



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 292-8115  
www.state.nj.us/dep/landuse

JON S. CORZINE  
Governor

LISA P. JACKSON  
Commissioner

AUG 13 2007

Michael A. Semeraro  
Langan Engineering & Environmental Services, Inc.  
River Drive Center 1, 4<sup>th</sup> Floor  
Elmwood Park, NJ 07407

RE: Individual Permit, Special Activity Transition Area Waiver and Letter of Interpretation Line Verification  
File No.: 1922-05-0010.1  
Activity No.: FWW 070001 (SAW)  
FWW 050002 (LOI)  
Applicant: James M. Lombardo  
Block: 145 Lot: 1.01  
Vernon Township, Sussex County

Dear Mr. Semeraro:

This letter is in response to your request for an Individual Permit Special Activity Transition Area Waiver to modify the standard transition area on the above referenced property for construction of an office building with associated parking below the building.

**Prior to site preparation, the permittee shall submit a draft copy of the required conservation restriction, description of metes and bounds of the modified transition area and a plan that includes these metes and bounds for review and approval from the Division. Upon approval of the draft, a final conservation restriction shall be recorded with the property deed in the office of the County Clerk and proof of recordation shall be submitted to the Division. No site preparation or construction authorized by this permit shall commence until the approved conservation restriction is recorded with the property deed in the office of the County Clerk.**

**Authorization for a Special Activity Transition Area Waiver:**

The Division of Land Use Regulation has determined that the freshwater wetlands present on or adjacent to the above referenced property are of Exceptional resource value. Pursuant to N.J.A.C. 7:7A, a standard transition area of 150 feet is required adjacent to these wetlands. The submitted plan proposes to modify this standard transition area through the means of a special activity transition area waiver.

Section 7:7A-6 of the Freshwater Wetlands Protection Act Rules discusses the conditions under which the standard transition area may be modified if the Department determines that the modification will result in minimal environmental impact and that the modified transition area will continue to feature the purposes and functions set forth in N.J.A.C. 7:7A-2.5 (a) and (b). **Based upon a review of the submitted information, the Department has determined that the reduced transition area is consistent with the conditions discussed above.**

As a result, the Department approves of the proposed modified transition area boundary line as shown on the plan map entitled "WETLAND PERMITTING PLAN, PRUDENTIAL OFFICE COMPLEX, VERNON TOWNSHIP, SUSSEX COUNTY, NEW JERSEY", dated August 12, 2005, last revised October 6, 2006, and prepared by Michael A. Semeraro of Langan Engineering & Environmental Services, Inc.

### Waiver Conditions

In addition to the standard conditions set forth in section 7:7A-6, the following special conditions must be met for the activity authorized under this transition area waiver.

1. Prior to the commencement of site clearing, grading or construction, the permittee shall erect a silt fence at the limits of the transition area **as modified herein**. This fence shall serve as both a siltation and debris barrier as well as a **physical barrier protecting the modified transition areas from encroachment by construction vehicles or activities**. This fence shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized. **No regulated activities, including clearing or grading, may occur in the modified transition area on site without the prior approval of the Department**. Following construction, the permittee shall install a split rail fence or equivalent along the limits of the modified transition area to ensure that subsequent activities onsite do not encroach into the transition area.
2. The transition area shall not be reduced to less than 35 feet in width at any location as shown on the referenced plan.
3. The applicant/owner shall sign a Department approved conservation restriction for the modified transition area on the subject parcel in accordance with N.J.A.C. 7:7A-6.1(h). **The conservation restriction shall address all wetlands and transition areas onsite and shall include the restoration area**. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES), in the county wherein the lands included in the waiver are located. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetland and transition area boundaries. **Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act**. The conservation restriction should conform to the format and content of the model conservation restriction entitled "Transition Area & Associated Wetlands Conservation Restriction/Easement" which can be found online at [www.nj.gov/dep/landuse/forms/tawdr0406.pdf](http://www.nj.gov/dep/landuse/forms/tawdr0406.pdf). **Please submit a copy of the draft restriction, description of metes and bounds and a copy of the survey plan with the metes and bounds of the modified transition area on it to Stacey MacEwan of this office for review, as well as the final restriction, once filed.**
4. The wetland transition area and mitigation areas within the conservation easement shall not be maintained as a lawn or landscaped area. These areas shall be allowed to revert to a natural habitat.
5. Immediately following final construction of the development, the applicant must notify the Division of Land Use Regulation, in writing, that construction is complete. In addition to the notice, submit photos with a photo location map of the completed project must be submitted.
6. The restored area must be planted prior to or concurrent with the construction of the approved project. The planting list must follow precisely the proposed and approved plans referenced above, which are approved by the Department.

7. Permittee shall perform mitigation restoration as shown on the plans entitled "LANDSCAPE PLAN, PRUDENTIAL OFFICE COMPLEX, VERNON TOWNSHIP, SUSSEX COUNTY, NEW JERSEY" dated July 18, 2005, last revised October 6, 2006.
8. Permittee shall be responsible for ensuring that plantings are restored to 85 percent survival and 85 percent area coverage within the mitigation area.
9. In order to protect the wood turtle population in the area, the project area should be inspected for wood turtles after the silt fence is installed. Any turtles found within the project area shall be removed and relocated to the wetland area out of harms way.
10. The permittee shall use best management practices to protect water quality throughout construction of the project. Such practices shall include, but not necessarily limited to, the use of silt fencing to protect wetlands and streams and stabilization of disturbed soils.
11. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm.

#### General Conditions

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable, or subject to modification or change at any time, when in judgement of the Department of Environmental Protection of the State of New Jersey, such revocation, modification or change shall be necessary.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
8. A copy of this authorization shall be kept at the work site and shall be exhibited upon request of any person.

9. The Division of Land Use Regulation has not reviewed this application for consistency with the Areawide Water Quality Management Plan and the issuance of this permit shall not be construed as an approval of any wastewater management plan for this project or site. There shall be no construction of any sewage generating structures unless and until the proposed development has been found to be consistent with the appropriate areawide water quality management plan.

Failure to comply with all the above conditions may constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A 13:9B-1 *et seq*).

Any additional prohibited activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Prohibited activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

A copy of this plan, together with the information upon which this boundary determination is based, has been made a part of this Division's public records. You are entitled to rely upon this boundary determination for a period of five years from the date of this letter pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-6.

The freshwater wetlands and waters boundary line(s) and the transition area boundary line, as determined in this letter must be shown on any future site development plans submitted to NJDEP. The line(s) should be labeled with the following note:

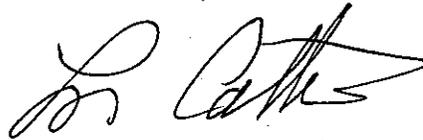
"Freshwater Wetlands/Transition Area Boundary line as approved by NJDEP DLUR File No.: 1922-05-0010.1."

Appeal of Decision:

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 decision date 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.

If you have any questions regarding this authorization, please contact Stacey MacEwan of my staff at (609) 777-0454. Please reference the above program interest number in all communication.

Sincerely,



Lou Cattuna, Section Chief  
Bureau of Inland Regulation

c: Vernon Township Construction Official  
Applicant

# Adjudicatory Hearing Request Checklist and Tracking Form

**I. Permit Decision or Other Department Decision Being Appealed:**

\_\_\_\_\_

Issuance Date of Decision Document

\_\_\_\_\_

Document Number (If any)

**II. Please provide Name, Address and Phone No. of:**

\_\_\_\_\_

Person Requesting Hearing

\_\_\_\_\_

Name of Attorney (If applicable)

\_\_\_\_\_

Address

\_\_\_\_\_

Address

\_\_\_\_\_

Phone No.

\_\_\_\_\_

Phone No.

**III. If you are the applicant or permittee, please include the following information with your hearing request:**

- A. The date you received the permit decision or other decision which you are appealing;
- B. A copy of the decision document;
- C. The findings of fact and conclusions of law you are appealing;
- D. A statement as to whether or not you raised each legal and factual issue during the permit application process;
- E. Suggested revised or alternative permit conditions;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of our hearing request to the Office of Administrative Law; and
- I. This form completed; signed and dated with all of the information listed above, including attachment to:

1. New Jersey Department of Environmental Protection Office of Legal Affairs  
Attention: Adjudicatory Hearing Requests  
401 East State Street  
P.O. Box 402  
Trenton, NJ 08625-0402;

With a copy to:

2. New Jersey Department of Environmental Protection  
Land Use Regulation Program  
Attention: Director  
P.O. Box 439  
Trenton, NJ 08625-0439

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of our participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form completed, signed and dated with all the information listed above, including attachments to

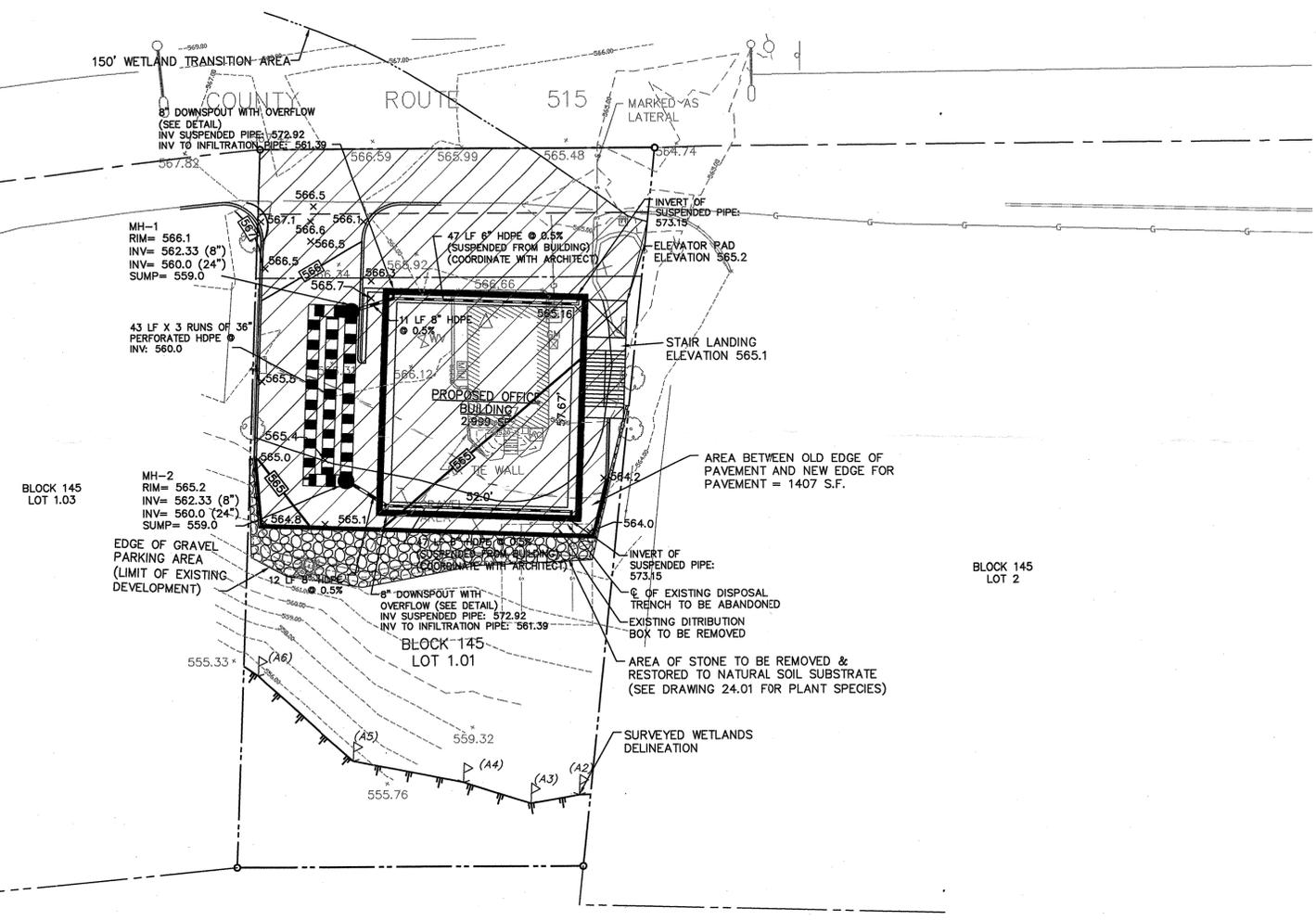
1. New Jersey Department of Environmental Protection Office of Legal Affairs  
Attention: Adjudicatory Hearing Requests  
401 East State Street  
P.O. Box 402  
Trenton, NJ 08625-0402:

With a copy to:

2. New Jersey Department of Environmental Protection  
Land Use Regulation Program  
Attention: Director  
P.O. Box 439  
Trenton, NJ 08625-0439

Signature: \_\_\_\_\_

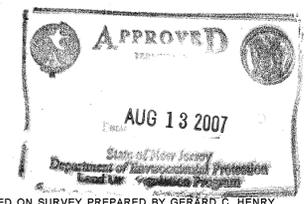
Date: \_\_\_\_\_



**LEGEND**

	GRAVEL / PARKING AREA TO BE REMOVED AND RESTORED
	TRANSITION AREA BOUNDARY
	WETLAND BOUNDARY
	TRANSITION AREA REDEVELOPMENT (8,842 SF.)

- NOTES:**
- BOUNDARY INFORMATION BASED ON SURVEY PREPARED BY GERARD C. HENRY, INC. ENGINEERING, LAND SURVEYING & PLANNING DATED JANUARY 27, 1994.
  - WETLANDS DELINEATION AND SURVEY PERFORMED BY LANGAN PENDING NJDEP LETTER OF INTERPRETATION.



Date	Description	No.
10-06-06	PER DEP COMMENT LETTER	2
2-22-06	REVISED SITE PLAN, REVISED TRANSITION AREA ENCROACHMENTS, ELIMINATED COMPENSATION AREAS, REVISED AND UPDATED WETLAND DELINEATION BOUNDARY, AND REVISED WETLAND TRANSITION AREA WIDTH	1

NAME: *Michael A. Semeraro, Jr.* DATE: *3/14/07*  
 MICHAEL A. SEMERARO, JR.  
 PROFESSIONAL ENGINEER NJ Lic. No. 29594

**LANGAN**  
 ENGINEERING & ENVIRONMENTAL SERVICES

River Drive Center 1  
 619 River Drive  
 Elmwood Park, NJ 07407  
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 www.langan.com

NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA NEVADA  
 NJ Certificate of Authorization No: 24GA27998400

Project  
**PRUDENTIAL OFFICE COMPLEX**  
 VERNON TOWNSHIP  
 SUSSEX COUNTY NEW JERSEY

Drawing Title  
**WETLAND PERMITTING PLAN**

Project No. 1987901	Drawing No. 62.02
Date AUGUST 12, 2005	
Scale 1" = 20'	
Drn. By M. J. D. P. P.	
Chkd. By M. N.	

