



**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  
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>		Approval Date <b>09/11/2025</b>
		Expiration Date <b>09/10/2030</b>
<b>Permit Number:</b> 1808-04-0016.1 LUP250001	<b>Type of Approvals:</b> FHA Individual Permit Verification-Method 5 (Approximation Method) FWW GP11 Outfalls/Intake Structures	<b>Governing Rules:</b> N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
<b>Permittee:</b> Josh Zemon Syracuse 1950 Easton Avenue Owner LLC 1200 N 52nd St Phoenix , AZ 85008	<b>Site Location:</b> Block & Lot: [469, 1.06] Municipality: Franklin Twp County: Somerset	
<b>Description of Authorized Activities:</b>  <p>This document verifies the flood hazard area design flood limits of an unnamed tributary to the Raritan River and authorizes the construction of a new warehouse building, parking and drive areas, and stormwater management facilities on the parcel referenced above.</p> <p><i>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.</i></p>		
<b>Prepared by:</b>  Danielle L Ashmen	<b>Received and/or Recorded by County Clerk:</b>	
<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><b>This permit is not valid unless authorizing signature appears on the last page.</b></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. 7:13-2.18; N.J.A.C. 7:7A-22.

<b>FWW GP11 Outfalls/Intake Structures</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
<b>Freshwater wetlands</b>	<b>0</b>	<b>0</b>
<b>Transition areas</b>	<b>0.048</b>	<b>0</b>
<b>State open waters</b>	<b>0</b>	<b>0</b>

<b>Riparian Zone Vegetation</b>	<b>Area of riparian zone (Acres)</b>
<b>Permanent Disturbed</b>	<b>0.118</b>
<b>Temporary Disturbed</b>	<b>0</b>

**PRE-CONSTRUCTION CONDITIONS:**

1. This portion of the permit verifies the flood hazard area design flood elevation of 34.6 to 37.6 feet NAVD88. This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. NOTE: The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:
  - a. The Department file number for the verification;
  - b. The approval and expiration dates of the verification;
  - c. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;
  - d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification;
  - e. The width and location of any riparian zone approved under the verification; and
  - f. The following statement: “The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Watershed and Land Management Program at (609) 777-0454 for more information prior to any construction onsite.”
  
2. Prior to the start of any construction onsite, the permittee/owner shall record a deed notice for all stormwater management measures authorized under this permit which shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development,

project, project site, or mitigation area containing the stormwater management measure is located. A form of deed notice shall be submitted to the Watershed and Land Management Program (Program) for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at N.J.A.C. 7:8-5.3, 5.4, 5.5, and 5.6 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to N.J.A.C. 7:8-5.8(d). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Program. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the Program is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Program within 180 calendar days of the authorization granted by the Program.

3. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.
4. Prior to the commencement of site clearing, grading, or construction onsite, all existing trees near the project area which are not to be removed shall be marked and a protective construction fence shall be placed around each tree for the duration of construction until the site is stabilized.

**SPECIAL CONDITIONS:**

1. 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.
2. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
3. The applicant must adhere to the operations and maintenance plan for the stormwater management measures incorporated into the design of this major development in accordance with N.J.A.C. 7:8-5.8. Guidance set forth in the New Jersey Stormwater Best Management Practices Manual should be followed to the maximum extent practicable.
4. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. 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.

5. Any future expansion or alteration of the approved site layout and/or land cover which would affect water quality, increase the rate or volume of stormwater leaving the site, or affect the infiltration capacity on the site, shall be reviewed and approved by the Department prior to construction.
6. To reduce the risk of harm to the federally listed endangered species Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), and the proposed federal listing species Tricolored Bat (*Perimyotis subflavus*), and potential violation of the NJ Endangered and Nongame Species Conservation Act (ENSCA; N.J.S.A. 23:2a-1-13), and to reduce the risk of direct impacts to sensitive habitat, the permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation onsite ***from April 1<sup>st</sup> to September 30<sup>th</sup> of each calendar year throughout the validity of this permit.***
7. To reduce the risk of direct harm to Wood Turtles and potential violation of the NJ Endangered and Nongame Species Conservation Act (ENSCA; N.J.S.A. 23:2a-1-13) and to reduce the risk of direct impacts to sensitive habitat for Wood Turtles (State-listed, threatened) during hibernation within and adjacent to Raritan River and the associated tributaries, the Permittee shall adhere to the following for all in-stream work including stream bank excavation:
  - a. No site preparation, disturbance, grading, clearing or construction activity is permitted within the banks of the referenced watercourse ***between November 1<sup>st</sup> and April 1<sup>st</sup> of each calendar year throughout the validity of this permit.***
    - i. If a coffer dam or similar structure is proposed to *completely* enclose the work area, work may occur during this restricted period provided the coffer dam installation is completed ***prior to November 1<sup>st</sup>*** and thereafter completely precludes turtles from accessing the work area to rest or hibernate. This must include appropriate bank-side fencing to preclude terrestrial access to the coffer dam work area. Immediately after installation of the work area enclosure, a qualified herpetologist must thoroughly inspect the enclosed area for wood turtles. Please note the qualified herpetologist is required to obtain a scientific collecting permit from NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP). Any wood turtles found must immediately be reported to the ENSP and carefully relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area.
    - ii. The exclusion fence must be monitored weekly by a qualified herpetologist and maintained in satisfactory working condition until project completion. Repairs must be made by the Permittee and /or their contractor under the supervision of a qualified herpetologist the same day.
8. To reduce the risk of direct harm and adverse impacts to resting, breeding or foraging habitats for wood turtles within the regulated areas associated with the referenced watercourses no authorized activities may commence ***from April 1<sup>st</sup> through November 15<sup>th</sup> of the calendar year throughout the validity of this permit*** unless the following measures have been taken:
  - a. Outside of the wood turtle active season (*i.e. between April 1<sup>st</sup> through November 15<sup>th</sup> of each calendar year throughout the validity of this permit*), and prior to the commencement of site preparation, disturbance, grading, clearing or construction activity

within landscape valued as habitat for threatened or endangered herptile species, the Permittee shall install a temporary fence made of synthetic filtration fabric or geo-textile filtration fabric around the footprint of *all* proposed activities (temporary and permanent) that is sufficient in height to preclude small wildlife species from entering the proposed work area.

- b. Upon installation, a qualified herpetologist with a valid Scientific Collecting Permit issued by the NJDEP Fish & Wildlife Endangered & Nongame Species Program shall survey the work area. Any wood turtles and other State-listed species found must immediately be reported to the NJDEP DFW-ENSP and safely relocated outside of the proposed work area. The qualified herpetologist shall be present during all onsite work (e.g., clearing of vegetation, demolition, excavation, site preparation, etc.) and shall survey the fenced in work area prior to commencement of work each day of activity and throughout each workday to “clear” the project limit of disturbance, temporary workspaces, and staging areas of amphibians and reptiles. Work activity shall cease where any animals are observed until the qualified herpetologist can carefully move the animal to safety beyond the exclusion fence.
  - c. The exclusion fence must be monitored weekly by a qualified herpetologist and maintained in satisfactory working condition until project completion. Repairs must be made by the Permittee and /or their contractor under the supervision of a qualified herpetologist the same day.
9. 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.
  10. Any excavation within freshwater wetlands, transition areas, or State open waters shall be backfilled to preexisting elevations where feasible with the uppermost 18 inches backfilled with original topsoil material. The permittee shall ensure that the backfilling activities do not interfere with the natural hydraulic characteristics of the freshwater wetlands, such as flow characteristics of the groundwater onsite. The wetland and/or transition area above the excavation shall be replanted with an indigenous seed mix, as shown on the approved plans.
  11. Any pipes laid through freshwater wetlands, transition areas, or State open waters which have been authorized by a Department permit shall be properly sealed to prevent leaking or infiltration and designed to not form a path for groundwater to be discharged or drained from a freshwater wetland. Pipes and backfilled materials shall be placed entirely beneath the preexisting ground elevation.
  12. Vegetation within all regulated areas onsite shall only be disturbed in the areas specifically shown on the approved drawings and upon completion of the project, all temporarily disturbed areas shall be replanted with native, non-invasive vegetation appropriate for the hydrologic conditions of the area.
  13. Construction equipment shall not be stored, staged, or driven within any regulated areas onsite, unless expressly approved by this permit or described on the approved plans.
  14. All excess excavated material and construction debris shall be disposed of in a lawful manner offsite and outside of any regulated area or water, and in such a way as to not interfere with the positive drainage of the receiving area.

15. The Department has determined that the freshwater wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing Rules (N.J.A.C. 7:7A) for additional information.
16. The Department has determined that the onsite riparian zone along the Raritan River tributary is 150 feet. Therefore, vegetation within 150 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings and upon completion of the project, all temporary disturbed areas shall be restored with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).
17. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7.11, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.). Any additional un-permitted disturbance of freshwater wetlands, State open waters, or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the disturbance.
18. This authorization for a General Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

**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;
  - 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; and

- iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
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](mailto: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.

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/>.

#### **APPROVED PLANS:**

The drawings hereby approved consist of eight (8) sheets prepared by Daniel Miola, P.E. of Langan Engineering and Environmental Services, LLC, dated January 17, 2025, unless otherwise noted, entitled:

“1950 EASTON AVE – WAREHOUSE PORTION OF BLOCK 469 LOT 1.06 PROPOSED LOT 1.08 TOWNSHIP OF FRANKLIN SOMERSET COUNTY NEW JERSEY”

“DRAINAGE PLAN”, Sheet No. 8 of 30, last revised September 3, 2025;

“LANDSCAPE PLAN”, Sheet No. 15 of 30, dated January 17, 2025, last revised August 19, 2025;

“LANDSCAPE NOTES & DETAILS”, sheet No. 16 of 30, last revised September 3, 2025;

“CONSTRUCTION DETAILS 4”, Sheet No. 27 of 30, last revised July 18, 2025;

“CONSTRUCTION DETAILS 5”, Sheet No. 28 of 30, last revised July 18, 2025;

“CONSTRCUTION DETAILS 6”, Sheet No. 29 of 30 dated July 24, 2025, last revised August 19, 2025;

“NJDEP DLRP PERMITTING PLAN”, Sheet 1 of 1, dated March 14, last revised September 3, 2025; and

“FLOOD HAZARD ARE VERIFICATION PLAN – EXISTING CONDITIONS”, sSeet No. 1 of 1, dated March 14, 2025, last revised September 3, 2025.


#### **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 Dennis  
Contois

Date: 2025.12.09 13:08:35 -05'00'

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Dennis Contois, Supervisor  
Watershed & Land Management

- c: Municipal Clerk, Franklin Twp
- Municipal Construction Official, Franklin Twp
- Agent (original) – Daniel Miola, PE, Langan Engineering and Environmental Services, LLC