



PI No.: 435434 CSD130020 | 1

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
Mail Code 501-02A

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Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

FEB 21 2014

Adam Barish
Lease Holder
Barnacle Realty
P.O. Box 500
Budd Lake, New Jersey 07828

RE: Adjess Motors
Block: 8200/Lot(s): 7, 8, & 9
412 Route 46 West
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434/Activity No.: CSD130020
Division Findings: Highlands Act Exempt #4/WQMP: Not Addressed



Dear Mr. Barish;

This letter is in reply to your request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted and the Division of Land Use Regulation (Division) review, it has been determined that the project described below qualifies for Exemption #4, and since it does not generate any wastewater discharges, the project is considered "Not Addressed" in the areawide WQMP.

Your proposed project is located within the Highlands Preservation Area at 412 Route 46 West, in Mount Olive Township, and has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act rule at N.J.A.C. 7:38 et.seq. (Highlands rule), as well as the requirements defined in the Statewide Water Quality Management Planning Act rules at N.J.A.C. 7:15, et.seq. (WQMP rule).

The project consists of the demolition of an existing building and associated developed areas on the eastern portion of the project site, and the construction of additional car-display and parking areas both there and on another area along the northern boundary of the existing dealership complex, as shown on the site plan entitled: "N.J. STATE HIGHLANDS EXEMPTION,

BLOCK 8200 – LOTS 7, 8 & 9, #412 ROUTE 46 WEST FOR ADHESS MOTORS, LLC, TOWNSHIP OF MOUNT OLIVE, MORRIS CO., N.J.” signed and sealed by Mark A. Palus, P.E., P.P., of Map Engineering, Inc., dated October 17, 2013, without revision, comprised of two sheets (sheet 1 of 2 and 2 of 2).

The Division has determined that the Project is potentially regulated by the Highlands Act because it meets the definition of “Major Highlands Development” pursuant to N.J.A.C. 7:38-2.2(a)1, since it is a non-residential development. However, the Highlands rule at N.J.A.C. 7:38-2.3 sets forth various exemptions. After careful review of the information submitted, it has been determined that the Project described qualifies for Exemption #4 for the “reconstruction of any building or structure for any reason within 125% of the footprint of lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more.” The Department’s 2002 Aerial Imagery confirms that the existing buildings, parking areas, and related development features pre-exist the adoption of the Highlands Act, and the total net increase of impervious surface will be 10,774 square feet, which is less than the one-quarter acre maximum allowed.

This project was published in the November 6, 2013, DEP Bulletin and no public comments were received.

Therefore, the proposed Project is deemed exempt from the provisions of the Highlands rule, subject to the following limitation(s):

If the Division subsequently determines the information submitted to obtain this decision is inaccurate, the exemption shall be void.

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 activity, including, but not limited to, freshwater wetlands or flood hazard permits or review of stormwater management.

The Division also reviewed your Project for consistency with the WQMP rule and the provisions and recommendations of the Upper Raritan WQMP. Based on our review, the proposed project is “Not Addressed” by the WQMP and is in accordance with WQMP rule. This determination is made based on the following: No wastewater will be generated from this project. : In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit 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 at the top of all written correspondence submitted to the Division. If you have any questions or require further assistance, please call Donna Milligan at (609) 292-2573.

Sincerely,

A handwritten signature in cursive script that reads "Madhu Guru".

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

Cc: Mount Olive Township Clerk, Construction Official, and Environmental Commission
Mount Olive Township Municipal Planning Board Official
Morris County Planning Board Official and Environmental Commission
New Jersey Highlands Council
Mark A. Palus, P.E., P.P., Map Engineering, Inc.