bulkhead is missing the rear timber framing and top timber cap decking (Photos 7 & 8). An outfall pipe with an outfall backflow preventer was found coming from the stormwater system along Washington Avenue.

2.2 Section B – Southernly Bulkhead

Section B is the Southernly Bulkhead section of the Marina. It extends approximately 75-feet parallel to Cheerful Place (Photo 12). There is an older timber bulkhead behind a newer vinyl bulkhead. The older timber bulkhead is traditional timber sheeting, piles and walers, and the newer vinyl bulkhead does not appear to have any walers other than the top timber cap framing (Photos 14-16). Tie-rods appear to be connected to the newer timber framing of the newer bulkhead to the back side of the older deteriorated timber bulkhead. There is a roughly 18-inch gap between the front face of the older timber bulkhead and the rear of the newer vinyl bulkhead that has tidal waters in it (Photo 13). An outfall pipe with an outfall backflow preventer was also found on this section of bulkhead.

2.3 Section C – Westerly Bulkhead

Section C is the Westerly Bulkhead section of the Marina. It extends approximately 700-feet in from the Marine Place and the paper street of Rodgers Street (Photos 21, 28, 31 & 32). The bulkhead construction is very similar to Section B. There is an older deteriorated timber bulkhead behind a newer failing vinyl bulkhead. The bulkhead is leaning, bowing and is overall very poor construction. Like section B tie-rods were attached from the upper timber framing of the newer vinyl bulkhead to the rear face of the existing deteriorated bulkhead. There appears to only be one waler line around mid-height of the new vinyl bulkhead with tie-rods, the deadman and extend of the tie-rods is unknown. No piles in front of the bulkhead were found. This section has no timber cap and also has an outfall pipe with an outfall backflow preventer (Photo 37).

2.4 Section D - Easternly Dock

Section D - Easternly Dock is located at the Northern end of Section A - Easternly Bulkhead and is roughly 25-feet by 50-feet. Historically, there was a dilapidated building, decking and stringers that have since been removed. Currently, there are multiple timber piles and timber girders. The existing timber girders are face-mounted to the timber piles with lag screws.

3.0 Inspection Observations

3.1 Section A – Easternly Bulkhead

Overall Condition:

Section A – Easternly Bulkhead is in **FAIR** condition. The structural capacity of the bulkhead is currently unknown. A report from CED, dated January 9, 2023, was issued following a sinkhole and washout incident on Washington Avenue. This report highlights discrepancies between the installed sheet piles and the original design specifications. The installed vinyl sheet piles were found to be only 18 feet in total length, whereas the plans specified 22-foot sheets. Additionally, during installation, approximately 1 to 3 feet of the sheets were cut off, resulting in an actual as-built embedment of only 5 feet instead of the intended 11 feet.

This reduced embedment depth may significantly impact the structural integrity and durability of the bulkhead, leaving it potentially more susceptible to erosion and undermining.

Timber Piles:

The timber piles are generally in fair condition, with no significant deterioration observed.

Vinyl Sheet Piles:

The vinyl sheet piles are generally in fair condition. In some locations the vinyl sheet piles are cracking and per previous reports they appear to be short of the required embedment depth.

Walers and Cap:

The top and bottom timber walers are generally in fair condition, with no significant deterioration observed, however the timber pile cap is unfinished and missing in areas.

Hardware and Connections:

The connection hardware, appears to be in fair condition, minor deterioration is present.

Outfall:

The outfall, appears to be in fair structural condition.

3.2 Section B – Southernly Bulkhead

Overall Condition:

Section B – Southernly Bulkhead is in **CRITICAL** condition, with various structural deficiencies that are currently compromising its structural stability. The general construction in this section of the bulkhead is inadequate and can be attributed to the main source of the structural deficiencies. These structural deficiencies put the structure at risk of collapse if a storm event occurs.

Vinyl Sheet Piles:

The vinyl sheet piles are generally in poor to failing condition; overstressing is apparent throughout the bulkhead. The installation of the sheet piles in front of the existing timber bulkhead, rather than demoing the existing timber bulkhead has led to significant structural instability. The choice to tie back the vinyl sheet piles to the existing, failing timber bulkhead has led to structural failure and

large deflections of the vinyl sheet pile. This section is also assumed to have sheets with shorter than specified pile embedment. Due to these structural deficiencies the vinyl sheet pile is overstressed and deflecting outwards significantly at the mudline (Photo 20).

Timber Bulkhead:

The Timber Bulkhead is in serious condition with large portions of the bulkhead failing due to rot, age and deterioration. Photos 14-16 showcase the deteriorated state of the wooden bulkhead and the poor construction of the vinyl bulkhead.

Waler and Cap:

The single timber waler and cap on the vinyl sheet pile is generally in fair condition, with no significant deterioration observed however it is not functioning properly as its anchorage system relies on the failing timber bulkhead.

Hardware and Connections:

The connection hardware, appears to be in critical condition. The hardware present on the timber bulkhead in most cases is ineffective. The Vinyl Sheet Pile and Waler hardware is in fair condition, with no significant deterioration observed, however it is not functioning properly as it is fastening to the waler which relies on the failing timber bulkhead (Photo 17-19).

Outfall:

The outfall itself appears to be in fair structural condition; however, the newer vinyl bulkhead installation was prematurely halted before properly tying into the end of the eastern bulkhead. This gap has allowed water to infiltrate the void space between the old timber bulkhead and the newer vinyl bulkhead, potentially compromising the structure over time.

3.3 Section C – Westerly Bulkhead

Overall Condition:

Section C – Westerly Bulkhead is in **CRITICAL** condition, with various structural deficiencies that are currently compromising its structural stability. The construction of this section of the bulkhead is inadequate, largely due to insufficient embedment depth, which is the primary source of its structural deficiencies. In this area, as in other sections, the vinyl sheet piles are estimated to be embedded only 5 feet into the mudline, far below recommended depths. This shallow embedment has led to visible failure, with the toe of the vinyl bulkhead pushing outward and destabilizing.

These construction deficiencies severely compromise the bulkhead's structural integrity, leaving it highly vulnerable to collapse, especially during storm events. Without corrective measures, the risk to this section remains significant.

Vinyl Sheet Piles:

The vinyl sheet piles are generally in poor to failed condition, with signs of overstressing throughout the bulkhead. Installing the vinyl sheet piles directly in front of the existing timber bulkhead, rather than removing the deteriorated timber first, has caused substantial structural instability. Tying back the new vinyl sheet piles to the failing timber bulkhead has further compounded this instability, resulting in large deflections of the vinyl sheets, as seen in Photos 24-25.

Due to these deficiencies, one section of vinyl sheet pile has become severely overstressed, causing the lower portion to push outward at the mudline by a significant distance. An attempt to reinforce this area with timber was poorly executed and has also failed (refer to Photos 33-36). This series of issues highlights the urgent need for corrective action to address the compromised stability of the bulkhead.

Timber Bulkhead:

The Timber Bulkhead is in poor to failing condition with large portions of the bulkhead failing due to rot, age and deterioration.

Waler:

The single timber waler on the vinyl sheet pile is generally in fair condition, with no significant deterioration observed however it is not functioning properly as its anchorage system relies on the failing timber bulkhead or an unknown tie-back system.

Hardware and Connections:

The connection hardware, appears to be in poor condition. The hardware present on the timber bulkhead is, in most cases, inadequate. The Vinyl Sheet Pile and Waler hardware is in fair condition, with no significant deterioration observed, however it is not functioning properly as it is fastening to the failing timber bulkhead (Photo 26-27).

3.4 Section D – Easternly Dock

Overall Condition:

Section D – Easternly Dock is in **FAIR** condition. The capacity is unknown without performing a structural analysis.

Timber Piles:

The timber piles are generally in fair condition. Some deterioration is apparent but nothing too excessive.

Girders:

The existing girders are generally in fair condition. The girders are faced mounted to the timber piles without a pile notch. This significantly reduces the load-bearing capacity of the girders and will lead to a lower structural capacity. The decking is not installed completely, and the dock remains unfinished.

Hardware and Connections:

The connection hardware, appears to be in fair condition but again no notching was included so the connection capacity is lower than what ultimately could have been.

4.0 Recommendations

Based on the observations of this inspection, several repairs, bulkhead replacements and further evaluations are recommended. CED's recommendations are provided below for each section of the marina and classified as *Immediate, Priority, Routine Maintenance and/or Inspection Actions*.

Immediate Level repairs require prompt response to prevent unsafe conditions at the structure.

Priority Level repairs are recommendations that are required to maintain the structure in safe operating condition, and/or prevent the discovered deterioration from continuing to a point where future repairs will significantly increase in cost. Implementation of Priority Level repair should occur within approximately **two years**.

Routine Level repairs should be undertaken as part of a scheduled maintenance program, or other scheduled projects. Postponing Routine Level repairs will not compromise the stability of the structure but can lead to these items deteriorating further into priority level repairs. It is anticipated that these repair items should be implemented within approximately **four years**.

4.1 Section A – Easternly Bulkhead

Immediate Repairs

- None.

Priority Repairs

- **Finish Timber Sheet Pile Cap**
 - **Problem:** The current bulkhead is missing some of the timber bracing along the backside for certain stretches and lacks a properly constructed timber cap.
 - **Recommendation:** Finish the sheet pile cap and timber bracing and replace any deteriorated timber and fasteners on pile cap.

Routine Repairs

- **General Inspection and Maintenance Plan:**
 - **Problem:** While immediate and priority repairs address critical issues, a longer-term maintenance plan is needed to keep Section A – Easternly Bulkhead in satisfactory condition.
 - **Recommendation:** Develop a scheduled maintenance program that includes regular inspections and minor repairs to prevent future significant deterioration

Inspection Actions

- **Structural Analysis:**
 - CED recommends performing a structural analysis of the existing bulkhead to determine if it is structurally sufficient. This would require a design level inspection of the bulkhead and researching the sheet pile embedment lengths and tie-back system.

4.2 Section B – Southernly Bulkhead

Immediate Repairs

- **Replace Bulkhead**
 - **Problem:** The current bulkhead condition is structurally unstable and insufficient for any type of repair and has the possibility of progressive failure during larger storm events.
 - **Recommendation:** Completely remove all of the existing timber and vinyl bulkhead and replace with a new properly constructed bulkhead system.

Priority Repairs

- None since replacement is recommended.

Routine Repairs

- **General Inspection and Maintenance Plan:**
 - **Problem:** Once a new Bulkhead is installed a maintenance plan will keep it in safe condition for a longer period.
 - **Recommendation:** Develop a scheduled maintenance program that includes regular inspections and minor repairs to prevent future significant deterioration

Inspection Actions

- None since replacement is recommended.

4.3 Section C – Westerly Bulkhead

Immediate Repairs

- **Replace Bulkhead**
 - **Problem:** The current bulkheads condition is structurally unstable and insufficient for any type of repair and has the possibility to fail during storm events.
 - **Recommendation:** Completely remove all existing timber and vinyl bulkhead and replace Section B – Southernly Bulkhead.

Priority Repairs

- None since replacement is recommended.

Routine Repairs

- **General Inspection and Maintenance Plan:**
 - **Problem:** Once a new Bulkhead is installed a maintenance plan will keep it in safe condition for a longer period.
 - **Recommendation:** Develop a scheduled maintenance program that includes regular inspections and minor repairs to prevent future significant deterioration

Inspection Actions

- None since replacement is recommended.

4.4 Section D – Easternly Dock

Immediate Repairs

- None, the dock is closed and unfinished.

Priority Repairs

- Finish constructing the dock.

Routine Repairs

- **General Inspection and Maintenance Plan:**
 - **Problem:** Once a new dock is installed a maintenance plan will keep it in safe condition for a longer period.
 - **Recommendation:** Develop a scheduled maintenance program that includes regular inspections and minor repairs to prevent future significant deterioration

Inspection Actions

- Evaluate existing condition and perform structural analysis on existing girder connections for future dock use and allowable live loading.

5.0 Impact on Adjacent Municipal / Residential Property

The southern and eastern bulkheads, if left unrepaired, pose significant risks to nearby infrastructure, particularly under severe storm conditions. High winds, storm tides, wave action, and heavy rains would exert intense pressure on the weakened bulkhead, likely triggering sudden soil displacement and costly damage to adjacent properties and infrastructure. Without timely intervention, the risk to nearby roadways, residential properties, and municipal utilities will increase, underscoring the urgency of the proposed improvements to prevent erosion, collapse, and potential structural failure of the marina bulkhead.

Currently, the deteriorating bulkhead is causing soil erosion and sinkholes along its backside, putting surrounding infrastructure at risk. Continued soil loss could undermine adjacent roadways, leading to failures, collapses, and hazardous sinkholes, all of which would threaten public safety and the integrity of nearby stormwater and utility systems. Residential properties in close proximity could also face land loss and possible foundation damage. Municipal infrastructure, such as water and sewage systems, is equally at risk due to sediment buildup and structural instability. Additionally, the stormwater outfall structures, which run through the bulkhead, are vulnerable, increasing the likelihood of localized flooding.

If not addressed, these structural vulnerabilities could have cascading effects on the surrounding infrastructure. Timely repairs are critical to prevent what is now a localized issue from escalating into large-scale environmental and infrastructure damage, particularly in the event of a significant storm.

6.0 Conclusions

On September 13, 2024, Colliers Engineering & Design conducted a detailed condition inspection of Captain's Cove Marina, located at 2 Washington Ave, Highlands, NJ, at the request of the Borough. This inspection aimed to evaluate the structural integrity of the marina's bulkheads, prompted by safety concerns, flooding and erosion observed. The assessment utilized a condition rating scale from ASCE 130, resulting in a comprehensive evaluation of four key sections of the marina. Section A (Easternly Bulkhead) was found to be in fair condition, with various structural deficiencies that could compromise its safety if not addressed. Sections B (Southernly Bulkhead) and C (Westerly Bulkhead) were rated as critical, showing severe deterioration that significantly impairs their load-bearing capacity. Action is essential for these sections to prevent potential structural failures. Section D (Easternly Dock) exhibited some issues, necessitating further evaluation to ensure its stability. The report outlines specific recommendations for immediate repairs, particularly for Sections B and C, and emphasizes the need for a structured maintenance plan for all sections.

Appendix

Appendix A | Inspection Photos



Photo 1: **Section A**, Easternly Bulkhead Viewed across the marina from the Westerly Bulkhead



Photo 2: **Section A**, Easternly Bulkhead, Viewed from Grade



Photo 3: **Section A**, Eastern Bulkhead Piles, Sheet Piles and Walers Viewed from Floating Dock Infront of Bulkhead



Photo 3: **Section A**, Eastern Bulkhead Exposed Fastening System View 1



Photo 4: Section A, Easternly Bulkhead Exposed Fastening System View 2



Photo 5: Section A, Easternly Bulkhead Waler Lap Connection, View 1



Photo 6: Section A, Easternly Bulkhead Water Lap Connection, View 2



Photo 7: Section A, Easternly Bulkhead, View 1



Photo 8: Section A, Easternly Bulkhead, View 2



Photo 9: Section A, Easternly Bulkhead, Cracked Sheet Pile Section



Photo 10: **Section A**, Easternly Bulkhead, Viewed down Sheet Pile



Photo 11: **Section A**, Easternly Bulkhead, Outfall Pipe with Outfall Backflow Preventer (Tideflex)



Photo 12: **Section B**, Southernly Bulkhead, Viewed Downwards from Grade



Photo 13: **Section B**, Southernly Bulkhead, Viewed on Angle from Grade, View 1



Photo 14: **Section B**, Southernly Bulkhead, Viewed on Angle from Grade, View 2



Photo 15: **Section B**, Southernly Bulkhead, Corner with Westerly Bulkhead, View 1



Photo 16: **Section B**, Southernly Bulkhead, Corner with Westerly Bulkhead, View 2



Photo 17: **Section B**, Southernly Bulkhead, Fastener & Metal Sheetpile Bulkhead Condition, View 1



Photo 18: **Section B**, Southernly Bulkhead, Fastener & Metal Sheetpile Bulkhead Condition, View 2



Photo 19: **Section B**, Southernly Bulkhead, Vinyl Bulkhead Connection



Photo 20: Section B, Southernly Bulkhead, Viewed down Sheet Pile



Photo 21: Section C, Westerly Bulkhead, View from grade



Photo 22: **Section C**, Westerly Bulkhead, Corner Connection to the Southernly Bulkhead



Photo 23: **Section C**, Westerly Bulkhead, Viewed down Sheet Pile, View 1



Photo 24: Section C, Westerly Bulkhead, Viewed down Sheet Pile, View 2



Photo 25: Section C, Westerly Bulkhead, Viewed of Crushed Sheet Pile



Photo 26: Section C, Westerly Bulkhead, Deteriorated Timber Elements & Fasteners, View 1



Photo 27: Section C, Westerly Bulkhead, Deteriorated Timber Elements & Fasteners, View 2



Photo 28: **Section C**, Westerly Bulkhead, Plywood backing Steel Sheet Piles, View 1



Photo 29: **Section C**, Westerly Bulkhead, Single Waler on Vinyl Sheet Pile, View 1



Photo 30: **Section C**, Westerly Bulkhead, Single Waler on Vinyl Sheet Pile, View 2



Photo 31: **Section C**, Westerly Bulkhead, Bulkhead Line, View 1



Photo 32: **Section C**, Westerly Bulkhead, Bulkhead Line, View 2



Photo 33: **Section C**, Westerly Bulkhead, Bowed Out Bulkhead Repair



Photo 34: **Section C**, Westerly Bulkhead, Bowed Out Bulkhead Repair, View 1



Photo 35: **Section C**, Westerly Bulkhead, Bowed Out Bulkhead Repair, View 2



Photo 36: **Section C**, Westerly Bulkhead, Bowed Out Bulkhead Repair, View 3

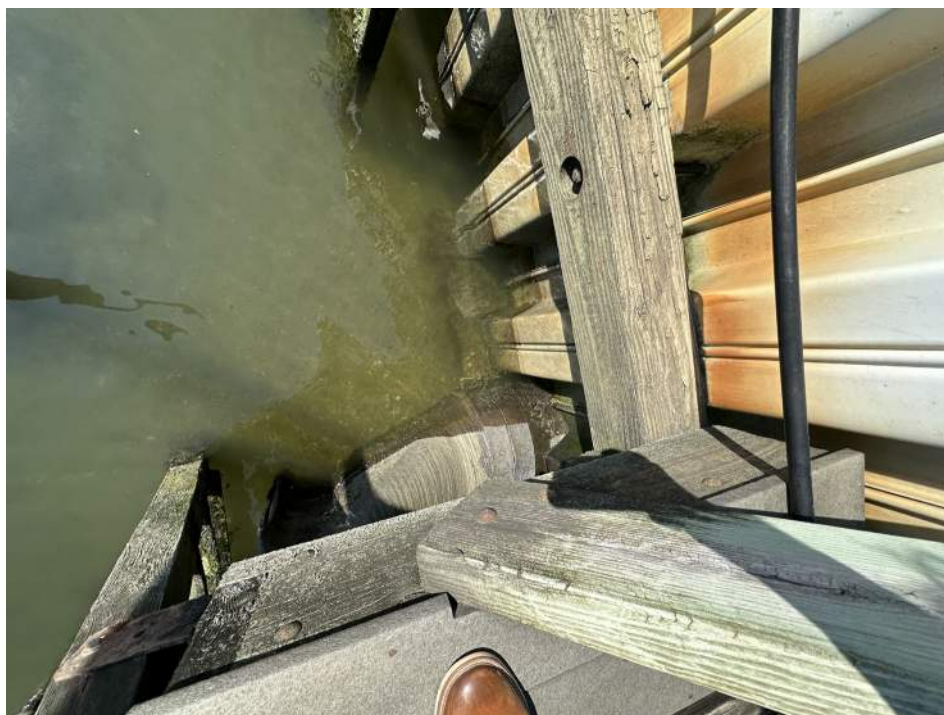


Photo 37: **Section C**, Westerly Bulkhead, Outfall Pipe with Outfall Backflow Preventer (Tideflex)



Photo 38: Section C, Westerly Bulkhead, Bulkhead Along Marine PI



Photo 39: Section C, Westerly Bulkhead, Bulkhead Connection to Marine PI Bulkhead



Photo 40: Section D, Easternly Dock, Viewed across Marina from Westerly Bulkhead



Photo 40: Section D, Easternly Dock, Girder to Pile Connection, View 1



Photo 41: Section D, Easternly Dock, Girder to Pile Connection, View 2

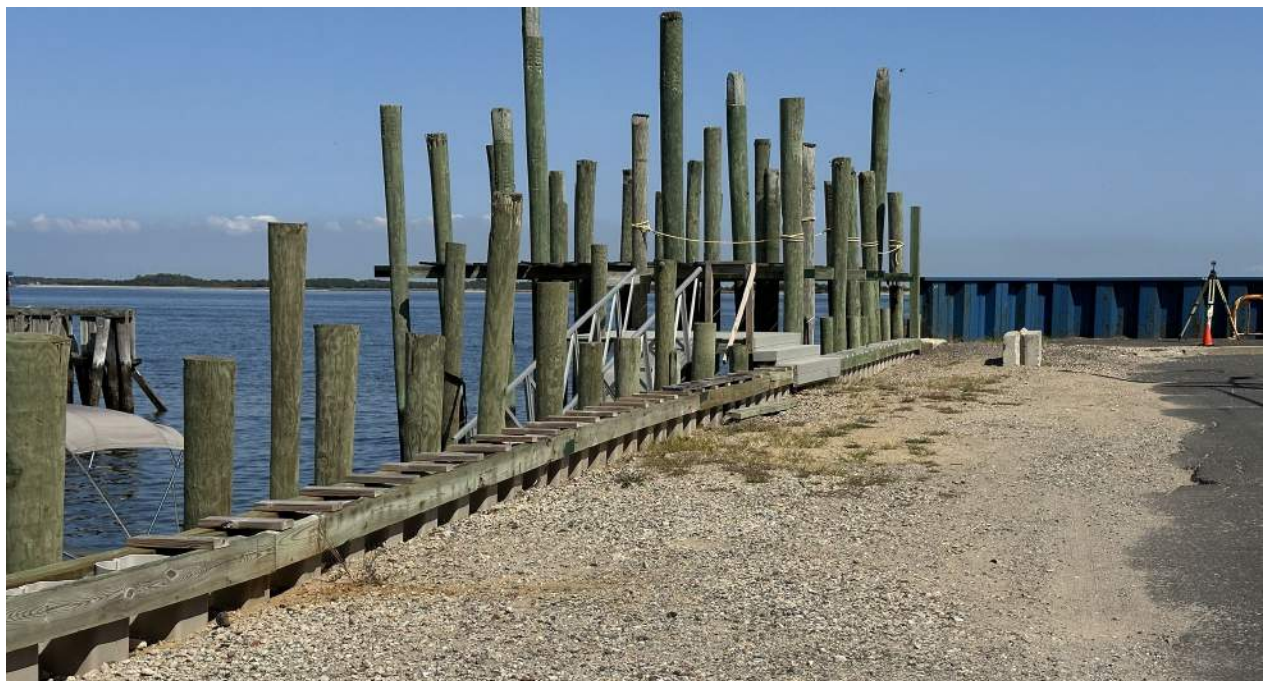


Photo 42: Section D, Easternly Dock, Viewed from Grade from Easternly Side



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APPENDIX F: Letter from Colliers Engineering and Design, dated November 6, 2024

VIA EMAIL
November 6, 2024

Mayor Carolyn Broullon
Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732

Captain's Cove Marina Bulkhead Deficiencies
Project No. HIBC0001

Dear Mayor Broullon,

Colliers Engineering & Design (CED) has reviewed the current conditions at Captain's Cove Marina and examined the original NJDEP permit #1317-090002.1 LUP210001. Our review has identified the following deficiencies in the bulkhead replacement construction, which do not comply with the permit's requirements:

1. Failure to Obtain Required Local, State, and Federal Approvals:

- The permit stipulates that the permittee must secure all necessary local, state, and federal approvals, which includes obtaining a Floodplain Development Permit from the Borough of Highlands Department of Buildings & Housing.
- It appears that the permittee did not apply for or obtain approval from the local Floodplain Manager.

2. Non-Compliance with Bulkhead Installation Specifications:

- The permit requires that the installed sheets meet the approved length specified in the plans (22 feet). A site inspection conducted on December 30, 2022, revealed that the sheets installed are only 18 feet long, with additional cutting of 1 to 3 feet from the top. This modification has reduced the actual embedment depth of the bulkhead below the required specifications, thereby decreasing its structural capacity compared to the design parameters in the approved permit plans.

3. Violation of Bulkhead Placement Requirements:

- The permit expressly states, "The existing timber bulkhead will be removed, and the vinyl bulkhead will be in the same footprint as the existing timber bulkhead." However, on the southern and western sections of the bulkhead, the existing timber bulkhead was left intact, and the new vinyl bulkhead was installed in front of it, contrary to the permit's directives.

Each of these deficiencies reflects a deviation from the approved permit requirements, which may compromise the structural integrity and compliance status of the project.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Ian R. Walczak, PE, CST
Assistant Project Manager