

(c)

cc: Admin
Plan
Eng.

THOMAS D. NORKEVICH
Wetland and Soil Investigation
301 VISTA DRIVE
EASTON, PA 18042
215-527-7073 PH
610-258-7882 FAX
email:wetlands2001@msn.com

DECEMBER 20, 2011

To: State of New Jersey, Department of Environmental Protection
Land Use Regulation Program
501 E. State Street Mail Code 501-02A, P.O. Box 420
Trenton, New Jersey 08625-0420



Certified Mail: 7010-3090-0002-9376-2340

Re: Withdrawing - Freshwater Wetland General Permit 10A,
Requesting - Freshwater Wetland General Permit 10B, Minor Road Crossing
(LURP) File #: 1427-03-0008.1 (FWW 110001)

Robert Laferrara, Owner/Applicant
Block 5800 Lot 17, Mount Olive Township, Morris County, N.J.

Dear Land Use,

This letter is in reference addressing a General Permit 10A application to be withdrawn. The applicant is now requesting for a General Permit 10B application for Land Use to Review. Enclosed with this letter are five revised copies of the survey map along with an compliance statement addressing this permit application.

Should you have any questions regarding this application please feel to contact me.

Sincerely,

Thomas D. Norkevich
Environmental Consultant

Cc: Mount Olive Township, Municipal Clerk
Cc: Robert Laferrara, Owner/Applicant

**ENVIRONMENTAL SUMMARY
&
REVISED
COMPLIANCE STATEMENT
ADDRESSING GENERAL PERMIT (10 B)
MINOR ROAD CROSSING**

**BLOCK 5800
LOT 17
MOUNT OLIVE TOWNSHIP
MORRIS COUNTY, NJ**

DECEMBER 19, 2011

**PREPARED FOR:
ROBERT LAFERRARA
LURP FILE #1427-03-0008.1(FWW 110001)**

**PREPARED BY:
THOMAS D. NORKEVICH
ENVIRONMENTAL CONSULTANT**

TABLE OF CONTENTS

INTRODUCTION

- A. GENERAL OVERVIEW**
- B. SITE LOCATION**
- C. SITE DESCRIPTION**
- D. COMPLIANCE STATEMENT**
- E. REGULATORY PROGRAM**

DISCLAIMER

RESUME

GENERAL INFORMATION (MAPS AND DOCUMENTATION)

THOMAS D. NORKEVICH
Wetland and Soil Investigation
301 Vista Drive
Easton, Pa 18042-7247
(215) 527-7073 Ph
(610) 258-7882 Fax

REFERENCE: ENVIRONMENTAL SUMMARY (GENERAL PERMIT#10B)
(MINOR ROAD CROSSING)

APPLICANT: ROBERT LAFERRARA (PROPOSED BUILDING LOT)
BLOCK 5800 LOT 17, VICINITY OF BENNETT ROAD).
MOUNT OLIVE TOWNSHIP, MORRIS COUNTY, NJ.

A. GENERAL OVERVIEW

This summarizes the environmental conditions and legal documentation that was submitted by the applicant and conducted on June 15, 2011 by the N.J. DEP Land Use Regulation Program to determine the wetland and water boundary lines as shown on a plan map entitled **“WETLAND SURVEY PREPARED FOR THE BENEFIT OF ROBERT LAFERRARA, SITUATED IN BLOCK 5800, LOT 17, LOCATED IN MT. OLIVE TOWNSHIP, MORRIS COUNTY, NEW JERSEY”, SHEET NO.1 OF 1, DATED APRIL 2011, LAST REVISED JUNE 16, 2011, AND PREPARED BY STANLEY M. NORKEVICH, LAND SURVEYOR, IS ACCURATE AS SHOWN.** The applicant is requesting for a General Permit #10B for a total wetland & transition disturbance of 0.2387 acres-10,365 s.f.+/- (**see map**) for a minor road crossing (N.J.A.C. 7:7A-5.10B). The intent of general permit #10B is to permit access across freshwater wetlands/wetland transition areas where necessary to gain access to an otherwise inaccessible upland developable portions of the site. The applicant has demonstrated that this proposed above described disturbance from Bennett Road is the only option to gain access to these upland areas.

The wetlands on site were determined by land use to be of Exceptional resource value because they drained to trout production waters and they are documented and suitable habitat for endangered and/or state threatened species. The standard transition area required adjacent to Exceptional resource value wetlands is 150' feet.

The proposed minor road crossing area begins in the vicinity of the Wetland “A” Line and WL-A 9-12 Exceptional resource value (Proposed Wetland Disturbance) being known as **“Freshwater Wetlands/Water Boundary Line as verified by NJDEP PI No. 1427-03-0008.1” (FWW 110001) dated July 15th 2011.**

Map regions are known as:

1. The New Jersey Department of Environmental Protection FWM (Chester NW Quarterquad of the Chester Quadrangle).
2. National Wetland Inventory Map (Chester Quadrangle).
3. Morris County Soil Survey Report Sheet #19.
4. U.S.G.S. Map (Chester Quadrangle).
5. Morris County Tax Map (Mount Olive Township, Map Sheet #58)

B. SITE LOCATION

As to date the site is comprised of one lot, Block 5800, Lot 17 Mount Olive Township, Morris County. Lot 17 bounds near Bennett Road at the Mount Olive and Roxbury Township line. This known site is 250' feet +/- west of Bennett Road and Phyllis Drive intersection and consists of 10.171 +/- acres according to a Wetland Permitting Plan performed by Stanley M. Norkevich Land Surveyor dated October 7, 2011 and **last revised on December 7, 2011.**

C. SITE DESCRIPTION

At present the majority of Lot 17 sits in a forested area, the northern portion of the site supports upland vegetation. The southern portion of the site is dominated with facultative and obligate vegetation. A gravel/dirt drive was observed in middle region of said site.

D. COMPLIANCE STATEMENT (N.J.A.C.7:7A-5.10B GP10B-MINOR ROAD CROSSING)

(A) General Permit 10B authorizes the following activities in freshwater wetlands, transition areas , and/or State open waters for this above said site:

1. Construction of one or more new road crossings necessary to gain access to an otherwise Inaccessible, developable, upland site, including features such as proposed residential driveways for single-family uses only.

(B) The Department shall issue a General Permit 10B authorization only if all of the criteria are met: The applicant/owner has revealed that this proposed access from Bennett Road is the only alternative base upon these items.

1. There is not the necessary road frontage to access from West Grover Street far northeast portion of property (See Map).

2. There are no ways of access from adjoining Lot 23 based upon typical or unforeseen township land use requirements and the environmental impact for access in this area would be more adverse base upon the removal of underground structures such as a Existing septic system & underground swimming pool. North portion of site near Adjoining lots 22 & 23. (See Map)

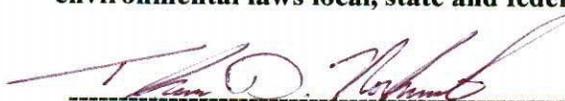
3. The total area of freshwater wetlands, transition areas, and/or State open waters Disturbed under General Permit 10B Shall not exceed one quarter of a acre. Proposed Wetland Area of Disturbance for this above said site 0.238 Acres (See Map).

E. REGULATORY PROGRAM

The regulatory authorities and the responsibilities of the Corps of Engineers and the New Jersey Department of Environmental Protection are based on Section 404 of the Clean Water Act (33 U.S.C.1344) and the New Jersey Freshwater Wetlands Protection Act, Section 301 of the Clean Water Act prohibits the discharge of dredged or fill material into the waters of the United States without a permit from Corps of Engineers and the Department of Environmental Protection.

DISCLAIMER

Thomas D. Norkevich Wetland and Soil Investigation has applied this compliance statement to satisfy this general permit described above (N.J. Dept of Environmental Protection Freshwater Wetlands Protection Act Rules N.J.A.C. 7:7A-5.10B). All environmental information and legal documentation mention above at this date was used to make this determination as always The New Jersey Department of Environmental Protection has the final authority for all wetland issues and permits. Subject to any environmental laws local, state and federal.



**Thomas D. Norkevich
Environmental Consultant**

12-19-2011

Date

Robert Laferrara, Mt. Olive Twp., 1427-03-0008.1

From: **Susan Michniewski** (Susan.Michniewski@dep.state.nj.us)

Sent: Fri 11/18/11 11:42 AM

To: wetlands2001@msn.com

Thomas - Based on the Division's review of the above-referenced application, the following revisions and additional information are required:

Plan Revisions:

1. Correct the wetland boundary to be consistent with the Letter of Interpretation (LOI) issued on July 15, 2011. The submitted plan depicts the originally requested wetland line and not the adjusted and approved LOI boundary. Also, correct the transition area boundary.
2. Delete the "Wetlands Line Table" if that is not consistent with the approved LOI boundary.
3. Delete "L1" through "L11".
4. Correct the wetland transition area to be 150 feet from the WL10 point.
5. The entire driveway disturbance within the transition area needs to be depicted and counted, including any required disturbance on the proposed 6 acre lot (the limit of disturbance incorrectly stops at the proposed subdivision line).
6. Recalculate the total wetland and transition area disturbance based on depiction of the correct wetland and transition area boundary per item 1, and inclusion of the entire disturbance area per item 5 above.

General Permit No. 10 Revisions:

7. The proposed project exceeds the limits for a General Permit (GP) No. 10A as specified in N.J.A.C. 7:7A-5.10A(b)1 and 2. The project is therefore not approvable under a GP No. 10A. The applicant should instead apply for a GP No. 10B. In order to apply for a GP No. 10B the following is required:
 - a) A letter withdrawing the GP No. 10A and requesting a GP No. 10B instead;
 - b) A compliance statement addressing how the project complies with the requirements in N.J.A.C. 7:7A-5.10B, including a demonstration that no viable alternatives exist to minimize both wetland disturbance and overall environmental impact;
8. Confirm that a copy of the entire application was sent to the Mt. Olive Township Clerk's Office. In addition, copy the Township Clerk on all revised information/documents.
9. Note that this application is currently under review by our Endangered and Threatened Species Unit. Additional comments may follow upon completion of that review.

Please provide a copy of this e-mail to the applicant, and provide a response by December 30, 2011. I can be reached at (609) 777-1726 with any questions. Thank you. Susan Michniewski, Division of Land Use Regulation



State of New Jersey

CHRIS CHRISTIE
Governor

NIM GUADAGNO
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
P.O. BOX 420, MAIL CODE 501-02A
Trenton, NJ 08623-0420
TEL: # (609) 777-0454
FAX # (609) 292-8115
www.state.nj.us/dep/anduse

BOB MARTIN
Commissioner

FAX

DATE: 11-9-11
Number of pgs including cover: 4

To:	From:
<u>Thomas Morkevich</u>	<u>Susan Michniewski</u>
Phone: <u>215-527-7073</u>	Phone: <u>609 777 1726</u>
Fax: <u>610-258-7882</u>	Fax:

Re: Robert Laferrara 1427-03-00051

REMARKS: Urgent For your Review Reply ASAP Please Comment

Thomas - Please see attached USFWS comments. Indiana Bat restriction will be a condition of any permit that is issued. Additional comments may follow upon review by the Division.

New Jersey is an Equal Opportunity Employer

TWO-WAY MEMORANDUM

USFWS/NJDEP Freshwater Wetlands Permit Application Review (N.J.S.A. 17A-12.2(k))

PROJECT INFORMATION:

Applicant: Robert Laferrara
Municipality: Mt Olive Twp. County: Morris
Block#: 5800 Lots: 17 Watershed:
Project Review Officer: S Michniewski LURP File No. 1A27-03-0008.1
General Permit (Article 2, 4, 5, 6, 7, 10A-10B, 11, 12, 13, 17, 18, 20, 21, 24, 26, 27)
Individual Permit
Other

Date Received: 10/17/11 Date Transmitted: 10/18/11

Description/Comment:

U.S. FISH & WILDLIFE SERVICE REVIEW: 817 North Main St (Bldg D), Piscataway, NJ 08854
Tel: 609-444-9300 Fax: 609-444-9340

Date Received: 10-25-11 USFWS Log No. 12-CPA-0026

- Additional information needed: site inspection required (30-day extension)
Potential to affect federally listed species or critical habitat: no federal review required (40 CFR 135.51(b)(2))
Potential to affect federally listed species or critical habitat: federal review required
Potential to affect federally listed species or critical habitat: unless the following conditions are implemented

Comments/Conditions: PLEASE SEE 2pp. ATTACHMENT

Reviewing Biologist: [Signature] Date: 11-1-11
Concurring Supervisor: [Signature] Date: 01 NOV 11

Land Use Regulation Program Decision: P. D. No. 139, Section 81 08627-00000 Fax: 609-778-3600

- Permit Approved
Permit Approved with Conditions
Permit Denied
Federal Review Required

Comments/Conditions:
Date: 11/01/11

ATTACHMENT

Comments / Conditions

DLUR File No. 1427-03-0008.1

The U.S. Fish and Wildlife Service (Service) has reviewed the subject New Jersey Freshwater Wetland Permit application submitted by Robert Laferrara (applicant) for a proposed residential development on Block 5800, Lot 17, Mount Olive Township, Morris County, New Jersey. A Service biologist visited the site on October 28, 2011.

Indiana Bat

The Service notes that the proposed project site is located within the summer migratory range of the federally listed Indiana bat (*Myotis sodalis*). Indiana bats are federally listed as endangered pursuant to the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531 *et seq.*) (ESA). Indiana bats hibernate in caves and abandoned mine shafts from October through April. Between April and August, Indiana bats inhabit floodplain, riparian, and upland forests, roosting under loose tree bark during the day, and foraging for flying insects in and around the tree canopy at night. During these summer months, numerous females roost together in maternity colonies. Maternity colonies use multiple roosts in both living and dead trees. From late August to mid-November, Indiana bats congregate in the vicinity of their hibernacula, building up fat reserves for hibernation (Harvey 1992). Protection of Indiana bats during all phases of their annual life cycle is essential to the long term conservation of this species. Threats to the Indiana bat include disturbance or killing of hibernating and maternity colonies; vandalism and improper gating of hibernacula; fragmentation, degradation, and destruction of forested summer habitats; and use of pesticides and other environmental contaminants.

Pursuant to the procedures outlined in the December 22, 1993 Memorandum of Agreement among the Service, U.S. Environmental Protection Agency, and the New Jersey Department of Environmental Protection (NJDEP), the Service requests a tree cutting restriction from April 1 to September 30 for any tree removal.

Bog Turtle

The Service notes that NJDEP-mapped habitat for the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) occurs in the vicinity of the proposed residential development. Bog turtles inhabit open, wet meadows and bogs with standing or slow-moving, shallow water over a mucky substrate. Bog turtles also occur in emergent and shrub/scrub wetlands and spring-fed fens. Although there are mucky soils in the wetland adjacent to the proposed project site, the habitat is degraded and nestled among three artificial ponds and an existent residential development. Therefore, the Service would concur that the project as proposed is not likely to adversely affect the bog turtle.

Swamp Pink

There are occurrences of the federally listed (threatened) swamp pink (*Helonias bullata*) in the vicinity of the subject project area. Swamp pink is an obligate wetland species that occurs in a variety of palustrine forested wetlands in New Jersey, including forested wetlands bordering meandering streamlets, headwater wetlands, Atlantic white-cedar (*Chamaecyparis thyoides*) swamps, and spring seepage areas. The Service biologist observed eroded creek banks and degraded wetland conditions unsuitable for swamp pink.

Please contact Carlo Popolizio of the Service's New Jersey Field Office at (609) 383-3938, extension 32, if you have any question regarding this correspondence. Please refer to control number 12-CPA-0026.

REFERENCE

Harvey, M. J. 1992. Bats of the United States. Arkansas Game and Fish Commission, Little Rock, Arkansas. 46 pp.



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
www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Mr. Robert Laferrara
19 West Grover Street
Flanders, New Jersey 07836

JUL 15 2011

RE: Letter of Interpretation - Line Verification
File No.: 1427-03-0008.1 (FWW 110001)
Applicant: Robert Laferrara
Block: 5800; Lot: 17
Mount Olive Township, Morris County
Nearest Waterway: Tributary to Drakes Brook
South Branch Raritan River Watershed

Dear Mr. Laferrara:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, 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 June 15, 2011, the Division has determined that **the wetland boundary line as shown on the plan map entitled: "Wetland Survey Prepared for the Benefit of Robert Laferrara, Situated in Block 5800, Lot 17, Located in Mt. Olive Township, Morris County, New Jersey", Sheet No. 1 of 1, dated April 2011, last revised June 16, 2011, and prepared by Stanley M. Norkevich, Land Surveyor, is accurate as shown.**

Any activities regulated under the Freshwater Wetlands Protection Act (FWPA) proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the FWPA, N.J.S.A. 13:9B -1 et seq., and implementing rules, N.J.A.C. 7:7A et seq. 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.

Pursuant to the FWPA rules, you are entitled to rely upon this jurisdictional determination for a **period of five years** from the date of this letter.

The freshwater wetland boundary line, as determined in this letter, must be shown on any future site development plans. The line should be labeled with the above LUR file number and the following note:

"Freshwater Wetlands Boundary Line as verified by NJDEP."

In addition, the Department has determined that the wetlands located on the subject property are classified as **Exceptional** resource value. The wetlands are classified as **Exceptional** resource value because they drain to trout production waters and because they are a documented and suitable habitat for endangered and/or threatened species. The standard transition area required adjacent to Exceptional resource value wetlands is 150 feet. In addition, waters which are regulated under the Flood Hazard Area Control Act (FHACA) rules at N.J.A.C. 7:13-2.2 are present on (within the wetland area) or adjacent to the property. It should be noted that these waters will require a riparian buffer under the FHACA rules at N.J.A.C. 7:13-4.1. The wetland classification 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 wetland portion of this 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 and implementing rules for additional information.

It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this 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 of Land Use Regulation, Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420.

Please be advised that according to 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 (USGS) 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 or adjacent

to the site, and as shown on the USGS map and County Soil Survey, as this waterway drains to Category One waters within the same HUC 14 drainage area.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This letter shall not limit the Department of Environmental Protection from taking any enforcement or legal action for any past, present or future violations on this project 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, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Susan Michniewski of our staff at (609) 777-0454 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,



Daniel Bello, Supervising Environmental Specialist
Central Region
Bureau of Inland Regulation

- c: Thomas D. Norkevich, Wetland and Soil Investigation (301 Vista Drive, Easton, PA 18042-7247 - with plan)
Mount Olive Township Construction Official (with plan)
Mount Olive Township Clerk (with plan)
Morris County Planning Department
Bureau of Coastal and Land Use Compliance and Enforcement, Highlands Region (with plan)

THOMAS D. NORKEVICH
301 Vista Drive
Easton, PA 18042-7247
215- 527-7073 ph
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email:wetlands2001@msn.com

Environmental Studies

1994:----- Cook College, New Brunswick, NJ
Course of Study: Hydric Soils (Certified)

1994: ----- Cook College, New Brunswick, NJ
Course of Study: Methodology of Delineating Wetlands (Certified)

1995: ----- Cook College, New Brunswick, NJ
Course of Study: Vegetation Identification for Wetland Delineation
(Certified)

Resume

July 2000-Present: Thomas D. Norkevich-Wetland & Soil Investigation

March 1997-July 2000: Heritage Consulting Engineers, Flemington, New Jersey
Wetland Delineation-Soil Investigation

Past Clients

Township of Tewksbury, Hunterdon County, N.J.
Wetland Investigation (L.O.I.) 145 Acres.

Roto-Rooter Plumbing Services, Raritan Township, Hunterdon County, NJ N.J.
Wetland Investigation (L.O.I.)

United National Bank, Raritan Township, Hunterdon County, N.J.
Wetland Investigation (L.O.I.)

Desiderio, Franklin Township, Hunterdon County, N.J.
Presence and Absence (L.O.I.)

Stone Foundation, Delaware Township, Hunterdon County, N.J.
Footprint of Disturbance (L.O.I.)

Township of West Amwell, Addressing the Stream Corridors.
Subdivision Review

Christian Alliance Church Lopatcong Township, Warren County, N.J.

Heritage Baptist Church, Raritan Township, Hunterdon County, N.J.
Wetland and Soil Inspection (Future Church).

ADS Environmental, Inc Franklin Township, Warren County, N.J.
Wetland Investigation (L.O.I.) 50 Acres.

Laurelton-Belmont Properties, Inc Kingwood Township, Hunterdon County, NJ
Wetland Investigation 74 Acres

Uplands Associates, Raritan Township, Hunterdon County, N.J.
Wetland Investigation (L.O.I)

Flemington Car & Truck Country, Raritan Township, Hunterdon County, N.J.
Wetland Investigation (Proposed parking lot& Sewer line)

Kingwood Township, Hunterdon County, N.J.
Footprint Of Disturbance (Proposed Access Strip)

East Lynne Associates (Mannon) Raritan Township, Hunterdon County, N.J.
Wetland Investigation (Minor Subdivision)

Galleria Homes Kingwood Township, Hunterdon County, N.J.

Hopewell Homes West Amwell Township, Hunterdon County, N.J.
Wetland Inspection (Proposed building lot)