



**US Army Corps  
of Engineers**  
Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
**CENAP-OP-R-2007-389**

Date  
**AUG 15 2007**

Application No.

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

**APPLICANT:** TWISTIES RESTAURANT

**AGENT:** Mr. Peter L. Lomax  
The Lomax Consulting Group  
1435 Route 9 North  
Cape May Court House, NJ 08210

**WATERWAY:** Strathmere Bay

**LOCATION:** The project is located at 236 Bayview Drive, block 841, lot 9, in Strathmere, Upper Township, Cape May County, New Jersey.

**ACTIVITY:**

The applicant proposes to raise the structural elevation of the existing Twisties Restaurant, replace the existing bulkhead, and reconfigure the existing docking facility, as shown on the enclosed plans E-1 through E-8. Historically, the existing Twisties Restaurant and docking facility have been in place since 1950. At this time, the applicant proposes to raise the restaurant to elevation 11.2 to mitigate for coastal flooding and/or continued structural damage. In addition to raising the elevation of the restaurant to comply with current Federal Emergency Management Agency (FEMA) flood level requirements, the applicant would also move the structure one foot (1') landward. The renovation of the restaurant would include all new piles, and one hundred three (103') linear feet of new bulkhead.

As shown on the above stated plans, the new vinyl bulkhead would be placed approximately twenty four inches (24") water ward from the existing timber bulkhead. A small section (6 square feet jog) of the bulkhead would exceed the 24" standard. The new bulkhead would be supported by additional soldier piles placed along the entire length. Upon completion of vibrating the vinyl bulkhead into place, the area between the new and old bulkhead would be

backfilled with clean fill material. Approximately one hundred sixty three (163') square feet (0.003 acres) of waters of the United States (U.S.) would be impacted/ filled.

The final activity proposed by the applicant is the reconfiguration of the existing docking facility. The existing facility provides for four (4) mooring areas. As shown on the above stated plans, the new facility would allow for five (5) mooring areas by eliminating the oversized ten (10') feet wide by twelve (12') feet long fixed pier, reconstructing the eight (8') feet wide pier to provide a five (5') wide y twenty one (21') feet long fixed pier, and by installing three (3) new floating docks (3'X 22') with all new piles. The proposed structures would be placed two hundred sixteen (216') linear feet from the center of the existing channel. At this time, no navigational hazards have been identified. The docking facility is strictly for patrons only. No permanent/overnight mooring of vessels would occur.

**PURPOSE:** The purpose of the project is to minimize structural damage to the existing restaurant from coastal flooding, maintain a stable bank and/or the structural integrity of the restaurant, and provide the customers a safer more efficient docking facility.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 53, indicates that the proposed project will have a **minimal adverse effect** on the species and life stages (EFH) listed. This determination is based on the fact that the applicant has agreed to use all non-polluting construction materials, that the project will remove 44 square feet (0.001acre) of structure over the water (cover), that the facility has been historically an on-going operating restaurant with docks and patron mooring areas, that no structures would rest on the bottom substrate, that the site is not conducive to most of the species life stages (pelagic), and that most juveniles and adults are highly mobile and can move away from the work. At this time, no Conservation recommendations are suggested. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

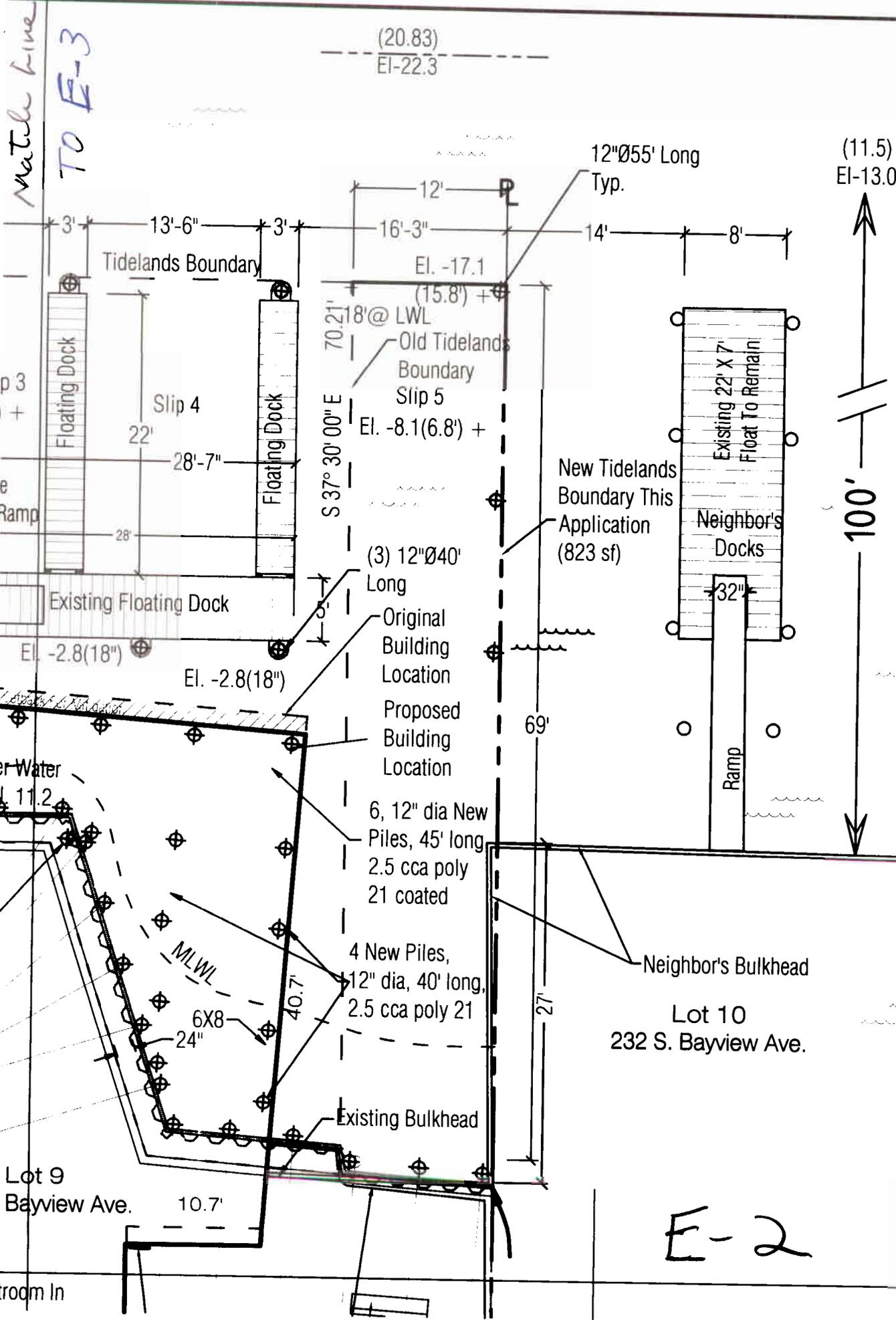
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Bryan P. Bellacima at (215) 656-6732 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani  
Chief, Regulatory Branch





**CONSTRUCTION**

1. Sheet length
2. Provide 10' below
3. Raising upland
4. All bulkheads
5. If backfill sett
6. Install piles a'
7. Tie into adjoin
8. Fasten vinyl s
9. 12" o/c into top
10. Do not scale
11. Place Filter Fr
12. Drill 1" Diam
13. Any Dewaterin
14. poor soil conditio
15. pay for.
16. Homeowner s
17. The Homeown
18. these plans, the
19. problems associa
20. and old and new
21. design is by othe
22. 14. Batter Piles
23. Drop Hammer. O
24. with owner.
25. All proposed
26. material, such as
27. (Such as Poly 2'
28. wood shall be m

**PROJECT D**

1. This prc
2. Existing
3. Contrac
4. certification
5. owner from
6. Material we

**PROPOSED BUI**

The existin  
the 8' permit  
the area need  
from the perr  
the excess are  
12" landward  
excess area o  
landward. See

**STRUCTURAL SF**

1. All work shc
2. International B
3. Contractors
4. regulations.
5. Contractor :
6. starting the wc
7. immediate atte
8. The enginee
9. deviations of t
10. The contrac
11. directly onto c
12. 6. See architec
13. additional infor
14. 7. Structural d
15. mechanical, ele
16. manufacturer's
17. 8. Detail show

E-2



MATCH LINE  
TO E-5

Slip 4

g Dock

5'

8

Match TO  
E-3

Neighbor's  
Docks

18'

3'

20'-6"

14'

14'

32"X14' Ramp

6'

40"

6'



Sink

Existing Bulkhead

jeck

10.7'

Exis

HT

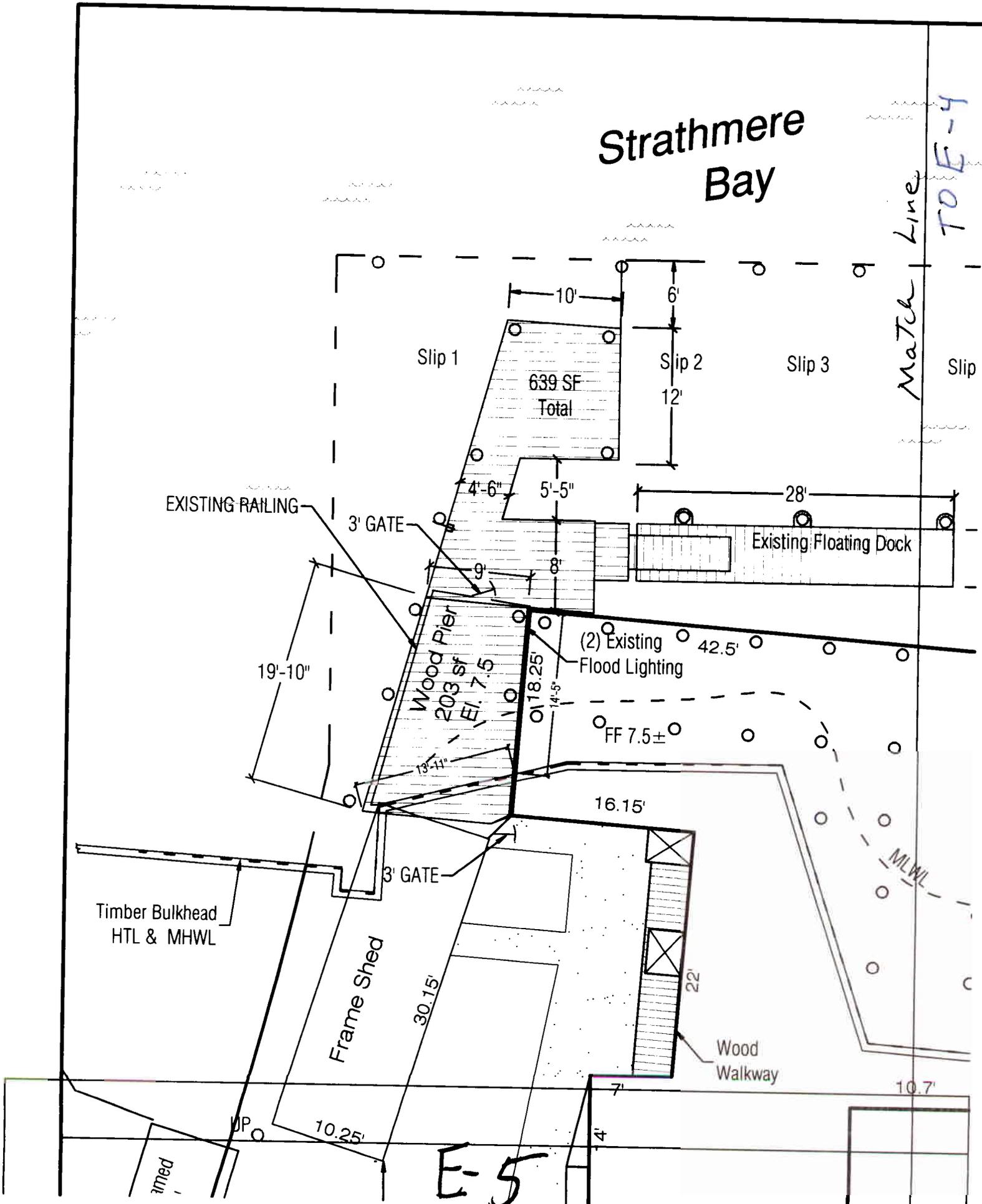
Lot 8  
300 S. Bayview Ave.

E-4

# Strathmere Bay

TOE-4

Match Line



E-5

amed

Restaurant Will  
For Boat Slip U

Match Line  
To E-7

Match To  
E-3

Adj. Framed  
Shed

Planter

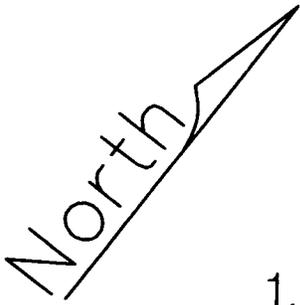
2.5'

Single Story  
Frame Building

Block 841  
Lot 9

Match Line

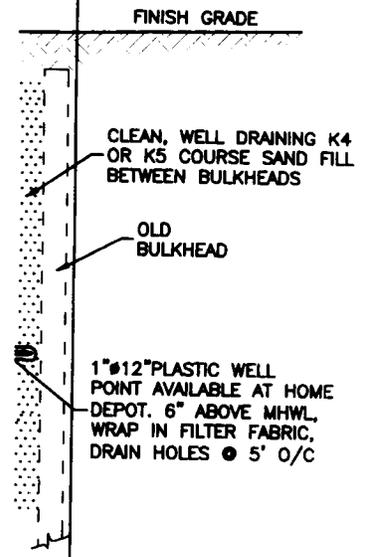
# Proposed Dock Plan



Scale: 1" = 10'

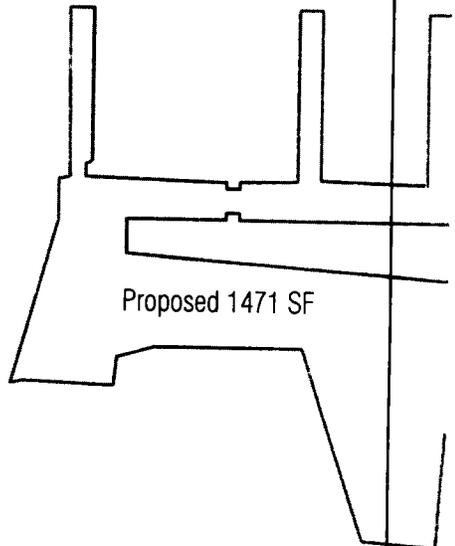
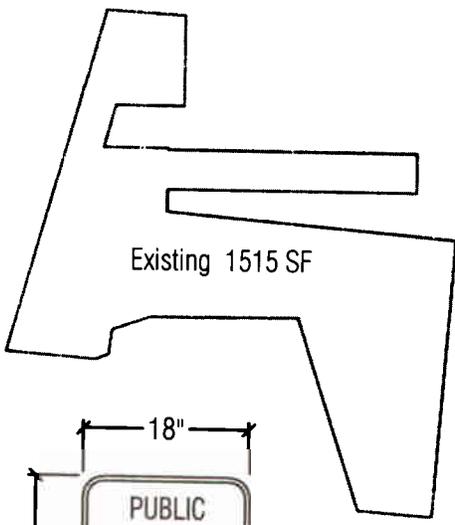
- 1. Area of Fill Between Bulkheads is 163 SF
- 2. All Material in water Shall Be Non- Polluting
- 3. Areas over water beyond MHWL:  
Existing 1515 SF Proposed 1471 SF

- ⊕ Proposed Pile
- Existing Pile



## D DRAINAGE

SCALE: 3/16" = 1"



Areas Beyond MHWL

MLWL



E-6

Match line  
TO E-8

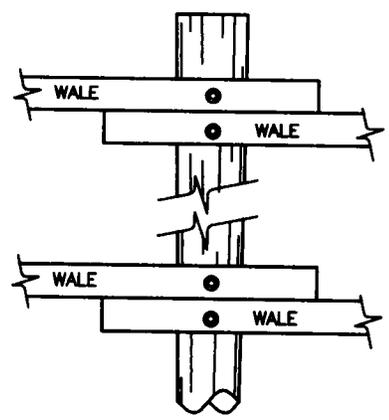
66.81  
S 37

Shed

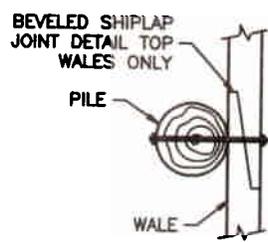
Match TO  
E-04

Ad Pile  
ported  
side

Match line  
TO E-6



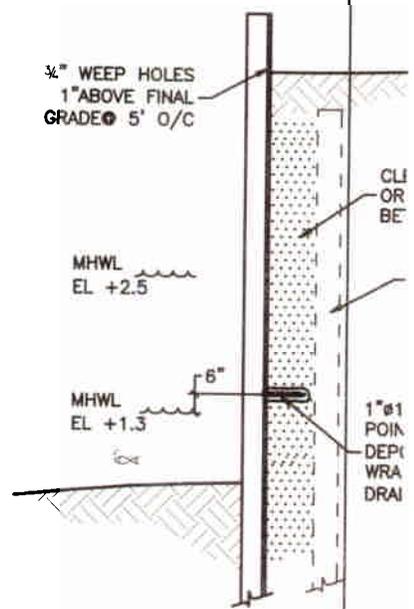
Lap Mid & Bottom  
Wales Only



Shiplap Top  
Wale Only

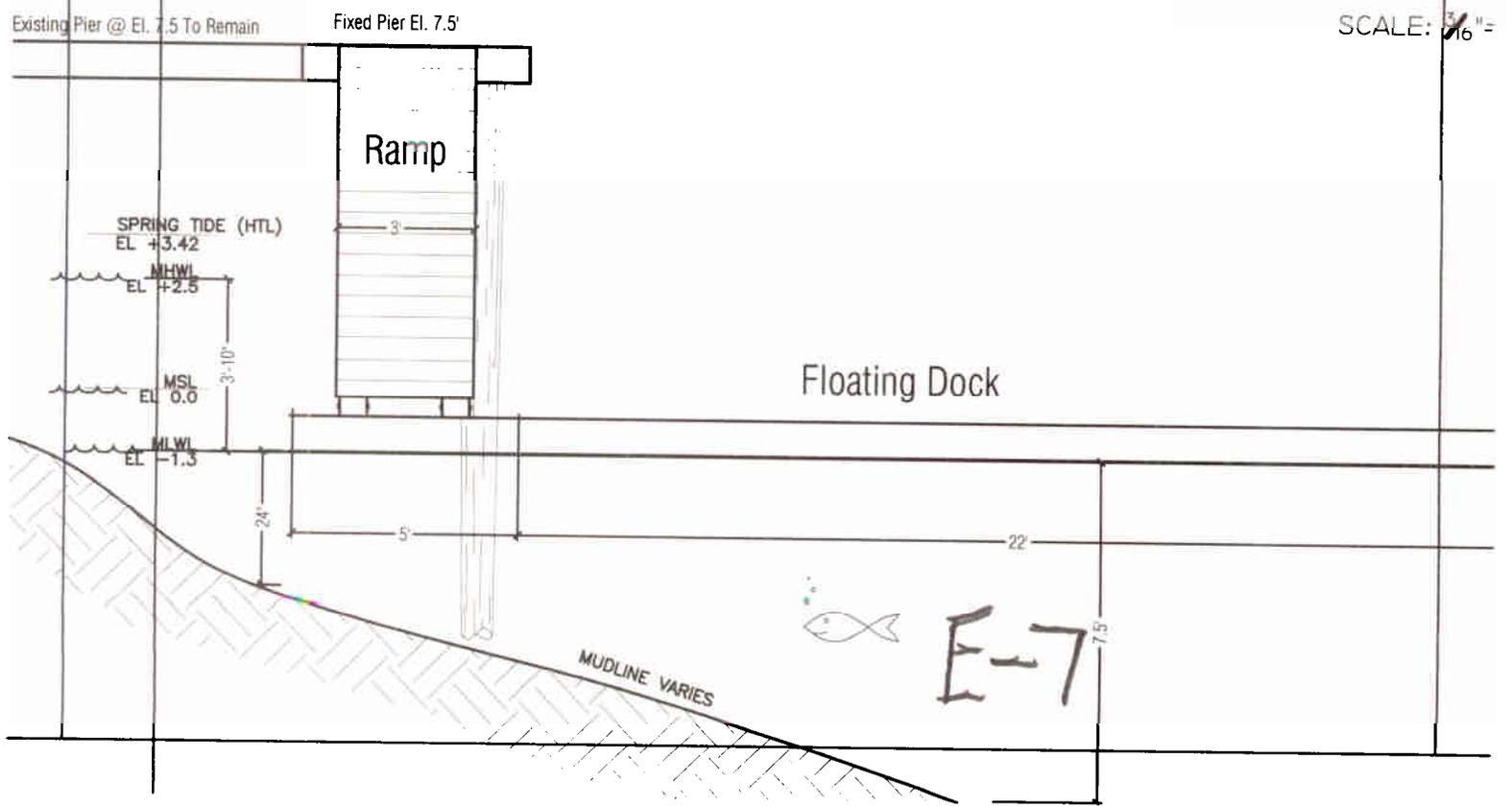
### LAP & SHIPLAP DETAIL TYP.

SCALE: 3/8"=1'



### BULKHEAD DR

SCALE: 3/16"=1'



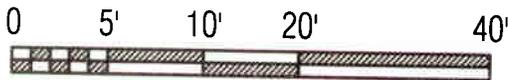
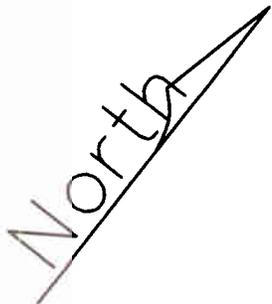
Adj. Framed Shed

Match To E-5

2.5'

Single Story Frame Building

# Existing Dock Plan



Scale: 1" = 10'

## Twisties Restaurant

Match line To E-7

Proposed F.F. 11.2'

COMPACT LOAMY SAND OR NJDOT TYPE 2 ROAD GRAVEL FILL, TO 98% PROCTOR DENSITY 12" IN FRONT AND 2' BEHIND ANCHOR SYSTEM 2' DEEP

COMPACT TO 80% DENSITY

(3) 2X12 (.40CCA) WOOD CAP OPTIONAL BETWEEN OWNER & CONTRACTOR

SEE NOTE #7

TOB 8.0' 3X6

1" WEEPHOLE

5'-0" O/C

Existing FF 7.5

PITCH 1/4"/1'

EXISTING & FINAL GRADE EL 6.5

Existing Pier @

Install Clean Fill (i.e.) Well Draining Sand, Loamy Sand (K4), Or Clay Shell Between Bulkheads Up To Surface

1" GALV. TIE ROD 25' LONG (CUT THREADS) A36 OR 307 STEEL 5'-0" O/C

4 1/2" OGEE WASHER & Nut

(4) 12" GALV. SPIKES PRE DRILLED

(4) 6X6 DRAG ANCHORS 1.0 CCA ALTERNATE SPLICE OVER PILES

6X8 CCA WALER (LAP @ PILES) (16' LONG) 2.5 CCA NO SHIP LAP DO NOT CUT

EXISTING BULKHEAD TO REMAIN (CUT BELOW GRADE & BURY IN PLACE)

1 1/2" Plastic Drain By Blue Marlin Filter 1-877-267-3098 6" Above MHWL Wrap In Filter Fabric 5' O/C

4X8 SHIPLAP

3/4" GALV. BOLTS

EL +3.5

4 1/2" OGEE WASHER

Blk'd DrainL

3/4" LAG 12" LONG 5' O/C

CONTRACTOR SHALL NOTIFY ENGINEER IF LOOSE SAND, SILT, OR MUD IS ENCOUNTERED IN FRONT OF ANCHOR SYSTEM, OWNER MUST REMOVE POOR SOILS AND REPLACE WITH FILL AS REQUIRED BY ENGINEER.

C-LOG SERIES 9900 VINYL SHEETS 20' LONG

24" FROM SEAWARD FACE OF EXISTING SHEET TO SEAWARD FACE OF NEW SHEET.

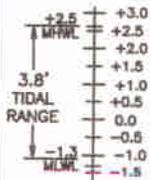
SOLDER PILE 12" CCA PILE 35' LONG 2.5 CCA 5'-0" O/C DRIVE W/JET TO A 5 TON CAPACITY

DRAG PILE 10" CCA PILING 20' LONG 1.0 CCA 5'-0" O/C

E-8

DEWATERING MAY BE REQUIRED TO INSTALL ANCHOR SYSTEM

DII KLEAD NECTON



NGVD 1929