



Joanne Rajoppi
Union County Clerk
 Union County, New Jersey
 Recording Data Cover Page
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Received and Recorded Deed-001
 Union County, NJ Inst# 6353
 06/29/2021 14:50:22
Joanne Rajoppi Consider. 0.00
County Clerk RT Fee. 0.00
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Date of Document 05/24/2021	Type of Document DEED
First Party Name STATE OF NEW JERSEY, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION	Second Party Name IRON ORE PROPERTIES
Additional First Parties	Additional Second Parties

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block 0	Lot 0
Municipality CRANFORD	Consideration \$0.00
Mailing Address of Grantee 55 BLEEKER STREET, 2ND FLOOR , MILLBURN, NJ 07041	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

Original Book: Instrument No:	Original Page:
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UNION COUNTY, NEW JERSEY RECORDING DATA PAGE

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 Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.
 Forms available at clerk.ucnj.org



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
 www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p align="center">Approval Date 05/24/2021</p>
		<p align="center">Expiration Date 05/23/2026</p>
<p>Permit Number(s): 2003-21-0002.1 LUP 210001</p>	<p>Type of Approval(s): Flood Hazard Area Verification Flood Hazard Individual Permit</p>	<p>Governing Rule(s): N.J.A.C. 7:13-1.1(b)</p>
<p>Permittee: Iron Ore Properties c/o Brandon Boffard 55 Bleeker Street, 2nd Floor Millburn, NJ 07041</p>	<p>Site Location: Block(s) & Lot(s): [478, 2] [478, 3] [478, 4] [478, 5] [478, 6] [483, 18] Municipality: Cranford Township County: Union</p>	
<p>Description of Authorized Activities:</p> <p>This document verifies the flood hazard area limits of the Rahway River on site, as depicted on the approved drawings, and authorizes the redevelopment of an existing site with a mixed use building, associated parking and access on Lot Nos. 2, 3, 4, 5, & 6 of Block No. 478 and additional parking areas on Lot 18 of Block 483 in the Township of Cranford, Union County, New Jersey.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the FHACA 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> <p align="center">DB06419 - 2146</p>		
<p>Prepared by: Valda Opara</p>	<p>Received and/or Recorded by County Clerk:</p>	
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

SPECIAL CONDITIONS:

1. 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.
2. For the purposes of this permit, 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.
3. The floor elevations labeled "FF 63.50, FF 63.20 (FRONT), FF 64 (REAR), FF 63.35" on the approved drawings are the elevations of the lowest finished floor of the proposed building. The construction of any habitable area below this elevation, such as a basement, is prohibited.
4. The area below the lowest finished floor of the proposed building shall remain open and accessible to the passage of floodwaters at all times. In order to relieve hydrostatic pressure on the proposed building during flooding, permanent flood vents shall be constructed beneath the lowest finished floor to allow water to freely enter and exit during a flood as shown on the approved plan. These vents shall be maintained in good working order at all times and shall not be blocked under any circumstances.
5. All foundations, slabs, footings and walls of the proposed structure shall be designed to resist uplift, floatation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation of one foot above the flood hazard area design flood elevation. Furthermore, all structural components shall be designed to resist the same forces.
6. In accordance with N.J.A.C. 7:13-12.6(f), the deed for each lot on which the private roadway or parking area is constructed, as well as any lot served by the private roadway or parking area, and each lease or rental agreement for a unit within a multi-residence building served by a private roadway or parking area that lies below the flood hazard area design flood elevation, shall be modified to:
 - i. Explain that the private roadway or parking area is likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
 - ii. Disclose the depth of flooding that the private roadway or parking area would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood;

The modified deed shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which each lot served by the private roadway or parking area is located, and proof that the modified deed has been recorded shall be 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 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; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.

21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit 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.
27. [Delete if this document solely authorizes a FHA general permit #1]: 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 at the address listed on page one of this permit.

APPROVED PLAN(S):

The drawings hereby approved consist of ten (10) sheets prepared by French & Parrello Associates, dated February 9, 2021, last revised May 20, 2021, unless otherwise noted, entitled:

“FOR PRELIMINARY AND FINAL SITE PLAN FOR MIXED USE DEVELOPMENT BLOCK 478, LOTS 2, 3, 4, 5, AND 6 BLOCK 483, LOT 18 TOWNSHIP OF CRANFORD UNION COUNTY NEW JERSEY”

- “FLOOD HAZARD AREA VERIFICATION PLAN – TRACT 1”, Sheet No. 1 of 2, unrevised,
- “FLOOD HAZARD AREA VERIFICATION PLAN – TRACT 2”, Sheet No. 2 of 2, unrevised,
- “SITE PLAN – TRACT 1”, Sheet No. 3 of 15, dated February 19, 2021,
- “GRADING AND DRAINAGE PLAN – TRACT 1”, Sheet No. 4 of 15, dated February 19, 2021,
- “SITE AND GRADING PLAN – TRACT 2”, Sheet No. 5 of 15, dated February 19, 2021, unrevised,
- “CONSTRUCTION DETAILS 1”, Sheet Nos. 14 & 15 of 15, dated February 19, 2021,

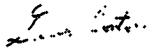
- "CROSS SECTIONS AND VOLUME CALCULATIONS", Sheet Nos. 1 & 2 of 3, dated February 10, 2021,
- "VOLUME CALCULATIONS – TRACT 2", Sheet No. 3 of 3, February 10, 2021.

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 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 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 Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by dennis contoiois
Date: 2021.05.24 09:34:32 -04'00'

Dennis Contois, Supervisor
Watershed & Land Management

c: Municipal Clerk, Cranford Township
Municipal Construction Official, Cranford Township
Agent (original) – Bahram Farzaneh, P.E., French & Parrello Associates

END OF DOCUMENT

Kensington Vanguard NLS LLC

Inst#

6353

Paid

Recording Fee \$95.00

Deed

RT Fee

0.00

DB06419 - 2151