



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
Mail Code 501-02A, P. O. Box 420
Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

NOV 28 2017

James Downs
1120 Lamington Road, LLC
222 Ridgedale Avenue
Cedar Knolls, New Jersey 07927

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1801-17-0003.1
Activity Number: FWW170001
Applicant: 1120 Lamington Road, LLC
Block: 39 and Lot: 15
Bedminster Township, Somerset County

Dear Mr. Downs:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the Division is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by Division staff on August 3, 2017, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: **"BOUNDARY, TOPOGRAPHIC AND WETLANDS SURVEY PLAN 1120 LAMINGTON ROAD LOT 15 BLOCK 39 TOWNSHIP OF BEDMINSTER SOMERSET COUNTY NEW JERSEY"**, consisting of one sheet, dated May 3, 2017, last revised October 18, 2017, and prepared by Kurt T. Hanie, P.L.S., of Gladstone Design, Inc., is accurate as shown.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above DLUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Intermediate: LS-14 through LS-47; LS-48 through LS-50; LS-51 through LS-54; LS-55 through LS-62; LS-63 through LS-72; LS-73 through LS-82; . [50 foot wetland buffer]

State Open Water: SOW-1 through SOW-7, SOWA-6 through SOW A-9; SOW A-10 through SOW A-20; SOW-16 through SOW-21, SOW B-1 through SOW B-3, SOW B-4 through SOW B-22. [No wetland buffer]

The Department has identified a State open water onsite and within the wetland areas and, pursuant to Flood Hazard Area Control Act Rules (FHACAR) N.J.A.C. 7:13, a riparian zone is required along every regulated water. To determine the limits of any riparian zone on site, the applicant may obtain a Flood Hazard Area Verification (see N.J.A.C. 7:13-5.2). RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-4 & 5) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Department. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.6 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.8. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

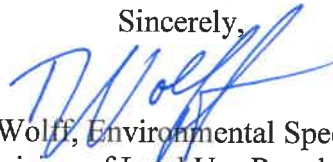
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Appeal Process

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. 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 on this process.

Please contact Jessica Campo of our staff by e-mail at Jessica.Campo@dep.nj.gov or by phone at (609) 633-6563 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Tina Wolff, Environmental Specialist 3
Division of Land Use Regulation

c: Municipal Clerk
Municipal Construction Official
Agent (original)