



cc: Admin

## State of New Jersey

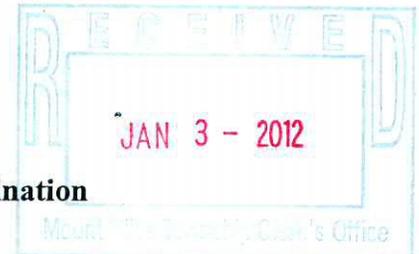
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE  
*Governor*

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BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*



### Clarification of Highlands Applicability Determination

Catherine Natafalusy  
Mount Olive Township  
PO Box 450  
Budd Lake, New Jersey 07828

DEC 27 2011

Re: Morris Habitat 24 Lozier Road  
Block: 1300, Lot: 44  
Mount Olive Township, Morris County  
Upper Raritan Water Quality Management Plan (WQMP)  
Program Interest No.: 435434  
Activity No.: CSD100015

Dear Ms. Natafalusy:

This letter is in regard to the December 20, 2010 Highlands Applicability and Water Quality Management Plan Consistency Determination (HAD). Subsequent to issuing the HAD, the Department was notified of changes to the project that were precipitated by requirements of the New Jersey Municipal Land Use Law (MLUL). Upon an informal review of the proposed changes, the Department informed the Township in correspondence dated September 30, 2011 that the revised project would not be covered under the previously issued HAD and that if a HAD was desired for the revised project, a new application would be required.

Your application for a HAD applicable to the revised project was received on November 2, 2011. However, after further review, the Department has concluded that while a subdivision has occurred, the lot line adjustment did not create a new lot within the meaning of the Highlands Act and the Department's Highlands rule. The lot line adjustment added land from an adjacent parcel, Lot 43 of Block 1300, to reduce nonconformities with present day zoning requirements and, while the proposed residential duplex has been revised to a single family dwelling, its construction and related disturbance will remain within the confines of the lot lines of Lot 44 that existed on August 10, 2004 and result in less than one acre ultimate disturbance and less than one-quarter acre cumulative increase in impervious surface.

Therefore, the revised project, as depicted plan sheet 1 of 2, signed and sealed by Alfred A. Stewart, Jr. P.E., P.L.S. of Stewart Surveying & Engineering, LLC, entitled "GRADING PLAN FOR 24 LOZIER ROAD LOT44 BLOCK 1300 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J.", dated July 7, 2011 and last revised October 19, 2011, is consistent with the December 20, 2010 HAD and shall serve as the plan of record for that HAD on the condition that a Notice of Highlands Applicability (see enclosure) be filed with the deed for Lot 44 within 10 days of obtaining a building construction permit for the subject project. This notice is required because there is now a potential to exceed one-quarter acre cumulative increase in impervious surface on Lot 44 and will ensure that future owners are made aware of the restriction, thereby avoiding the prospect for accidental violation of the Highlands Act. All other determinations within and conditions attached to the December 20, 2010 HAD shall remain in effect.

Please reference the program interest number and the activity number found in a further inquiry regarding this matter. If you have any questions or require further assistance, please call Jeffrey Olawski, at (609) 984-6888.

Sincerely,



Tom Micai, Director  
Division of Land Use Planning

Enclosure

- c: Christopher and Amy Breault, Owners, Block 1300, Lot 43  
Lisa Lashway, Clerk, Mount Olive Township  
Gary Lindsay, Construction Official, Mount Olive Township  
Tracy Wadhams, Mount Olive Township Environmental Committee  
Joseph Fleischner, Mount Olive Township Planning Board  
Christine Marion, Morris County Planning Board  
Liz DeCoursey, Morris Habitat for Humanity  
Michael Smith, Drinker Biddle & Reath  
Paul Zelenty, Graham Curtin  
Alfred Stewart, Stewart Surveying & Engineering, LLC  
Lewin Weyl, DAG, New Jersey Department of Law  
Eileen Swan, New Jersey Highlands Council  
Office of Land Use Planning - File

Copy via email:

- Barbara Baus, NJDEP, Bureau of Coastal & Land Use Compliance & Enforcement (w/o encl.)  
Armand Perez, NJDEP, Bureau of Coastal & Land Use Compliance & Enforcement (w/o encl.)  
Dan Bello, NJDEP, Bureau of Inland Regulation (w/o encl.)  
Barbara Greenhalgh-Weidman, NJDEP, Office of Land Use Planning (w/o encl.)  
Jeffrey Olawski, NJDEP, Office of Land Use Planning (w/o encl.)  
Debra Frails, NJDEP, Office of Land Use Planning (w/o encl.)