done Sgl Plan

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Coastal and Land Use Planning
Mail Code 401-07C
P.O. Box 420, 401 East State Street
Trenton, New Jersey 08625-0420
Telephone: (609) 984-6888
Fax: (609) 292-0687
http://www.nj.gov/dep/lum/

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

RECEIVED
NOV 18 2013
Mount Olive Township Clerk's Office

Kevin Costello
Development Director
Flanders Road Partners, LLC
7 North Willow Street
Suite 8B
Montclair, New Jersey 07042

NOV 13 2013

Re: Centercourt at Mount Olive
Block: 4400, Lot(s): 3
184 Flanders Netcong Road
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434
Activity No.: CSD130009

Agency Determination: **Highlands Act – Exempt**
Exemption # 4
Water Quality Management Plan – Inconsistent

Dear Mr. Costello:

This letter is forwarded in reply to your recent request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted, it has been determined that your proposed project/activity is located within the Highlands Preservation Area. Therefore, your project/activity has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules) as well as the requirements defined in the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15 (WQMP rules).

The project/activity subject to this review includes the reconstruction of an existing tennis and swimming pool club including a new seasonal 155 foot by 300 foot soccer and multiple-purpose use inflatable dome, the reconfiguration of existing tennis courts, the reconfiguration of the pool deck area and the addition of a paver lobby entrance to the inflatable dome, a paver walk to the pool house, concrete side walk, a concrete dumpster pad, a landscaping wall, and new traffic signs ancillary to the park lot. The proposed reconstruction will result in 40,346 square-feet of impervious surface, which constitutes 119% of the footprint of the existing structures and buildings. The proposed reconstruction

will also remove 29,720 square-feet of existing impervious surface, which result in an increase of 10,626 square-feet (0.244 acre) of impervious surface to the site. The number of the patrons of the existing tennis court is 60 persons per day and will remain the same number of patron regardless of the proposed construction. The swimming pool currently accommodates 110 patrons per day and will remain the same capacity. The proposed soccer/ multiple-purpose field will have the capacity of 120 persons per day. The site currently uses a subsurface sewage disposal system less than 2,000 gallons per day. The proposed expansion of the facility may generate wastewater with a planning flow more than 2,000 gallons per day.

During the application review process, items of information appeared to be missing and/or inaccurate and, therefore, were requested in a Notice of Technical Incompleteness dated July 29, 2013. Those requested items of information were received on August 29, 2013

The Department of Environmental Protection (Department) reviewed the materials submitted to determine the applicability of the provisions of the Highlands Rules. As a result, the Department has determined that your project/activity is potentially affected because it meets the definition of "Major Highlands Development," as defined at N.J.A.C. 7:38-1.4 since it is not a residential development. However, the Highlands Rules at N.J.A.C. 7:38-2.3 sets forth various exemptions. After a careful review of the information submitted, it has been determined that the project described above qualifies for the following exemption:

> Reconstruction of any building or structure for any reason within 125 percent of the prior footprint of the lawfully existing impervious surfaces, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more.

Supporting documentation includes:

- A survey, entitled "SURVEY OF: LOTS 2 & 3 BLOCK 4400 TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY," signed by Charles Worthington, P.L.S., Civil Engineering, Inc., dated September 1, 1999 with no revision, sheet 1 of 1;

- A survey, entitled "BOUNDARY & TOPOGRAPHIC SURVEY FOR: LOT 3 BLOCK 4400 "CENTERCOURT AT MOUNT OLIVE" TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY," signed and sealed by Robert H. Jordan Jr., P.L.S., Civil Engineering, Inc., dated March 20, 2013 with no revision, sheet 1 of 1;

- A site plan, entitled "HIGHLANDS EXEMPTION PLANS FOR: LOT 3 BLOCK 4400 "CENTERCOURT AT MOUNT OLIVE" TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY," signed and sealed by James G. Glasson, P.E., and Robert H. Jordan Jr., P.L.S., Civil Engineering, Inc., dated April 12, 2013 with no revision, sheets 1 of 1 to 1 of 4;

- Photos showing the existence and conditions of the existing facilities;

- A letter dated August 29, 2013 from James Glasson, P.E. verifies that the tennis/swimming pool club provides showering facility for the patrons of the club.

Therefore, the proposed project/activity is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, county or municipal review agency with jurisdiction over this project/activity.

A. The allowable increase in exempt impervious surface shall not be 0.25 of an acre or more.
B. If the site is forested, any disturbance more than 20-feet from the edge of the exempt impervious cover is not exempted. If disturbance extends beyond this limit then the project shall not be exempt.
C. This exemption shall not apply to reconstruction of any agricultural or horticultural building or structure for a non-agricultural or horticultural use.

The Department also reviewed your project/activity for consistency with the WQMP rules and the provisions and recommendations of the Upper Raritan WQMP. Based on our review, the proposed project is inconsistent with the WQMP. This determination is made based on the following:

The Upper Raritan WQMP designates the area where the club is located as suitable for individual subsurface disposal systems of less than 2,000 gallons per day and the facility will generate wastewater greater than 2,000 gallons per day.

The submitted calculations assumed 10 gallons per day per person as the basis for the wastewater flow by the patrons of the tennis courts. 10 gallons per day per person is the wastewater flow for a club without shower facilities. It was verified in the letter referenced above that the club provides locker rooms with shower facilities, for which the wastewater flow should have been 25 gallons per day per person in accordance with the Project Flow Criteria provided in the HAD application. Applying a wastewater flow of 25 gallons per day per person results in a flow of 1,500 gallons per day of wastewater, which when combined with the wastewater flow from the swimming pool of 1100 gallons per day results in a total wastewater flow of 2,600 gallons per day.

In addition the proposed new athletic field in the inflatable dome will accommodate 120 patrons, which will generate an additional wastewater flow that will further expand the total wastewater flow of the club. Since the club has a wastewater flow greater than 2,000 gallons per day, the wastewater facility of the club is determined inconsistent with the WQMP unless a revision to the WQMP has been adopted.

A finding of inconsistent means that, pursuant to N.J.S.A. 58:11A-10, the Department cannot issue any permits or approvals for the project as proposed. In order to proceed with this project, either the project must be modified to become consistent with the WQMP, or an amendment or revision to the Upper Raritan WQMP will be required. The Water Quality Management Plan Amendment & Revision Application Form can be found at http://www.nj.gov.dep/watershedmgt/publications.htm. Please note that amendments involving the expansion of sewer service area or point source discharges in the Highlands Preservation Area may only be granted under very limited circumstances.

Should you decide to modify the proposed project to become consistent with the areawide WQMP, as modified by the Highlands Act, you must resubmit a complete application for a new Highlands Applicability and Water Quality Management Plan Consistency Determination. Additionally, please include a copy of this determination letter as part of your new application.

The Highlands Applicability Determination is subject to the following additional limitations:

(1) This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project/activity.

(2) This determination shall be considered null and void if changes are made to the project that would increase the scope or area disturbed by the project, or result in a change in the use or change the method of wastewater treatment; or if the information submitted to obtain this determination from the Department is later determined to be inaccurate.

Let it be noted that this project, Centercourt at Mount Olive, was published in the May 22, 2013 DEP Bulletin and no public comments were received.

If the applicant disputes the Department's factual findings or any of its conditions or if anyone is aggrieved by this determination, that person may request an adjudicatory hearing. A request for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provides verification of the date of delivery to the Department, within 30 days of notice of this decision published in the DEP Bulletin in accordance with N.J.A.C. 7:38-1.5. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Checklist and Tracking Form (form enclosed).

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Coastal and Land Use Planning. If you have any questions or require further assistance, please call Steven Jacobus at (609) 984-6888.

Sincerely,

Elizabeth Semple, Acting Director
Division of Coastal and Land Use Planning

Enclosure

c: James Glasson, P.E., Civil Engineering, Inc.
Municipal Clerk of Mount Olive Township
Municipal Construction Official of Mount Olive Township
Municipal Planning Board of Mount Olive Township
Municipal Environmental Commission of Mount Olive Township
County Planning Board of Morris County
New Jersey Highlands Council

Division of Coastal and Land Use Planning - File

Copy via Email:

Barbara Baus, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o encl.)
Armand Perez, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o encl.)
Dan Bello, NJDEP, Bureau of Inland Regulation (w/o encl.)
Lou Cattuna, NJDEP, Bureau of Inland Regulation (w/o encl.)

Template#5309-Rev08242012

Adjudicatory Hearing Request Checklist
and Tracking Form

I. Highlands Applicability and Water Quality Management Plan Consistency Determination Decision (Applicability Determination) Being Appealed:

_____

_____

Issuance Date of Document Document Number (if any)

II.

Name of Person Requesting Hearing Name of Attorney (if applicable)

_____

Address Address

_____

Telephone # Telephone #

III. If you are the applicant, please include the following information with your hearing request:

A. The date you received the applicability determination which you are appealing;
B. A copy of the decision document;
C. The findings of fact and conclusions of law you are appealing;
D. A statement as to whether or not you raised each legal and factual issue during the applicability determination process;
E. Suggested revised or alternative applicability determination conditions;
F. An estimate of the time required for the hearing;
G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625-0402

with a copy to:

2. New Jersey Department of Environmental Protection
Division of Coastal and Land Use Planning
Attention: Acting Director
P.O. Box 420, 401 East State Street
Mail Code 401-07C
Trenton, NJ 08625-0420

Signature:_____ Date:_____

IV. If you are a person other than the applicant, please include the following information with your hearing request:

A. The date you or your agent received notice of the applicability determination (include a copy of that determination with your hearing request);

B. Evidence that a copy of your hearing request has been delivered to the applicant for the determination which is the subject of your hearing request (e.g., certified mail receipt);

C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;

D. A description of your participation in any public hearings held in connection with the application and copies of any written comments you submitted;

E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or explanation of how your interests are affected by the applicability determination decision;

F. Suggested revised or alternative applicability determination conditions;

G. An estimate of the time required for the hearing;

H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;

I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and

J. This form, completed, signed and dated with all the information listed above, including attachments to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street, P.O. Box 402
Trenton, New Jersey 08625-0402

with a copy to:

2. New Jersey Department of Environmental Protection
Division of Coastal and Land Use Planning
Attention: Acting Director
P.O. Box 420, 401 East State Street
Mail Code 401-07C
Trenton, NJ 08625-0420

V. Signature: _____ Dated: _____