U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

A1. Building Owner's Name: Smugglers Cove Condominium Association

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: Block 81.04; Lot 135,137,139

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): Residential

A5. Latitude/Longitude: Lat. 39.06471 Long. -74.754488 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983 ☐ WGS 84

A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).

A7. Building Diagram Number: 7

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s): 1,141.00 sq. ft.

b) Is there at least one permanent flood opening on two different sides of each enclosed area? ☒ Yes ☐ No ☐ N/A

c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade:
Non-engineered flood openings: _____ Engineered flood openings: 7

d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in.

e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): 1,400.00 sq. ft.

f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): 1,400.00 sq. ft.

A9. For a building with an attached garage:

a) Square footage of attached garage: _____ sq. ft.

b) Is there at least one permanent flood opening on two different sides of the attached garage? ☐ Yes ☐ No ☐ N/A

c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade:
Non-engineered flood openings: _____ Engineered flood openings: _____

d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in.

e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): _____ sq. ft.

f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): _____ sq. ft.

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1.a. NFIP Community Name: Borough of Stone Harbor B1.b. NFIP Community Identification Number: 345323

B2. County Name: Cape May B3. State: NJ B4. Map/Panel No.: 34009C0234 B5. Suffix: F

B6. FIRM Index Date: 10/05/2017 B7. FIRM Panel Effective/Revised Date: 10/05/2017

B8. Flood Zone(s): VE, AE B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): 11,10,9

B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9:
☐ FIS ☒ FIRM ☐ Community Determined ☐ Other: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? ☒ Yes ☐ No

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: GPS Vertical Datum: NAVD 88

Indicate elevation datum used for the elevations in items a) through h) below.
☐ NGVD 1929 ☒ NAVD 1988 ☐ Other:

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? ☐ Yes ☒ No
If Yes, describe the source of the conversion factor in the Section D Comments area.

		Check the measurement used:
a) Top of bottom floor (including basement, crawlspace, or enclosure floor):	4.00	☒ feet ☐ meters
b) Top of the next higher floor (see Instructions):	12.00	☒ feet ☐ meters
c) Bottom of the lowest horizontal structural member (see Instructions):	11.00	☒ feet ☐ meters
d) Attached garage (top of slab):		☒ feet ☐ meters
e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area):	12.00	☒ feet ☐ meters
f) Lowest Adjacent Grade (LAG) next to building: ☒ Natural ☐ Finished	3.40	☒ feet ☐ meters
g) Highest Adjacent Grade (HAG) next to building: ☒ Natural ☐ Finished	3.70	☒ feet ☐ meters
h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:	3.40	☒ feet ☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

☐ Check here if attachments and describe in the Comments area.

Certifier's Name: Thomas R. Deneka License Number: 35828

Title: PLS

Company Name: The Hyland Group

Address: 701 West Avenue, Suite 301

City: Ocean City State: NJ ZIP Code: 08226

Signature: Thomas R Deneka Date: 02/13/2024

Telephone: (609) 398-4477 Ext.: Email: tdeneka@thehylandgroupnj.com

Place Seal Here

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):
C-2-E is Exterior HVAC
A-8-F Consists of 5 Smart Vent model #1540-520 Covering 200 sqft of vent space each

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

☐ Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Telephone: Ext.: _____ Email: _____

Comments:

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION G – COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

G1. ☒ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2.a. ☐ A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.

G2.b. ☐ A local official completed Section H for insurance purposes.

G3. ☐ In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.

G4. ☒ The following information (Items G5–G11) is provided for community floodplain management purposes.

G5. Permit Number: 22-1095 G6. Date Permit Issued: 05/23/22

G7. Date Certificate of Compliance/Occupancy Issued: 2-15-2023

G8. This permit has been issued for: ☒ New Construction ☐ Substantial Improvement

G9.a. Elevation of as-built lowest floor (including basement) of the building: 12.0 ☒ feet ☐ meters Datum: NAVD 88

G9.b. Elevation of bottom of as-built lowest horizontal structural member: 11.0 ☒ feet ☐ meters Datum: NAVD 88

G10.a. BFE (or depth in Zone AO) of flooding at the building site: AE 9 ☒ feet ☐ meters Datum: NAVD 88

G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: Higher of BFE + 3 or 12.0 ☒ feet ☐ meters Datum: NAVD 88

G11. Variance issued? ☐ Yes ☒ No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: Raymond Poudrier Title: C.O/Z.O./F.P.A.

NFIP Community Name: Stone Harbor

Telephone: 609-368-6814 Ext.: ____ Email: poudrierr@shnj.org

Address: 9508 Second Ave.

City: Stone Harbor State: N.J ZIP Code: 08247

Signature: [signature] Date: 2/14/24

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

1) Line G10.b. Community's minimum elevation has recently been revised in the Flood Prevention ordinance to reflect above. At time of permit issuance it was the Higher of BFE + 2' or 11.0' NAVD 88

2) V Zone Certificate, Breakaway wall certificate, Non Conversion Agreement, and Deed restriction all attached.

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). ***Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.***

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) **For Building Diagrams 1A, 1B, 3, and 5–9.** Top of bottom floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is: _____ ☐ feet ☐ meters ☐ above the LAG

b) **For Building Diagrams 2A, 2B, 4, and 6–9.** Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: _____ ☐ feet ☐ meters ☐ above the LAG

H2. Is **all** Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?
☐ Yes ☐ No

SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge.* **Note:** If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.

☐ Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Telephone: Ext.: _____ Email: _____

Comments:

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.

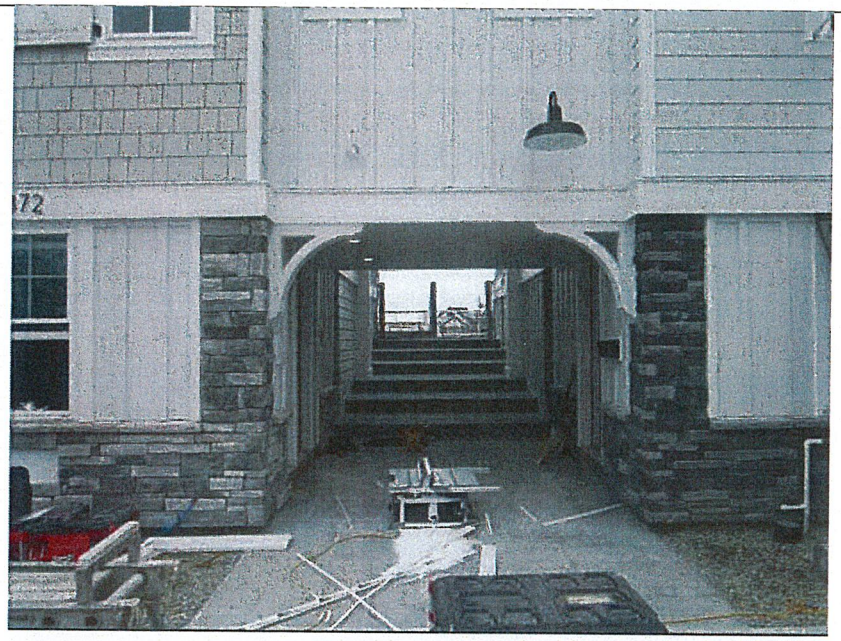

Photo One

Photo One Caption: Front View

Clear Photo One

Photo Two

Photo Two Caption: Left Side View

Clear Photo Two

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 372 83rd Street Unit West

City: Stone Harbor State: NJ ZIP Code: 08247

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.

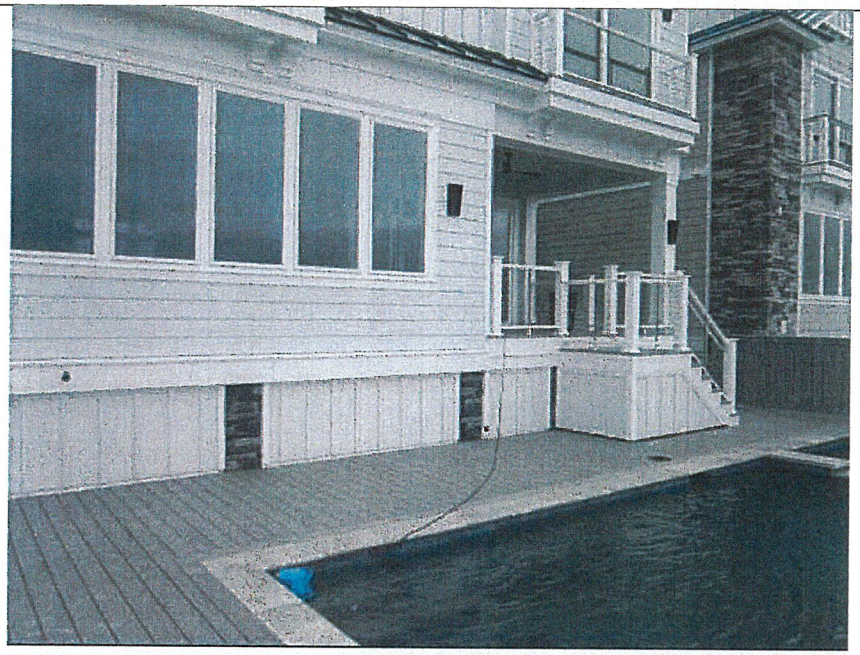

Photo Three

Photo Three Caption: Rear View

Clear Photo Three

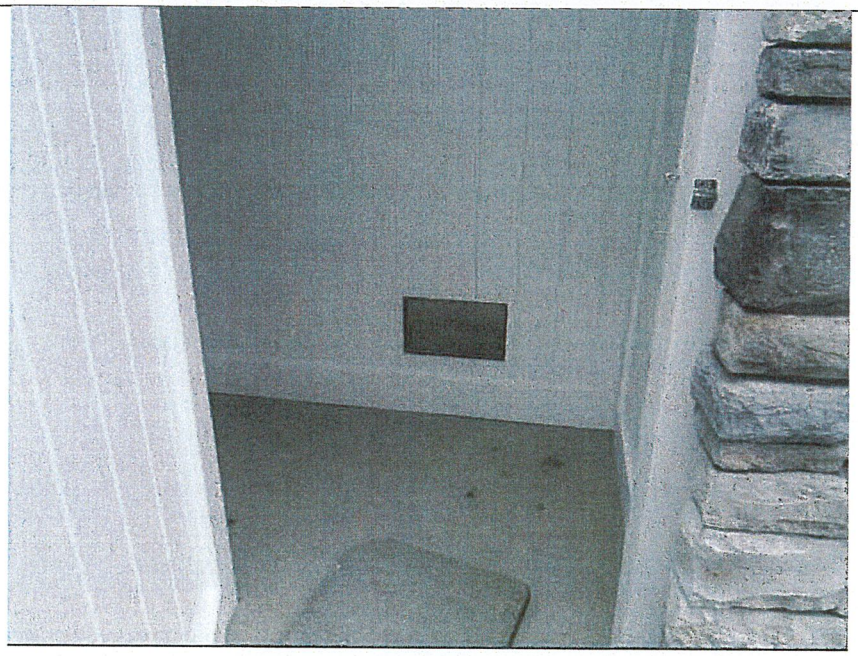

Photo Four

Photo Four Caption: Right Side View or Vent

Clear Photo Four

ICC EVALUATION SERVICE

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ESR-2074

Reissued 02/2019

This report is subject to renewal 02/2021.

DIVISION: 08 00 00—OPENINGS

SECTION: 08 95 43—VENTS/FOUNDATION FLOOD VENTS

RECEIVED
FEB 13 2024
BOROUGH OF STONE HARBOR
CONSTRUCTION OFFICE

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514 FLOOD VENT SEALING KIT #1540-526

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"2014 Recipient of Prestigious Western States Seismic Policy Council (WSSPC) Award in Excellence"

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ANSI ACCREDITED
ISO/IEC 17065 Product Certification Body #1000

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feet (18.6 m^2) of enclosed area, except that the SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 must be installed with a minimum of one FV for every 400 square feet (37.2 m^2) of enclosed area.

- Below the base flood elevation.
- With the bottom of the FV located a maximum of 12 inches (305.4 mm) above the higher of the final grade or floor and finished exterior grade immediately under each opening.

4.2 Flood Vent Sealing Kit

The Flood Vent Sealing Kit Model 1540-526 is used in conjunction with FloodVENT® Model #1540-520. When installed and tested in accordance with ASTM E283, the FV and Flood Vent Sealing Kit assembly have an air leakage rate of less than 0.2 cubic feet per minute per lineal foot (18.56 l/min per lineal meter) at a pressure differential of 1 pound per square foot (50 Pa) based on 12.58 lineal feet (3.8 lineal meters) contained by the Flood Vent Sealing Kit.

5.0 CONDITIONS OF USE

The Smart Vent® FVs described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

5.1 The Smart Vent® FVs must be installed in accordance with this report, the applicable code and the manufacturer's installation instructions. In the event of a conflict, the instructions in this report govern.

5.2 The Smart Vent® FVs must not be used in the place of "breakaway walls" in coastal high hazard areas, but are permitted for use in conjunction with breakaway walls in other areas.

6.0 EVIDENCE SUBMITTED

6.1 Data in accordance with the ICC-ES Acceptance Criteria for Mechanically Operated Flood Vents (AC364), dated August 2015 (editorially revised October 2017).

6.2 Test report on air infiltration in accordance with ASTM E283.

7.0 IDENTIFICATION

7.1 The Smart VENT® models and the Flood Vent Sealing Kit recognized in this report must be identified by a label bearing the manufacturer's name (Smartvent Products, Inc.), the model number, and the evaluation report number (ESR-2074).

7.2 The report holder's contact information is the following:

SMART VENT PRODUCTS, INC.
430 ANDBRO DRIVE, UNIT 1
PITMAN, NEW JERSEY 08071
(877) 441-8368
www.smartvent.com
info@smartvent.com

TABLE 1—MODEL SIZES

MODEL NAME	MODEL NUMBER	MODEL SIZE (in.)	COVERAGE (sq. ft.)
FloodVENT®	1540-520	$15^3/_4$" X $7^3/_4$"	200
SmartVENT®	1540-510	$15^3/_4$" X $7^3/_4$"	200
FloodVENT® Overhead Door	1540-524	$15^3/_4$" X $7^3/_4$"	200
SmartVENT® Overhead Door	1540-514	$15^3/_4$" X $7^3/_4$"	200
Wood Wall FloodVENT®	1540-570	14" X $8^3/_4$"	200
Wood Wall FloodVENT® Overhead Door	1540-574	14" X $8^3/_4$"	200
SmartVENT® Stacker	1540-511	16" X 16"	400
FloodVent® Stacker	1540-521	16" X 16"	400

For **SI:** 1 inch = 25.4 mm; 1 square foot = m^2

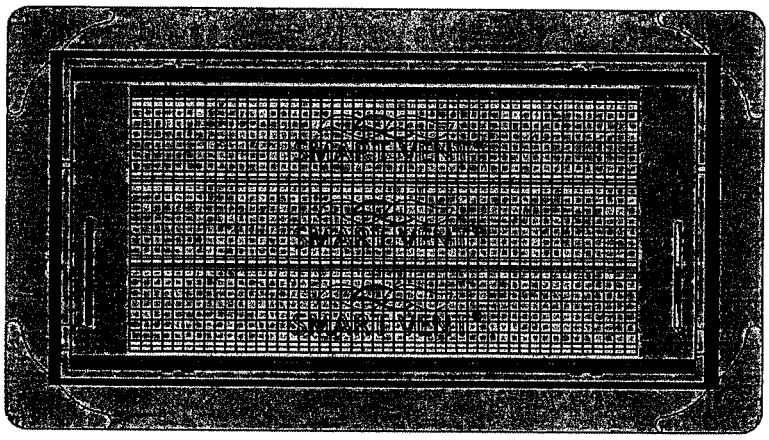

FIGURE 1—SMART VENT: MODEL 1540-510

ICC-ES Evaluation Report

ESR-2074 CBC and CRC Supplement

Reissued February 2019

This report is subject to renewal February 2021.

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DIVISION: 08 00 00—OPENINGS
Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE

Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, recognized in ICC-ES master evaluation report ESR-2074, have also been evaluated for compliance with codes noted below.

Applicable code edition:

- 2016 *California Building Code* (CBC)
- 2016 *California Residential Code* (CRC)

2.0 CONCLUSIONS

2.1 CBC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the master evaluation report ESR-2074, comply with 2016 CBC Chapter 12, provided the design and installation are in accordance with the 2015 *International Building Code®* (IBC) provisions noted in the master report and the additional requirements of CBC Chapters 12, 16 and 16A, as applicable.

The products recognized in this supplement have not been evaluated under CBC Chapter 7A for use in the exterior design and construction of new buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area.

2.2 CRC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the master evaluation report ESR-2074, comply with the 2016 CRC, provided the design and installation are in accordance with the 2015 *International Residential Code®* (IRC) provisions noted in the master report.

The products recognized in this supplement have not been evaluated under 2016 CRC Chapter R337, for use in the exterior design and construction of new buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area.

The products recognized in this supplement have not been evaluated for compliance with the International Wildland–Urban Interface Code®.

This supplement expires concurrently with the master report, reissued February 2019.

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Note: The V Zone design certificate is not a substitute for the NFIP Elevation Certificate (see Fact Sheet No. 1.4, *Lowest Floor Elevation*), which is required to certify as-built elevations needed for flood insurance rating.

V ZONE DESIGN CERTIFICATE

Name Rockwell Smugs, LLC Policy Number (Insurance Co. Use) _____

Building Address of Other Description 370 83rd Street Unit West

Permit No. 22-1094 City Stone Harbor State NJ Zip Code 08247

SECTION I: Flood Insurance Rate Map (FIRM) Information

Community No. 345323 Panel No. 34009c0234F Suffix _ FIRM Date 10/5/17 FIRM Zone(s) AE-9 (Coastal A)

SECTION II: Elevation Information Used for Design

[NOTE: This section documents the elevations/depths used or specified in the design – it does not document surveyed elevations and is not equivalent to the as-built elevations required to be submitted during or after construction.]

1. FIRM Base Flood Elevation (BFE) ..... 9.0 feet*
2. Community's Design Flood Elevation (DFE) ..... 11.0 feet*
3. Elevation of the Bottom of Lowest Horizontal Structure Member ..... 11.0 feet*
4. Elevation of Lowest Adjacent Grade ..... 3.40 feet*
5. Depth of Anticipated Scour/Erosion used for Foundation Design ..... 3.0 feet
6. Embedment Depth of Pilings of Foundation Below Lowest Adjacent Grade ..... 13-25 feet

* Indicate elevation datum used in 1-4: ☐ NGVD29 ☒ NAVD88 ☐ Other _____

SECTION III: V Zone Design Certification Statement

I certify that: (1) I have developed or reviewed the structural design, plans, and specifications for construction of the above-referenced building and (2) that the design and methods of construction specified to be used are in accordance with accepted standards of practice** for meeting the following provisions:

- The bottom of the lowest horizontal structural member of the lowest floor (excluding piles and columns) is elevated to or above the BFE.
- The pile and column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of the wind and water loads acting simultaneously on all building components. Water loading values used are those associated with the base flood***. Wind loading values used are those required by the applicable State or local building code. The potential for scour and erosion at the foundation has been anticipated for conditions associated with the base flood, including wave action.

SECTION IV: Breakaway Wall Design Certification Statement

[NOTE. This section must be certified by a registered engineer or architect when breakaway walls are designed to have a resistance of more than 20 psf (0.96 kN/m2) determined using allowable stress design]

I certify that: (1) I have developed or reviewed the structural design, plans, and specifications for construction of breakaway walls to be constructed under the above-referenced building and (2) that the design and methods of construction specified to be used are in accordance with accepted standards of practice** for meeting the following provisions:

- Breakaway wall collapse shall result from a water load less than that which would occur during the base flood***.
- The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (see Section III).

SECTION V: Certification and Seal

This certification is to be signed and sealed by a registered professional engineer or architect authorized by law to certify structural designs. I certify the V Zone Design Certification Statement (Section III) and X the Breakaway Wall Design Certification Statement (Section IV, check if applicable).

Place Seal Here

Certifier's Name Paul Kiss License Number 11517

Title Principal Company Name OSK Design Partners, PA

Address 475 White Horse Pike

City Collingswood State NJ Zip Code 08107

Signature _____ Date 12-19-2023 Telephone 856-854-0580

NON-CONVERSION AGREEMENT
FOR STRUCTURES IN THE 100-YEAR FLOODPLAIN

SUBJECT PROPERTY:

370 83rd Street West

Lot and Block Number: 81.04 Lot 135

Permit Number: 22-1095

Property Owner: Smuggs LLC. - Greg Lingo

Address: 126 E State Street, Media PA. 19063

Design Flood Elevation at the site is: 11.0 feet (NAVD 1988)

The Property Owner acknowledges and agrees to the following:

1. That he/she is the owner of the above property,
2. That the enclosed area, if permitted, shall be used solely for limited storage or access to the building and will never be used for human habitation without first becoming fully complaint with the Floodplain Management Ordinance in effect at the time of conversion,
3. That all interior walls, ceilings, and floors below the Design Flood Elevation shall be unfinished or constructed of flood resistant materials,
4. That mechanical, electrical, or plumbing devices shall not be installed below the Design Flood Elevation,
5. At the time of inspection this property required 1,200 square inches of venting. Requiring 7 vents and 0 crawl space access door(s) used to meet the flood venting requirements of the Borough of Stone Harbor,
6. That this Non-conversion Agreement becomes part of Permit Number 22-1095 and grants the Borough of Stone Harbor the ability to inspect and enforce the provisions of this Agreement at any time.

1/16/24
Date

Signature of Property Owner

Date

Signature of Property Owner

Note: This Agreement must be completed for all New Construction, Additions, substantial Improvements and Substantial Damaged Properties.

FOR OFFICIAL USE BY STONE HARBOR CONSTRUCTION OFFICE ONLY

‡ 2024029339 Bk D4150 Pgs 721-733
Recorded County of Cape May, NJ
Date 01/17/2024 12:48:41 By JK
Rita M. Rothberg, County Clerk
Recording Fees $165.00

Cape May County Document Summary Sheet

CAPE MAY COUNTY CLERK PO BOX 5000 7 NORTH MAIN STREET CAPE MAY COURT HOUSE NJ 08210-5000	**Return Name and Address** Jessica R. Witmer, Esquire Nehmad Davis & Goldstein, PC 4030 Ocean Heights Avenue Egg Harbor Township, NJ 08234 12715-2

Official Use Only

Submitting Company	Nehmad Davis & Goldstein, PC
Document Date *(mm/dd/yyyy)*	01/11/2024
Document Type	Deed Imposing Restrictive Covenant
No. of Pages of the Original Signed Document *(including the cover sheet)*	13
Consideration Amount *(if applicable)*	$1.00

	Name(s) *(Last Name First Name Middle Initial Suffix) (or Company Name as written)*	Address *(Optional)*
First Party *(Grantor or Mortgagor or Assignor)* *(Enter up to five names)*	ROCKWELL SMUGS, LLC	
Second Party *(Grantee or Mortgagee or Assignee)* *(Enter up to five names)*	ROCKWELL SMUGS, LLC	

13
JMC

Parcel Information *(Enter up to three entries)*	Municipality	Block	Lot	Qualifier	Property Address
	Stone Harbor	81.04	135		
	Stone Harbor	81.04	137		
	Stone Harbor	81.04	139		

Reference Information *(Enter up to three entries)*	Book Type	Book	Beginning Page	Instrument No.	Recorded/File Date

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

Prepared By:
Jessica R. Witmer, Esq.

DEED IMPOSING RESTRICTIVE COVENANT

This Deed is made on this 11th day of January, 2024

BETWEEN ROCKWELL SMUGS, LLC, a limited liability company of the Commonwealth of Pennsylvania, whose address is 124 E. State Street, Media, Pennsylvania 19063

referred to as the **GRANTOR**,

AND ROCKWELL SMUGS, LLC, a limited liability company of the Commonwealth of Pennsylvania, whose address is 124 E. State Street, Media, Pennsylvania 19063

referred to as the **GRANTEE**.

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

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE ($1.00) DOLLAR.

Tax Map Reference. (N.J.S.A. 46:26A-3(a)(5)(b)) Borough of Stone Harbor, Block No.: 81.04 Lot No.: 135, 137, and 139 Account No.:
[ ] No property tax identification number is available on the date of this Deed.
(Check box if applicable)

Property. The Property consists of all the land and improvements on the Property located in the Borough of Stone Harbor, County of Cape May, and State of New Jersey. The legal description of the Property is annexed hereto as **Exhibit "A"**.

Covenants by Grantor. The Grantor has obtained a certain Permit from the State of New Jersey Department of Environmental Protection dated April 15, 2021 [Permit Number 0510-09-0031.2 LUP210001], the terms of which are incorporated herein by reference. A true and correct copy of the Permit is attached hereto as **Exhibit "B"**. Grantor certifies and declares that the following covenants, conditions and restrictions are placed on the affected property as a condition of the Permit and in accordance with the Borough of Stone Harbor Ordinance Section 300:82(B)(5)(e); and affects the rights and obligations of the Grantor, all of which shall be binding on the Grantor, its heirs, personal representatives, successors and assigns:

The enclosures below the building and/or garage are likely to be inundated by flood waters, which may result in damage and/or inconvenience. The depth of flooding that the

RTF-1 (Rev. 3/2/22)
MUST SUBMIT IN DUPLICATE

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.

COMMONWEALTH OF PENNSYLVANIA

COUNTY Delaware } SS. County Municipal Code 0610

FOR RECORDER'S USE ONLY
Consideration $ 1.00 C
RTF paid by seller $
Date 1-17-24 By

MUNICIPALITY OF PROPERTY LOCATION STONE HARBOR

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

(1) PARTY OR LEGAL REPRESENTATIVE *(See instructions #3 and #4 on reverse side)*

Deponent, Gregory Lingo (Name), being duly sworn according to law upon his/her oath, deposes and says that he/she is the Corporate Officer (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) in a deed dated January 11, 2024 transferring real property identified as Block number 81.04 Lot number 135, 137 & 139 located at 370 83rd Street, Stone Harbor, Cape May County, New Jersey (Street Address, Town) and annexed thereto.

(2) CONSIDERATION $ 1.00 *(Instructions #1 and #5 on reverse side)* ☐ no prior mortgage to which property is subject.

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

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(See Instructions #5A and #7 on reverse side)
Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

$ 2,106,000.00 ÷ 66.62 % = $ 3,161,212.85

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 *(See Instruction #8 on reverse side)*
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 exemption symbol is insufficient. Explain in detail.
(a) For consideration of less than $100.

(5) PARTIAL EXEMPTION FROM FEE *(Instruction #9 on reverse side)*
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 on reverse side for A or B)*
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 on reverse side)* IF APPLIES ALL BOXES MUST BE CHECKED.
☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION *(Instructions #2, #10 and #12 on reverse side)* 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 first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES *(Instructions #5, #12, #14 on reverse side)* 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 IF APPLIES ALL BOXES MUST BE CHECKED. *(Instruction #15 on reverse side)*
☐ Intercompany transfer between combined group members as part of the unitary business
☐ Combined group NJ ID number (Required)

(9) Deponent makes this Affidavit to induce 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 11 day of January, 2024

Lauren B Ranalli

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Lauren B Ranalli Notary Public
Delaware County
My Commission Expires 8/10/2027
Commission #1292496

[redacted]
124 E. State Street
Media, PA 19063
Deponent Address

[redacted]
Three digits in Grantor's Social Security Number

Rockwell Smugs, LLC
Grantor Name
124 E. State Street
Media, PA 19063
Grantor Address at Time of Sale

Name/Company of Settlement Officer

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

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:
STATE OF NEW JERSEY
PO 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 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

GIT/REP-3
(11-23)
(Print or Type)

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s)
Rockwell Smugs, LLC

Current Street Address
124 E. State Street

City, Town, Post Office	State	ZIP Code
Media	PA	19063

Property Information

Block(s)	Lot(s)	Qualifier
81.04	135, 137 & 139	

Street Address
370 83rd Street

City, Town, Post Office	State	ZIP Code
Stone Harbor	New Jersey	08247

Seller's Percentage of Ownership	Total Consideration	Owner's Share of Consideration	Closing Date
100%	$1.00	$1.00 / 100%	

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.
   ☐ Seller did not receive non-like kind property.
8. ☐ 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.
9. ☐ 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.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ 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.
12. ☐ 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.
13. ☐ The property transferred is a cemetery plot.
14. ☐ 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.
15. ☐ 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.
16. ☐ 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.

Rockwell Smugs, LLC

1/11/24 — Date — By: Gregory Linge, Manager — Signature (Seller) — Indicate if Power of Attorney or Attorney in Fact

Date — Signature (Seller) — Indicate if Power of Attorney or Attorney in Fact

EXHIBIT B

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

PERMIT

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.	Approval Date 4/15/2021 Expiration Date 4/14/2026

Permit Number(s):	Type of Approval(s):	Governing Rule(s):
0510-09-0031.2 LUP210001	CZM GP4 Development 1 or 2 SFH/Duplexes WFD Individual Permit-SFH/Duplex(Waterward) Army Corps of Engineers SPGP17	N.J.A.C. 7:7-1.1(a)

Permittee:	Site Location:
Sea Hawk, LLC - Thomas Hennigan, III 1030 West Germantown Pike East Norriton, PA 19403	Block(s) & Lot(s): [81.04, 135] [81.04, 137] [81.04, 139] Municipality: Stone Harbor Boro County: Cape May

Description of Authorized Activities:

This document authorizes the construction of one (1) duplex, two (2) in-ground swimming pools, and other associated development, and construction of two (2) 3' x 18' ramps leading to two (2) U-shaped floating docks made up of an 8' x 20' float, a 6' x 26' float, and a 6' x 20' float on the parcel(s) referenced above. All work is shown on the approved plans referenced on the last page of this permit.

This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.), as amended on February 20, 2020, provided that all conditions to follow are met.

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.

Prepared by: Allson Astalos Allison Astalos	Received and/or Recorded by County Clerk:
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.	

This permit is not valid unless authorizing signature appears on the last page.

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described herein. 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. 7:7-2.1.

PRE-CONSTRUCTION CONDITIONS:

1. Prior to commencement of construction, a silt fence shall be erected along the limits of disturbance of the development with a 10-foot return on each end. This fence must be maintained and remain in place until all construction and landscaping activities are completed.

2. Pursuant to N.J.A.C. 7:7-6.5 (l)3, prior to construction of the upland structures, a conservation restriction for Shore Protection Structure Area governing the reconstruction of the existing bulkhead on the subject property 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 shall comply with N.J.A.C. 7:7-18 and state that any reconstruction of the shore protection structure can be accomplished within the same location as the shore protection structure approved under permit no. 0510-09-0031.2 LUP190001. 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 forwarded to the Division's project manager, Alison Astalos, via email at Alison.Astalos@dep.nj.gov within thirty (30) days of being recorded. Said restriction shall run with the land and be binding upon all successive owners.

3. The deed for the lot on which the enclosure below the building and/or garage is constructed must be modified to:
    a. Explain that the enclosure is likely to be inundated by floodwaters, which may result in damage and/or inconvenience;
    b. Disclose the depth of flooding that the enclosure would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood;
    c. Prohibit habitation of the enclosure;
    d. Explain that converting the enclosure into a habitable area may subject the property owner to enforcement under this chapter; and
    e. The modified deeds are recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the building is located, and proof that the modified deed has been recorded is provided to the Department prior to the sooner of either:
        i. The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
        ii. The date that is 90 calendar days after the issuance of the permit.

4. The deed for the lot on which the driveway is constructed must be modified to:
    a. Explain that the driveways and any associated parking areas are likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
    b. Disclose the depth of flooding that the driveways and any associated parking areas would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood; and

c. The modified deeds are recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the single-family home or duplex is located, and proof that the modified deed has been recorded is provided to the Department prior to the sooner of either:
   i. The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
   ii. The date that is 90 calendar days after the issuance of the permit.

5. This permit is issued in accordance with the US Army Corps of Engineers SPGP-17.

6. Prior to construction of the in-water structures, the applicant must receive approval of pending Tidelands file 0510-09-0013.2 LUP200001.

SPECIAL CONDITIONS:

1. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.

2. The use of plastic under landscaped or gravel areas are prohibited. All sub-gravel liners must be made of filter cloth or other permeable material.

3. The installation of a swimming pool backwash system out-letting to the adjacent water body is prohibited.

4. Any proposed pool shall be constructed in accordance with N.J.A.C. 7:13-7.21 and FEMA Technical Fact Sheet #8.2.

5. Any proposed deck must not include enclosures that obstruct floodwaters above or below its floor in accordance with N.J.A.C. 7:13-7.16 and FEMA Technical Fact Sheet #8.2.

6. The Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed project for compliance with these rules.

7. The Department has approved this permit because the project satisfies the requirements of the Flood Hazard Area Control Act Rules and Coastal Rules. The Department has not reviewed the proposed structure/s to determine compliance with the International Building Code or any other local construction codes or flood ordinances. The proposed building/s may therefore not fully comply with any such requirements. Please contact your municipal construction official for further information.

8. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation 10.0 feet NAVD. Furthermore, all structural components shall be designed to resist the same forces.

9. The bottom of the lowest horizontal member of the proposed building/s shall be a minimum elevation of 10.0' NAVD. The construction of any habitable area below this elevation, such as a basement is prohibited.

10. Any area below the design flood elevation and the lowest floor of all proposed building/s shall remain open and accessible to the passage of floodwaters at all times and should comply with the Technical Bulletin 5 of FEMA's National Flood Insurance Program entitled "Free-of-Obstruction Requirements".

11. It should be noted that the fill associated with the building (structural fill) does not meet NFIP requirements. Any proposed fill on the site should meet the requirements of the Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletin 5.

12. All structures must be constructed of nonpolluting materials such as plastic, natural cedar or other untreated wood, concrete, or other inert products. Creosote and CCA-treated lumber (a.k.a. pressure treated or wolmanized lumber) which is susceptible to leaching are considered polluting materials and are not acceptable.

13. The structures are not to exceed the dimensions as specified on the approved plans. No more than four (4) vessels may be moored at any time. All structures and mooring areas shall be within the permittee's property line extension and/or limit of a Tidelands instrument.

14. Space between horizontal planking is maximized and width of horizontal planking is minimized to the maximum extent practicable. Under normal circumstances, a minimum of 3/8-inch, ½-inch, ¾-inch, or one-inch space is to be provided for 4-inch, 6-inch, 8 to 10-inch, or 12-inch plus wide planks, respectively.

15. The width of the dock or pier shall not exceed twice the clearance between the structure and the surface of the ground below or the water surface at mean high water (measured from the bottom of the stringers). Floating docks are not subject to the height requirement, however the floating docks shall be constructed such that it does not rest on the bottom of the waterbody during the low tide event.

16. All structures, including mooring areas, shall not extend beyond a distance of 20% the width of the lagoon.

17. Consistent with Assembly Bill, No. 2804, P.L. 2007, CHAPTER 113 the use of creosote treated material (or other descriptive term from the law) in the construction of the authorized structure(s) is prohibited.

18. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with 7:7-12.9 New Dredging will be required to be submitted to this Division.

STANDARD CONDITIONS:

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

2. 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.

3. The issuance of a permit does not convey any property rights or any exclusive privilege.

4. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.

5. 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.

6. 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.

7. 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.

8. 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 Division of Land Resource Protection 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.

14. 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.

15. 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.

16. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.

17. 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.

18. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.

19. 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.

20. 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.

21. 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.

22. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.

23. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.

24. A permit can be modified, suspended, or terminated by the Department for cause.

25. 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.

26. 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.

27. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

28. 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 the Division of Land Resource Protection at the address listed on page one of this permit.

APPROVED PLAN(S):

The drawing(s) hereby approved consist of one (1) sheet prepared by John E. Halbruner, P.E. from The Hyland Group, dated 01-14-21, last revised 04-13-21, and entitled:

"New Duplex, In-Ground Swimming Pool & Waterfront Structures, 370 83rd Street, Block 81.04, Lots 135, 137, & 139, Borough of Stone Harbor, Cape May County, New Jersey"

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 www.nj.gov/dep/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 www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Resource Protection 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 www.nj.gov/dep/odr for more information on this process.

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

Approved By:

Digitally signed by Eric M. Virostek
Date: 2021.04.15 15:53:07 -04'00'

Eric Virostek, Environmental Specialist 3
Division of Land Resource Protection

c: Municipal Clerk, Stone Harbor Boro
Municipal Construction Official, Stone Harbor Boro
Agent (original) – Stephen Griffith

The HYLAND GROUP

EXHIBIT A

January 30, 2023
Project #: SHS-3087

METES & BOUNDS DESCRIPTION
LOTS 135, 137, 139 BLOCK 81.04 (T.M.)
BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NJ
SMUGGLERS COVE INC.
GRANT AREA

All that land including buildings and improvements thereon, situate, lying and being in the Borough of Stone Harbor, Cape May County, NJ, more particularly described as follows:

Beginning at a point in the northeasterly sideline of 83rd Street 60' wide, said point being northwesterly 260.00' along said northeasterly sideline of 83rd Street from its intersection with the northwesterly sideline of Third Avenue 70' wide, from said point running thence;

1) N 49° 30' 00" W, 90.00' to a point, thence;
2) N 40° 30' 00" E, 90.00' to a point in North Basin, thence;
3) S 49° 30' 00" E, 90.00' along North Basin to a point, thence;
4) S 40° 30' 00" W, 90.00' to a point in the northeasterly sideline of 83rd Street said point being the Point and Place of Beginning.

Containing 8,100.00 Sq. Ft.

Thomas R. Deneka, PLS #35828

Reply To:
The Hyland Group
701 West Avenue, Suite 301
Ocean City, NJ 08226
609.398.4477
www.TheHylandGroupNJ.com

ai hdg

building and/or garage would experience during the FEMA "100-year flood" is 5.26 feet. Habitation is prohibited in the enclosure below the building. Any attempt by the property owner to convert the enclosures into habitable area may subject the property owner to enforcement under applicable law.

The driveway and associated parking areas are likely to be inundated by floodwaters, which may result in damage and/or inconvenience. The depth of flooding that the driveway and associated parking area would experience during the FEMA "100-year flood" is 5.74 feet.

BEING the same lands and premises which became vested in ROCKWELL SMUGS, LLC, by Deed from SMUGGLERS' COVE INC., dated December 23, 2021, and recorded January 13, 2022 in the Cape May County Clerk's Office in Deed Book 4033, Page 484 as Instrument No. 2022001553.

Subject to any and all other restrictions of record.

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

Christopher B. Hogan, Esq.

ROCKWELL SMUGS, LLC

By: _____

By: Gregory Lingo
Manager

COMMONWEALTH OF PENNSYLVANIA :
: SS.:
COUNTY OF Delaware :

Be it remembered, that on this 11 day of January __, 2024, before me the subscriber, a Notary Public, personally appeared **GREGORY LINGO** who, I am satisfied, is the person who signed the within instrument as the **Manager** of **ROCKWELL SMUGS, LLC**, the limited liability company named therein and he thereupon acknowledged that the said instrument made by the limited liability company was signed and delivered by him as such member and is the voluntary act and deed of the limited liability company made by virtue of authority from its members.

Lauren B Ranalli
Notary Public

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Lauren B Ranalli Notary Public
Delaware County
My Commission Expires 8/10/2027
Commission #1292496