



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Land Use Regulation  
Mail Code 501-02A, PO Box 420  
Trenton, New Jersey 08625-0420  
Tel: (609) 777-0454 Fax: (609) 777-3656  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
GOVERNOR

KIM GUADAGNO  
LT. GOVERNOR

BOB MARTIN  
COMMISSIONER

June 1, 2011

### CERTIFIED MAIL

Michael Barry  
Shipyards Associates  
50 Washington St.  
Hoboken, NJ 07030

RE: Application for a Waterfront Development Permit - Deficiency  
DLUR File No.: 0905-07-0001.2  
Activity No.: WFD 110001  
Project: Monarch at Shipyard  
Blocks: 264.2 Lot: 1  
City of Hoboken, Hudson County

Dear Mr. Barry:

This letter is in response to your application request for a Waterfront Development Permit – IP In Water. The Division of Land Use Regulation has reviewed the application and will require additional information or revisions before reaching a permit decision. Upon review of this additional information, your application will be either declared complete and processed, or you will be contacted for further information. The following is a list of the items, which are required:

1. The original permit application submitted for this site was for the rehabilitation of North Pier to facilitate the construction of a recreational/open space development with a waterfront walkway component. This project was to be accomplished by installing steel sheet pile bulk-heading around the perimeter of the existing structure, removing the remains of the existing structure and backfilling the interior with approximately 36,500 cubic yards of clean fill to the 100 year flood elevation. This proposal was subsequently denied by the Department on October 16, 2008. In accordance with N.J.A.C. 7:7-4.9 of the Coastal Permit Program Rules, if an application is denied, the applicant may resubmit for a revised project of the same or reduced scope on the same site within one year without additional fees. This permit application submitted to the Department on May 5, 2011 is for the replacement of the North Pier as well as the construction of two residential towers. This revised project is not the same, is not at a reduced scope and was not submitted within the one year timeframe. Therefore, please submit the appropriate fee for this application. If no fee is required, please provide documentation as to why.
2. The "EXISTING PLATFORM PLAN," illustrates existing pilings along the entire length of the pier. However, photographs submitted with the application illustrate areas of open waters

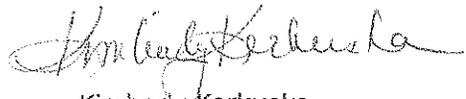
and do not provide evidence that there are pilings along the entire length of the pier. This was also confirmed through multiple site visits by Department staff. It appears structurally sound pilings are not existing. Therefore, plans must be revised and submitted that clearly identify/label all structurally sound existing pilings. This plan(s) must be signed and sealed by a professional engineer. Additionally, documentation from the professional engineer is to be provided certifying that the plan submitted accurately represents existing site conditions and identifies which pilings are structurally sound and which ones are not.

3. The location of the proposed project is within an area that is considered Intertidal/subtidal shallows habitat. The reconstruction of the pier will involve the driving of pilings therefore resulting in the disturbance and filling of intertidal/subtidal shallows habitat. In accordance with N.J.A.C. 7:7E-3.15 Intertidal and Subtidal Shallows, mitigation is required for the destruction of this habitat. Therefore, please provide the Department with the acreage of habitat disturbance and the appropriate mitigation for the disturbances.
4. The compliance statement submitted states that the project site is located within the Atlantic Ocean. However, this project is located along the Hudson River and the Hudson River has an associated riparian zone. Therefore, please address N.J.A.C. 7:7E-3.26 Riparian Zones and how this project is in compliance.
5. In accordance with N.J.A.C. 7:7E-3.43 Special Urban Areas, a water dependent use must be deemed infeasible prior to the consideration of housing or a mixed use development. The compliance statement submitted does not demonstrate that a water dependent use has been deemed to be infeasible at this location. Therefore, please provide further documentation demonstrating that compliance with this rule will be met.
6. Please address N.J.A.C. 7:7E-4.10 Filling of the Coastal Zone Management Rules.
7. Please address Subchapter 5 – Impervious and vegetative cover requirements and demonstrate how this project demonstrates compliance with this subchapter.
8. In accordance with N.J.A.C. 7:7E-7.2 Housing Use Rule, in special urban areas and along larger rivers, new housing is acceptable on structurally sound existing pilings. The information submitted to the Department does not demonstrate that there are structurally sound, existing pilings. Please provide the Department with documentation proving that there are pilings and that these pilings are structurally sound.
9. Please submit documentation from the Division of Watershed Management, NJDEP, proving this project is consistent with the Areawide Water Quality Management Plan in an effort to demonstrate compliance with N.J.A.C. 7:7E-8.4 Water Quality of the Coastal Zone Management Rules.
10. In accordance with N.J.A.C. 7:7E-8.11 Public Trust Rights, a minimum area of 30 feet, including the walkway area, shall be permanently protected by a conservation restriction. Please provide the Department with a revised plan that clearly illustrates this conservation restriction in an effort to demonstrate compliance with this rule.
11. Since the proposed project is a major development, please address the low impact design standard, as required in N.J.A.C. 7:8-5.3. Please submit the NSPS spreadsheet to quantify any proposed low impact design.
12. According to N.J.A.C. 7:8-5.5, "Stormwater management measures shall only be required for water quality control if an additional one-quarter acre of impervious surface is being proposed on a development site." Since the increase in impervious coverage on the site exceeds 1/4 acre, please provide BMPs to satisfy the required level of water quality treatment.

13. Please provide fees to account for the required stormwater management review.
14. In accordance with N.J.A.C. 7:13-11.13, please provide an engineering certification that the proposed bulkhead is designed to withstand displacement, overturning, and failure.
15. The construction of the proposed building is not allowable under N.J.A.C.-10.3(c)1. This is because the proposed project does not meet N.J.A.C. 7:7E-3.48 Hudson River Waterfront Area (this project is not consistent with all other Coastal Zone Management Rules).

If you have any questions concerning your application, please do not hesitate to contact me at (609) 292-0060. Be sure to indicate the Division's file number with all correspondence. Please be advised that the application is hereby declared deficient pending submission of the required information identified above. The requested information should be provided to the Department within 60 days of receipt of this letter.

Sincerely,



Kimberly Kerkuska  
Principal Environmental Specialist  
Bureau of Urban Growth and Redevelopment

C: Potomac-Hudson Environmental, attn: David R. Draper