

square feet (0.016 acres) in the lawfully existing impervious surface. The 300 gallons per day of wastewater to be generated by the project was indicated as being conveyed to an existing wastewater treatment facility.

During the application review process, items of information appeared to be missing and/or inaccurate and, therefore, were requested by email on May 6, 2013 and July 24, 2013 and in a Notice of Technical Incompleteness dated May 29, 2013. Clarification was received in a May 6, 2013 email response; however, the requested documentation was never received.

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 will require Department environmental land use permits. 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:

Reconstruction of any building or structure for any reason within 125 percent of the prior footprint of the lawfully existing impervious surfaces, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more.

Supporting documentation includes:

The above referenced site plan signed and sealed by Reza Hashemi, P.E. of Aponte Consulting Engineers, dated May 25, 2012 and last revised February 3, 2013 indicating that the proposed reconstruction is less than the lawfully existing impervious surfaces so there will be no increase to the footprint of the lawfully existing impervious surfaces on the site and a reduction to the existing impervious surfaces on the site.

Copy of a survey plan, prepared by Daniel E. Yuhas, P.L.S., P.P., dated March 14, 2004 (unrevised), titled: "SURVEY PLAT: (PART OF) LOT 52 BLOCK 2700 TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY" with no sheet number, reflecting the site conditions prior to August 10, 2004. Approximately one-third of the existing site is covered with impervious surfaces such as a frame building, deck, porch and concrete dock, while the remaining approximately two-thirds of the parcel are located within Budd Lake.

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 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.

A. The allowable increase in exempt impervious surface shall not be 0.25 of an acre or more.

- B. If the site is forested, any disturbance more than 20-feet from the edge of the exempt impervious cover is not exempted. If disturbance extends beyond this limit then the project shall not be exempt.
- C. This exemption shall not apply to reconstruction of any agricultural or horticultural building or structure for a non-agricultural or horticultural use.

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 inconsistent with the WQMP. This determination is made based on the following:

The proposed method of wastewater treatment is conveyance to an existing wastewater treatment facility; however, that facility was not identified, nor is the project site mapped as sewer service area. Further, no documentation was provided that indicates sewers were installed adjacent to the subject parcel and that service was provided on August 10, 2004, or that adequate capacity exists to serve the proposed development. Lastly, a written commitment from the treatment/conveyance facility to service the proposed project was also not provided.

A finding of inconsistent means that, pursuant to N.J.S.A. 58:11A-10, the Department cannot issue any permits or approvals for the project as proposed. In order to proceed with this project, either the project must be modified to become consistent with the WQMP or an amendment or revision to the Upper Raritan WQMP and Mount Olive WMP will be required. The WQMP Amendment & Revision Application Form can be found at <http://www.nj.gov/dep/wqmp/applications.html>. Please note that amendments involving the expansion of sewer service area or point source discharges in the Highlands Preservation Area may only be granted under very limited circumstances.

Should you decide to modify the proposed project to become consistent with the areawide WQMP, as modified by the Highlands Act, you must resubmit a complete application for a new Highlands Applicability and Water Quality Management Plan Consistency Determination. Additionally, please include a copy of this determination letter as part of your new application.

The Highlands Applicability Determination is subject to the following additional 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.

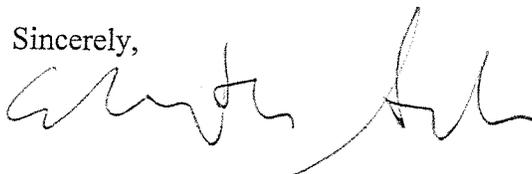
Let it be noted that this project, 97 Sandshore Road, was published in the March 6, 2013 DEP Bulletin and no public comments were received.

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 Jeffrey Olawski at (609) 633-7053.

Sincerely,



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

Enclosure

~~c:~~ ~~Mount Olive Clerk~~

Mount Olive Construction Official
Mount Olive Environmental Commission
Mount Olive Planning Board
Morris County Planning Board
New Jersey Highlands Council
Division of Coastal and Land Use Planning - File

Copy via Email:

Barbara Baus, NJDEP, Bureau of Coastal & Land Use Compliance & Enforcement (w/o encl.)
Armand Perez, NJDEP, Bureau of Coastal & Land Use Compliance & Enforcement (w/o encl.)
Lou Cattuna, NJDEP, Bureau of Inland Regulation (w/o encl.)
Barbara Greenhalgh-Weidman, NJDEP, Division of Coastal & Land Use Planning (w/o encl.)
Jeffrey Olawski, NJDEP, Division of Coastal & Land Use Planning (w/o encl.)