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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Coastal and Land Use Planning

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

SEP - 9 2013

Date:

AUG 27 2013

Sean Canning, Business Administrator
Mount Olive Township
P.O. Box 450
Budd Lake, New Jersey 07828

Re: Morris County Renewable Energy Projects - Mount Olive Senior Center
Block: 7900, Lot: 18
204 Flanders-Drakestown Road
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434
Activity No.: CSD130005

**Agency Determination: Highlands Act – Not Major Highlands Development
Water Quality Management Plan – Not Addressed**

Dear Mr. Canning:

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 Rule at N.J.A.C. 7:38 (Highlands Rule) 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 proposed installation of solar canopies within an existing parking area, on Mount Olive Township's Municipal Complex site, located on Block 7900, Lot 18 in Mount Olive Township, Morris County. The total acreage of the project site is 16.52 acres. The proposed project is as shown on the set of plans certified by Joseph D. Hanrahan, P.E., of Hammer Land Engineering, with an original date of March 6, 2013 and last revised July 19, 2013, "COVER SHEET" titled: "SITE PLAN FOR THE MORRIS COUNTY RENEWABLE ENERGY PROJECTS

MOUNT OLIVE MUNICIPAL COMPLEX TOWNSHIP OF MOUNT OLIVE - BLOCK 7900, LOT 18 204 FLANDERS-DRAKESTOWN ROAD BUDD LAKE, MORRIS COUNTY, NEW JERSEY”, Drawing No.: SP-01. Drawing No.: SP-02, entitled: “OVERALL PLAN” depicts the aerial location of the proposed solar canopies and Drawing No.: SP-03, entitled: “SITE LAYOUT PLAN”, shows an enlarged view of the proposed solar canopies and provides system information. Furthermore, as indicated on the “SITE LAYOUT PLAN”, the proposed project will result in 350 square feet (0.008 acre) of new impervious surface {from a proposed concrete pad for inverters and disconnect switches}, and less than a quarter acre of forest disturbance {from existing trees to be removed due to shading impacts}.

Let it be noted that there was a previous project proposed on the subject property, Block 7900, Lot 18, for the expansion of the Mount Olive public works garage and facility at the municipal complex site. (PI435343, CSD050093) The previous proposed project, which included the addition of two storage buildings, the relocation of the existing on-site recycling facility and fuel depot, the addition of an employee parking area, and the expansion of the water detention facility on the adjacent lot (Block 7900, Lot 3.01), received an Exempt and Consistent determination on July 31, 2006, for the construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005 (Exemption #13).

During the current application review process, items of information appeared to be missing and/or inaccurate and, therefore, were requested by telephone and email. Those requested items of information, as well as additional items that required clarification/revision were received on July 16, 2013, July 20, 2013, and July 24, 2013 (via emails); and July 25, 2013 and August 7, 2013 (via postal mail).

The Department of Environmental Protection (Department) reviewed the materials submitted to determine the applicability of the provisions of the Highlands Rule. The Department has determined that your new project/activity does not meet the definition of “Major Highlands Development,” at N.J.A.C. 7:38-3-1.4 since it is not a development and does not result in the ultimate disturbance of one quarter acre or more of forested area or a cumulative increase in impervious surface by one-quarter acre or more. In addition, although it is a capital or other project of a local government unit in the Highlands Preservation Area, according to the application no Department environmental land use or water permits are required, and the project would not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

Supporting documentation includes the following:

- The aforementioned site plans certified by Joseph D. Hanrahan, P.E., of Hammer Land Engineering with an original date of March 6, 2013 and last revised July 19, 2013.
- The NJDEP 2002 and 2007 aerial photography showing the existing buildings/structures on the property.
- The July 31, 2006 Exempt/Consistent determination letter from the Department for the Mount Olive Township Public Works Facility.

The proposed project/activity is subject to the following limitation(s):

This finding is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. 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.

This finding is limited to the extent of activities shown on the referenced site plan and shall not result in the disturbance of one-quarter acre or more of forested land or in a cumulative increase in impervious surfaces of one-quarter acre or more. Should additional disturbance or impervious covering occur that would exceed the specified threshold, this determination shall be null and void. In such case, the proposed project will be considered "Major Highlands Development" and be subject to the provisions of the Highlands Act.

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 not addressed by the WQMP and is in accordance with the WQMP rules. This determination is made based on the following:

No wastewater will be generated by this project/activity. Furthermore, it is hereby noted that this determination applies solely to the proposed activity and not to wastewater associated with the existing facilities.

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:

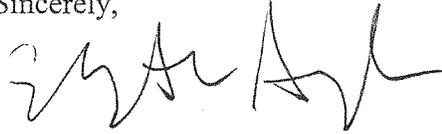
- (1) This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project/activity.
- (2) This determination shall be considered null and void if changes are made to the 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 County Renewable Energy Projects - Mount Olive Senior Center, was published in the May 8, 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 Jennifer Desmond at (609) 984-6888.

Sincerely,



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

Enclosure

c: Peter Dubro, Project Manager, Sunlight General Morris Solar, LLC
Joshua C. Hanrahan, P.E., Hammer Land Engineering, LLC
Mount Olive Township Clerk
Mount Olive Township Construction Official
Mount Olive Township Planning Board
Mount Olive Township Environmental Commission
Morris County Planning Board
Morris County Environmental Commission
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.)
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Donna Milligan, NJDEP, Division of Land Use Regulation (w/o encl.)
Barbara Greenhalgh-Weidman, NJDEP, Division of Coastal and Land Use Planning (w/o encl.)
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