



date 3/31/14
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cc: Admin

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division Of Land Use Regulation
Mail Code 501-02A

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Lt. Governor

FEB 11 2014

Catherine Natafalusy
Mount Olive Township
204 Flanders Drakestown Road
P.O. Box 450
Budd Lake, NJ 07828

Re: Morris Habitat for Humanity, 20 Wallman Way
Block: 2203, Lot: 3
20 Wallman Way
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434 Activity No.: CSD130019

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

Dear Ms. Natafalusy:

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 development of the subject parcel, a 0.164 acre vacant lot and includes the construction of a three-bedroom single-family dwelling, a driveway, patio, porch and walkway. The project is depicted on the following plans signed and sealed by Alfred A. Stewart, Jr., P.E., P.L.S., of Stewart Surveying & Engineering, LLC: Sheet 1 of 2, "GRADING PLAN FOR 20 WALLMAN WAY LOT 3 BLOCK 2203 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J.", dated May 15, 2013 with no revisions noted; Sheet 2 of 3, "SOIL EROSION & SEDIMENT CONTROL PLAN FOR 20 WALLMAN WAY LOT 3 BLOCK 2203 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J.", dated May 15, 2013 with no revisions noted; and Sheet 3 of 3, "CONSTRUCTION DETAILS FOR 20 WALLMAN WAY LOT 3 BLOCK 2203 TOWNSHIP OF

MT. OLIVE, MORRIS COUNTY, N.J.”, dated May 15, 2013 with no revisions noted . The existing site conditions are depicted on a survey signed and sealed by Richard F. Smith, Jr., P.L.S., of Smithsurveying, Inc. and titled “SURVEY OF LANDS IN: TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY, NEW JERSEY. TAX LOTS 2 & 3 BLOCK 2203”, dated October 8, 2008 with no revisions noted. Approximately 2,100 square feet (SF) or 0.05 acres of new impervious surface is proposed, which includes new impervious associated with that portion of the proposed driveway to be located within the Wallman Way right-of-way. The projected wastewater flow, indicated as 300 gallons per day, will be conveyed to and treated by the Musconetcong Sewerage Authority. Although the application indicates no Departmental permits are needed, the submitted plan proposes approximately 240 linear feet of new 8-inch sanitary sewer line to be placed in public right-of-ways, which will require a Treatment Works Authorization.

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 residential development that requires a Department land or water permit. 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:

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.

Supporting documentation used in making this determination includes:

- An affidavit made by Catherine Natafalusy, Mount Olive Township Planning Administrator, stating that the subject parcel was acquired by the Township through In Rem foreclosure in 1996 and donated to Morris Habitat in 2009. The affidavit further states that the property has not been subdivided, merged or had its lot lines adjusted subsequent to the deed dated February 1996.
- Plans signed and sealed by Alfred A. Stewart, Jr., P.E., P.L.S., of Stewart Surveying & Engineering, LLC: Sheet 1 of 2, “GRADING PLAN FOR 20 WALLMAN WAY LOT 3 BLOCK 2203 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J.”, dated May 15, 2013 with no revisions noted; Sheet 2 of 3, “SOIL EROSION & SEDIMENT CONTROL PLAN FOR 20 WALLMAN WAY LOT 3 BLOCK 2203 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J.”, dated May 15, 2013 with no revisions noted; and Sheet 3 of 3, “CONSTRUCTION DETAILS FOR 20 WALLMAN WAY LOT 3 BLOCK 2203 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J.”, dated May 15, 2013 with no revisions noted . These plans indicate a cumulative increase in impervious surfaces equaling approximately 2,000 S.F., which is less than one-quarter acre.

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

- a. This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the above-referenced site plan. 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.
- b. 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.
- c. 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 and the Musconetcong Sewerage Authority, NJPDES Permit # NJ0027821, has adequate treatment capacity.

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, Morris Habitat for Humanity, 20 Wallman Way, was published in the November 6, 2013 DEP Bulletin and no public comments were received.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Land Use Regulation. If you have any questions or require further assistance, please call Jeffrey Olawski at (609) 633-7053.

Sincerely,



Madhu Guru, P.E.
Assistant Director
Division of Land Use Regulation

- c: Erick Keller, Omland Engineering Associates
Lisa Lashway, Clerk, Mount Olive Township
Gary Lindsay, Construction Official, Mount Olive Township
Kathy Murphy, Mount Olive Township Environmental Commission
Howie Weiss, Chairman, Mount Olive Township Planning Board
Thomas J. Mastrangelo, Morris County Planning Board
New Jersey Highlands Council
Division of Land Use Regulation - File