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cc: Adm
Tim R/Eng
Plan

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION

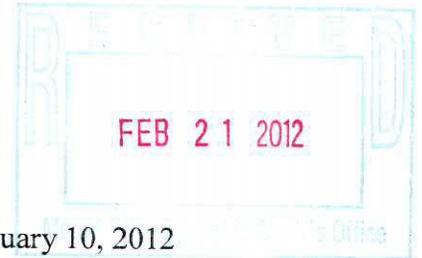
CHRIS CHRISTIE
Governor

MAIL CODE 501-02A
P.O. Box 420
Trenton, N.J. 08625-0420
www.state.nj.us/dep/landuse

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

Certified Mail



February 10, 2012

Mr. Richard Maser
Mt. Olive MC, LLC
331 Newman Springs Road, Suite 203
Red Bank, N.J. 07701

RE: Pre-Cancellation Letter Regarding Application for a Transition Area Waiver - Averaging Plan, Special Activity Transition Area Waiver for Stormwater Management, and Freshwater Wetlands Statewide General Permits No. 2 and No. 11

File No.: 1427-09-0007.1 (FWW 100001 - 100004)

Applicant: Mt. Olive MC, LLC

Block: 6000; Lots: 5 & 6

Mount Olive Township, Morris County

Dear Mr. Maser:

This letter is in response to your application for a Transition Area Waiver - Averaging Plan, Special Activity Transition Area Waiver for Stormwater Management, and Freshwater Wetlands Statewide General Permits No. 2 and No. 11 received by the Division of Land Use Regulation (Division) on February 18, 2010.

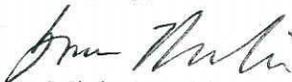
The application is deficient as specified in the Division's May 20, 2011 electronic mail message (attached). No response to that deficiency notice has been received to date.

Please be advised that if the identified deficiencies are not addressed and the required revised/additional information not received within 30 days of the date of this letter, the application will be cancelled in accordance with N.J.A.C. 7:7A-12.6. If the application is cancelled, a new application, including a new application fee, will be required if you wish to pursue the project. If the required information is submitted within the specified timeframe, the review of this application will continue or you will be contacted for additional information. Please note that you may also withdraw the application and preserve the fees for a specified time period as allowed in N.J.A.C. 7:7A-12.6.

File No.: 1427-09-0007.1

Please contact me at (609) 633-6576 or susan.michniewski@dep.state.nj.us should you have any questions regarding this letter.

Sincerely,



Susan Michniewski
Bureau of Inland Regulation

Attachment

c: (with attachment)
Mark Zelina, Maser Consulting (331 Newman Springs Road, Suite 203, Red Bank, N.J.
07701)
Mount Olive Township Clerk

From: Susan Michniewski
To: mzelina@maserconsulting.com; NPoruchynsky@maserconsulting.com
Date: 5/20/2011 10:49:39 AM
Subject: Mt. Olive MC, File No. 1429-09-0007.1

Gentlemen - We have reviewed the information and revised mapping submitted on February 18, 2011, following our meeting of November 23, 2010. As discussed with Nick on May 19, revisions and additional information are needed and are noted below.

1. Trail - A newly proposed trail is included on the submitted plan, in the Rosewood Ditch area. A new trail would be regulated under the Freshwater Wetlands (FWW) Protection Act and Flood Hazard Area (FHA) Control Act rules and permits, including a new FHA permit, are required. If the applicant does not intend to apply for the appropriate permits to address the trail under the current application, the proposed trail needs to be removed from the mapping and addressed as part of a future permit application.

2. Deed Restrictions:

a) Please confirm whether a Transition Area Waiver (TAW) Averaging Plan is needed for Phase I, or whether a General Permit No. 11 is sufficient to cover the proposed activities.

b) A separate deed restriction, metes and bounds descriptions, and mapping of metes and bounds is needed for each phase that involves TAW Averaging. These separate documents need to be provided for review. Note that a condition will be included in any permit that is issued regarding the need to deed restrict the Phase 3 areas prior to the start of Phase 3, or by the expiration date of the permit, whichever comes first.

c) The applicant may want to reconsider the areas to be deed restricted to include wetlands and the modified transition areas, and not the additional 300' Special Water Resource Protection Areas. Note that it is acceptable to include additional areas if following a tree line, such as in the D5 area.

d) The submitted deed restriction language is incorrect. The applicant needs to use the most updated model deed restriction language contained on the Division's website (www.state.nj.us/dep/landuse - forms and checklists). It is entitled: "Conservation Restriction/Easement for Transition Area and Associated Wetlands". In addition to modifying the language for the specific activities that will be allowed, also fill in the blank lines in the first three paragraphs of the first page. Note that all of the issued and pending permits should be specified in the second "whereas" clause. Also, the landscape plan will need to be included as an exhibit since it is referenced in the deed restriction.

e) Easement areas should be excluded from the deed restricted areas. These include the power line easement, and any existing or proposed municipal drainage and access easements, including the proposed 150' easement along Rosewood Ditch.

f) The manure stockpile and soil/debris piles must be removed prior to, or concurrent with, the construction of Phase 1. Clarify in which phase the gravel roadways will be removed.

3. Conservation Markers - As discussed at our November meeting, conservation markers and "no mow" signs need to be placed along the tributary to Drakes Brook which is located within the D6 area on sheet 5 of 5. These markers need to be placed at least 25' away from the top of bank, to mark the area where mowing should cease. Locations of the markers need to be specified on the plan(s). Any plan referenced in the deed restriction needs to depict these marker locations.

4. FHA Modification - For the purposes of the FHA Minor Modification, a letter needs to be provided which lists each FHA approved plan and the proposed modifications to each of the plans.

Please provide two copies of the plans which are revised to address the above and one copy of the revised documents so that we may finalize our review. I can be reached at (609) 777-1726 with any questions. Thank you. Susan Michniewski, DLUR