



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
<https://www.dep.nj.gov/wlm/>



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date December 10, 2025</p>
		<p>Expiration Date December 9, 2030</p>
<p>Permit Number(s): 1317-02-0007.1 LUP250001</p>	<p>Type of Approval(s): CAFRA Individual Permit – Commercial/Industry/Public</p>	<p>Governing Rule(s): N.J.A.C. 7:7-1.1(a)</p>
<p>Permittee: Thomas Wynne Seastreak LLC 2 First Avenue Atlantic Highlands, NJ 07716</p>		<p>Site Location: Block(s) & Lot(s): [100, 27] Municipality: Highlands Borough County: Monmouth</p>
<p>Description of Authorized Activities: This document authorizes the one story frame building containing storage and a seasonal bar as well as reconstruction and realignment of the parking lot, construction of sidewalks, including public access to the beach with signage, access drives, a double row elevated car lift, site drainage improvements, and beach maintenance activities within the beach area within the parcel referenced above, in accordance with Best Management Practices as found in the Coastal Zone Management Rules at N.J.A.C. 7:7-10. The specific beach maintenance activities include debris removal and clean-up; mechanical sifting and raking; maintenance of access ways; removal of sand from upland for placement on the beach; and limited sand transfers from the lower beach to the upper beach and the placement of temporary seasonal structures, which includes picnic tables, benches, a shed, volley ball posts, a stage, and walkways/matting.</p> <p>This permit is authorized under, and in compliance with, the Coastal Zone Management Rules (N.J.A.C. 7:7-1.1, et seq.) as amended through October 5, 2021, provided that all conditions to follow are met.</p> <p>This permit does not authorize work at or below the Mean High-Water Line.</p> <p>The Department has determined that the herein approved activities meet the requirements of the FHACA/CZM rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</p>		
<p>Prepared by: Kara Turner</p>		<p>Received and/or Recorded by County Clerk:</p>
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-29.

PRE-CONSTRUCTION CONDITIONS:

1. Prior to commencement of construction, a silt fence shall be erected along the limits of disturbance of the development. This fence must be properly maintained and remain in place until all construction and landscaping activities are completed and the site has been stabilized.
2. Prior to site preparation, a conservation restriction for the public access portion of the site, as shown on the approved plan, shall be RECORDED with the Office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES) in the county wherein the lands included in this permit are located. This conservation restriction must include the public access easement and its availability to the public 24 hours per day, 365 days per year, and the maintenance of this easement in perpetuity. This conservation restriction shall reflect exactly what is provided on the Division's web site (www.state.nj.us/dep/landuse/forms) and must accompany and reference a site plan, with all restricted areas clearly delineated. Once the conservation restriction has been RECORDED, a copy of the recorded conservation restriction MUST BE submitted to the Division of Land Resource Protection within thirty (30) days. Said restriction shall run with the land and be binding upon all successive owners.

SPECIAL CONDITIONS:

1. If activity of rare beach-nesting shorebird species (i.e. State- or federally listed threatened or endangered species, or migratory shorebird species of special concern), or a State-/Federally listed endangered beach plant population, is discovered at or near the permitted limit of disturbance, work and recreational use of the area shall cease until the Permittee has coordinated with, and guidance on habitat management practices can be issued by, the NJ Department of Environmental Protection and, potentially, the US Fish & Wildlife Service. Please note that this coordination may result in the need for the Permittee's adherence to provisions as necessary to protect this sensitive habitat (e.g., seasonal restriction on regulated activities). The Department reserves the right to suspend all regulated activities onsite should it be determined that the Permittee has not taken proper precautions to ensure continuous compliance with this condition.
2. This permit authorizes beach and dune maintenance activities only and does **NOT** authorize the replacement of any street-end bulkheads.
3. All proposed activities MUST be conducted in accordance with Best Management Practices as defined by the Department in the Rules on Coastal Zone Management, N.J.A.C. 7:7-10. Activities other than those outlined in this Subchapter (10) shall require additional authorization from the Division. Failure to receive such additional authorization prior to activities may warrant enforcement action by the Bureau of Coastal and Land Use Enforcement.
4. It should be noted that NJDEP Division of Land Resource Protection (Division of DLRP) will annually send the municipality the "CAFRA No-Rake Zones for Beach Nesting Birds" list which is generated by NJDFW. This list indicates any habitat areas of a State or Federally listed endangered or threatened shorebird species located on the municipality's beachfront. DLRP will also send the

Seabeach amaranth Protective Zone list which is generated by the USFWS. This list indicates any areas which require protection for Seabeach amaranth.

5. The transfer of sand from the lower beach profile to the upper beach profile, or along shore, is conditionally acceptable. The amount of sand transferred at any one time shall be limited to one-foot scraping depth in the portion of the borrow zone located between the area landward of the MHWL and the inland limit of the berm. This borrow zone may not be re-scraped until the sand volume from the previous scraping activities has been fully restored.
6. Records of all sand transfer activities shall be maintained by the Permittee, and shall be available for inspection by NJDEP officials upon request. These records shall include, but not be limited to dates of transfer, borrow area limits, fill area limits, estimates of the amount of sand transferred, and the name of the person supervising the transfer activities, and the engineering certification required (if appropriate) for all sand transfer activities.
7. If a geodetic control reference marker is found on site and the position of the survey marker or monument cannot be protected, the applicant shall coordinate with the New Jersey Geodetic Control Survey (NJGCS) at least 60 days prior to disturbance to relocate the geodetic control marker to an appropriate location prior to construction. The impacted areas shall be restored to original grade and condition. The applicant shall contact NJGCS with any questions at (609) 530-5654.
8. With the exception of the regrading of the accumulated sand from the temporary seasonal sand fencing at no other time shall sand be transferred from the upper beach (berm) to the lower beach (beach face), for the purpose of increasing the berm width or flattening the beach profile in accordance with N.J.A.C. 7:7-10.2(a).
9. The Division reserves the right to require a monitoring program if the Division believes there is a potential for adverse effects from the proposed maintenance activities on the beach berm. Results of the monitoring must be reported to the Division within 30 days of the monitoring. Monitoring reports should include beach/dune profiles, discussion of change of sand volume, including a history of substantial storm events from the past year.
10. The Permittee cannot limit vertical or horizontal public access to its dry sand beach area nor interfere with the public's right to free use of the dry sand for intermittent recreational purposes connected with the ocean and wet sand. However, the Permittee may charge a fee to those members of the public who remain upon and use its beach for an extended period providing it cleans the beach, picks up trash regularly, and permits use of its shower facility, if any available. The Permittee must also provide customary lifeguard services for members of the public who use the ocean areas up to the high water mark, regardless of whether they are just passing through or remaining on the beach area of its property.

The permittee has the option to charge a fee to utilize the beach area. However, the Division reserves the right to reassess the Permittee's beach access fee/public access (i.e., parking, facility availability, etc.) at a later date, and the Permittee must make associated financial records available upon Division request.

Please contact the Division for request and approval of any temporary closures considered necessary to address public safety issues (erosion that impacts access, municipal police security, public safety or homeland security issue) or a partial closure to protect T&E species and their habitat. The requested closure shall be limited in size necessary to address the issue with a temporary closure, limited to a timeframe only needed to address the issue.

11. Any temporary seasonal sand fencing shall be installed in a manner that does not prevent public access along the tidal water and does not restrict public access to the beach from the existing public access points.
12. Sand fencing shall be placed 15 feet waterward of the seaward toe of any dune or from the waterward side of any structure.
13. All temporary structures authorized by this permit may only remain in place from May 1st through October 31st of each year and must be removed from the beach outside of this time period, with the exception of the stage. The stage shell may remain in place year-round with the exception of severe weather alerts described in Special Condition No. 15.
14. No excavation, grading, or filling of the beach can be associated with the placement of the temporary seasonal structures.
15. All temporary seasonal structures authorized by this permit that are located on the beach shall be immediately removed from the beach and relocated to a secure place at any time that the National Weather Service issues a Severe Weather Alert for the municipality in which the development is located, for significant weather events, such as Coastal Flood Warning, Extreme Wind Warning, Hurricane Warning, Tornado Warning or Tropical Storm Warning, that would directly affect structures left on the beach, until the Sever Weather Alert is lifted.
16. On or prior to April 1st of each year for the duration of the permit, the permittee shall submit to the Division, for its review and approval, three copies of a revised survey, dated no more than 30 days prior to the submittal, including supplemental document referenced below, showing the annual location of all temporary seasonal structures as authorized under this permit and compliance with the following:
 - o Structures cannot have utilities or sewer connections except that, if necessary, a temporary restroom may have an above-ground water connection for flushing toilets/hand washing and above-ground electric for light/hand dryers – all wastewater must be collected in a holding tank as sewer lines are not permitted;
 - o Placement of the structures shall not involve the excavation, grading or filling of a beach;
 - o The structure shall have no adverse impact on special areas defined at N.J.A.C. 7:7-9 (including, but not limited to wetlands, coastal bluffs, and dunes);
 - o The structure shall be located a minimum of 50 feet landward of the mean highwater line, except on beaches where the development is located on the most landward portion of the beach;
 - o The development shall occupy a maximum of 33 percent of the total width of the beach berm area within the limits of the municipality, and is limited to the most landward one-third of the useable beach berm area;
 - o The total area of beach coverage, including all structures and support facilities, shall not exceed one acre. The Department reserves the right to limit the coverage to a greater extent due to prevailing beach conditions, public access and safety concerns;
 - o The structures shall not be located on a dune, coastal bluff, or in a wetland and must be located at least 50 feet from any wetland;
 - o The structures shall not unreasonably conflict with ocean views or other beach uses, including blanket space; and

o Existing public access shall remain and/or be provided in accordance with the lands and waters subject to public trust rights rule at N.J.A.C. 7:7-9.48, and the public access rule at N.J.A.C. 7:7-16.9.

17. In accordance with N.J.A.C. 7:7-10.4(b) any dune creation and maintenance activities should be conducted in accordance with the specifications found in Guidelines and Recommendations for Coastal Dune Restoration and Creation Projects (DEP, 1985), and/or Restoration of Sand Dunes Along the Mid-Atlantic Coast (Soil Conservation Service, 1992). The Department will provide site specific technical assistance for dune creation and maintenance projects, upon request.
18. This permit does not authorize any work at or waterward of the mean high-water line (MHWL) or dredging activities. If work is occurring at or waterward of the MHWL or if dredging is required in the future, a Waterfront Development application showing compliance with Coastal Zone Management rules and 7:7-12.9 New Dredging will be required.
19. Landscaping of the property shall be done with native plants to maximum extent practicable. The use of plastic under newly landscaped or gravel areas is prohibited. All sub gravel liners must be made of filter cloth or other permeable material.
20. All areas of temporary disturbance shall be restored to their pre-existing condition and grade.
21. All debris, wood, trash, and other loose materials shall be discarded and legally disposed of offsite. The applicant shall take special care that no debris enters or remains in the water.
22. Any additional development or other related construction will require either a modification to this Permit or a new CAFRA permit depending on the size and scope of the proposed development as well as the activity status of the existing CAFRA.
23. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
24. Records indicate that portions of the work authorized via this permit may be located within a Tidelands grant and/or license. The permittee must read the terms and conditions of the grant carefully to ensure the permitted activities are compliant with the grant and license; within the boundaries of the grant and license; and, that the permittee has rights to the granted area. Questions regarding Tidelands may be directed to the NJDEP's Bureau of Tidelands Management at (609) 292-2573.
25. Within 30 days of completion of construction of the elevated car lift, parking lot, sidewalk, and drainage improvements, the public access signs shall be installed as depicted on the approved plan.
26. The public access portion of the project shall be constructed prior to or concurrent with the proposed project.
27. Within 90 days of permit issuance the existing flared section of the dock on the eastern side of the site shall be removed as shown on the approved plan.
28. In accordance with N.J.A.C.7:13-12.6(g)4, the permittee must provide signs in the proposed roadways and parking areas indicating that the lot will be subject to inundation during flood events.

29. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8 without the construction of a stormwater green infrastructure BMP. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved green infrastructure best management practices, shall be reviewed and approved by the Department by obtaining a modification or new permit as appropriate prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
30. All excavated material must be disposed of in a lawful manner outside of any flood hazard area, riparian zone, open water, freshwater wetland, and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;

- ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
 9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
 10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
 11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
 12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
 13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
 14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
 15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
 16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.

17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.

Additionally, the permittee shall notify the Department in writing (at the address listed on page one of this permit) within five working days prior to commencement of operation of a CAFRA individual permit. At this time, the permittee shall certify that all conditions of the permit that must be met prior to operation of the development have been met.

27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://dep.nj.gov/wlm/eservices/lrp-eservices/>.

28. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2, Conditions that apply to all coastal permits.

APPROVED PLANS:

The drawing hereby approved consists of 1 sheet prepared by Najarian Associates, dated April 21, 2025, last revised December 1, 2025, and entitled: **"NJDEP PERMIT PLAN HIGHLANDS LANDING CORPORATION BLOCK 100, LOT 27 TAX MAP SHEET NO. 19 BOROUGH OF HIGHLANDS MONMOUTH COUNTY NEW JERSEY"** (sheet 1 of 1).

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at <https://dep.nj.gov/bulletin/>). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at <https://dep.nj.gov/wlm/forms/>). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see <https://dep.nj.gov/oahdr/> for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by David
Sumba
Date: 2025.12.10
11:16:29-05'00'

David Sumba, Supervisor
NJDEP, Watershed & Land Management

- c: Municipal Clerk, Highlands Borough
Municipal Construction Official, Highlands Borough
Agent – Georgia Marino