



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Beth A. Williams
Tetra Tech
240 Continental Dr.
Newark, DE 19713

March 26, 2015

**Re: COASTAL JURISDICTIONAL DETERMINATION
Environmental Review - EDA and DCA/NEP Programs**
DLUR File Number: 1343-12-0006.1
DLUR Activity Number: CDT150001
Grant Application ID Number: SBL619239
Applicant: Mad Hatter Pub and Eatery
Block(s) and Lot(s): [19, 3]
Sea Bright Borough, Monmouth County

Dear Ms. Williams:

This letter is in response to an application submitted by the above referenced applicant for funding under the Economic Development Authority's Neighborhood & Community Revitalization (NCR), Small Business Loans (SBL) Programs, the Department of Community Affairs's Neighborhood Enhancement Program (NEP), and/or the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. This jurisdictional determination is for the proposed reconstruction, expansion, and elevation of the Mad Hatter Pub and Eatery located at the above referenced site. More specifically, the proposed project includes the addition of a 4th floor, open decks at each floor, and the installation of parking spaces beneath the new elevated structure. The project site is located within the CAFRA zone of the Borough of Sea Bright, a non-qualifying municipality. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et seq.), Flood Hazard Area Control Act (N.J.S.A. 58:16A et seq.) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B et seq.).

Based on a review of the information submitted and a review of information as maintained on the Department's Geographic Information System, the following determination is made:

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- A Waterfront Development permit is not required.**
- A Waterfront Development Permit will be required because:**
 - Work will be performed at or below (outshore) the Mean High Water Line.
 - Work will be performed within 100/500 feet of the MHWL outside the coastal area.

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- A CAFRA permit is required.**
- A CAFRA permit is not required.** Per N.J.S.A. 13:19-5.2(b), a permit shall not be required for the reconstruction of any development that is damaged or destroyed, in whole or in part, by fire, storm,

natural hazard or act of God, provided that such reconstruction is in compliance with existing requirements or codes of municipal, State and federal law.

Based on a review of the Coastal Wetlands Maps, the following determination is made:

- () **Coastal Wetlands permit is required.** Coastal Wetlands are mapped on this site. Activity is proposed at or below the Upper Wetlands Boundary.
- (x) **Coastal Wetlands permit is not required.** Based on a review of the Coastal Wetlands Maps it is determined that there are no mapped wetlands on the site.
- () **Coastal Wetlands permit is not required.** Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary.

Freshwater Wetlands:

Based on the information provided to the Division, it does not appear that the proposed project will impact freshwater wetlands and associated transition areas regulated under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. Therefore, a permit is not required.

Flood Hazard Area:

In addition, this project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1. Reconstruction and elevation projects within the same footprint may qualify for a Flood Hazard Area permit-by-rule provided the criteria at N.J.A.C. 7:13-7.2(a)3 is met.

Please be advised that the Army Corps of Engineers (Corps) has jurisdiction over any activity that results in a discharge of fill below the mean high water line or within Federally regulated wetlands. It does not appear that the proposed project will impact areas under the jurisdiction of the Corps.

The project may be presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change.

Please contact Jessica Cobb by e-mail at Jessica.Cobb@dep.nj.gov or (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Supervisor
Division of Land Use Regulation

Williams, Beth

From: Williams, Beth
Sent: Friday, March 13, 2015 7:17 PM
To: ryan.anderson@dep.nj.gov
Subject: ENVIRONMENTAL REVIEW - EDA and SBL Project SBL619239 – Jurisdictional Determination for Coastal Area Facility Review Act and Special Flood Hazard Area
Attachments: S Kelly Corp - DEP Application_combined.pdf; SBL619239_CoastalZoneManagementMap.pdf; SBL619239_FloodplainManagementMap.pdf; Mad Hatter Site Plan.pdf; SBL619239_ProjectLocationMap.pdf

Dear Mr. Anderson:

During the Environmental Record Review for funding under the New Jersey Economic Development Authority's (NJEDA) Stronger New Jersey Business Loan (SBL) Program, the following project was determined to be located in the Coastal Area Facility Review Act (CAFRA) zone and Special Flood Hazard Area (100-year Floodplain; Zone AE):

Application ID Number: **SBL619239**
Applicant: **S Kelly Corp./Kelly Management Group Inc.**
Project Location: **The Mad Hatter Bar & Restaurant, 10 East Ocean Avenue, Sea Bright, Monmouth County, New Jersey; Block 19, Lot 3**
Project Description: **Demolition of current 3-story Mad Hatter Bar & Restaurant containing a restaurant, sports bar, nightclub, office space, storage rooms and two apartments; construction of a new 4-story structure on a pile/column construction to be operated as the Mad Hatter Bar & Restaurant. The project would allow the applicant to build-up and elevate the business floors and provide parking under the building (approximately 7 cars)**

I am contacting you to determine if a CAFRA and/or Flood Hazard Area Control permit are required for the proposed demolition and reconstruction project in Sea Bright, New Jersey. Your determination will enable us to complete the Environmental Review for the Activity/Project, which is an Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58. . Your response will also be attached to the form as supporting documentation.

I have attached the NJDEP Environmental and Historic Preservation Application for the proposed project which includes a preliminary construction cost estimate and conceptual design for the new Mad Hatter building, a Site Plan depicting the current building orientation, maps of the project location and the location of the project in relation to the CAFRA zone and 100-year Floodplain.

Should you have any questions about this request or need additional information, please contact me by e-mail or at the telephone number or address below.

Thank you.

Beth A Williams

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