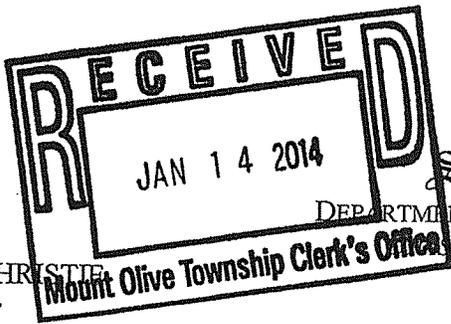


Plan



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION  
MAIL CODE 501-02A  
P.O. Box 420  
Trenton, N.J. 08625-0420  
www.state.nj.us/dep/landuse

CHRIS CHRISTIE  
Governor

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt. Governor

DEC 26 2013

Mr. John Post  
700 Bartley Chester Road, LLC  
P.O. Box 24  
Tranquility, N.J. 07879

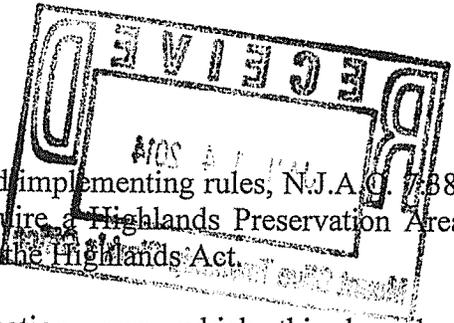
RE: Highlands Preservation Area Resource Area Determination - Boundary Verification  
**File No.: 1427-12-0006.1 (SHR 130003)**  
Applicant: 700 Bartley Chester Road, LLC  
Block: 6800; Lot: 10  
Mt. Olive Township, Morris County

Dear Mr. Post:

This letter is in response to your request for a Highlands Resource Area Determination (HRAD) – Boundary Verification to verify the jurisdictional boundaries of the Highlands open waters, Highlands open water buffers, steep slopes, upland forest areas, and other Highlands resources on the referenced property. The Department of Environmental Protection (Department) has determined that the referenced property is within the Highlands Preservation Area, pursuant to the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq. An application for a Highlands Preservation Area Approval with Redevelopment Waiver was also submitted and is being addressed separately.

In accordance with agreements between the Department, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the Department's Division of Land Use Regulation (Division) is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and a site inspection conducted by staff of the Division on April 8, 2013, the Division has determined that the Highlands open waters, Highlands open water buffers, upland forest area, and steep slopes boundary lines as shown on the plan map entitled: "**Highlands Resource Area Map, Lot 10, Block 6800, Mount Olive Township, Morris County, New Jersey**", Sheet No. 2 of 7, dated February 19, 2013, last revised May 24, 2013, and prepared by Ferriero Engineering, Inc., are accurate as shown.



Any activities regulated under the Highlands Act and implementing rules, N.J.A.C. 7:38, proposed within the Highlands Preservation Area will require a Highlands Preservation Area Approval from this office unless specifically exempted from the Highlands Act.

A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Division's public records.

The Highlands open waters, Highlands open water buffers, steep slopes, and upland forest area boundary lines, as determined in this letter, must be shown on any future site development plans. The lines should be labeled with the above Division interest number and the following note:

"Highlands Resource Area Determination as verified by NJDEP File No. 1427-12-0006.1"

#### Highlands Resource Areas

Below is a list of the special resources that were evaluated for the above-referenced site.

#### Highlands Open Waters:

A 300-foot buffer is required adjacent to all Highlands open waters (that is, all springs, streams, including intermittent streams, wetlands and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region). As noted previously all Highlands open waters and Highlands open water buffers have been shown accurately on the referenced plan. Please refer to N.J.A.C. 7:38-3.6 for information pertaining to preservation area standards.

#### Flood Hazard Area:

Flood hazard area boundaries have been accurately shown on the referenced plan and are based on a prior permit issued to a separate property owner by the Division (File No. 1427-07-0008.1). Please refer to N.J.A.C. 7:38-3.7 for information pertaining to preservation area standards.

#### Steep Slopes:

All slopes that are greater than 20%, and all slopes that are greater than 10% but less than or equal to 20%, have been accurately shown on the referenced plan. Please refer to N.J.A.C. 7:38-3.8 for information pertaining to preservation area standards.

Upland Forest Areas:

The upland forest areas, identified as “forested area” on the plan in two areas along the northern and northwestern property lines, have been accurately shown on the referenced plan. Please refer to N.J.A.C. 7:38-3.9 for information pertaining to preservation area standards.

Historical and Archaeological Areas:

No significant historic areas and/or archaeological areas or deposits have been identified for the property.

Rare, Threatened and/or Endangered Animal and Plant Species:

Based on the information in the Department’s Natural Heritage Program database, and a review by Division staff, the property does not contain documented or suitable habitat for endangered and/or threatened plant or animal species.

Unique or Irreplaceable Land Types or Existing Scenic Attributes:

The subject site does not feature any unique or irreplaceable land types or scenic attributes as defined in N.J.A.C. 7:38-3.12.

**Projects Exempt from the Highlands Act:**

If any proposed development project is determined not to be regulated under the Highlands Act, the Highlands open waters as identified on the above referenced plan shall be considered as freshwater wetlands and/or State open waters as specified below, and regulated in accordance with the Freshwater Wetlands Protection Act (FWPA).

**Freshwater Wetlands and State Open Waters:**

If a development project proposed for this property is not regulated under the Highlands Act, then the following buffers or transition areas will apply.

The boundaries of the off-site Highlands open waters as shown on the referenced plan represent the boundaries of freshwater wetlands. The Division has determined that these wetlands are classified as Exceptional resource value because they drain to trout production waters. The standard transition area required adjacent to Exceptional resource value wetlands is 150 feet. State open waters are also present within the wetland areas. There are no standard transition areas required adjacent to State open waters under the FWPA rules. However, under the Flood Hazard Area Control Act (FHACA) rules at N.J.A.C. 7:13, a riparian buffer may be required. These classifications may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the property (see

N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the FWPA (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that these determinations of wetland/water classifications are based on the best information presently available to the Department. The classifications are subject to change if the information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under N.J.S.A. 13:9B-7a(2), if the Department has classified a wetland as Exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the above noted address.

Also, in accordance with the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), a 300-foot special water resource protection area shall be established along all waters designated Category One and perennial or intermittent streams that drain into or upstream of Category One waters as shown on the United States Geological Survey Quadrangle Maps or in the County Soil Surveys, within the associated hydrologic unit code (HUC) 14 drainage area. Depending upon the extent of any proposed development or disturbance of the property, this 300-foot buffer may apply to the tributary to Drakes Brook located on the adjacent property as this waterway drains to Category One waters and is within the same HUC 14 drainage area.

You are entitled to rely upon this determination for a **period of five years** from the date of this letter.

This letter in no way legalizes any fill, which may have been placed, or other regulated activities, which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7 and N.J.A.C. 7:38-1.5, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is placed in the DEP Bulletin. The DEP Bulletin is available through the Department's website at [www.state.nj.us/dep](http://www.state.nj.us/dep). A request for an adjudicatory hearing must be sent in writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, PO Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist which can be found on the Division's website.

Please contact Susan Michniewski of my staff at (609) 633-6576 or susan.michniewski@dep.state.nj.us, should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Richard C. Reilly, Manager  
Bureau of Inland Regulation

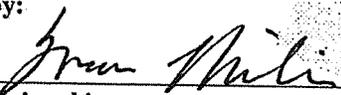
cc: Mark Denisiuk, Ferriero Engineering, Inc. (P.O. Box 571, 180 Main Street, Chester, NJ 07930 - with original and plan)  
Highlands Council (100 North Road, Chester, NJ 07930 – with plan)  
Mount Olive Township Construction Official (with plan)  
Mount Olive Township Clerk (with plan)



**STATE OF NEW JERSEY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF LAND USE REGULATION**  
 Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
 Telephone: (609) 777-0454 or Fax: (609) 777-3656  
 www.state.nj.us/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 limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date <b>DEC 26 2013</b>
		Expiration Date <b>DEC 25 2018</b>
Permit Number(s)  1427-12-0006.1 SHR130002	Type of Approval(s)  Highlands Preservation Area Approval with Redevelopment Waiver	Enabling Statute(s) NJSA 13:20-1 Highlands NJSA 58:10A-1 POLLUTION NJSA 40:55D-93-99SWM
Permittee: 700 Bartley Chester Road LLC P O Box 24 Tranquility, NJ 07879	Site Location: Block: 6800 Lot: 10 Municipality: Mount Olive Township County: Morris	
<b>Description of Authorized Activities</b>  This permit authorizes the redevelopment and expansion of an existing parking area to provide for additional parking spaces at this existing commercial facility on Block 6800, Lot 10 in Mount Olive Township, Morris County. The project includes 26,737 square feet of new pavement, and improvements to the existing stormwater management facility. This property is located within a Highlands Redevelopment Area as approved by the New Jersey Highlands Council. The permit consists of a Highlands Preservation Area Approval with a Redevelopment Waiver per N.J.A.C. 7:38-6.7. The Redevelopment waiver offers relief from the Highlands standards, specifically, the standards for impervious surface (N.J.A.C. 7:38-3.5) and steep slopes (N.J.A.C. 7:38-3.8).		
Prepared by:  Susan Michniewski	Received and/or Recorded by County Clerk	
<b>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</b>		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

CONDITIONS APPLICABLE TO ALL LAND USE PERMITS:

1. In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at <http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf>. 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 the website [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information about this process;
2. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, supporting documents and approved drawings; and
  - i. Plans and specification in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department in writing;
  - ii. If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Department that such condition(s) cannot be satisfied; and
  - iii. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as suspension and/or termination of the permit; This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation has occurred onsite;
3. It shall not be a defense for this permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;
4. 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;
5. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any 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 this 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. This permit can be modified, suspended or terminated for cause. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit;
8. This permit does not convey any property rights of any sort, or any exclusive privilege;
9. A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request.
  - i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and
  - ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit;
10. The permittee shall allow an authorized representative of the Department, upon notification under current rule and upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this 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 section shall be considered a violation of this chapter and subject the permittee to enforcement action;
  - iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules;
11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department;
12. The permittee shall provide reports to the Department as follows:
  - i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;
  - ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it

- is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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;
- iii. 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;
13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. and must obtain any required approvals from the local Soil Conservation District;
14. If any condition of this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest;
15. This permit is not transferable to any person unless the transfer is approved by the Department;
16. The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project;
17. While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary;
18. All excavated material and dredge material shall be disposed of in a lawful manner. (For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area);

#### CONDITIONS APPLICABLE TO SPECIFIC PROJECT:

19. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the

approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

20. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.

21. Prior to site preparation, the permittee shall complete a Highlands Preservation Area Approval conservation restriction and file the completed restriction 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. The applicant shall use the conservation restriction provided through the Division of Land Use Regulation's web site ([www.state.nj.gov/dep/landuse/forms/lur\\_019.pdf](http://www.state.nj.gov/dep/landuse/forms/lur_019.pdf)). The Division of Land Use Regulation (Division) reviewed the draft conservation restriction sent by Ferriero Engineering on May 24, 2013 and hereby approves that draft document for execution and filing. Said restriction shall run with the land and be binding upon all successive owners. A copy of the recorded restriction shall be submitted to the Division at the address cited above, and to the N.J. Highlands Council at 100 North Road, Route 513, Chester, N.J. 07930.

22. All proposed tree plantings shall be with native species only, such as indicated on the approved "Landscaping and Lighting Plan". In addition, as indicated on the plan, the area located east of the proposed tree plantings will be allowed to revert to a meadow, with mowing occurring only once or twice, at most, per year.

23. The drawings hereby approved are five (5) sheets prepared by Ferriero Engineering, Inc., dated February 19, 2013, last revised May 24, 2013, unless noted otherwise below, and entitled:

"Lot 10, Block 6800, Mount Olive Township, Morris County, New Jersey"

"Highlands Redevelopment Area Site Plan", Sheet No. 3 of 7;

"Grading and Drainage Plan", Sheet No. 4 of 7;

"Soil Erosion and Sediment Control Plan", Sheet No. 5 of 7;

"Landscaping and Lighting Plan", Sheet No. 6 of 7;

"Construction Details", Sheet No. 7 of 7, last revised September 20, 2013.

