



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Coastal and Land Use Planning

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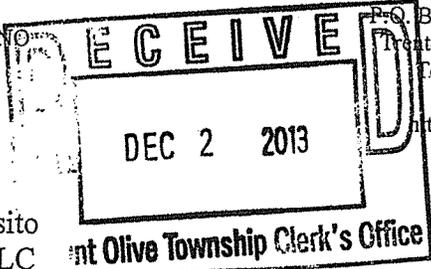
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CHRIS CHRISTIE  
Governor

BOB MARTIN  
Commissioner

KIM GUADAGNOLI  
Lt. Governor



Tom Esposito  
Marceil, LLC  
70 Pine Brook Road  
Towaco, New Jersey 07082

Mount Olive Township Clerk's Office

NOV 26 2013

Re: Marceil Redevelopment  
Block: 2801, Lot: 78  
148 Sand Shore Road  
Mount Olive Township, Morris County  
Upper Raritan Water Quality Management Plan (WQMP)  
Program Interest No.: 435434  
Activity No.: CSD130014

Agency Determination: Highlands Act – Exempt  
Exemption # 2  
Water Quality Management Plan – Consistent

Dear Mr. Esposito:

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 of this review includes the removal of two existing single family dwellings and the construction of a four-bedroom single family residence to be located on a 0.149 acre (6,482 square feet) property. This includes a total disturbance area of 0.16 acres (6,993 square feet) and a total impervious coverage of 0.11 acre (4,813 square feet). The existing conditions are depicted on the survey prepared by Kenneth D. Dykstra, N.J.P.E. & P.L.S. with Dykstra Walker Design Group P.A., dated April 11, 2013 and last revised April 22, 2013, titled "BOUNDARY AND TOPOGRAPHIC SURVEY PLAN BLOCK 2801, LOT 78 #148 SAND SHORE ROAD TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY NEW JERSEY," Sheet. No. 1 of 1. The proposal is

depicted on the site plan prepared by Marc G. Walker, N.J.P.E. with Dykstra Walker Design Group P.A., dated May 6, 2013 and last revised May 22, 2013, titled "PLOT PLAN BLOCK 2801, LOT 78 #148 SAND SHORE ROAD TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY NEW JERSEY" Sheet No. 1 of 1.

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 not affected because it does not meet the definition of "Major Highlands Development," at N.J.A.C. 7:38-1.4 since the project does not result in the ultimate disturbance of one acre or more of land, it does not result in a cumulative increase in impervious surface by one-quarter acre or more and, according to the application, it does not require an environmental land use or water permit. Notwithstanding, 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:

- Construction of a single family dwelling on a lot in existence on August 10, 2004 provided construction does not result in one or more acres of disturbance or one-quarter acre or more of new impervious surfaces.

The following documentation was submitted in support of the exemption request:

- The aforementioned survey certified by Kenneth D. Dykstra, N.J.P.E. & P.L.S. with Dykstra Walker Design Group P.A., dated April 11, 2013 and last revised April 22, 2013, depicting the existing conditions.
- The aforementioned site plan certified by Marc G. Walker, N.J.P.E. with Dykstra Walker Design Group P.A., dated May 6, 2013 and last revised May 22, 2013, depicting the proposed four-bedroom single family home. Included on the plan were supporting calculated values for impervious surfaces and areas of disturbance for the project/activity.
- The official documentation indicating that the lot legally existed on August 10, 2004 includes the uncertified deed dated June 25, 1949 for a property description noted as "First Tract" that matches the description of Block 2801, Lot 78 (Mount Olive Township) in the deed dated the May 27, 2010 for Block 2801, Lot 78 (Mount Olive Township) and recorded June 4, 2010 by Joan Bramhall, the Morris County Clerk.
- A letter signed by Kenneth Graceffo and notarized by Janet L. Miller, Notary Public of New Jersey, dated July 12, 2013 certifying that Block 2801, Lot 78 has not been subdivided, merged, or in other ways had its lot lines adjusted subsequent to the submitted May 27, 2010 deed (mentioned above). Since the property description matches the June 25, 1949 deed this indicates that the lot lines have not been adjusted since June 25, 1949.

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.

This determination is limited to the extent of activities shown on the referenced site plan and shall not result in one acre or more of land disturbance or an increase of impervious surface of one-quarter acre or more. Therefore, no additional impervious surfaces such as a shed, pool, deck, addition, or other improvement (see N.J.A.C. 7:38-2.3(a)5) may be added to the property in the future that would cause such threshold to be reached. Should additional disturbance beyond the metes and bounds area delineation (depicted on the above referenced site plan) or impervious covering occur that would reach or exceed either of these thresholds, this determination shall be null and void.

Prior to obtaining any building permits for the project, the applicant must modify the deed for the subject property to include the required Notice of Highlands Applicability language and submit a copy of the deed to the Department. Until such date that the above requirement is met, this exemption will not be considered to be final. Enclosed is an example of the Notice of Highlands Applicability that should be included in the referenced property deed.

It is permissible to slightly modify the above-cited plan to allow for additional impervious surface or ultimate disturbance or to slightly modify the metes and bounds disturbance area delineation without the need for separate concurrence of this Department as long as the required thresholds are not met or exceeded.

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 consistent with the WQMP and is in accordance with the WQMP rules. This determination is made based on the following:

The project/activity is located in an approved sewer service area that existed on August 9, 2004 where the identified sewage treatment plan has adequate capacity. The projected 300 gallons per day from the proposed project is proposed to be treated at the Musconetcong Sewer Treatment Plant under NJPDES Permit No. NJ0027821. A letter signed by Tim Quinn, Director of Mount Olive Township Public Works Department, confirms that Block 2801, Lot 78 is currently served by sewer and the property has two equivalent dwelling unit (EDUs). The site plan mentioned above also shows the location of the proposed sewer connection via a direct lateral connection.

A copy of this determination letter must be enclosed with any future permit application(s) filed with the Department.

This Highlands Applicability and Consistency Determination is subject to the following 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, Marceil Redevelopment, was published in the August 21, 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 Laura Eudell at (609) 984-1796.

Sincerely,



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

Enclosure(s)

c: Mark Gimigliano, P.E., Dykstra Walker Design Group  
Mount Olive Township Clerk  
Mount Olive Township Construction Official  
Mount Olive Township Environmental Commission  
Mount Olive Township Planning Board  
Morris County Planning Board  
Morris County Environmental Commission  
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.)  
Lou Cattuna, NJDEP, Bureau of Inland Regulation (w/o encl.)  
Laura Eudell, NJDEP, Division of Coastal and Land Use Planning (w/o encl.)