

PARTNER

Engineering and Science, Inc.

NJDEP Permitting Application Report

Flood Hazard Area Verification, Letter of Interpretation-Line Verification & Transition Area Waiver-Special Activity Individual Permit

**Jackson Parke
Perrineville Road & Route 528
Block 10401, Lots 5.01 & 5.04; Block 17802, Lot 57.01
Jackson Township, Ocean County, NJ**

Date: August 15, 2016
Partner Project No. 59839100000

Prepared for:

EL at Jackson, LLC
2465 Kuser Road
Hamilton, NJ 08690



Engineers who understand your business

**WETLAND DELINEATION AND
STATEMENT OF COMPLIANCE REPORT**
(Pursuant to N.J.A.C. 7:7A)

JACKSON PARKE PROJECT
BLOCK 10401 * LOTS 5.01 and 5.04
BLOCK 17802 * LOT 57.01
JACKSON TOWNSHIP, OCEAN COUNTY, NEW JERSEY

PREPARED FOR:

EL AT JACKSON, LLC
2465 KUSER ROAD-3RD FLOOR
HAMILTON, NJ 08690

PREPARED BY:



**DuBois Environmental
Consultants**

A handwritten signature in black ink, appearing to read 'Amy Jones', written in a cursive style.

AMY JONES
SENIOR BIOLOGIST

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BRYON DUBOIS
PRINCIPAL

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Executive Summary

Jackson Parke (formerly known as Jackson Valley) lies in Block 17802, Lot 57.01 and Block 10401, Lots 5.01 & 5.04 as shown on the tax map of Jackson Township, Ocean County, New Jersey. The Project contains 355.5± acres and is comprised of three (3) non-contiguous lots generally bounded to the south by West Veterans Highway (CR 528), to the north and east by Perrineville Road, and to the west by Colliers Mills Wildlife Management Area and several residential lots. The Project lies at the most westerly portion of Jackson Township and at the headwaters of the Toms River. There are two waterways which transect the Project site: Cedar Branch and a tributary to Toms River.

The Project in the previous and much larger proposal (651± acres) received all regulatory approvals for 965 age-restricted duplex dwelling units in 2007

The original property was subdivided in 2012 to permit a portion (203.3 acres) to be conveyed to State of NJ Green Acres Program and another portion (92.2 acres) conveyed to Jackson Township and Ocean County thereby reducing the overall size of the Project from 651 ± acres to its current 355.5± acres.

EL at Jackson, LLC (Applicant) purchased the Project in 2015 and currently seeks to develop it in a manner consistent with the approved Project although changes in the housing market necessitate conversion from age-restricted to market rate units. In addition, unit types, distribution, and circulation may change as a result of current negotiation with Jackson Township in order to meet the Township's fair share low- and moderate-income affordable housing obligation on the Project.

The various land use approvals obtained through 2007, have been extended as a result of the Permit Extension Act of 2008 and subsequent amendments. These approvals will lapse no later than June 30, 2017 and therefore the Applicant seeks to obtain new permits proceeding in reliance on the bases of the earlier approvals. The Applicant has, as part of this submission, agreed to relocate a pump station, thereby eliminating a road crossing and culvert through the wetland, transition area, and stream properties.

The Applicant currently seeks approval for a Flood Hazard Area (FHA) Verification of the prior Stream Encroachment line, freshwater wetlands Letter of Interpretation (LOI) for the prior delineation to be made effective July 1, 2017, and a Transition Area Waiver/ Individual Permit for proposed limited disturbance within the 150-foot transition area but no closer than 50 feet from the delineated wetlands.

I. INTRODUCTION

A wetland delineation and compliance report has been prepared pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C.7:7A) for land within the site designated as Block 10401, Lots 5.01 and 5.04 and Block 17802, Lot 57.01 (the site) located within Jackson Township, Ocean County, New Jersey. A prior Letter of Interpretation – Line Verification (LOI) has been issued for the overall site, including additional parcels prior to subdivision, as well as freshwater wetland permitting for development of the site and surrounding areas for a prior proposed residential development. History of the site and project are presented below in Section VII. This report provides information necessary for a new/updated LOI, and to demonstrate compliance with a Special Activity Transition Area Waiver Individual Permit for development of the referenced property.

II. SITE LOCATION

The subject site is located on Sheets 104, 112 & 113 of the official tax maps of Jackson Township (refer to *Figure 1a through 1c: Jackson Township Tax Maps*). The site has approximately 2,850 feet of property frontage along Perrineville Road to the northeast for Section 1, and approximately 2,244 feet of frontage along West Veterans Highway to the south for Section 2 of the project. A drift road entitled Prospertown Road is located between Block 17802, Lot 57.01, and Block 10401, Lot 5.04 (refer to *Figure 2: New Jersey Road Map*). The site is located on the Roosevelt & Cassville U.S. Geological Survey Quadrangle with NAD 83 state plane coordinates of E(x) 518,314 N(y) 462,591 at the approximate center of the northern Section 1 parcel and E(x) 518,426 N(y) 468,674 at the center of Section 2 to the south (refer to *Figure 3: Roosevelt & Cassville USGS Quadrangle Map*). The site is located in the Barnegat Bay Watershed Management Area (WMA 13), the Toms River (above Oak Ridge Parkway) watershed, and within the Toms River (74-22-30 rd to FrancisMills) subwatershed (HUC 14: 02040301060020). Tributaries to the Toms River traverse both the northern and southern project areas, and the Cassville Lake is located in close proximity to the east of the site.

Currently, the site is undeveloped and consists primarily of mixed forest with both deciduous and coniferous wooded wetlands present in areas throughout the site, which are associated with dirt drift roads throughout portions of the site. The proposed development areas are characterized as coniferous and deciduous upland communities. Primarily residential and commercial land use is present surrounding the site to the north, south and east, an undeveloped state park land is to the west. Refer to *Figure 4: Aerial Map* which depicts the land coverage present on and in the vicinity of the subject site.

III. SOILS

According to the SSURGO GIS data layer provided by the USDA Natural Resources Conservation Service (NRCS), ten (10) soil types representing seven (7) soil series are mapped on the subject site (refer to *Figure 5: Ocean County Soil Survey Map*). The following descriptions are referenced directly from the Soil Survey of Ocean County (USDA NRCS).

AtsA - Atsion sand, 0 to 2 percent slopes

Component: Atsion (90%)

The Atsion component makes up 90 percent of the map unit. Slopes are 0 to 2 percent. This component is on flats on coastal plains. The parent material consists of sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 2 inches during

March, April. Organic matter content in the surface horizon is about 85 percent. Nonirrigated land capability classification is 5w. This soil meets hydric criteria.

Map unit: BerAr - Berryland sand, 0 to 2 percent slopes, rarely flooded

Component: Berryland, rarely flooded (85%)

The Berryland, rarely flooded component makes up 85 percent of the map unit. Slopes are 0 to 2 percent. This component is on flats on coastal plains, drainageways, depressions. The parent material consists of sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is very poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is rarely flooded. It is rarely ponded. A seasonal zone of water saturation is at 0 inches during March, April. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 5w. This soil meets hydric criteria.

Map unit: BerAt - Berryland sand, 0 to 2 percent slopes, frequently flooded

Component: Berryland, frequently flooded (85%)

The Berryland, frequently flooded component makes up 85 percent of the map unit. Slopes are 0 to 2 percent. This component is on depressions, flats, coastal plains. The parent material consists of sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is very poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is frequently flooded. It is frequently ponded. A seasonal zone of water saturation is at 0 inches during January, February, March, April, May, June, October, November, December. Organic matter content in the surface horizon is about 6 percent. Nonirrigated land capability classification is 5w. This soil meets hydric criteria. The soil has a very slightly saline horizon within 30 inches of the soil surface.

Map unit: EveB - Evesboro sand, 0 to 5 percent slopes

Component: Evesboro (80%)

The Evesboro component makes up 80 percent of the map unit. Slopes are 0 to 5 percent. This component is on low hills on coastal plains. The parent material consists of sandy eolian deposits and/or sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 7s. This soil does not meet hydric criteria.

Map unit: EveD - Evesboro sand, 10 to 15 percent slopes

Component: Evesboro (95%)

The Evesboro component makes up 95 percent of the map unit. Slopes are 10 to 15 percent. This component is on coastal plains, dunes, low hills. The parent material consists of sandy eolian deposits and/or sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 7s. This soil does not meet hydric criteria.

Map unit: LakB - Lakehurst sand, 0 to 5 percent slopes

Component: Lakehurst (85%)

The Lakehurst component makes up 85 percent of the map unit. Slopes are 0 to 5 percent. This component is on dunes, flats on coastal plains. The parent material consists of sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water

movement in the most restrictive layer is high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 30 inches during January, February, March, April. Organic matter content in the surface horizon is about 85 percent. Nonirrigated land capability classification is 4w. This soil does not meet hydric criteria.

Map unit: LasB - Lakewood sand, 0 to 5 percent slopes

Component: Lakewood (85%)

The Lakewood component makes up 85 percent of the map unit. Slopes are 0 to 5 percent. This component is on knolls, flats on coastal plains. The parent material consists of sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 7s. This soil does not meet hydric criteria.

Map unit: LasC - Lakewood sand, 5 to 10 percent slopes

Component: Lakewood (85%)

The Lakewood component makes up 85 percent of the map unit. Slopes are 5 to 10 percent. This component is on marine terraces on coastal plains. The parent material consists of sandy fluviomarine deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 72 inches during January, February, March, April, May, June, July, August, September, October, November, December. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 7s. This soil does not meet hydric criteria.

Map unit: MakAt - Manahawkin muck, 0 to 2 percent slopes, frequently flooded

Component: Manahawkin, frequently flooded (85%)

The Manahawkin, frequently flooded component makes up 85 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains, swamps on coastal plains. The parent material consists of organic, woody material over sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is very poorly drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is frequently flooded. It is frequently ponded. A seasonal zone of water saturation is at 0 inches during January, February, March, April. Organic matter content in the surface horizon is about 55 percent. Nonirrigated land capability classification is 7w. This soil meets hydric criteria.

Map unit: PhbB - Phalanx loamy sand, 2 to 5 percent slopes

Component: Phalanx (85%)

The Phalanx component makes up 85 percent of the map unit. Slopes are 2 to 5 percent. This component is on low hills on coastal plains. The parent material consists of sandy and/or loamy fluviomarine deposits. Depth to a root restrictive layer, petroferic, is 12 to 30 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 72 inches during January, February, March, April, May, June, July, August, September, October, November, December. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 4s. This soil does not meet hydric criteria.

IV. TOPOGRAPHY AND DRAINAGE

A majority of the site can be described as having gentle to moderate sloping topography towards the wetlands on and in the vicinity of the site that are associated with the Toms River tributaries. According to the site survey entitled "Wetland Location Plan; Tax Lots 5.01 and 5.04 Block 10401 and Lot 57.01 Block 17802; Reed and Perrineville Roads; Situated in Jackson Township, Ocean County" (Sheets 1 through 3), prepared by Partner Engineering and Science, Inc. (PES), a high contour elevation of 171 is present in the western section of the southern parcel on Lot 57.01, and a low contour elevation of 124 is present in the wetlands along the Toms River tributary in the northwestern section of Lot 5.04. A high contour elevation of 174 is present on a knoll in the central section of Block 10401, Lot 5.01 on the northern parcel in Section 1, and a low contour of 120 is located within the wetlands and along the Toms River tributary in the southern area of Section 1.

The wetland limits as currently delineated and flagged on the site were previously verified by the New Jersey Department of Environmental Protection (NJDEP) pursuant to a LOI most recently dated August 11, 2004 (NJDEP File #1511-03-0024.1). A copy of the LOI is included in Appendix A. This was a reissuance of the 1997 original LOI for the site (NJDEP File#1511-96-0007.1), as discussed in Section VII below. DEC has performed site investigations in June, 2016 to evaluate the existing site conditions and re-flagged wetland line to ensure the wetland points remain accurate and to obtain all updated wetland information for the new LOI, including vegetation, hydrology and soils information. All wetland limits and buffers pursuant to these designations and prior verification are illustrated on the referenced wetland plans prepared by PES and incorporated into the site design presented as part of the waiver/permit application.

V. SURFACE WATER QUALITY

The site is located in the Barnegat Bay Watershed Management Area (WMA 13), the Toms River (above Oak Ridge Parkway) watershed, and within the Toms River (74-22-30 rd to Francis Mills) subwatershed (HUC 14: 02040301060020), which has a cumulative drainage of 17.24 square miles. According to the NJDEP GIS digital data layer entitled "NJDEP Surface Water Quality Standards of New Jersey", tributaries of the Toms River (Pole Brook and Cedar Branch) exist on and off-site. The Toms River is classified as FW2-NTC1 by the NJDEP. According to the Surface Water Quality Standards (N.J.A.C. 7:9B), "Category one waters" means those waters designated in the tables in N.J.A.C. 7:9B-1.15(c) through (i), for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d), for protection from measurable changes in water quality based on exceptional ecological significance, exceptional recreational significance, exceptional water supply significance or exceptional fisheries resource(s) to protect their aesthetic value (color, clarity, scenic setting) and ecological integrity (habitat, water quality and biological functions).

VI. PROPOSED PROJECT

PES is applying for the appropriate land approvals to develop the project areas with a residential development on behalf of the applicant, EL at Jackson, LLC. The project includes single family homes/multifamily units, associated utilities, eight (8) stormwater basins, and a total of two (2) community centers in Sections 1 and 2. All proposed development is depicted on the permit plans entitled "Wetland Permitting Plan; Sections 1 & 2 prepared for Jackson Parke; Lots 5.01 & 5.04 Block 1041, Lot 57.01 Block 17802; Jackson Township, Ocean County, New Jersey.", dated by July 26, 2016 prepared by PES. The project areas are separate and will not be connected through any interior access road. All access to the sites will be from Perrineville Road on the northern project area (Section 1) and New Egypt-Cassville Road on the southern project area (Section 2). This compliance statement presents information to address

development of Section 1 of the project that will result in reduction of the wetland buffer pursuant to a freshwater wetland Special Activity Transition Area Waiver Individual Permit (N.J.A.C.7:7A-6.3). Future modifications within the development area are anticipated to be proposed outside of regulated areas based on market conditions, Township and County review and comment, compliance with the constitutionally mandated affordable housing obligation for this project, and to demonstrate compliance with other applicable regulations. The applicant respectfully reserves the right to make such modifications.

VII. BACKGROUND SUMMARY

The project sections were previously part of a larger comprehensive project site that encompassed all of the interior parcels between current Blocks 10401 and 17802, and extended further to the west of the current project limits. Refer to *Figure 6: Historic Site Aerial Map* that illustrates the prior site boundary in relation to the current project areas. Prior approvals and development plans were proposed for the entire historic project site that included a golf course and age-restricted residential development in the late 1990's and early 2000's, as per the initial LOI issued in 1997. The original LOI classified the wetlands as State open waters associated with lake/open water features, ordinary resource value for ditch features, and both intermediate and exceptional resource value for all remaining wetlands. The development as proposed for the entire project that included the golf course and residential development did not move forward.

Revisions were made to the development plan and scope of impact and development was significantly reduced to residential development only on the current project areas that were subdivided from the prior overall historic project site. This revised development plan was associated with the reissuance of the LOI in 2004, as referenced above. This LOI classified the wetlands on the entire site as exceptional resource value, except for the State open water features and ordinary resource value ditch. However, the LOI provided reliance for the prior 50 foot buffers per the 1997 LOI due to the expense and resources committed to developing the proposed golf course and age-restricted development, as discussed on Page 2 of the LOI that is included in Appendix A. The development of the prior project was approved by the NJDEP pursuant to the 2004 LOI, a Stream Encroachment Permit, and a Statewide General Permit #10 for minor road crossing that was issued by the NJDEP on July 25, 2008. Refer to Appendix A for a copy of the permit correspondence. The GP #10 was issued for a road crossing that traversed a wetland and wetland buffer area north current Lot 5.04 and outside of the current subdivided project limits. The GP#10 was issued with numerous conditions and criteria required to be complied with in order to protect the swamp pink and avoid disturbance to critical habitat areas.

Significant time, resources, and cost were expended to perform comprehensive threatened and endangered species studies on the site in order to identify the limits of critical floral and faunal habitat. This included barred owl (*Strix varia*), swamp pink (*Helonias bullata*), Pine Barrens treefrog (*Hyla andersonii*), and Northern Pine Snake (*Pituophis m. melanoleucus*) species surveys. Suitable and documented habitat was identified on the site for the barred owl and Pine Barrens treefrog, and swamp pink individuals and population(s) were observed within the wetlands on the site in the 1990's and 2000's. The prior development was designed and approved to avoid critical wetland areas and suitable habitat, which included implementation of specific stormwater Best Management Practices (BMP's), maintenance of a 250-foot wetland buffer in the vicinity of the identified swamp pink habitat, certifying there would be no use of pesticide treatments for certain areas, and installation of fencing and signage along the 250-foot wetland buffers to protect swamp pink habitat. The proposed current development project subject to this application will not result in any disturbance to wetlands, and will also not result in any impacts to exceptional resource value wetland buffers associated with the threatened and endangered species habitat and Cedar Branch waterway located north and west of Section 2 of the project site (Lots 57.01 and 5.04). The proposed development will also maintain the 250-foot buffer as implemented for the prior development pursuant to U.S. Fish and Wildlife Service (USFWS) requirements and approval, as shown on Sheets 18,

19 and 24. In addition, by relocating the pump station in Section 2 and not proceeding with the General Permit #10, the applicant has further reduced impacts to wetland areas.

The site has also been subject to significant historic and archaeological evaluations and surveys as part of the prior development approval. Phase I and Phase II studies were performed by Hunter Research, Inc., results of which were presented to the NJDEP Historic Preservation Office (HPO) as part of a report entitled "Phase I and Phase II Cultural Resource Investigations, Jackson Valley, Jackson Township, Ocean County, New Jersey", dated March 2006. The HPO determined that the reported surveys met the HPO and NPS guidelines, and no further studies were required. Refer to Appendix B for a copy of the HPO correspondence dated May 31, 2006 that provides approval of the survey and confirmation that the proposed development would not result in adverse impacts to the identified cultural resources. This approval was for the prior development that expanded further than the current proposed development subject to this compliance discussion and application.

The applicant, engineer and attorney attended meetings with NJDEP, Division of Land Use Regulation supervisor Ryan Anderson on January 21 and July 5, 2016 to present the current proposed development project on the site, and to discuss proceeding based on prior approvals received and project history of the site. The NJDEP advised that reliance on the prior issued LOI and associated 50-foot buffer is not preferred due to the time that has elapsed, prior reliance granted in the previous extension, and because the current site and project is associated with a different owner and applicant. To accommodate this preference, the applicant reviewed with NJDEP proceeding as Special Activity Transition Area Waiver Individual Permit.

VIII. STUDY METHODOLOGY

Field investigations were conducted by Amy Jones and Bryon DuBois of DuBois Environmental Consultants, LLC (DEC) on numerous dates in June, 2016 in order to confirm the placement of wetland flagging as previously delineated by others and verified by the NJDEP, and to obtain current vegetation, hydrology, and soils information to accompany the LOI application. The methodology utilized to evaluate the definitive line separating upland areas from wetland areas was the Three Parameter Approach set forth in a manual entitled *Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Manual)*, published under the Federal Interagency Committee for Wetland Delineation (FICWD), 1989. Three parameters were evaluated, including hydrology, vegetation and soils.

A. Wetland Hydrology

The *Federal Manual* describes wetland hydrology as saturation to the surface when soils in the following natural drainage classes meet the following conditions:

1. Somewhat poorly drained mineral soils where the water table is less than six inches from the surface for one week or more during the growing season;
2. Low permeability soils (<6 inches/hour), poorly drained or very poorly drained mineral soils, water table is less than 1.5 feet from the surface for one week or more during the growing season;
3. Soils that are more permeable (>6 inches/hour), poorly drained, or very poorly drained mineral soils, water table is less than 1 foot from the surface for one week or more during the growing season

4. Water table is at a depth where saturation occurs more than rarely in poorly drained or very poorly drained organic soils;
5. An area is inundated at some time if ponded or frequently flooded with surface water for one week or more during the growing season.

Wetland hydrology is determined by the visual presence of drift lines, watermarks, sediment deposition, standing water, saturated soils, and buttressed tree trunks, among others. Hydrology varies with the season and amount of recent precipitation. Therefore, the hydrology criteria cannot always be a major determining factor, but it assists in the final verification of a wetland limit. Where appropriate, soil description and/or historical data were utilized to supplement field observations.

B. Hydrophytic Vegetation

As per the *Federal Manual*, hydrophytic vegetation is defined as “macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.” Indicator statuses are used to designate a plant species’ preference for occurrence in a wetland or upland. The vegetation on the project site was identified and classified in accordance with the 2013 National Wetland Plant List, which is a list compiled as an interagency effort between the U.S. Army Corp. of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the USDA NRCS to be utilized for all jurisdictional wetland determinations. Plants are assigned an indicator, and classifications listed are as follows:

Obligatory (OBL)	Almost always is a hydrophyte, rarely in uplands
Facultative Wetland (FACW)	Usually is a hydrophyte but occasionally found in uplands
Facultative (FAC)	Commonly occurs as either a hydrophyte or non-hydrophyte
Facultative Upland (FACU)	Occasionally is a hydrophyte but usually occurs in uplands
Upland (UPL)	Rarely is a hydrophyte, almost always in uplands
No Indicator (NI)	No indicator status

The *Federal Manual* states that there are two instances for an area to meet the hydrophytic vegetation criteria:

1. more than 50 percent of the composition of the dominant species from all strata are obligate wetland (OBL), facultative wetland (FACW), and/or facultative (FAC) species, or
2. a frequency analysis of all species within the community yields a prevalence index value of less than 3.0 (where OBL = 1.0, FACW = 2.0, FAC = 3.0, and UPL = 5.0)

C. Hydric Soils

The *Federal Manual* defines hydric soils as “soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part”. The determination of hydric soils was evaluated by taking soil borings with a hand held auger to a depth of 20+ inches. Where applicable, hydric soils were identified in accordance with the indicators established within the publication “*Field Indicators of Hydric Soils in the United States, A Guide for Identifying and Delineating Hydric Soils, Version 7.0,*” published by the USDA NRCS in 2010. The soils were evaluated based on texture, color, structure and presence/absence of redoximorphic features (mottling). Soil color was evaluated using a Munsell color chart; soil texture was described using the USDA classification system; structure was

estimated using the methods described in the Soil Survey Manual, prepared by the USDA, 1993; and any other indicators that assisted in the classification of soil types were recorded in the field.

Soil texture is the proportion of sand, silt and clay in the soil. This composition affects water content, water intake rates, aeration, root penetration and some chemical properties (Gardiner & Miller, 2004).

Redoximorphic features (mottling) occurs in soils that are seasonally inundated, creating a varying aerobic/anaerobic environment. When the water table fluctuates, iron (orange/reddish brown) or manganese (dark reddish-brown/black) becomes oxidized during the dry (aerobic) period. This process forms mottles, which appear as oxidized iron or manganese features in an otherwise reduced soil column. These features are typically insoluble and are commonly used as an indicator of a seasonal high water table and hydric soils.

Soil structure is described as angular blocky, subangular blocky, columnar, granular, platy and prismatic (Gardiner & Miller, 2004). The structure of the soil can influence factors such as water and air infiltration.

Soils are considered hydric if the chroma of the matrix was less than 2 or equal to 2 when mottling was present. Sandy soils were evaluated by observing streaking of subsurface horizons, high organic matter in the surface and/or the presence of organic peds. These features are required to be within 12 inches of the surface to meet hydric criteria.

IX. RESULTS OF ON-SITE ASSESSMENT

According to the NJDEP freshwater wetland GIS mappings, freshwater wetlands are mapped on and in the vicinity of the project site, the limits of which shown are generally consistent with the delineated wetland line that is associated with the Toms River tributary corridors identified as the Cedar Branch in the south and the Pole Brook to the north (refer to *Figure 7: NJDEP Freshwater Wetlands Map*). The delineated wetland limits are consistent with the verified wetland line pursuant to the referenced NJDEP LOI. The extent of freshwater wetlands previously approved by the NJDEP and subject to current field investigation by DEC personnel in June, 2016 are depicted on the wetland plan prepared by PES, as referenced above. Representative site photographs are presented in Appendix C.

A. Wetland Hydrology

Within the areas identified as freshwater wetlands, positive wetland hydrologic indicators were observed including standing water and inundation, soil saturation, water stained leaves, sediment deposits, *Sphagnum* hummocks, and morphological vegetation adaptations such as shallow root systems and root buttressing. There were no positive hydrology indicators observed outside of the Toms River tributaries and wetland areas on site.

B. Hydrophytic Vegetation

Dominant canopy species within the upland portion of the site include pitch pinus (*Pinus rigida*, FACU), white oak (*Quercus alba*, FACU), and chestnut oak (*Quercus montana*, UPL). The understory includes saplings of black gum (*Nyssa sylvatica*, FAC), white oak, red maple (*Acer rubrum*, FAC), sassafras (*Sassafras albidum*, FACU), lowbush blueberry (*Vaccinium angustifolium*, FACU), deerberry (*Vaccinium stamineum*, FACU), black huckleberry (*Gaylussacia baccata*, FACU), teaberry (*Gaultheria procumbens*, FACU), and mountain laurel (*Kalmia latifolia*, FACU). The herbaceous layer is

dominated by teaberry, bracken fern (*Pteridium aquilinum*, FACU), lowbush blueberry, black huckleberry, and greenbrier (*Smilax rotundifolia*, FAC). Overall, the upland portion of the property did not pass the hydrophytic vegetation dominance index of the *Federal Manual*.

In the wetlands portion of the site, the dominant canopy species include red maple (*Acer rubrum*, FAC), black gum (*Nyssa sylvatica*, FAC), and pitch pine (*Pinus rigida rigida*, FACU). In the understory, red maple (*Acer rubrum*, FAC), black gum (*Nyssa sylvatica*, FAC), highbush blueberry (*Vaccinium corymbosum*, FACW), swamp magnolia (*Magnolia virginiana*, FACW), and sheep laurel (*Kalmia angustifolia*, FAC) are the dominant species. The herbaceous layer is dominated by greenbrier (*Smilax rotundifolia*, FAC) and teaberry (*Gaultheria procumbens*, FACU), with other species including cinnamon fern (*Osmundas cinnamomea*, FACW) and highbush blueberry saplings, present. Few areas in the vicinity of the site are characterized as cedar swamp and include Atlantic white cedar (*Chamaecyparis thyoides*). Overall, the areas identified as wetlands surpass the wetland vegetation dominance index of the *Federal Manual*, where >50% of vegetation is classified as FAC, FACW or OBL.

C. Hydric Soils

The Ocean County Soil Survey identifies Atsion sand (AtsA), Berryland sand (BerAr, rarely flooded), Berryland sand (BerAt, frequently flooded), Evesboro sand (EveB & EveD), Lakehurst sand (LakB), Lakewood sand (LasB & LasC), Manahawkin muck (MakAt), and Phalanx loamy sand (PhbB) as underlying the subject property. According to the 2012 list of New Jersey hydric soils, the Atsion sand, Berryland sand, and Manahawkin muck soil map units are classified as hydric soils. Hydric soils exhibit characteristic morphologies that result from repeated periods of saturation or inundation. Typical hydric soil indicators include low chroma colors (Munsell notations 1 and 2) combined with redoximorphic features (mottles), including iron concentrations within the soil matrix as well as along root linings. Investigation of underlying soils considered uplands did not reveal any positive hydric soil indicators. Soils had high value and chroma with no mottling, and included matrix Munsell notations of 10YR5/3, 10YR6/3, 6/6, and 6/8, and 10YR5/2 with no mottles or organic streaking. Soils within the wetland complexes associated with the Toms River tributaries confirmed the presence of hydric soils. Wetland soils were characterized as sandy loam and loamy sand with matrix Munsell notations of 10YR2/1 and 3/1 in the top organic layer, and 10YR3/2 and 4/2 with mottles and/or organic streaking. Oxidized mottles among a low chroma soil matrix are representative of positive hydric soils. Refer to Appendix D for a copy of field data sheets.

X. FRESHWATER WETLAND STATEMENT OF COMPLIANCE

A Statement of Compliance has been prepared pursuant to the Freshwater Wetlands Protection Act Rules at N.J.A.C.7:7A-6.3 "Special activity transition area waiver" for a transition area Individual Permit. The Transition Area Waiver Individual Permit is being applied for to allow disturbance and development within that portion of the transition area between 50 and 150 feet on Lot 5.01. This is being applied for based on guidance received from the NJDEP Division of Land Use Regulation per meetings and discussion on January 21 and July 5, 2016 discussed above in Section VII. The following discussion demonstrates compliance of the project with the Special Activity Transition Area Wavier Individual Permit requirements based on preference of the NJDEP that reliance on the prior LOI will not be continued. This application is submitted without the applicant waiving its rights to argue that reliance should apply to the project and any modifications.

A. Special Activity Transition Area Waiver Individual Permit (N.J.A.C. 7:7A-6.3(g))

(a) The Department shall issue a transition area waiver for certain special activities meeting the criteria in this section. However, the Department will issue a special activity waiver under this section only if the activities will not result in a substantial impact on the adjacent freshwater wetlands, and the proposed project will minimize impacts to the freshwater wetland and transition area.

The applicant is applying for a special activity transition area waiver for improvements within a portion of the wetland buffer on Lot 5.01 in Section 1 for development of a residential subdivision. This compliance report will demonstrate that the proposed development and disturbance will not result in a substantial impact on the transition area and/or adjacent freshwater wetlands, and that the project has been designed to minimize impacts to the wetland and transition areas to the maximum extent practicable as part of this project specifically, as well as per prior proposed and approved development projects on the site and surrounding parcels. Minimization of impacts are presented below as part of this compliance section and provide a discussion of alternatives considered.

(b) The Department shall issue the following types of special activity transition area waivers:

4. An individual permit transition area waiver under (g) below.

The proposed project is for development of a residential subdivision that will result in reduction of the wetland buffer on a portion of the overall project site that meets the criteria of an Individual Permit Transition Area Waiver. The project will result in the reduction of the 150-foot transition area to be verified pursuant to the updated LOI on Lot 5.01, to a 50-foot transition area as was previously approved for prior project approvals. This will result in a total of 376,213 SF (8.64 acres) of transition area disturbance that is subject to this Transition Area Waiver Individual Permit, which is inclusive of 39,921 SF (0.92 acres) of impervious coverage. The total wetland buffer area on the entire site prior to modification is 56.8 acres.

(c) When considering alternative locations under this section:

1. The Department shall consider an alternative location feasible if it is available and capable of being used after taking into consideration cost, existing technology, and logistics in light of the overall project purpose; and

2. The Department shall consider an alternative location infeasible if its use for the project would cause other, more significant adverse environmental consequences.

Alternative locations for the project have been evaluated, and determined to not be feasible due to the project history, hardships presented, and public need and benefit. The current project sites (Lots 5.01, 5.04 and 57.01) should be considered a chosen alternative from prior proposed development of the overall historic site. Alternative locations have also been proposed and approved for this project that have resulted in more significant disturbance of wetlands and wetland buffers on the site for proposed road crossings that would connect Sections 1 and 2. Expansion of the proposed development in other locations of the site (and the prior historic site that has been part of the project) is in the vicinity of wetlands and transition areas determined to be critical habitat for federal and state threatened and endangered species, and therefore has been determined to not be an option for the proposed development. Alternate locations as part of the prior overall site have also been previously transferred/sold to the Township, County, and private organizations to be preserved, and are therefore no longer a feasible option. A detailed alternatives analysis and demonstration of critical environmentally sensitive areas is presented below as part of the compliance statement.

(g) The Department shall issue a special activity transition area waiver for an activity if the applicant demonstrates that, if the activity were instead proposed in a freshwater wetland, it would meet the standards

for a freshwater wetlands individual permit at N.J.A.C. 7:7A-7.2 and 7.4, and mitigation in accordance with N.J.A.C. 7:7A-15.26.

Compliance of the project with the applicable wetland Individual Permit and mitigation criteria is presented below.

Standard requirements for all individual permits (N.J.A.C. 7:7A-7.2)

(b) The Department shall issue an individual freshwater wetlands or open water fill permit only if the regulated activity:

- 1. Has no practicable alternative which would meet the requirements at (b)1i and ii below:
 - i. The alternative would have a less adverse impact on the aquatic ecosystem or would not involve a freshwater wetland or State open water; and*
 - ii. The alternative would not have other significant adverse environmental consequences, that is, it shall not merely substitute other significant environmental consequences for those attendant on the original proposal;**

The proposed project has been specifically designed to avoid any impacts to wetlands and State open waters. The transition area reduction is not resulting in other significant environmental impacts, and therefore is not a substitution for wetland disturbance that would be necessary for the road crossing to the pump station that would be considered a more significant environmental consequence, as previously approved. The proposed development will result in disturbance to wetland buffers only, and therefore will result in less adverse impacts on the aquatic ecosystem than prior alternatives considered, as presented below:

Historic Project Alternative

The historic project alternative includes the overall site as presented in Figure 6 above, and encompassed a golf course and age restricted community. Impacts to freshwater wetlands and transition area would have been more significant with development of this project due to various pesticides, fertilizers, etc. that would have been utilized for the golf course facility. Additional wetland impacts were also proposed. Therefore, the historic project alternative had a greater impact on the wetlands and aquatic ecosystem.

Project Scope Minimization

The prior project for the subdivided lots subject to this permit application (Lots 5.01, 5.04 and 57.01) included a road crossing through a portion of the Cedar Branch wetland. This development required a Stream Encroachment Permit and Statewide General Permit #10 and resulted in a total of 0.168 acres of wetland disturbance. The proposed project has since been redesigned and minimize to reduce the scope and eliminate the road crossing feature. Therefore, the applicant has chosen the project reduction alternative to minimize impacts to wetlands.

The proposed disturbance of transition area and the elimination of wetland and regulated water disturbance will not result in the substitution of environmental consequences. The transition areas on Lot 57.01 were previously verified as Intermediate resource value and were not identified as critical threatened or endangered species habitat based on specific target species survey results. The wetland disturbance would have been associated with a surface water tributary system directly connected to identified critical swamp pink wetlands upstream. Development within that area was subject to significant conditions and requirements for protection of habitat. Disturbance to these wetland buffer areas will not result in impacts to the wetlands adjacent to the development, or downstream, associated with the environmentally sensitive wetland areas.

No Action Alternative

The elimination of the project entirely resulting in no development of the site is not a feasible option for the applicant and current owner. The applicant/owner has invested a significant amount of resources, time, and money to purchase the site from the prior applicant and owner, design and submit the necessary applications for approval in 2007 and 2008, and now redesign the current project and new applications for the LOI and permitting to minimize the scope of development. Therefore, eliminating any development or use of the site would pose a financial hardship to the applicant and owner, and is not a viable option. In addition, the property is designated by the Township as an inclusionary development in the town's Affordable Housing Plan. Said plan has been the subject of a Fairness Hearing and has been approved by the Superior Court of the State of New Jersey. A copy of the Judgement of Repose filed 3/8/2013, which references this at paragraph 5(D)1, is presented in Appendix E. Therefore, eliminating any development or use of the site would pose a hardship to the Township and those in need of affordable housing in New Jersey, as well as be in conflict with the applicable Court Judgement.

2. Will result in the minimum feasible alteration or impairment of the aquatic ecosystem including existing contour, vegetation, fish and wildlife resources, and aquatic circulation of the freshwater wetland and hydrologic patterns of the HUC 11 in which the activity is located;

As presented above, the proposed project has been minimized to avoid all disturbance to wetlands and regulated waters. The minimum disturbance limit from the wetlands will be 50-feet. Therefore, no alteration or impairment of the aquatic ecosystem will result from the proposed development.

3. Will not destroy, jeopardize or adversely modify a present or documented habitat for threatened or endangered species; and shall not jeopardize the continued existence of a local population of a threatened or endangered species, as defined at N.J.A.C. 7:7A-1.4;

4. Will not be likely to result in the destruction or adverse modification of a habitat which is determined by the Secretary of the United States Department of the Interior or the Secretary of the U.S. Department of Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.;

Areas of the site have been determined to be critical threatened and endangered species habitat based on previous surveys and habitat evaluations conducted. This includes documented swamp pink barred owl, and Pine Barrens treefrog habitat along the Cedar Branch adjacent to Lots 5.04 and 57.01. Northern pine snake (*Pituophis m. melanoleucus*) surveys were also conducted throughout the uplands on the site to ensure there were no impacts to species regulated pursuant to the New Jersey Pinelands Commission Comprehensive Management Plan (CMP) and NJDEP. No pine snakes were identified within the development area on the site based on trapping study results. Based on information provided by the NJDEP according to the New Jersey Landscape Project updates to version 3.1 in 2012, the wetlands throughout the entire project site (inclusive of Lot 5.01) will now be considered Exceptional Resource Value wetlands due to the proximity to critical documented habitat areas.

The current Landscape Project mapping (version 3.1) identifies the entire site as Rank 4 habitat in the Pinelands Region (refer to *Figure 8: Landscape Project (v 3.1) Map*). Wildlife species mapped throughout the site include the barred owl, red-shouldered hawk (*Buteo lineatus*), Pine Barrens treefrog, and northern pine snake. All species referenced, except for the pine snake, are largely dependent on wetland habitats and utilize expansive interior wetlands for breeding and nesting. The northern pine snake utilizes pine-oak and oak-pine upland areas and is not a regulated species pursuant to the applicable regulations for development of the site, including the Freshwater Wetlands Protection Act Rules (N.J.A.C.7:7A) and Flood Hazard Area Control Act Rules (N.J.A.C.7:13). The site is not located within the CAFRA or New Jersey Pinelands Commission jurisdiction, therefore this species is not regulated subject to this Transition Area

Waiver approval. Swamp pink has been identified in the vicinity of the site base on prior surveys conducted by Habitat Management & Design, Inc. (HMD) in 2006. The approximate location of these individuals/populations is depicted on Figure 8 for reference. Refer to Appendix F for the swamp pink certification prepared by DEC pursuant to Attachment C of the Freshwater Wetlands Program, which identifies Jackson Township as a municipality with known documented occurrences of swamp pink. Attachment D does not list Jackson Township as a municipality with documented occurrences for bog turtle (*Glyptemys mühlenbergii*). Therefore, a certification for this species is not required for this application and has not been prepared.

The proposed development in the vicinity of the Cedar Branch and documented state and federal threatened and endangered species habitat will not result in any disturbance or development to the wetlands or 150-foot wetland buffers. All development is proposed within the upland areas and has been specifically designed to avoid the need to discharge stormwater into the wetlands, reduce the transition area, or propose any other development to be authorized pursuant to a Statewide General Permit and/or Transition Area Waiver. The roadway connection to the other Section of the development to the north, as previously approved, has been eliminated from the design, and therefore minimizes impacts to critical habitat areas. The 250-foot buffer to the identified swamp pink habitat along Cedar Branch as previously required by the USFWS is also being maintained as part of this project, which will provide sufficient protection to the swamp pink population and habitat for all referenced species. The culvert permitted in the Statewide General Permit #10 has also been eliminated to reduce disturbances to wetlands, buffers and surface waters.

The proposed project and overall ownership history of the site demonstrates that significant habitat conservation measures have been implemented to ensure conservation and protection of threatened and endangered species habitat along the Cedar Branch waterway and wetland. The project is not resulting in any transition area or wetland disturbance in Section 2, and will continue to maintain the 250-foot buffer as recommended by the USFWS. A total of 295.5 acres of the prior overall site has been conveyed to the Township, County, and conservation organization(s) for protection of habitat, which is contiguous with State park land. Therefore, implementation of these habitat conservation measures resulting from reduction in the project scope, minimization of wetland and transition area impacts, and conveyance and conservation of 296 acres of land that is identified as critical threatened and endangered species habitat that is contiguous with state wildlife management area land, demonstrates that the project as proposed will not result in adverse impacts to threatened and endangered species habitat.

5. Will not cause or contribute to a violation of any applicable State water quality standard;

The project has been designed to be compliant with all State water quality standards. The drainage report prepared by PES entitled "Stormwater Management Report, Volumes 1 thru 4 of 4, Drainage Analysis for Jackson Parke," dated July 26, 2016 provides all information to demonstrate compliance with the water quality standards and Stormwater Management Rules.

6. Will not cause or contribute to a violation of any applicable toxic effluent standard or prohibition imposed pursuant to the Water Pollution Control Act;

7. Will not violate any requirement imposed by the United States government to protect any marine sanctuary designated pursuant to the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. §§ 1401 et seq.;

8. Will not cause or contribute to a significant degradation, as defined at 40 C.F.R. 230.10(c), of ground or surface waters;

The project will not result in the generation or discharge of any hazardous substances, and also will not result in any discharge or disturbance to wetlands or state open waters. Therefore, the proposed project

will not cause or contribute to a violation of any applicable toxic effluent standard or prohibition imposed pursuant to the Water Pollution Control Act and/or significant degradation of ground or surface waters. The site is not associated with a marine waterbody and therefore that rule is not applicable.

9. Will not adversely affect a property which is listed or is eligible for listing on the New Jersey or National Register of Historic Places unless the applicant demonstrates to the Department that the proposed activity avoids or minimizes impacts to the maximum extent practicable or the Department determines that any impact to the affected property would not impact the property's ability to continue to meet the criteria for listing at N.J.A.C. 7:4-2.3 or otherwise negatively impact the integrity of the property or the characteristics of the property that led to the determination of listing or eligibility.;

i. If the permittee, before or during the authorized work, encounters a possible historic property, as described at N.J.A.C. 7:7A-12.2(l), that is or may be eligible for listing on the New Jersey or National Register, the permittee shall preserve the resource, immediately notify the Department and proceed as directed by the Department;

The proposed development project will not impact any of the mapped historic properties or historic districts. No disturbance is proposed along the Prospertown-Cassville Road. The site has been subject to significant prior cultural and archaeological studies by Hunter Research, Inc., as discussed above in Section VII. The referenced Phase I and Phase II report was provided to the HPO for the prior development project for review and approval. HPO provided approval of the survey results and determination that there will be no adverse impacts to the identified resources in a memorandum correspondence dated May 31, 2006 (refer to Appendix B). The prior approved project was more expansive than the development area proposed as part of this current application. Therefore, no additional cultural studies should be required for the current proposed project.

10. Will not violate the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., or implementing rules at N.J.A.C. 7:13; 11. Is otherwise lawful;

The site is associated with regulated waters, and therefore is impacted by flood hazard areas and riparian buffers. A proposed Verification is being submitted concurrently with this application pursuant to the Flood Hazard Area Control Act Rules (N.J.A.C.7:13), as prepared by PES.

12. Is in the public interest, as determined by the Department in consideration of the following:

i. The public interest in preservation of natural resources and the interest of the property owners in reasonable economic development. In determining whether a proposed activity is in the public interest, the Department shall consider, as one source of guidance, the goals, strategies, policy objectives and policies of the New Jersey State Development and Redevelopment Plan, adopted and/or readopted by the State Planning Commission pursuant to the New Jersey State Planning Act, N.J.S.A. 52:18A-196 et seq., and the State Planning Act rules, N.J.A.C. 17:32;

The project as currently proposed has been redesigned and reduced in scope from the original proposed development and approvals to further preserve the natural resources, as well as the interest of surrounding property owners so that it is in the public's best interest. The project site is located in a Fringe planning area according to the Policy Map of the New Jersey State Development and Redevelopment Plan (refer to *Figure 9: State Policy Map*). The Fringe planning area is defined in the plan as being part of a rural landscape, however is not designated as prime agricultural land or an environmentally sensitive area (NJSPC, 2010). These fringe planning areas are intended to be considered a "buffer" area between the Metropolitan and Suburban planning areas, and the Rural and Environmentally Sensitive planning areas.

Growth and development is intended to revitalize small towns, while accommodating compact/center based development and protection of natural resources and open space. (NJSPC, 2010).

The proposed development has been significantly reduced so that the proposed development areas are center based and clustered in two (2) separate sections, which access separate roadways. This development will revitalize the town of Cassville, while also preserving environmentally sensitive areas on the site and the surrounding open space to the north and west of the site, and provide affordable housing opportunities to meet the Township's housing obligations.

ii. The relative extent of the public and private need for the proposed regulated activity;

The extent of public need is related to the goals of the State Development and Redevelopment Plan that notes revitalization of towns and clustered development. The proposed development scope has been reduced from prior proposals to a clustered development with separate access points, which is a positive impact to the public. Private need for the proposed regulated activity is based on the economic benefits of the property development for the current and prior owners and applicants, which is specifically related to the time, cost, and resources that have been expended into the prior approved development. This includes prior engineering, survey, property subdivision costs, threatened and endangered species surveys, and application preparation and submission time and cost. The approval that will allow reduction of the 150-foot transition area to a 50-foot transition area will allow for clustered development on the subdivided lots, which is directly associated with public need and benefit and will allow maximization of the development as previously approved in Section 1.

As presented above, the property is designated by the Township as an inclusionary development in the town's Affordable Housing Plan. The plan has been the subject of a Fairness Hearing and has been approved by the Superior Court of the State of New Jersey. Therefore, the development will serve the public need of those in need of affordable housing in New Jersey.

iii. Where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods, to accomplish the purpose of the proposed regulated activity;

Reasonable alternatives have been considered and implemented for the project to demonstrate compliance with the permit requirements. As a result of prior approvals for development of the site, and a reduction in the project scope of development, there are no unresolved conflicts as to resource use.

iv. The extent and permanence of the beneficial or detrimental effects which the proposed regulated activity may have on the public and private uses for which the property is suited;

The site is private property that is not subject to public use. Perrineville-Cassville Road traverses the northern limits of Section 2, which is a historic dirt road that will remain public. The proposed regulated activity is associated with Section 1, which is not in the vicinity of this roadway. Therefore, the project will not result in any permanent detrimental impacts on available public use on or in the vicinity of the site.

The proposed project is for development of a residential subdivision in two (2) proposed sections of the site. These will be private single-family and multifamily residences with two (2) associated community centers, which will provide permanent beneficial private use of the upland areas of the project site. Although the applicant anticipates future modifications outside of the regulated areas due to market, Township, County, and affordable housing requirements, the approval that will result in the reduction of the buffer from 150 feet to 50 feet in Section 1 will allow for development of the community center and

maximum development of the residences for private use of the site as previously approved. This activity will not result in any detrimental effects to either public or private use.

v. The quality and resource value classification pursuant to N.J.A.C. 7:7A-2.5 of the wetland (transition area) which may be affected and the amount of freshwater wetlands (transition area) to be disturbed;

The wetlands throughout the entire site will be classified as Exceptional Resource Value with an associated 150-foot transition area pursuant to the updated/current LOI submitted as part of this application. Section 1 of the project will maintain the 150-foot transition area throughout the project site and no wetland disturbance is proposed. An expanded 250-foot transition area will also be maintained along the Cedar Branch in Section 1 to protect identified critical swamp pink habitat. This will ensure that the quality of the wetland and waterway will be maintained and in the public's best interest.

The proposed development in Section 1 will result in the reduction of the 150-foot transition area to be established pursuant to the updated LOI, to 50-feet as previously approved pursuant to prior permits and LOIs issued for the historic site and prior development. No wetland disturbance is proposed and the transition areas are not proposed to be reduced further than 50 feet in any part of the wetland. The quality of the transition areas and wetlands in Section 1 will be maintained due to the lack of any wetland disturbance and any discharge into the wetlands or surface waters. No clearing of wetlands or other critical habitat is proposed that would impact interior nesting and breeding habitat identified along Cedar Branch so the south.

vi. The economic value, both public and private, of the proposed regulated activity to the general area; and

The regulated activity allows for an increase in number of units, and development of the community center for Section 1. The public economic value of the general area will be benefited by the project as a result of providing increased utilization of local businesses within the town of Cassville and surrounding areas by residences of the development, possible increase in attendance at local places of worship, and an increase in tax revenue that will support the local school district and public services. Development of the site will contribute economic value to the public by providing those in need affordable housing in New Jersey. The site has been designated by the Township as an inclusionary development in the town's Affordable Housing Plan. The plan has been the subject of a Fairness Hearing and has been approved by the Superior Court of the State of New Jersey.

The owner and applicant for the project will benefit from sale of the lots and project, demonstrating private economic benefit. Other private and public benefits will be associated with an increase in the opportunity for employment associated with the project, including services such as landscaping, property maintenance, garbage collection, snow plowing, as well as community center employment (if applicable).

vii. The functions and values provided by the freshwater wetlands (transition areas) and probable individual and cumulative impacts of the regulated activity on public health and fish and wildlife;

As presented above, the regulated activity will result in the reduction of the transition area only and will not impact any freshwater wetlands. Reduction of the transition area from 150-feet to 50-feet is associated with that section of the project that previously was subject to a 50-foot transition area and development of the area as approved by the NJDEP per prior permits and verifications. Based on threatened and endangered species survey results, location of identified swamp pink locations, and specific design of

the stormwater management system to avoid all discharge into wetlands, it is the determination of DEC that the regulated activity will not adversely impact the function and value of the wetlands, and will not result in any further cumulative impacts to public health and fish and wildlife.

13. Will not involve a discharge of dredged material or a discharge of fill material, unless the material is clean, suitable material free from toxic pollutants in toxic amounts, which meets Department rules for use of dredged or fill material;

The entire project will be constructed using clean and suitable fill material. There will be no discharge of any fill material into wetlands for the project.

14. Is consistent with the applicable approved Water Quality Management Plan (208 Plan) adopted under the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., unless the activities are not subject to the Department's Water Quality Management Planning rules at N.J.A.C. 7:15; and

The project will be consistent with the Water Quality Management Plan, as applicable. The proposed development areas for both Sections 1 and 2 are within the mapped sewer service areas.

15. In accordance with N.J.A.C. 7:7A-2.11, is part of a project that in its entirety complies with the Stormwater Management rules at N.J.A.C. 7:8.

The entire project is compliant with the stormwater management rules. The above referenced stormwater management report prepared by PES should be reviewed for compliance with these regulations.

(c) The following shall apply to the Department's consideration of whether an alternative is practicable under (b)1 above:

Alternatives for the project have been evaluated and presented as part of Section X.A.c above, which included the historic development, project scope reduction, and No Action alternatives. Information was also presented regarding the practicality and implementation of these alternatives for development of the site in relation to the regulated activity proposed.

- 1. An alternative shall be practicable if it is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes;
 - i. In considering cost in accordance with (c)1 above, the Department shall consider the acquisition history of the property as a whole, as defined at N.J.A.C. 7:7A-1.4, and the amount, nature, and date of investments that the applicant has made in the property as a whole; and**

The alternatives presented have been evaluated in considering cost, existing technology, and logistics with regards to the project in order to present whether these are capable of being carried out. The overall property was previously owned by Hovbilt, Inc., and was planned for an age restricted development and golf course, and also an overall residential subdivision without the golf course in the 1990's. The property was then subdivided into separate parcels, two (2) project sections of which were ultimately purchased by EL at Jackson, LLC in December of 2015, that are the subject to this application.

According to tax record information, the remaining portions of the prior project property were sold/transferred by Hovbilt, Inc. to the Trust for Public Lands and Ocean County in May, 2015 as property

to be preserved. The remainder of the property was sold to M & M at Jackson, LLC in February, 2015, and then sold to the current applicant and owner EL at Jackson, LLC in December, 2015. Based on this, the overall project site has been subject to sale/transfer to a conservation organization and the Township for preservation. The remainder of the site subject to development has been owned and sold by three (3) separate entities over the course of the project history, over which time the scope of the project has been reduced to minimize environmental impacts and disturbance. Based on this information, the overall property has been subject to offer of sale, deed restriction and sale/transfer for preservation, and purchase. The total acreage of 295.5 acres of the prior project area has been conveyed to the Township, County, and Green Acres for preservation and conservation.

The applicant has invested significant time and finances into the project to redesign and resubmit prior approved projects in order to minimize environmental impacts. Investments into the project include cost and time associated with prior engineering, surveying, environmental, cultural, and environmental services for the prior project approval, in addition to state and local application fees. Additional time and money was also invested into the same services for redesign of the project subject to this application, inclusive of new and additional application fees for the new and updated Letter of Interpretation and application fees.

This time and cost is in addition to investment of time and cost into additional threatened and endangered species surveys throughout the overall prior project area, design and coordination for the proposed golf course and age restricted development, and similar engineering, survey, attorney, environmental consulting, and cultural fees.

2. An alternative shall not be excluded from consideration under this provision merely because it includes or requires an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Acquisition and ownership history for the project subject to this application, and the overall historic project site, has been presented above. The parcels surrounding the current project site have been sold/transferred to the County and the Trust for Public Lands for preservation. Property to the west of the site is classified as State Park lands according to the state policy map (refer to *Figure 10: State Policy Map*). Surrounding undeveloped land is also primarily characterized as wetland, wetland buffer, and/or threatened or endangered species critical habitat. The remainder of the project site is adjacent to public roadways to the south and east of the project sections. Therefore, the alternative that would include acquisition of different/additional parcels to expand the developable upland to fulfill the basic purpose of the project to avoid reduction of the wetland buffer has been determined to not be feasible and practical.

Additional requirements for a non water-dependent activity in a wetland or special aquatic site (N.J.A.C. 7:7A-7.4)

(a) In addition to meeting the requirements of N.J.A.C. 7:7A-7.2, a non water-dependent activity in a freshwater wetland (transition area) or special aquatic site, as defined in N.J.A.C. 7:7A-1.4, shall meet the requirements of this section.....

The project and regulated activity subject to this Transition Area Waiver Individual Permit request involves the reduction of a 150-foot transition area to a 50-foot transition area for development of a residential subdivision, and therefore is a non-water dependent use. However, there will be no impact to and wetlands or special aquatic areas. Therefore, these requirements are not applicable to the project.

The above referenced project alternatives provide information regarding history of the site and prior project approvals. It is demonstrated that the approval for reduction of a transition area on a portion of the project site from 150-feet to 50-feet provides a private economic benefit and eliminates a hardship due to the time, expenditures, and resources that have been invested into the project for previous approvals. The project fills a public need and benefit by providing affordable housing. As presented above, the property has been designated by the Township as an inclusionary development in the town's Affordable Housing Plan. The plan has been the subject of a Fairness Hearing and has been approved by the Superior Court of the State of New Jersey.

Additional requirements for a non-water dependent activity in exceptional resource value wetlands or trout production waters (N.J.A.C.7:7A-7.5)

(a) If an applicant proposes a non water-dependent activity in wetlands of exceptional resource value or in trout production waters, the applicant, in addition to complying with all other requirements in this subchapter, shall also demonstrate either:

- 1. That there is a compelling public need for the proposed activity greater than the need to protect the freshwater wetland or trout production water, and that the need cannot be met by essentially similar projects in the region which are under construction or expansion, or which have received the necessary governmental permits and approvals; or*

The project is a non-water dependent activity that will result in the reduction of a transition area from what is anticipated to be classified as an exceptional resource value wetland. Based on information provided by NJDEP and the revisions to the Landscape Project mapping to version 3.1 that is species based after 2012 updates, the wetland within Lot 5.01 that was previously intermediate resource value has been determined to be suitable threatened and endangered species habitat since it is hydrologically connected to the critical habitat south of Section 1 along the Cedar Branch.

It has been demonstrated that the project as currently proposed and subject of this application has been designed to minimize impacts to wetlands and transition areas. Wetland and transition area disturbance was approved pursuant to the above referenced Statewide General Permit for a road crossing and culvert over wetlands and surface waters, and would also result from the alternatives presented. The project as designed for this application will also not result in any adverse impacts to threatened or endangered species habitat due to the elimination of the road crossing and culvert, and maintenance of the 250-foot transition area associated with the documented critical habitat in in the vicinity of Section 2 of the project. This habitat protection area is contiguous with other parcels of the prior historic project site that were transferred to the County, Township and Trust for Public Lands/Green Acres for conservation and threatened and endangered species protection.

The public need and benefits of the project have been presented above. The project will not result in any activity that will adversely impact the freshwater wetland. Furthermore, there are no other projects in the area that are under construction, proposed, subject to expansion, and/or approved that will meet the need that this project is providing for the local public services and revitalization of the town and region.

XI. SUMMARY

The proposed project involves the construction of a residential subdivision that involves two (2) separate project sections. The project sections are parcels that have been subdivided from the prior overall Jackson Valley project that has been subject to historic site development plans, state and local applications and approval. An LOI and extension were issued for the overall site in 1997 (NJDEP File#1511-96-0007.1) and 2004 (NJDEP File #1511-03-0024.1), respectively. On July 25, 2008 a freshwater wetlands Statewide General Permit #10 and Water Quality Certificate, and Stream Encroachment Permit, were also issued for

proposed development of the prior overall site. The 2004 LOI extension provided reliance on the prior intermediate resource value wetlands for current Lot 5.01. However, based on information provided by the NJDEP, further reliance of resource value classifications will not be provided in the updated LOI to be issued. Therefore, a permit is required for the project as proposed for a reduction of the 150-foot buffer to 50-feet in Section 1 of the proposed project.

XII. REFERENCES

Federal Interagency Committee for Wetland Delineation, 1989. Federal Manual for Identifying and Delineating Jurisdictional Wetlands. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Services, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative Technical Publication.

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New Jersey Department of Environmental Protection, Bureau of Geographical Information Systems. Maps and Map Data. Accessed June & July, 2016. <http://www.nj.gov/dep/gis/>

New Jersey Department of Environmental Protection, Division of Land Use Regulation. Amended 6/20/2016. Freshwater Wetlands Protection Act Rules (N.J.A.C.7:7A). Accessed July 2016

New Jersey State Planning Commission. 1/13/2010. "Final Draft: New Jersey State Development and Redevelopment Plan (Vol 1). Available online: http://www.state.nj.us/state/planning/docs/dfplan_vol1.pdf. Accessed July, 2016.

Partner Engineering and Science, Inc. July 26, 2016. "Stormwater Management Report, Volumes 1 thru 4 of 4, Drainage Analysis for Jackson Parke.

Partner Engineering and Science, Inc. July 26, 2016 "Wetland Location Plan; Tax Lots 5.01 and 5.04 Block 10401 and Lot 57.01 Block 17802; Reed and Perrineville Roads; Situated in Jackson Township, Ocean County" (Sheets 1 through 3)

Partner Engineering and Science, Inc. July 26, 2016 "Wetland Permitting Plan; Sections 1 & 2 prepared for Jackson Parke; Lots 5.01 & 5.04 Block 1041, Lot 57.01 Block 17802; Jackson Township, Ocean County, New Jersey."

United States Department of Agriculture, Natural Resources Conservation Service. 2010. Field Indicators of Hydric Soils in the United States, Version 7.0. L.M. Vasilas, G.W. Hurt, and C.V. Noble (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.

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FIGURES

113

SHEET 115

SHEET 116

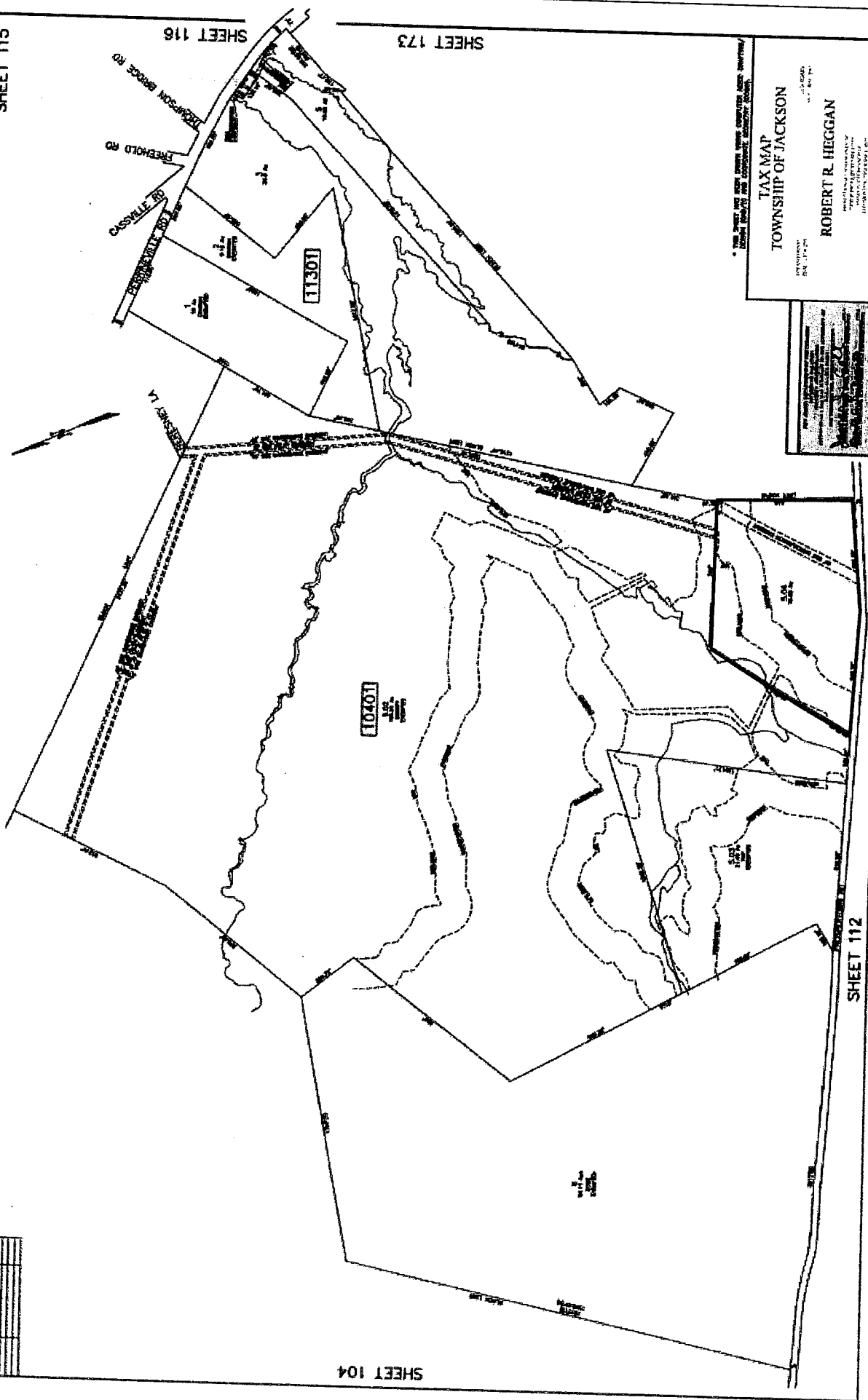
SHEET 173

113

SHEET 114

SHEET 104

SHEET 112



TOWNSHIP OF JACKSON
 TAX MAP
 ROBERT R. HEGGAN
 PROFESSIONAL ENGINEER
 1000 W. MAIN ST. SUITE 200
 JACKSON, NEW JERSEY 07033
 (908) 426-8888
 www.rh-engineering.com



Jackson Township Tax Map - Lot 5.04

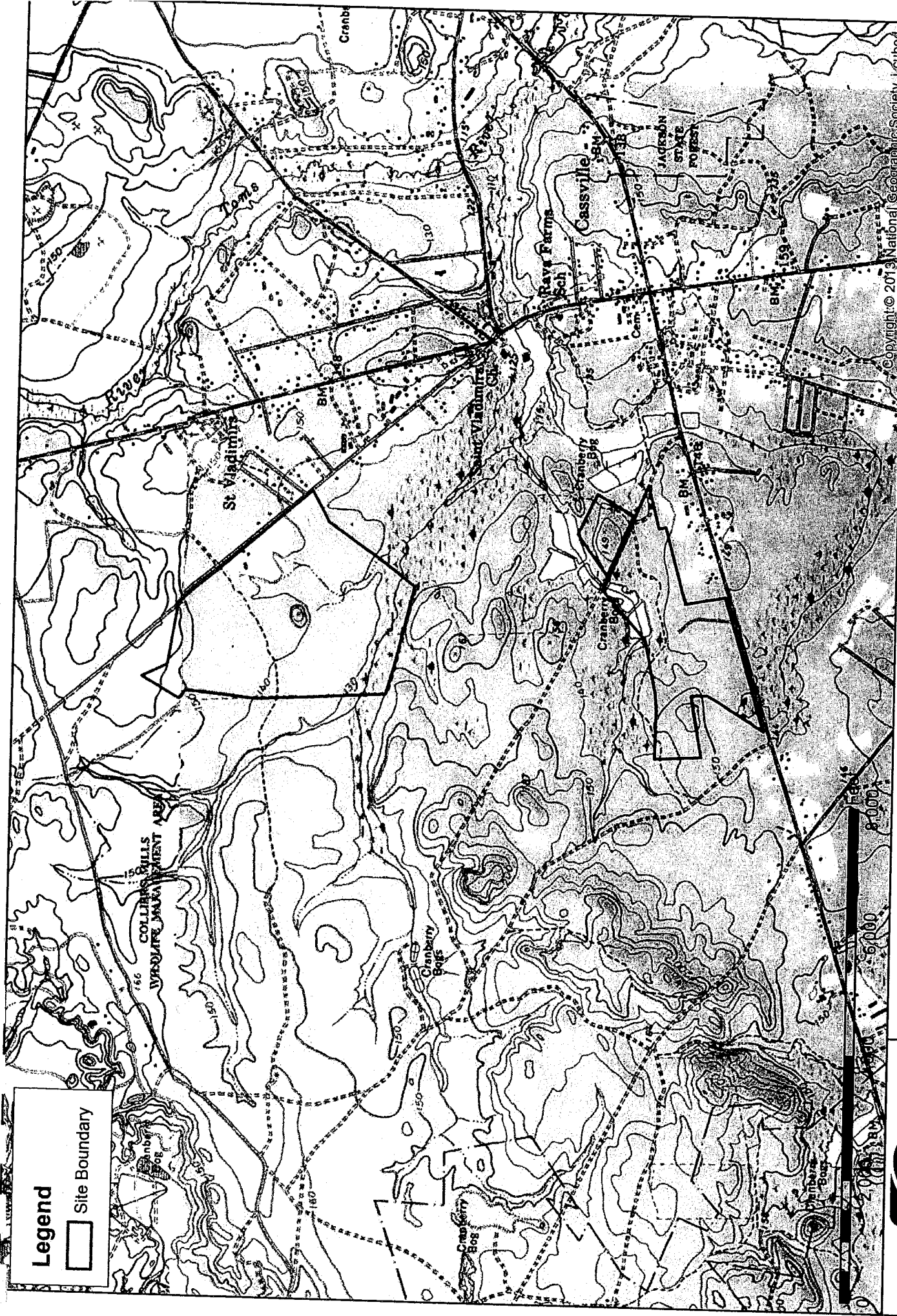
Block 10401 * Lot 5.04
 Jackson Township, Ocean County, NJ



Job No.: D1254.001

Date: 7/18/2016

Drawn By: AJ



Job No.: D1254.001
 Scale: 1 in = 2,000 ft
 Date: 7/18/2016
 Drawn By: AJ



Figure 1

Roosevelt & Cassville U.S.G.S. Quadrangles Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
 Jackson Township, Ocean County, NJ



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This map was developed using Geographic Information System (GIS) technology.

Legend



Site Boundary

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Dubois Environmental
Consultants

Aerial Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ



NORTH

Figure 4


Job No.: D1254.001

Scale: 1 in = 1,500 ft

Date: 7/6/2016

Drawn By:

Legend

 Site Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 1,500 3,000 4,500 6,000 Feet



Ocean County Soil Survey Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ



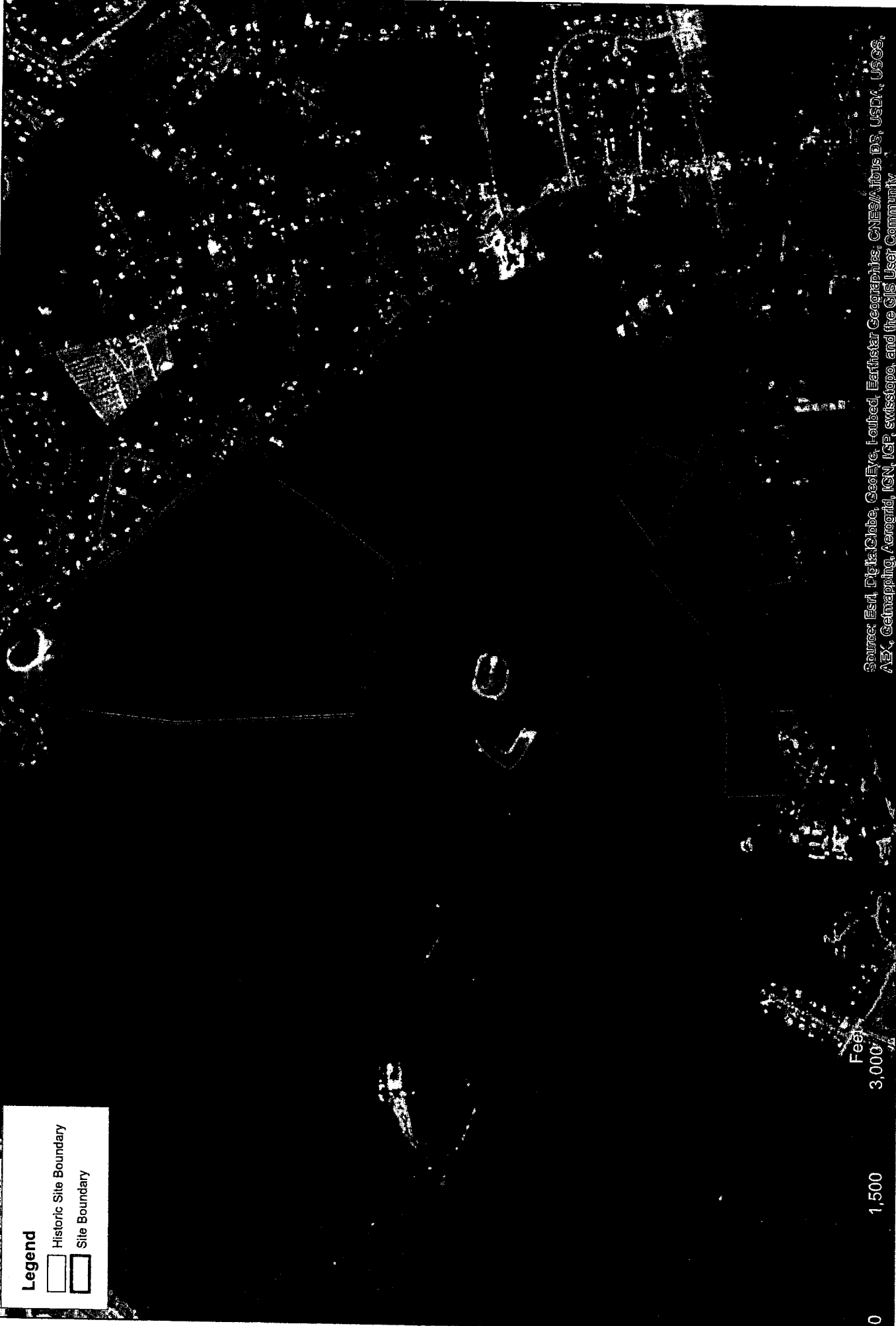
Job No.: D1254.001

Scale: 1 in = 1,500 ft



Date: 7/6/2016

Drawn By: JG

Figure 5



Legend

-  Historic Site Boundary
-  Site Boundary

Feet
0 1,500 3,000



Dubois Environmental
Consultants

Historic Site Aerial Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ



NORTH

Figure 6

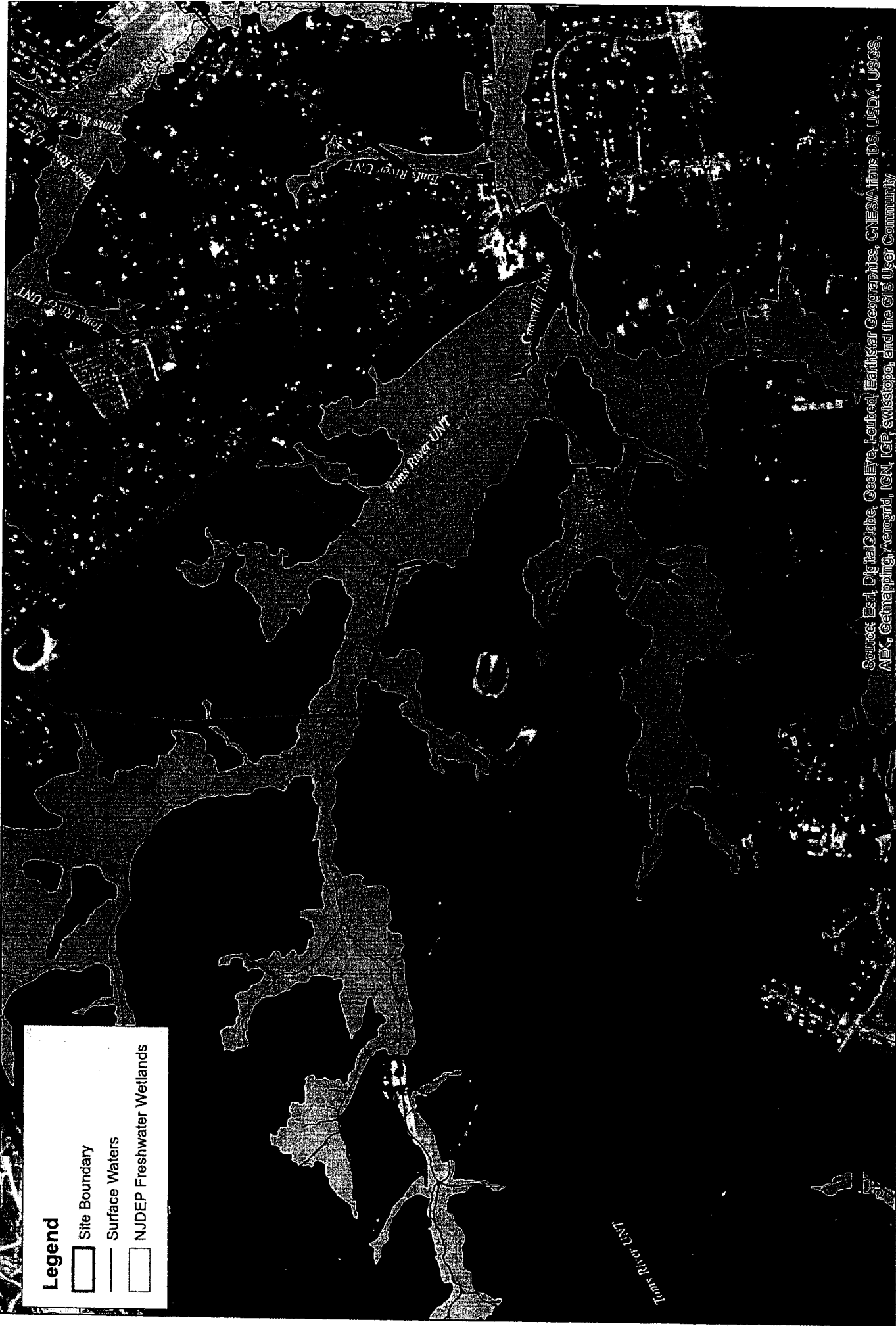
Job No.: D1254.001

Scale: 1 in = 1,500 ft




Date: 7/18/2016

Drawn By: AJ

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, swisstopo, and the GIS User Community



Legend

-  Site Boundary
-  Surface Waters
-  NJDEP Freshwater Wetlands

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, Swisstopo, and the GIS User Community

NJDEP Freshwater Wetland Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
 Jackson Township, Ocean County, NJ





Figure 7

Job No.: D1254.001
Scale: 1 in = 1,500 ft
Date: 7/18/2016
Drawn By: AJ








Legend

-  Site Boundary
-  Approximate Swamp Pink Locations (2006)

Pinelands Region

- Rank**
-  3 - State Threatened
 -  4 - State Endangered
 -  5 - Federally Endangered

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerotid, IGN, IGP, swisstopo, and the GIS User Community



Figure 1

NJ Landsape Project (v 3.1) Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ



Dobbins Environmental
Consultants

Job No.: D1254.001
Scale: 1 in = 1,384 ft
Date: 7/20/2016
Drawn By: AJ

Legend



Site Boundary

STATE PARK

FRINGE

ENVIRONMENTALLY SENSITIVE

PINELANDS

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerotid, IGN, IGP, swisstopo, and the GIS User Community



New Jersey State Planning Policy Map

Block 10401 * Lots 5.01 & 5.04 and Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ

Job No.: D1254.001

Scale: 1 in = 1,500 ft

Date: 8/4/2016

Drawn By: AJ



NORTH

Figure 1

APPENDIX A

NJDEP CORRESPONDENCE



State of New Jersey

Richard E. McGreevey
Governor

Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
Fax # (609) 777-3656
www.state.nj.us/landuse

Bradley M. Campbell
Commissioner

Michael J. Gross
Giordano, Halleran & Ciesla
125 Half Mile Road, P.O. Box 190
Middletown, NJ 07748

AUG 11 2004

RE: Request for Letter of Interpretation Reissuance
File no. 1511-03-0024.1-FWW030001
Reference File No.: 1511-96-0007.1-FWLI
Applicant: Vahak & Shant Hoynanian
Project: Golf Course/Age-restricted Community
Block(s): 6/7.01; Lots: 4.04/13,28.01,35,47,48,& 49 respectively
Jackson Township, Ocean County

Dear Mr. Gross:

This letter is in response to your September 11, 2003 request to reissue the October 17, 1997 Letter of Interpretation (as amended to October 2002). The original request was received on October 16, 2002 (prior to the expiration of the original Letter of Interpretation) but was rejected as a deficient application. This reissuance shall extend the original termination date of October 17, 2002 by 5 years to October 17, 2007.

Based upon the original site inspection conducted on October 24, 1996, and more recent inspections conducted during 2002 and 2003 to address public concerns about the presence of endangered and threatened species habitat, the Land Use Regulation Program has determined that the wetlands and waters boundary lines, as shown on the 6 plan sheets (1 through 6 of 6) entitled "Wetlands Survey, Block 7 - Lots 13, 27, 28.01, 35, 47, 48, 49; Block 6 - Lot 4.04", dated March 26, 2004, last revised July 16, 2004, and prepared by Schoor DePalma Inc. (Martin F. Tirella, P.L.S.) are accurate as shown.*

Plans referenced for the reissuance differ from those approved in the 1997 Letter of Interpretation since the original plans were found to not have the proper surveying qualifications. Original approved plans of 6 sheets were entitled, "Figure 4, Fairview At Jackson, Township Of Jackson, Ocean County, New Jersey, Wetland Delineation", dated April 15, 1996, last revised August 27, 1997, and prepared by C & H Environmental, Inc.,

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 labelled with the above LURP file number and the following note: "Freshwater Wetlands/Waters Boundary Line as verified by NJDEP on October 17, 1997, File No. 1511-03-0024.1-FWW030001."

With current information including input from the applicant, the Department makes the following determinations with regard to resource value determinations: the pond north of flag W100, the pond east of flag W101 and the feature between flags W705-W706 and W907-W908 are State open waters (no wetland buffer); that linear wetland feature extending northwest of flag W200 is a wetland ditch of ordinary resource value (no wetland buffer; and, all other wetlands not referenced above are of exceptional resource value (standard 150 foot buffer). In addition, wetlands tributary to Barnegat Bay are designated as Priority Wetland by the U.S. Environmental Protection Agency. That would include all wetland and water features on the property with the exception of those designated by flags ~~W705-W706~~ and ~~W850-W864~~. These classifications of wetland resource value and Priority Wetlands 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 wetlands portion of this property (see N.J.A.C. 7:7A-5) and the 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.

It should be noted that the determinations of wetlands resource value classification is based on the best information presently available to the Department and is not affected by the reliance finding (below*). The classifications are subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

*Hovbilt, the applicant for this Letter of Interpretation renewal, has demonstrated to the Department that significant resources and expense were committed to their golf course/age-restricted housing project while relying on the wetland resource value classifications within the original Letter of Interpretation and before new endangered and threatened species information became available. In negotiations with the Department, Hovbilt has received permission to maintain portions of the project that are proposed to occur within the present standard 150 foot wetland buffer but outside of the previously named 50 foot buffer in those areas not considered absolutely essential for maintenance of the wetland habitat for one State endangered species and one State threatened species. These areas are specifically denoted by wetland points/line segments W200 to W234, W248-W42, W42-W10N, W10N-W10A, W10A-W1, W10-W100 and W100-W159.

Reliance determination caveats: 1) Wetlands named above technically (biologically) remain exceptional resource value wetlands and no buffer reductions shall be considered; and, 2) Should the specific Hovbilt project for which this reliance finding is made be significantly changed in scope or use then the reliance finding may be null and void and a full 150 foot buffer width enforced.

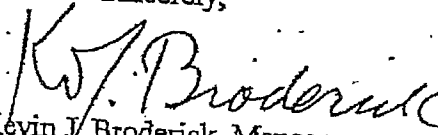
Page 3 Letter of Interpretation Reissuance [1511-03-0024.1-FWW030001]

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

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.

Please contact Bruce Stoneback of our staff at (609) 984-0288 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,


Kevin J. Broderick, Manager
Bureau of Coastal Regulation

KJB/bas

c: Municipal Clerk
Municipal Construction Official
Municipal Environmental Commission



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Division of Land Use Regulation
P.O. Box 439, Trenton, New Jersey 08625
FAX # (609) 777-3656
Web Site: www.state.nj.us/dep/landuse

LISA P. JACKSON
Commissioner

Donna J. McCormack
CMX Engineering
200 State Highway Nine
PO Box 900
Manalapan, NJ 07726

JUL 25 2008

RE: Freshwater Wetlands Statewide General Permit #10 and Water Quality Certification

Applicant: Hovbilt, Inc.
File No. 1511-03-0024.1 FWW 060001
Block: 6 Lot: 4.04
Block: 7 Lots: 13, 28.01, 35, 47, 48, 49
Jackson Township, Ocean County

Dear Ms. McCormack:

The Division of Land Use Regulation has reviewed the referenced application for a Freshwater Wetlands Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A.

Statewide General Permit No. 10

The proposed activity is authorized by Freshwater Wetlands Statewide General Permit #10, which allows for the construction of minor road crossings.

Limit of Authorized Disturbance

The authorized activity under Statewide General Permit #10 involves the disturbance of 0.168 acres of wetlands, transition areas, or State open waters. Any additional disturbance of freshwater wetlands, State open waters or transition area shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. The work is based on sheets 1 and 2 of 2 entitled "Wetlands Permitting Plan, Preliminary and Final Major Site Plan and Subdivision"; and sheets 1 and 2 of 2 entitled "Plan" and "Overall Plan, Swamp Pink Buffer Fence Location Plan", dated 7/24/08, unrevised. All sheets reference "Jackson Valley, Block 6—Lot 4.04 & Block 7—Lots 13, 28.01, 35, 47, 48 & 49, Township of Jackson, Ocean County, New Jersey" and are prepared by Schoor Depalma Engineers and Consultants/CMX.

1511-03-0024.1FWW060001

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

In addition to the conditions noted at N.J.A.C. 7:7A-4.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

Permit Specific Conditions

1. A standard warm water time restriction from 4/1 thru 6/30 is to be imposed on any instream / bank sediment generating aspect of the project.
2. During construction, all excavation must be adequately monitored for the presence of acid producing deposits. If any such deposits are encountered, the mitigation and disposal standards outlined in Section 2.5 of the "Stream Encroachment Technical Manual" must be implemented.
3. All excavated material and dredged spoils must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands, of adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
4. Trees, shrubs, grasses, and other vegetation within 25' from the top of all stream banks on site shall not be disturbed for any reason, except where approved by the Department. This condition applies to all streams and waterways on site, regardless of the contributory drainage area.
5. Upon completion of the project, all temporarily disturbed upland areas within or affecting the regulated flood plain must be restored to their original condition using native soils and indigenous vegetation. Said restoration is to be accomplished under the recommendation and discretion of the local soil conservation district having jurisdiction over the project.

In order for the Fish and Wildlife Service (Service) to conclude that the project will not adversely affect swamp pink, the following recommendations must be implemented:

1. The applicant shall ensure that the commitments made in the May 21, 2007 and October 20, 2006 letters and those commitments made during the February 26, 2007 Jackson Township Planning Board meeting as memorialized in a Resolution No. 2007-5 of Jackson Township Planning Board dated April 2, 2007, all of which are set forth below, are adhered to.
 - a. Except as authorized herein, the applicant shall not encroach on any wetlands buffers anywhere on the site and has not attempted to utilize

1511-03-0024.1FWW060001

- buffer averaging for this purpose. The applicant shall not to apply for any transition area waivers that might reduce or modify the shape of the buffers that the DEP has requested and required or which the Service has requested.
- b. The applicant has addressed the hydrology of the site to insure no additional runoff from the property leaves the site.
 - c. The applicant shall comply with approvals issued by the Ocean County Soil Conservation district related to stormwater management and soil erosion control.
 - d. Best management practices shall be used to control, treat and manage all runoff being generated by this project.
 - e. All runoff shall be collected, stored and treat on site, up to and including the 100 year storm in and the small infiltration swales as well as larger infiltration basins.
 - f. The homeowners association will be required to have quarterly inspections done of its stormwater management facilities with reports to be submitted to the municipality, confirming that basins are being maintained and functioning as designed.
 - g. There shall be 250-foot transition area buffers in the vicinity of the swamp pink habitat to provide additional protection.
 - h. No pesticide treatments will be provided for the rear of the subject properties so the areas adjacent to the infiltration swales will not receive any pesticide applications. No pesticides and only organic fertilizers will be utilized in those areas. The front yards will receive integrated pest management type treatments which will be a "spot treatment" as opposed to overall treatment along with a regular maintenance schedule for the front lawn areas. The integrated pest management plan will be incorporated into all homeowners association documents which must be reviewed and approved by the Board attorney, planner and engineer. Quarterly reporting requirements from a certified pesticide applicator must be included within these homeowners association documents. These reports must identify any property owners who appear to be utilizing pesticides in their back lawn areas. The applicant has stipulated to the Board that it will utilize the Northeast Organic Farmers Association (NOFA) standards for its integrated pest management program.
 - i. Gaps in the existing natural buffer landscaping will be filled in with native species plantings.
 - j. During construction on this site, the applicant shall require an environmental specialist be available on call and shall supply weekly evaluations to the Jackson Township Planning Board's ("Board") professionals demonstrating compliance with the approved plans.
 - k. A minimum of four separate monitoring wells shall be installed at locations to be determined in conjunction with the Board's professionals. The applicant may be required to install additional monitoring wells as directed by the Board's professionals based upon test results. Testing, schedule and reporting requirements shall be approved by the Board's professionals.
 - l. The applicant shall be required to provide a quarterly report from a certified hydrologist during all construction that the stormwater features are being constructed in an appropriate manner. Thereafter an annual report shall be provided after completion of construction verifying that such facilities continue to operate in an appropriate manner and that all required maintenance has been performed. This condition shall also be contained within the homeowner's association documents.

1511-03-0024.1FWW060001

- m. The applicant shall be required to provide in any public offering statement or any homeowner's association documents, an approved Operation and Maintenance manual for stormwater management. This manual must be approved by the Board's professionals prior to the issuance of any building permits for the applicable section.
- n. The applicant shall be required to prepare a Maintenance Manual for all non-structural stormwater facilities for all common areas. This Maintenance Manual must also be acceptable as to form and content by the Board engineer prior to the issuance of any building permits for the applicable section.
- o. The applicant will be required to prepare a benchmark water quality study of the Cedar Branch and Pole Brook prior to and disturbance and copies thereof shall be provided to the Board's Professionals, the Township Environmental Commission and the Township Engineer.
- p. The development itself shall make full use of existing crossings, involve no additional incursions into wetlands or stream corridors and maintain a 250' wetland buffer within those areas of the site located upgradient and adjacent to the swamp pink.
- q. There shall be no site development or disturbance or land development up-gradient of the swamp pink colonies. All proposed development activities in the Cedar Branch watershed occur parallel to but slightly down gradient of the most downstream swamp pink colony.
- r. There is no direct discharge of stormwater into the wetlands or stream. All collected runoff is channeled into bio-retention infiltration swales, infiltration basins, or large, natural bioretention areas.
- s. BMPs are sized to manage storms up to and including the 100-year event. Water released from these structures will be in the form of seepage and recharge of the surficial groundwater. This will maintain the regional hydrology and prevent the discharge of any pollutants into the swamp pink wetlands.
- t. There is no encroachment into the stream corridor up gradient or adjacent to the swamp pink and no encroachment into the previously approved Service 250 wetland buffer upgradient or adjacent to the swamp pink.
- u. The applicant shall conduct monitoring of the regional groundwater and surface water, including piezometer readings of groundwater elevations in the vicinity of the swamp pink and the measurement of water quality (surface and groundwater). The monitoring plan was reviewed and enhanced by Mr. Canace and has been accepted by Jackson Township Planning Board's professionals.
- v. The applicant will not only restrict the use of fertilizers and pesticides in any areas abutting the wetland buffers, but in the areas abutting the swamp pink wetland buffers has committed to the use natural groundcovers (non-lawn), thereby further minimizing the opportunity for the transport of nutrients and pollutants to the swamp pink colony.
- w. There is no encroachment of any type into the 250' wide wetland buffers established for the protection of the swamp pink. There is also no direct discharge of runoff into the streams or the wetlands.
- x. The level of stormwater renovation and stormwater recharge achieved by the proposed system will properly and unequivocally protect the swamp pink colonies (as well as the other wetlands, Cedar Branch and Pole Creek) from either water quality or hydrologic impacts.
- y. The site's stormwater will be managed using three basic structural techniques: Infiltration Basins; Vegetated Infiltration / Bioretention Areas; and, Retention Basins (Wet Ponds). Given the combined use of the

1511-03-0024.1FWW060001

- infiltration, detention and bioretention best management practices, there is no change in either peak flows or volumes relative to existing conditions.
- z. For the areas that drain directly to the wetland buffers, which consist of roof tops and rear yards, as depicted on the plan details (Sheets 33 - 51) runoff will be managed by a number of small catchment, bio-infiltration treatment areas.
2. The applicant shall implement all of the recommendations made by the New Jersey Geological Survey (NJGS) in its April 16, 2007 letter regarding existing and future hydrologic conditions, as set forth below, and ensure that all post-monitoring commitments made by the applicant are adhered to. The post monitoring efforts shall include preparation of an annual functional assessment report on the basins, including any corrective actions performed. This report shall be submitted to the Service, The Division of Land Use Regulation, and NJGS within 1 year of project construction and annually for 5 years after project completion.
- a. The applicant shall conduct a field survey to locate and GPS the location of seeps, followed by an inspection and delineation of the existing occurrence and boundaries of the swamp pink. The applicant shall conduct the seep survey and shall annually re-inspect the swamp pink colony.
- b. A water quality and groundwater elevation monitoring program shall be conducted. The sampling program entails the installation of two shallow wells located in areas suitable and appropriate for the regular monitoring of groundwater levels affecting the swamp pink, and the subsequent monitoring of these wells annually in the spring, summer, and fall. It should be noted that these wells are supplemented by the collection of in-stream data and of groundwater data obtained from additional monitoring wells installed in other areas throughout the development.
- c. The applicant shall conduct a re-survey of the swamp pink colony and other vegetative species of concern.
3. The applicant shall ensure that the Service and the Division are notified if the responsibilities of performing the required maintenance of the stormwater basins and preparing the annual report are transferred to a homeowners association or other entity.
4. Native vegetation shall be used for the final planting plan. A plan for corrective action shall be provided if an invasive species is identified during any post-monitoring efforts.
5. Prior to site preparation, the applicant shall provide documentation to the Service and Division that all wetlands, transition areas, and 250' buffer zones around the swamp pink are placed in a conservation easement restricting all future development. The conservation restriction shall apply to all wetland transition areas on the site and shall preclude future wetland and transition area permitting on the site without lifting the restriction, subject to the terms and conditions of the restriction. 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 shall conform, verbatim, to the format and content of the model Declaration of Restriction for Transition Area and Associated Wetlands on the Divisions

1511-03-0024.1FWW060001

- website at www.state.nj.us/dep/landuse. Send a copy of the recorded conservation restriction to the Division before beginning regulated activities.
6. The applicant shall install a low profile, or post and rail fence and proper signage along the 250' conservation easement lines adjacent to the surveyed Swamp pink locations as depicted on a plan entitled "Swamp Pink Location Plan, Sheets 1 & 2 of 2, Preliminary and Final Major Site Plan and Subdivision, Sections 1 & 2, Jackson Valley, Block 6 Lot 4,04 and Block 7 Lots 13, 28.01,35,47,48 & 49, Township of Jackson, Ocean County, New Jersey", prepared by Schoor DePalma, Inc., dated 7/24/08, unrevised, to ensure that all future homeowners are aware of the Swamp pink protective zones established by the conservation easement.
 7. The applicant shall ensure that proper soil erosion control measures are implemented in accordance with local and State regulations throughout all phases of project construction and completion. In addition, a pre-construction meeting shall be held with the Ocean County Soil Conservation District, the Service, the Division and the Township prior to any construction. This meeting will address compliance with several conditions discussed herein, including the deployment of proper soil control measures and best management practices on the project site.
 8. The applicant shall employ double-barrier silt fences during construction along the wetland buffer to prevent sediment from entering wetlands. These fences shall be maintained on a daily basis.
 9. The applicant shall use Jute matting or other erosion control blankets on disturbed areas associated with the authorized road crossing, immediately after project completion to facilitate revegetation and prevent sediment from entering wetlands.
 10. For each separate phase/area of the project, stormwater basins required for the specific phase/area of the project shall be constructed prior to all other construction activities for that phase/area of the project. Stormwater basins to be utilized for sediment control shall comply with requirements of Ocean County Soil Conservation District Certification dated May 5, 2006 and sequence of construction as specified on 'Soil Erosion & Sediment Control Plans for Preliminary and Final Major Site Plan and Subdivision, Sections 1 and 2' last revised January 19, 2007.
 11. The project site shall remain accessible to Service and Division personnel during all phases of project implementation.

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 in accordance with DEP regulations and State law.
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 on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
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 in any way 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.

1511-03-0024.1FWW060001

- 7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
- 8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
- 9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
- 10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Water Quality Certificate

This letter of authorization to conduct regulated activities in a wetland or State open water includes the Department's approval of a Water Quality Certificate for these activities.

Consistency with the Arcawide Water Quality Management Plan

This project has not been reviewed for consistency with the relevant Water Quality Management Plan or the Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15). As such, there is no intended or implied approval regarding additional permits which may be required from the Department. For treatment works approvals, the consistency determination will be performed by the Bureau of Engineering and Permitting (North/South) which may be reached at (609) 292-6894 for North (Middlesex, Hunterdon and counties north) or (609) 633-1169 for South (Mercer, Monmouth and counties south). For general information concerning water quality management planning process, please contact the Office of Environmental Planning at (609) 633-1179.

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 after notice of 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, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

If you have any questions regarding this authorization, please contact Joanne B. Davis of our staff at (609) 984-0288. Please reference the above file number.

Sincerely



Richard Langbein, Manager
Division of Land Use Regulation

CC: Township Construction Official
Enforcement
Steve Mars US Fish & Wildlife Service 927 North Main Street, Building D Pleasantville, NJ 08232

APPENDIX B

NJDEP HPO CORRESPONDENCE



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

RON S. CORZINE
Governor

Natural and Historic Resources, Historic Preservation Office
PO Box 404, Trenton, NJ 08625
TEL: (609) 292-2023 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

MAY 30 2006

LISA P. JACKSON
Commissioner

GIORDANO, HALLERAN & GIESLA, P.C.
M.J.G.

MEMORANDUM

TO: Karl Braun, Supervisor
Land Use Regulation Program, Coastal Regulation

FROM: Dorothy P. Guzzo, Administrator, Historic Preservation Office (HPO)

DATE: May 31, 2006

RE: Ocean County, Jackson Township
Jackson Valley Development, Phase I & II
LUR file 1512-06-nnnn.n FW

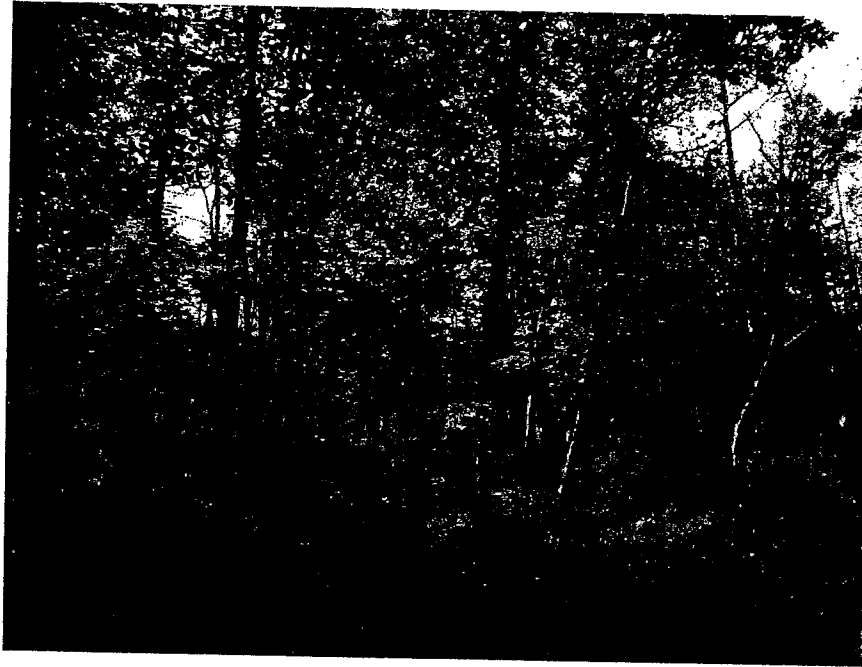
Summary: Survey of the project site identified three historic properties that will be affected by planned construction. The three properties eligible for listing in the New Jersey Register of Historic Places and the National Register of Historic Places (NJRHP/NRHP) are the Cassville Prehistoric/Historic site (28-OC-154), the Cassville-Cranberry Bog Complex (28-OC-155), and a segment of the Prospertown-Cassville Road (all new SHPO opinions). Avoidance, minimization, and mitigation of adverse effects are recommended.

The following document was provided for review and comment to the HPO by Michael J. Gross, on April 24, 2006:

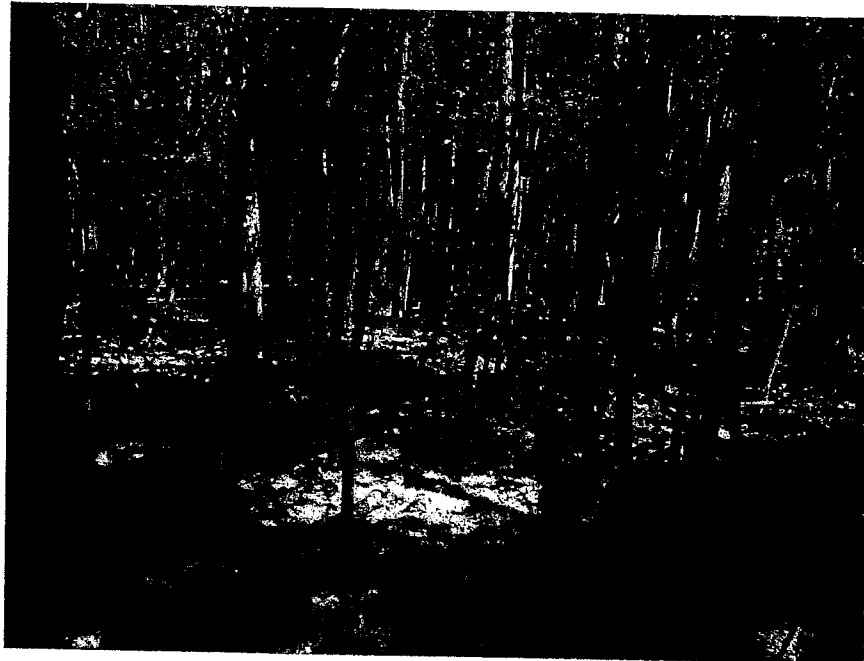
Liebeknecht, William, Damon Tvaryanas, Nadine Sergejeff, George Cress, Douglas Scott, and Richard Hunter
March 2006 Phase I and II Cultural Resource Investigations, Jackson Valley, Jackson Township, Ocean County, New Jersey. Hunter Research, Inc., Trenton NJ.
Submitted to Hovbilt, Inc. HPO accession no. OCE C 599

APPENDIX C

Site Photographs



1. Representative photograph of the uplands in Section 2 on Lot 5.04, facing south from approximate location of wetland point W257.



2. Representative photograph of the interior Atlantic white cedar swamp wetland, facing south towards wetland point W253 across the Cedar Branch.



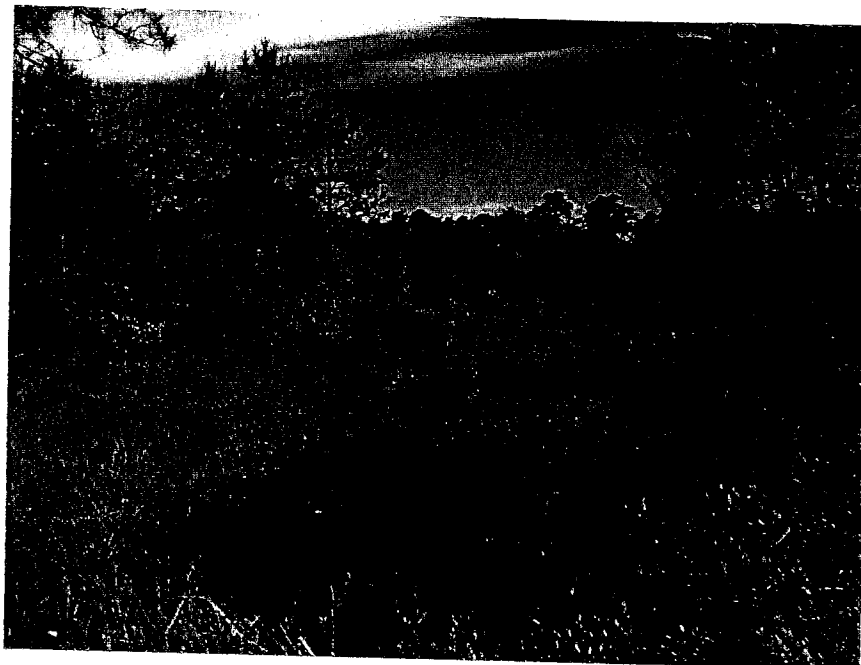
3. Representative photograph of the uplands in Section 2 on Lot 57.01, facing south from approximate location of wetland point W533.



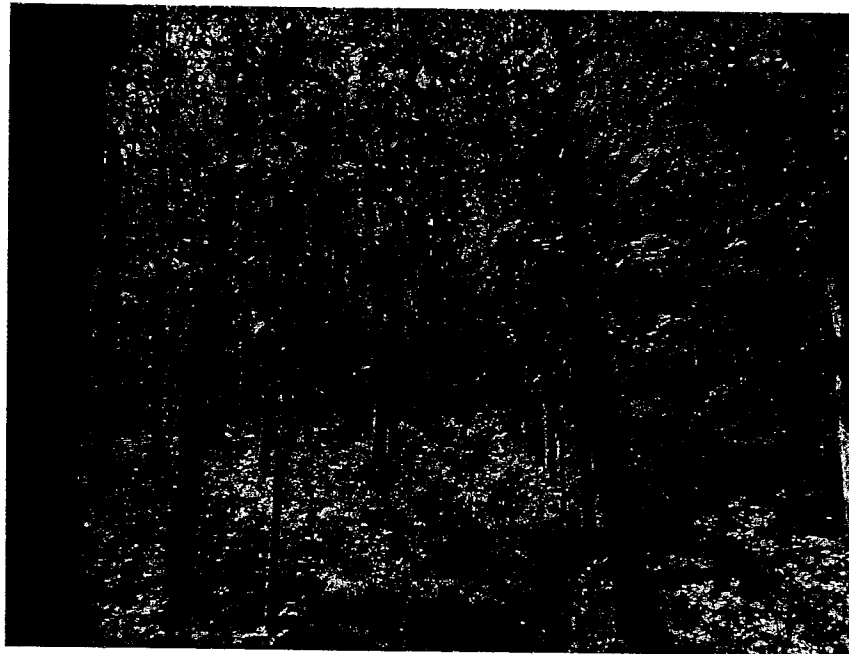
4. Facing west into the wetland north of the overall W500 wetland line, illustrating representative view of the successional wetland area along the Cedar Branch in Section 2.



5. Facing north from approximate location of wetland point W539, illustrating representative photograph of the pitch pine lowland wetland areas in Section 2.



6. Representative photograph of the emergent and successional wetland situated north of wetland point W265 on Lot 5.04.



7. Representative photograph of the upland community in the central section of Lot 57.01 in Section 2 of the project, north of New Egypt-Cassville Road.



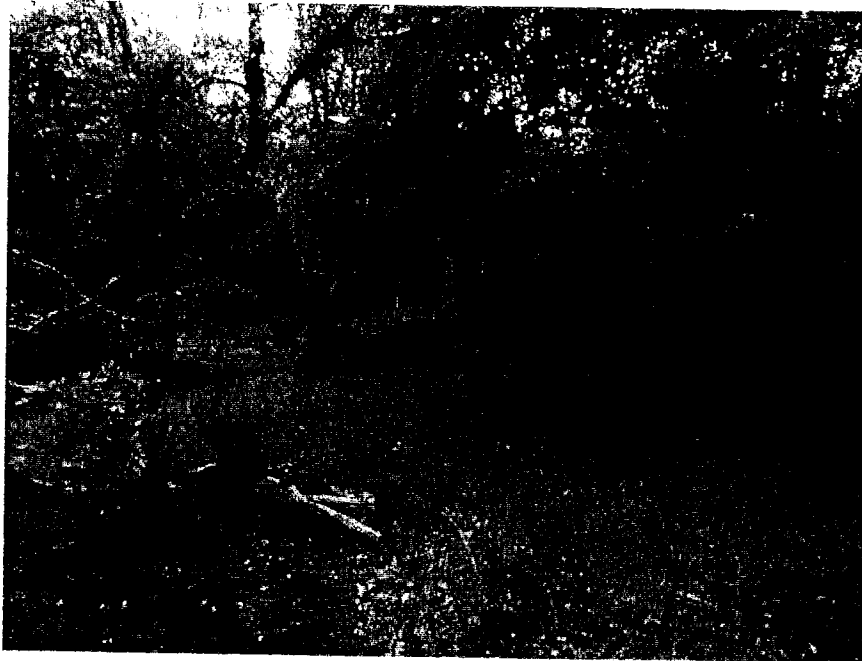
8. Representative photograph of the uplands in the eastern section of Section 1 (Lot 5.01).



9. Representative photograph of the wetland areas identified as the W10 and W100/W1 wetland lines in the northern section of Section 1.



10. Representative photograph of the interior larger wetland complex on Section 1 between the W20 line and W100 line.



11. Photograph of a disturbed and cleared area in the uplands on Section 1, located in the northern section of Lot 5.01.



12. Representative photograph of the existing dirt roads that traverse the overall site within the upland areas.

APPENDIX D

FIELD DATA SHEETS



Wetland Delineation Data Form

Wetlands

Hydrology

Is hydrology present: Yes

- Surface Water
- Water-Stained Leaves
- Thin Muck Surface
- High Water Table
- Drift Deposits
- Iron Deposits
- Other

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0" TO 4" 10YR 2/1	%	loamy sand
4" TO 8" 10YR 3/1	%	10YR 2/1
8" TO 12+ " 10YR 2/2	%	10YR 2/1
" TO "	%	
" TO "	%	

Depth to Water Table: 0" (saturated 8")

Vegetation

Canopy	%
Pitch pine	50
Red maple	50
Black gum	

Understory	%
Black gum	50
Red maple	50
Highbush blueberry	40

Herbaceous	%
Cinnamon fern	40
Highbush blueberry saplings	40

Uplands

Hydrology

Is hydrology present: No

- Surface Water
- Water-Stained Leaves
- Thin Muck Surface
- High Water Table
- Drift Deposits
- Iron Deposits
- Other

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0" TO 3" 10YR 3/2	%	
3" TO 6" 10YR 4/2	%	sand - <70% organic material streaked
6" TO 18" 10YR 5/2	%	none <70% organic material streaked
18" TO 22" 10YR 4/2	%	40% organic material streaked
22" TO + " 10YR 3/3	%	sandy loam - wet, saturated

Depth to Water Table: 22"

Vegetation

Canopy	%
Chestnut oak	40
White oak	25
Pitch pine	50

Understory	%
Black gum	40
Black huckleberry	50
Mt. Laurel	30
Deerberry	

Herbaceous	%
Teaberry	40
Black huckleberry	40



Wetland Delineation Data Form

Wetlands

Hydrology

Is hydrology present: Yes

- Surface Water
- Water-Stained Leaves
- Thin Muck Surface
- High Water Table
- Drift Deposits
- Iron Deposits
- Other

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0 " TO 5 " 10YR 2/1	%	10YR 3/1 sandy loam/organic
5 " TO 8 " 10YR 4/2	%	10YR 3/1 mottles/streaking
8 " TO 12+ " 10YR 5/1	%	sand
" TO "	%	
" TO "	%	

Depth to Water Table: 5" (damp @ 8")

Vegetation

Canopy	%
Pitch pine	60
Red maple	40

Understory	%
Trident red maple	60
Black gum	15
Highbush blueberry	50
Inkberry	

Herbaceous	%
Inkberry	20
Greenbriar	40

Uplands

Hydrology

Is hydrology present: No

- Surface Water
- Water-Stained Leaves
- Thin Muck Surface
- High Water Table
- Drift Deposits
- Iron Deposits
- Other

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0 " TO 2 " 10YR 2/2	%	loamy sand/organic
2 " TO 4 " 10YR 3/2	%	loamy sand
4 " TO 10 " 10YR 4/2	%	
10 " TO 15+ " 10YR 5/2	%	10YR 4/2 streaking
" TO "	%	

Depth to Water Table: _____

Vegetation

Canopy	%
Pitch pine	80

Understory	%
Black gum	60
Highbush blueberry	
Sheep laurel	

Herbaceous	%
Greenbriar	30
Teaberry	20



DuBois Environmental Consultants, LLC

Project Number: D1254.001

Sample Point: W360

Wetland Delineation Data Form

Wetlands

Hydrology

Is hydrology present: _____

- Surface Water Drift Deposits
 Water-Stained Leaves Iron Deposits
 Thin Muck Surface Other
 High Water Table (Vegetative adaptations)

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0" TO 2" 10YR 4/1	%	
2" TO 18" 10YR 3/1	%	
18" TO +" 10YR 4/1	%	10YR 3/1
" TO "	%	
" TO "	%	

Depth to Water Table: 0"

Vegetation

Canopy	%
Pitch pine	40
Red maple	30
Black gum	30

Understory	%
Black gum	50
Highbush blueberry	50

Herbaceous	%
Teaberry	40
Greenbriar	30

Uplands

Hydrology

Is hydrology present: _____

- Surface Water Drift Deposits
 Water-Stained Leaves Iron Deposits
 Thin Muck Surface Other
 High Water Table

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0" TO 3" 10YR 4/1	%	
3" TO 8" 10YR 3/2	%	
8" TO 12+" 10YR 5/3	%	
" TO "	%	
" TO "	%	

Depth to Water Table: N/A

Vegetation

Canopy	%
Pitch pine	50
White oak	25
Sassafras	10

Understory	%
Sassafras	20
Red maple	10
Black gum	10
Deerberry	10
Black huckleberry	10

Herbaceous	%
Teaberry	20



Wetland Delineation Data Form

Wetlands

Hydrology

Is hydrology present: Yes

- Surface Water
 Water-Stained Leaves
 Thin Muck Surface
 High Water Table
 Drift Deposits
 Iron Deposits
 Other (Sphagnum)

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0 " TO 6 "	%	
10YR 2/1		
6 " TO 12 "	%	10YR 2/1
10YR 3/1		
12 " TO + "	%	10YR 2/1
10YR 4/2		
" TO "	%	
" TO "	%	

Depth to Water Table: 0" (saturated 0")

Vegetation

Canopy	%
Red maple	40
Black gum	40
Pitch pine	30

Understory	%
Black gum	40
Red maple	25
Highbush blueberry	15

Herbaceous	%
Teaberry	25

Uplands

Hydrology

Is hydrology present: No

- Surface Water
 Water-Stained Leaves
 Thin Muck Surface
 High Water Table
 Drift Deposits
 Iron Deposits
 Other

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0 " TO 1 "	%	----
10YR 3/2		
1 " TO 8 "	%	10YR 5/8
10YR 6/3		
8 " TO 12 "	%	10YR 4/2 -streak mottling
10YR 6/6		
12 " TO + "	%	
10YR 6/8		
" TO "	%	

Depth to Water Table: _____

Vegetation

Canopy	%
Pitch pine	40
Chestnut oak	30
White oak	20

Understory	%
Mt. Laurel	
Black huckleberry	
Red maple	
Black gum	
Teaberry	

Herbaceous	%



DuBois Environmental Consultants, LLC

Project Number: D1254.001

Sample Point: W729

Wetland Delineation Data Form

Wetlands

Hydrology

Is hydrology present: Yes

- Surface Water Drift Deposits
 Water-Stained Leaves Iron Deposits
 Thin Muck Surface Other
 High Water Table

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0" TO 3" 10YR 3/1	%	
3" TO 5" 10YR 3/2	%	
5" TO 10" 10YR 4/2	%	
10" TO 15+" 10YR 4/2	%	10YR 3/1
" TO "	%	

Depth to Water Table: _____

Vegetation

Canopy	%
Pitch pine	50
Red Maple	50

Understory	%
Highbush blueberry	40
Red maple	30
Black gum	30
Swamp magnolia	10

Herbaceous	%
Greenbriar	
Teaberry	
Cinnamon fern	

Uplands

Hydrology

Is hydrology present: No

- Surface Water Drift Deposits
 Water-Stained Leaves Iron Deposits
 Thin Muck Surface Other
 High Water Table

DEPTH	COARSE FRAGS.	MUNSELL COLOR TEXT CLASS
0" TO 3" 10YR 3/2	%	
3" TO 6" 10YR 5/2	%	
6" TO 12+ " 10YR 5/3	%	
" TO "	%	
" TO "	%	

Depth to Water Table: N/A

Vegetation

Canopy	%
Pitch pine	
White oak	

Understory	%
Black gum	
Lowbush blueberry	
Black huckleberry	
Deerberry	
White oak	

Herbaceous	%
Teaberry	
Bracken fern	
Lowbush blueberry	

APPENDIX E

JUDGEMENT OF REPOSE

FILED: 3/8/2013
IN CHAMBERS
VINCENT J. GRASSO, A.J.S.C.

RECEIVED

GILMORE & MONAHAN LLC
10 Allen Street
Toms River, NJ 08754
(732) 240-6000

MAR 12 2013

Attorneys for Petitioner GILMORE & MONAHAN

IN THE MATTER OF THE
APPLICATION OF THE
TOWNSHIP OF JACKSON,
A Municipal Corporation of the
State of New Jersey

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: OCEAN COUNTY
: DOCKET NO. OCN-L-822-92
:
: CIVIL ACTION
: (Mount Laurel)
:
: JUDGMENT OF REPOSE

THIS MATTER being brought before the Court by Jean Cipriani, Esq., attorney for Petitioner, The Township of Jackson, A Municipal Corporation of the State of New Jersey; and the Township of Jackson having developed and adopted a housing element and fair share plan to satisfy its Mount Laurel obligation in the context of litigation; and the Court having appointed Philip B. Caton as its Master; and the Court having conducted a hearing on the record and considered the moving papers and arguments of Counsel and reviewing the report issued by the Court's Special Master and his comments on the record and the Court entering comments and objections from interested parties that were provided with notice of this hearing with such notice being mailed, posted and published at least thirty (30) days prior to the hearing with such hearing being held on January 8, 2013 before the Honorable Vincent J. Grasso, A.J.S.C., and it appearing that there exists good cause to grant the relief requested by Jackson Township; and the following facts have been found to exist:

1. The Council of Affordable Housing had adopted regulations codifying a fair share methodology for the Prior Round Obligation, which results in the assignment of a Prior Round Obligation for the Township of Jackson which consists of a "Rehabilitation Share" of 46 units and a "New Construction Share" of 1,247 units.
2. In addition to satisfying this obligation, the Township must adhere to a minimum rental obligation of 260 units and a maximum number of 246 age-restricted units.
3. The Jackson Township Planning Board adopted the Housing Element and Fair Share Plan on November 19, 2012 and the Jackson Township Council endorsed the Housing Element and Fair Share plan on November 20, 2012. For ease of reference this Judgment shall refer to the adopted housing element and fair share plan as the Compliance Plan.
4. In its compliance plan, the Township claims and substantiates its right to 46 credits based upon the rehabilitation of 56 units through the Community Development Block Grant and HOME Housing Rehabilitation Programs.
5. The Township proposes to address the prior round obligation of 1,247 units through a variety of methods:
 - a. The Township claims 210 credits towards its prior round new construction obligation with prior cycle credits:
 - (1) The Township claims 205 "credits without controls" for affordable housing units constructed and occupied during the 1980-1986 time period that are in sound condition, are currently occupied by a low or moderate income household and have a market value or monthly rent that is affordable to a low or moderate income household.

(2) The Township claims 5 prior cycle credits for the Developmental Services of New Jersey, Inc. facility located at 76 Buckingham Drive.

- b. The Township claims 50 credits from a Regional Contribution Agreement with the City of Trenton funded by Vista Center/Willow Pointe where the developer provided a payment in lieu of construction in the amount of \$20,000.00 per affordable unit for a total of \$1,000,000.
- c. The Township claims 433 credits for new affordable housing units built in the Township since 1986, as follows:

(1) The Vista Center/Willow Pointe development was completed with 100 income-restricted family units

(2) The West Lake Village project was completed in 2003 and includes 150 units of age restricted and affordable rental housing.

(3) Bella Terra is an assisted living facility containing 107 assisted living facility beds, 20% of which are set aside for Medicaid residents, who satisfy the income qualifications for affordable housing under COAH's rules. The Township claims 11 credits from this facility.

(4) Sunrise at Jackson is an assisted living facility containing 75 assisted living facility bedrooms with a total of 100 beds. The owner restricts ten (10) units within the facility for Medicaid recipients. The Township claims 10 credits from this facility.

(5) Care One at Jackson is a senior care facility containing 16 comprehensive personal care beds. Two of the personal care units are

set aside for low income residents. The Township claims 2 credits from this facility.

(6) Orchards at Bartley is a 72 unit assisted living facility of which 15 beds are set aside for individuals whose income does not exceed fifty percent (50%) percent of median income for the region.

(7) Colonial Arms is a multi-family rental project whose tenants include low-income seniors and low income handicapped or disabled persons, regardless of age. The Township claims credit for 24 deed restricted units in this facility.

(8) Tomorrows Hope is an alternative living arrangement facility for developmentally disabled adults. The Township claims five rental credits from this facility.

(9) Windsor Crescent is a 100 percent affordable family rental development built and occupied in 2011. It contains 111 dwelling units.

(10) The Township claims 4 rental credits for special needs housing units provided by the ARC of Ocean County.

(11) The Township claims one credit for a family sale unit with thirty-year affordability controls constructed on land donated by Habitat for Humanity.

d. The Township claims 423 units for two projects that have not yet been constructed:

-
- (1) The Hovbilt site is the subject of an Affordable Housing Agreement with the Township that includes a provision that the developer shall set aside 192 units for inclusionary affordable housing. The Agreement further provides that Hovbilt may apply to the Planning Board to amend the Approvals to include up to 1,100 units, 20% of which will be set aside for affordable housing. The Township claims credits for 192 non-age restricted units for this development.
 - (2) The Leigh/Jackson Woods project is approved for 231 units to be set aside for low and moderate-income households. The Township claims 231 credits and 39 rental bonus credits for the development.
 - e. The Township claims 259 rental bonus credits for existing affordable rental units as follows: Willow Point (family rental) - 100 credits, Jackson Woods (family rental) - 39 credits, Tomorrow's Hope (special needs) - 5 credits, Windsor Crescent/CIS (family rental) - 111 credits, ARC of Ocean County (special needs) - 4 credits.
6. The Township claims a total of 648 credits including a surplus of 128 credits from the prior round towards its future fair share obligation:
- a. The Holly Oaks development of 28 proposed age-restricted units contains a set aside of 5 units for affordable units.
 - b. The Township has agreed to participate in the Special Needs Housing Partnership Loan Program for eight bedrooms of special needs housing.
 - c. The Township anticipates claiming 32 credits for special needs housing units to be developed by Allies, Inc on the Solar Avenue site.

-
- d. Roizman Development Co. is the contract purchaser of a 13.5 acre tract and proposes to construct a 202 unit, 100% affordable age-restricted development on the site.
- e. The Village Green site (also known as the Leigh's "North Tract") is the location of a proposed mixed-use development of which 20% of the approximately 1,365 proposed units will be set aside as affordable units. The Township anticipates this project will create 273 family affordable units. The developer has also agreed to set aside 10% of those affordable units for very-low income housing.
7. The Master has issued a report entitled "Master's Report for the Mount Laurel Compliance Plan Hearing of the Township of Jackson Ocean County, New Jersey" (hereinafter "Master's Report") and incorporated herein by reference in which the Master has recommended approval of the Township's Compliance Plan based upon his conclusion that (a) the Township's 2012 Plan is consistent with the Mount Laurel doctrine and COAH's substantive rules (N.J.A.C. 5:97); (b) that, subject to the submittal of additional information and a revised housing element and fair share plan, the Township be granted continued immunity from Mount Laurel lawsuits and a Stay of its third round affordable housing obligation until the date required for submission of a Third Round Housing Element and Fair Share Plan is established by regulation, statute, or decision of a Court with appropriate jurisdiction for all municipalities in New Jersey; and (c) that the December 31, 2012 deadline for the Village Green/Leigh North Tract mediation be extended an additional 120 days to provide additional

time for the parties to finalize the agreement for development of the site, including the creation of affordable housing.

8. The Court has reviewed the housing element and fair share plan, the master's report and all objections to the compliance plan.
9. The Court adopts the recommendations of the Master conditioned on the submittal of additional information and a revised housing element and fair share plan, which shall be submitted within 120 days of the date of this Order.
10. Based upon review of the aforementioned documents and conditioned on the submittal of additional information identified in the Master's Report, the Court accepts the recommendations of its Master that the Court award a Judgment of Repose thereby declaring that implementation of the housing element and fair share plan fully discharges the Township of its responsibility of any further affordable housing responsibilities until the date required for submission of a Third Round Housing Element and Fair Share Plan is established by regulation, statute, or decision of a Court with appropriate jurisdiction for all municipalities in New Jersey.

NOW, THEREFORE, it is on this 8th day of March, 2013

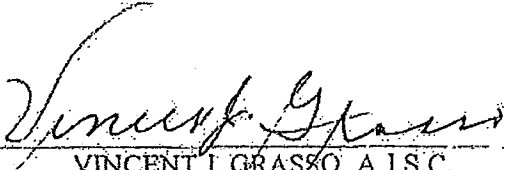
ORDERED and ADJUDGED as follows:

- A. The Township has a rehabilitation share of 46 units.
- B. The Township has a prior round obligation to create a realistic opportunity for the creation of 1,247 low and moderate-income housing units.
- C. The housing element and fair share plan referenced herein and incorporated by reference constitute an appropriate means to fully satisfy the Township's Moun Laurel obligation.

-
- D. The Township shall fully implement its housing element and fair share plan. As part of implementing its housing element and fair share plan, the Township shall fund its indigenous needs rehabilitation program from developer's fees or Community Development Block Grant Funds or whatever other means is permitted by law.
- E. With regard to the Leigh at Jackson/Jackson Woods site, the developer is required, pursuant to the project's 2011 Consent Order and 2012 Planning Board Resolution, to provide a 15% affordable housing of the total units. Of those units, the developer has agreed that 10% shall be affordable to very-low income households.
- F. As required by the June 21, 2007 Order issued by the Honorable Eugene D. Serpentelli, A.J.S.C., the Township shall apply for subsidies as may be available from the federal, state and/or county governments to 'write down' the affordability of an additional 26 units in the Hovbilt project from 50% of the Median Income so as to be affordable to families earning 30% of the Median Income units. If the applications are successful and the subsidies are available, such would result in 58 units being affordable to households at 30% of median income, the same number of very low income units as requested by Fair Share Housing Center in its concerns expressed to the Court. Hovbilt is willing to accept such subsidies as Jackson may secure for this purpose so long as same does not increase the burden, cost or cause any delay in the delivery of the affordable or market rate homes. The Township shall not be obligated to spend any of its Affordable Housing Trust Funds or any other of its revenues or funding sources for this purpose.

-
- G. Within 120 days of the date of this Order, the Master shall report on the feasibility of providing additional units affordable to households at and below 30 percent of median income in the Hovbill project.
- H. The Court hereby extends the December 31, 2012 deadline imposed for the Village Green/Leigh Realty-North Tract agreement, the parties shall expedite the mediation and reach a settlement agreement within 120 days of the date of this order.
- I. The Township of Jackson shall amend its housing element and fair share plan to satisfy the conditions of the Master's report within 120 days of the date of this order.
- J. The Township is hereby granted immunity from all Mount Laurel litigation until such time that the Township's Third Round Obligation is determined.
- K. The Planning Board and all its respective agents, employees and representatives shall make *bona fide* efforts to implement and expedite the components of the Township's compliance package which are within the control of the Planning Board, including *bona fide* efforts to expedite all Planning Board development approvals of all inclusionary developers identified in the housing element and fair share plan to facilitate the provision of affordable housing.
- L. The Township shall pay the master's fees if it requires the master's services. If a developer in the Township's plan and the Township require the master's services, each shall bear a responsibility to pay half of the master's fees.

- M. The Court shall retain jurisdiction in the event of any challenges to the ordinances adopted pursuant hereto or any ordinances to implement any Court approved amendment to the plan.
- N. This Judgment of Repose shall provide immunity to the Township and the Planning Board from all Mount Laurel litigation and shall Stay the Township's third round affordable housing obligation until the date required for submission of a Third Round Housing Element and Fair Share Plan is established by regulation, statute, or decision of a Court with appropriate jurisdiction for all municipalities in New Jersey.
- O. A copy of this Order shall be served upon all parties at least 7 days within receipt of this executed Order.


VINCENT J. GRASSO, A.J.S.C.

APPENDIX F

SWAMP PINK CERTIFICATION



DuBois Environmental Consultants, LLC

D1254.001
July 28, 2016

New Jersey Department of Environmental Protection
Application Support
Division of Land Use Regulation
P.O. Box 420
Trenton, New Jersey 08625

Re: Swamp Pink Certification
Jackson Parke Project
Freshwater Wetlands Transition Area Waiver Application
Applicant: EL at Jackson, LLC
Block 10401 * Lots 5.01 and 5.04
Block 17802 * Lot 57.01
Jackson Township, Ocean County, New Jersey

Pursuant to the Freshwater Wetland Transition Area Waiver Authorization Application Checklist, the wetland areas associated with the disturbance for the proposed residential development have been evaluated for the presence or absence of suitable swamp pink habitat and documentation, and associated direct or indirect impacts as a result of the project. The site within a municipality known to have documented occurrences of swamp pink (*Helonias bullata*) pursuant to Attachment C of the Division of Land Use Regulation, Freshwater Wetlands Permit Program, respectively.

Swamp pink is a flowering plant that requires specialized wetland habitats. Swamp pink is restricted to forested wetlands, such as in and along stream channels in Atlantic white cedar (*Chamaecyparis thyoides*) swamps, headwater seepage wetlands, red maple (*Acer rubrum*) swamps, and mixed hardwood/evergreen swamps that are groundwater influenced and are perennially water-saturated with a low frequency of inundation (Natureserve 2012). The wetland areas on and in the vicinity of the site have been subject to prior comprehensive swamp pink surveys by Habitat Management & Design, Inc. (HMD). Swamp pink plants/populations were identified within suitable wetland habitats along the Cedar Branch situated north of Section 2 of the project. No swamp pink plants or critical wetland habitat areas were identified associated with the wetlands on Lot 5.01 and Section 1 of the project based on HMD survey results, which is the area subject to regulated activities pursuant to the Transition Area Waiver approval.

The project design has specifically incorporated habitat management and preservation measures based on prior U.S. Fish and Wildlife Service (USFWS) review and comment to protect identified swamp pink habitat and populations. The development of Section 2 will maintain a 250-foot buffer from the Cedar Branch to ensure that there will be no impacts to the wetlands and/or water quality. This exceeds the standard 150-foot wetland buffer maintained for exceptional resource value wetlands pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C.7:7A). Furthermore, the overall development of both Sections 1 and 2 have been specifically designed to ensure that there will be no stormwater discharge into the wetlands on the site that may impact either water quality and/or hydrology of the wetlands that is critical to swamp pink habitat. There are no other wetland disturbance or impacts proposed as a result of both Sections 1 and 2 of the project.



Swamp Pink Certification
Jackson Parke Project
Jackson Township, Ocean County

Based on this information, the swamp pink records are not located in the immediate vicinity of the wetlands associated with the proposed regulated activities on Section 1. The proposed development of the overall project will not result in any impacts to wetlands or surface waters. Therefore, based on the minimization of environmental impacts and implementation of habitat management and preservation measures, it is the determination of DEC that the proposed project shall not result in direct or indirect adverse impacts to critical swamp pink habitat.

Should you have any questions or require additional information, please do not hesitate to contact this office.

Sincerely,

Amy Jones
Sr. Biologist

References:

NatureServe. 2012. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: October 1, 2012).

New Jersey Department of Environmental Protection. Bureau of Geographical Information Systems. NJ-Geoweb Interactive Mapping. Landscape/Natural Heritage Mapping. Accessed July 2016.
<http://njwebmap.state.nj.us/NJGeoWeb/WebPages/Map/FundyViewer.aspx?THEME=Sapphire&UH=True&RIDZ=635826788855006472>

Doc: 07D254SWAMPCERT001

APPENDIX G

STATEMENT OF QUALIFICATIONS



Education:

B.S. Ecology
Juniata College – 2000

Certifications:

Qualified Specialist (Ecologist & Ornithologist) able to certify
ESA Protection Plans

USFWS Recognized Qualified
Bog Turtle Surveyor – NJ

Continuing Education:

Rutgers University
Methodology for Delineating
Wetland & Wetland Vegetation
Identification

Threatened and Endangered
Species of Northern and
Southern New Jersey (field and
classroom courses)

Richard Stockton College of NJ
Ornithology

Shepherd College
Shorebird Management &
Ecology

*Bowman's Hill Wildflower
Preserve*
Identification of Cool Season
Grasses, Sedges and Rushes
Plant Stewardship Index (PSI)

Professional Affiliations:

The Wildlife Society
-National Member
-NJ Chapter Member
-NJ Chapter Secretary
2007 – 2014
-NJ Chapter Board Member
2014 - present

Fields of Competence:

Ms. Amy Jones has over 15 years of experience in the fields of biology, ecology, wetland science, and land use regulatory compliance. She conducts various environmental site assessments, development feasibility studies, wetland delineations, rare species habitat evaluations and population surveys. She has extensive experience in managing a variety of projects from the initial field study stage through various regulatory application and approval processes. Ms. Jones has a respected professional relationship with various municipal and county agencies, NJDEP, USFWS and USDA NRCS personnel.

Professional Experience:

Ms. Jones is a senior biologist and project manager with the firm of DuBois Environmental Consultants. She coordinates specifically with a variety of clients to organize projects and proposals. Ms. Jones manages each individual project to ensure all appropriate and applicable regulations and tasks are implemented to facilitate successful completion/approval of the project.

Ms. Jones is responsible for conducting development feasibilities, wetland delineations, natural resource inventories, threatened/endangered species habitat assessments and directed surveys, and monitoring activities. Ms. Jones has extensive experience with the survey and sampling protocols required under the jurisdiction of the USFWS, NJDEP and Pinelands Commission for Threatened and Endangered Species Surveys. This survey work includes experience in various snake and salamander species drift fence trapping, numerous raptor and woodpecker nest investigations and breeding vocalization broadcast surveys, opportunistic and visual encounter turtle surveys, and amphibian monitoring and call detection/playback surveys.

Specific experience and responsibilities includes ecological and environmental monitoring activities for various linear development and improvements projects. This monitoring oversight and coordination ensures the construction activities are in compliance with county, state, and federal conditions and standards, and all best management practice are implemented as required. Monitoring activities also serve to ensure the construction activities will not result in adverse impacts to environmentally sensitive areas, or rare faunal or floral habitats and/or populations.

Ms. Jones conducts vegetation inventories within a variety of biotic communities throughout New Jersey. These have included species specific surveys for numerous target plants considered rare or State and/or Federally listed. Ms. Jones has conducted numerous botanical investigations for rare plant species within the jurisdiction of the Pinelands Commission and NJDEP. Specifically, these directed evaluations have included surveys for the Federally listed swamp pink, sea beach amaranth, and Knieskern's beaked rush plants, results of which have been accepted by all regulatory state agencies as well as the USFWS.

Ms. Jones is responsible for performing wetland delineations under the jurisdiction of multiple agencies, which are conducted pursuant to the interagency evaluation procedures. This includes expertise in analyzing the vegetation and technical indicators of hydrology and soils. She authors Freshwater Wetland Delineation Reports and prepares Freshwater Wetland Letter of Interpretation applications for submittal to the NJDEP for verification of the delineated wetland limits.



Career Positions:

U.S. Fish & Wildlife Service
E.B. Forsythe NWR
Brigantine, NJ-
Wildlife Biologist
2000-2002

Habitat Management & Design,
Inc.
Trenton, NJ-
Sr. Environmental Consultant
2002-2007

Water's Edge Environmental,
LLC
Ocean City, NJ-
Senior Biologist
2007-2014

DuBois Environmental
Consultants, Barnegat, NJ –
Sr. Biologist/Environmental
Scientist
2014 – Present

Ms. Jones also coordinates directly with professional engineers to evaluate compliance and design of projects pursuant to various environmental regulations, inclusive of the Freshwater Wetlands Protection Act Rules, Flood Hazard Area Control Act Rules, and coastal/waterfront development regulations. Based on these permit analyses and project designs, she prepares the applicable permit applications pursuant to the NJDEP and USACOE regulations.

Ms. Jones has also conducted numerous volunteer survey efforts in coordination with the NJDEP, NJ Audubon Society, and NJ Conserve Wildlife Foundation. These survey efforts include State directed Bog Turtle surveys, participation in grassland bird surveys as part of the Landowner Incentive Program, the Calling Amphibian Monitoring Program (CAMP), and regional Wood Turtle monitoring surveys.

Projects of Relevance:

Amico Island County Park Project

Ecological and environmental work was completed to assist Burlington County in conducting an environmental feasibility and permit analyses for park improvements. Ms. Jones worked directly with the landscape architects and engineers in assisting with design of the project to ensure compliance of proposed improvements pursuant to State waterfront development, freshwater wetlands, and flood hazard regulations. Ms. Jones also coordinated with the NJDEP and USACOE with regard to permit requirements and to ensure no adverse impacts to documented Bald Eagle foraging habitat. Ms. Jones prepared all necessary permit applications and ensured continued cooperative coordination with the regulatory agencies to ensure receipt of the applicable permit approvals for the park project.

North Park Solar Farm Project

Ms. Jones conducted red-headed woodpecker and wood turtle surveys to evaluate compliance with the municipal threatened and endangered species ordinance. These included visual encounter surveys for the wood turtle, and nest cavity searches and call playback surveys for the red-headed woodpecker. A final report was prepared and presented with testimony to the Municipal Environmental Commission for approval. These surveys were conducted pursuant to accepted state survey methods.

Atlantic Cape Community College – Cape May Campus

Ms. Jones conducted extensive monitoring of habitat mitigation measures implemented as part of CAFRA approval for construction the Cape May campus facilities. This included eastern tiger salamander trapping to evaluate success of the constructed breeding pond on the site. Monitoring resulted in the positive capture and identification of juvenile tiger salamanders, demonstrating success of the breeding pond. Additional monitoring and surveys included barred owl call playback surveys and long term avian point count surveys to evaluate impacts.

Lower Township Municipal Utilities Authority

The necessary work was conducted to assist the Township in preparing the required permit application pursuant to the Freshwater Wetlands Protection Act Rules. This was for improvements to the Township Municipal Utilities Authority facilities that required disturbance to regulated wetlands and wetland buffers. As requested by the USFWS, a directed swamp pink survey was conducted throughout the site to ensure no impacts to identified swamp pink individuals, populations, or critical habitat.



Education:

B.S. Biology & Ecology,
West Chester University, 1993

Certifications:

Professional Wetland Scientist
Society of Wetland Scientist

Certified Sr. Ecologist, The
Ecological Society of America

Recognized Qualified Bog
Turtle Surveyor – N.J., N.Y.,
P.A., D.E., M.D.

Recognized Qualified Indiana
and Northern Long Eared Bat
Surveyor – N.J., N.Y., P.A.

Certified Subsurface Evaluator
NJDEP# 0001940

Recognized Qualified Delmarva
Fox Squirrel Surveyor – M.D.,
D.E.

Pennsylvania Qualified
Herpetologist for Various
Species

Professional Affiliations:

Member: Society of Wetland
Scientists 1997 – Present

Member: The Ecological
Society of America 1998 –
Present

Member: New Jersey Division
of Fish, Game and Wildlife
Conservation Corps. 2000 –
Present

Member: Pine Beach
Environmental Commission
1995 – 2003

NJ Department of
Environmental Protection
Wetland Mitigation Council
2003 – 2013

Fields of Competence:

Mr. Bryon DuBois has over 23 years' experience in the fields of regulatory compliance, ecology, biology, wetland science, wildlife management, and hydrology and habitat restoration. He has managed numerous large scale projects through the approval process in New Jersey, Pennsylvania, Maryland and Delaware. Mr. DuBois is highly respected by the regulatory agencies in N.J. and surrounding states. He has made positive contributions to policies effecting protected species (both state and federal), wetland mitigation, regulation and coastal zone policies through NJDEP, PADEP, MDDNR, DEDNR and ACOE.

Professional Experience:

In 2000 Mr. Bryon DuBois created an environmental consulting firm to focus on more objective ecological and environmental issues while focusing primarily on the regulated community. Since that time he has performed numerous long term studies on several influential species such as Bog Turtles, Pine Snakes, and Indiana Bats along with assessments of habitat and creation of mitigation measures. In addition, Mr. DuBois began designing and managing the construction of wetland mitigation projects tailored to a specific habitat type or land use. In many instances the projects were approved and exceeded the standard requirements without increasing cost for the client. These mitigation projects helped Mr. DuBois become nominated to the State of New Jersey's Wetland Mitigation Council in 2003 by the Governor of New Jersey. Since that time Mr. DuBois has reviewed and received approval for numerous mitigation related projects and banks in New Jersey, Pennsylvania and Maryland.

From 2003 to the present day Mr. DuBois has successfully managed, designed and received approval for projects ranging from airports to industrial centers, wastewater management facilities and large commercial areas along with the residential component. He has been asked to present topics related environmental regulations at the Atlantic City Builders Convention, the Eastern Region Airports Conference in Hershey, Pennsylvania, the U.S. Fish and Wildlife Bog Turtle Convention, the N.J. Pinelands Commission, the Louisiana Fish and Game and dozens of planning boards in towns across N.J. and P.A. His diverse experience has made him a good candidate to speak publicly on projects that require many different issues from ecology to water quality. Mr. DuBois has extensive experience using ESRI Arc Map Geographic Information Systems (GIS) software, global positioning systems (GPS) and computer-aided design and drafting software (CADD) for permitting purposes. In addition, Mr. DuBois has held over 300 scientific collecting permits for surveys performed within the Mid-Atlantic States, many of which involve a telemetry component.

Mr. DuBois has experience working with the New Jersey Department of Transportation (NJDOT) on projects such as the Route 206 Bridge located within Hammonton Township, Atlantic County; Route 47 & Route 83 in Dennis Township, Cape May County; and Route 46 located within Knowlton & White Townships, Warren County. While working on these projects, the NJDOT Procedures Manual was utilized.

Through hard work and an extensive background as an outdoorsman, Mr. DuBois has been recognized as a leader in his field. Mr. DuBois has applied logical and objective solutions to some of the most difficult environmental projects and has met a balance between environmentalists and developers alike.

In addition, Mr. DuBois has performed numerous studies to the Pennsylvania Fish and Boat Commission's standards on hundreds of miles of power lines as part of transmission line upgrades to get an inventory of herpetiles along those routes. Methods used have included listening to calls, call back surveys, egg mass studies, visual identification both in water and in the uplands, aquatic trapping, drift fencing with pitfall traps and road cruising.



New Jersey Builders
Association 1999 – Present

Shore Builders Association
2001 – 2013

Builders League of South
Jersey 2013 - Present

Association of N.J.
Environmental Commission
(ANJEC) 1995 – 2010

N.J. Concrete & Aggregate
Society 2003 – 2013

Southern Ocean County
Chamber of Commerce 2014 -
Present

Projects of Relevance:

NEW JERSEY:

- *Threatened/Endangered Species Studies- DOT Permitting*
 - o Route 206 – Taylor, Wiseman, Taylor and NJDOT, Atlantic County, NJ
- *Threatened/Endangered Species Studies & Wetlands Assessments*
 - o A.C. Electric Co. South Jersey Multiple Transmission Line Upgrades
 - BL England Transmission Line Upgrade, Atlantic, Burlington & Salem Counties
 - Cove Road Transmission Line Upgrade, Cape May County
 - Corson Middle-Lake Transmission Line Upgrades, Cape May County
 - Cardiff-Lewis Transmission Line Upgrades, Atlantic County
 - Oyster-Creek Cardiff Transmission Line Wetland Mitigation, Ocean County
- *Threatened/Endangered Species Studies & Permitting- Pinelands*
 - o Southern Reliability Line – AECOM, Townships of Manchester, Jackson, Lakehurst, Plumsted, Chesterfield, and North Hanover, Ocean and Burlington Counties, NJ
 - o Clayton Companies - Shulton Property, Glidden Sand Mine & Woodmansie Sand Mine – Ocean and Burlington Counties, NJ
 - o Cutt Brothers Farm Service Restoration project- Burlington County
- *Federal Involvement/Federal Oversight*
 - o Bog Turtle Bridge Monitoring at Allamuchy Culvert – Warren County, NJ
 - o Ashford Commons Proposed Town Home Community; Bat Studies – Evesham Township, Burlington Co, NJ
 - o Bear Creek Construction Monitoring- Burlington County, NJ.
- *Wetland Mitigation Approvals/Monitoring*
 - o Hospitality Branch - Evergreen Environmental, Gloucester County, NJ
 - o Nishisakawick Creek Mitigation Bank - Evergreen Environmental
 - o Pequest Tributary Mitigation – Evergreen Environmental, Warren County, NJ
 - o Bamm Hollow – Toll Brothers, Inc., Monmouth County, NJ

PENNSYLVANIA:

- *Threatened/Endangered Species Studies*
 - o Westtown Lake Turtle Relocation, Princeton Hydro, Chester County
- *Threatened/Endangered Species Studies & ACOE Permitting*
 - o Scudder Falls Bridge Replacement, Amy Greene Environmental Consultants, Yardley, PA
- *Permitting and Jurisdictional Determinations*
 - o Brookdale – 1200 Acre wetland delineation, SK Design Group, Monroe County PA
 - o Shartlesville – 520 acre wetland delineation in Burkes County, PA

DELAWARE:

- *Threatened/Endangered Species Studies, Permitting & Wetlands*
 - o Church to Wye Mills Transmission Line Upgrade, DE
 - o Delmarva Power MD Transmission Line Upgrades from 2009-2014 Kent County to Sussex County DE

MARYLAND:

- *Threatened/Endangered Species Studies, Permitting & Wetlands*
 - o Western Shores Wetland Delineations from the Potomac River to the Chesapeake River as part of the MAPP Project.
 - o Kent County Wetland Mitigation Project, Delineation and Assessment

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APPENDIX G	OVERALL PLAN- FLOOD HAZARD AREA PLAN FOR CEDAR BRANCH AND TRIBUTARY TO TOMS RIVER
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APPENDIX A
ADMINISTRATIVE DOCUMENTS



State of New Jersey
Department of Environmental Protection
 Division of Land Use Regulation



Application Form for Permit(s)/Authorization(s)
 501 E. State Street Mail Code 501-02A P.O. Box 420
 Trenton, NJ 08625-0420
 Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse

Please print legibly or type the following: Complete all sections and pages unless otherwise noted. Is this project Superstorm Sandy Related Yes No

1. Applicant Name: Mr./Ms./Mrs EL at Jackson, LLC E-Mail: Mitch.Newman@Lennar.com
 Address: 2465 Kuser Road-3rd Floor Daytime Phone: 609-245-2245 Ext. _____
 City/State: Hamilton, NJ Zip Code 08690 Cell Phone: 609-515-0011

2. Agent Name: Mr./Ms./Mrs Anne Napolitano E-Mail: anapolitano@partneresi.com
 Firm Name: Partner Engineering & Science, Inc. Daytime Phone: 732-233-3246 Ext. _____
 Address: 611 Industrial Way West Zip Code 07724 Cell Phone: 732-233-3246
 City/State: Eatontown, NJ

3. Property Owner: Mr./Ms./Mrs EL at Jackson, LLC E-mail: Mitch.Newman@Lennar.com
 Address: 2465 Kuser Road-3rd Floor Daytime Phone: 609-245-2230 Ext. _____
 City/State: Hamilton, NJ Zip Code 08690 Cell Phone: 609-515-0011

4. Project Name: Jackson Parke Address/Location: Perrineville Rd & Rt. 528
 Municipality: Township of Jackson County: Ocean Zip Code 08527
 Block(s): 10401;17802 Lot(s): 5.01 & 5.04; 57.01


N.A.D. 1983 State Plane Coordinates (feet) E (x): 519164 N(y): 464997 *Not Longitude/Latitude*
 Watershed: Toms River Subwatershed: Toms River
 Nearest Waterway: Tributary to Toms River & Cedar Branch

5. Project Description: LOI-Line Verification, Transition Area Waiver Special Activity
Individual Permit and Flood Hazard Area Verification of an unnamed
tributary to the Toms River using Method 3 and use of a previous
approved delineation for the Cedar Branch.

Provide if applicable: Previous LUR File # (s): 1511-03-0024.1 Waiver request ID # (s): _____

A. SIGNATURE OF APPLICANT (required):

B. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. If the applicant is an organization such as a corporation, municipal entity, home-owners association etc., the party responsible for the application shall sign on behalf of the organization.


 Signature of Applicant
8/5/16
 Date
Mitchell Newman, Sr. VP of Venture
 Print Name
Operations

 Signature of Applicant

 Date

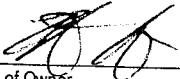
 Print Name

C. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the **owner of the property** upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement? Yes No
(If answer is "Yes" – Signature/title of responsible party is required below)
2. Whether any part of the entire project will be located within property belonging to the State of New Jersey? Yes No
3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? Yes No
4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval? Yes No


 Signature of Owner
8/15/16
 Date
Mitchell Newman, Sr., VP of Venture
 Print Name
Operations

 Signature of Owner/Easement Holder

 Date

 Print Name/Title

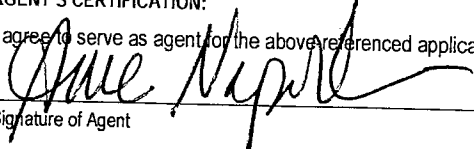
D. APPLICANT'S AGENT



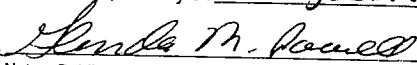
I, EL at Jackson, LLC, the Applicant/Owner and _____, co-Applicant/Owner authorize to act as my agent/representative in all matters pertaining to my application the following person:

Anne Napolitano
 Name of Agent
Regulatory Permitting Manager
 Occupation/Profession of Agent

AGENT'S CERTIFICATION:

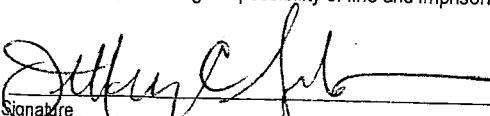
I agree to serve as agent for the above referenced applicant:


 Signature of Agent

 Mitchell Newman, Sr. VP of Venture Operations
 Signature of Applicant/Owner

 Signature of co-Applicant/Owner
GLENDAM POWELL
 ID # 50016268
 NOTARY PUBLIC
 STATE OF NEW JERSEY
 My Commission Expires May 20, 2020
 NOTARY:
 Sworn to me, this day of August, 2016

 Notary Public

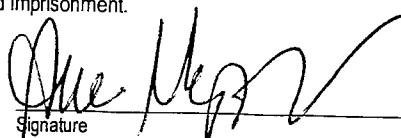
E. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.


 Signature
Jeffrey C. Szabo
 Print Name
Partner Engineering & Science, Inc.
 Position & Name of Firm
GE44577
 Professional License #
 Date 8/15/16

F. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.



 Signature
Anne Napolitano
 Print Name
Regulatory Permitting Mgr, Partner
 Position & Name of Firm
 Date 8/15/16
 Professional License #
 (# Applicable)

C. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement?
(If answer is "Yes" – Signature/title of responsible party is required below) Yes No
2. Whether any part of the entire project will be located within property belonging to the State of New Jersey? Yes No
3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? Yes No
4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval? Yes No


 Signature of Owner _____
 Date 8/15/16
 Print Name Mitchell Newman, Sr. VP of Venture
Operations

Signature of Owner/Easement Holder _____
 Date _____
 Print Name/Title _____

D. APPLICANT'S AGENT

I, EL at Jackson, LLC, the Applicant/Owner and _____, co-Applicant/Owner authorize to act as my agent/representative in all matters pertaining to my application the following person:

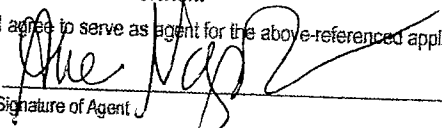
Anne Napolitano
 Name of Agent _____
Regulatory Permitting Manager
 Occupation/Profession of Agent _____

Signature of Applicant/Owner _____

Signature of co-Applicant/Owner _____

AGENT'S CERTIFICATION:

I agree to serve as agent for the above-referenced applicant:


 Signature of Agent _____

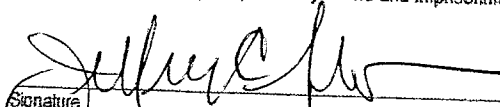
NOTARY:

Sworn to me, this day of: _____, 20 _____

Notary Public _____

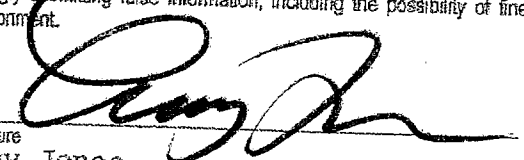
E. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.


 Signature _____
Jeffrey C. Szabol
 Print Name _____
Partner Engineering & Science, Inc.
 Position & Name of Firm _____
GE44577
 Professional License # _____
 Date 8/15/16

F. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.


 Signature _____
Amy Jones
 Print Name _____
Env. Consultant, DuBois Environmental
 Position & Name of Firm _____
 Date 8/15/16
 Professional License # _____
 (If Applicable)

Coastal General Permits		Fee Amount	Fee Paid
<input type="checkbox"/>	CZMGP1 Amusement Pier Expansion	\$1,000.00	
<input type="checkbox"/>	CZMGP2 Beach/Dune Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP3 Voluntary Reconstruction Certain Residential/Commercial Dev.	\$1,000.00	
<input type="checkbox"/>	CZMGP4 Development of one or two SFH or Duplexes	\$1,000.00	
<input type="checkbox"/>	CZMGP5 Expansion or Reconstruction SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP6 New Bulkhead/Fill Lagoon	\$1,000.00	
<input type="checkbox"/>	CZMGP7 Revetment at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP8 Gabions at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP9 Support Facilities at a Marina	\$1,000.00	
<input type="checkbox"/>	CZMGP10 Reconstruction of Existing Bulkhead	\$1,000.00	
<input type="checkbox"/>	CZMGP11 Hazard Waste Clean-up	\$1,000.00	
<input type="checkbox"/>	CZMGP12 Landfall of Utilities	\$1,000.00	
<input type="checkbox"/>	CZMGP13 Recreation Facility at Public Park	\$1,000.00	
<input type="checkbox"/>	CZMGP14 Bulkhead Construction & Fill Placement	\$1,000.00	
<input type="checkbox"/>	CZMGP15 Construction of Piers/Docks/Ramps in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP16 Minor Maintenance Dredging in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP17 Eroded Shoreline Stabilization	\$1,000.00	
<input type="checkbox"/>	CZMGP18 Avian Nesting Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP19 Modification of Electrical Substations	\$1,000.00	
<input type="checkbox"/>	CZMGP20 Legalization of the Filling of Tidelands	\$1,000.00	
<input type="checkbox"/>	CZMGP21 Construction of Telecommunication Towers	\$1,000.00	
<input type="checkbox"/>	CZMGP22 Construction of Tourism Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP23 Geotechnical Survey Borings	\$1,000.00	
<input type="checkbox"/>	CZMGP24 Habitat Creation/Restoration/Enhancement/Living Shorelines	No Fee	No Fee
<input type="checkbox"/>	CZMGP25 1 to 3 Turbines < 200 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP26 Wind Turbines < 250 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP27 Dredge Lagoon (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP28 Dredge post Bulkhead Failure	\$1,000.00	
<input type="checkbox"/>	CZMGP29 Dredge Marina (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP30 Aquaculture Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP31 Placement of Shell (shellfish areas)	\$1,000.00	
<input type="checkbox"/>	CZMGP32 Application of Pesticides in Coastal Wetlands	\$1,000.00	
<input type="checkbox"/>	General Permit Extension	\$240.00	

Flood Hazard Area General Permits		Fee Amount	Fee Paid
<input type="checkbox"/>	FHAGP1 Channel Clean w/o Sediment Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP1 Channel Clean w/Sediment Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP2 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FHAGP3 Scour Protection Bridges/Culverts	\$1,000.00	
<input type="checkbox"/>	FHAGP4 Creation/Restoration/Enhancement of Habitat and Water Quality Values and Functions	No Fee	No Fee
<input type="checkbox"/>	FHAGP5 Reconstruction and/or Elevation of Building in a Floodway	No Fee	No Fee
<input type="checkbox"/>	FHAGP6 Construction of One SFH/Duplex and Driveway	\$1,000.00	
<input type="checkbox"/>	FHAGP7 Relocation of Manmade Roadside Ditches for Public Roadway Improvements	\$1,000.00	
<input type="checkbox"/>	FHAGP8 Placement of Storage Tanks	\$1,000.00	
<input type="checkbox"/>	FHAGP9 Construction/Reconstruction of Bridge/Culvert Across Water < 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP10 Construction/Reconstruction of Bridge/Culvert Across Water > 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP11 Stormwater Outfall Along Regulated Water <50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP12 Construction of Footbridges	\$1,000.00	
<input type="checkbox"/>	FHAGP13 Construction of Trails and Boardwalks	\$1,000.00	

Flood Hazard Area		Fee Amount	Fee Paid
<input checked="" type="checkbox"/>	FHA Verification		\$2000
<input type="checkbox"/>	FHA Individual Permit		
<input type="checkbox"/>	FHA Hardship Exception (Must be submitted with a paid FHA IP)	\$4,000.00	
<input type="checkbox"/>	FHA Minor Technical Modification of a GP, IP or Verification		
<input type="checkbox"/>	FHA Major Technical Modification of a GP, IP or Verification		
<input type="checkbox"/>	FHA Extension of a GP, IP or Verification		
<input type="checkbox"/>	FHA Individual Permit Equivalency/CERCLA	No Fee	No Fee

Stormwater Review Fees		Fee Amount	Fee Paid
<input checked="" type="checkbox"/>	Fee for all Stormwater Reviews		\$7750

Applicability Determination		Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee

CAFRA and Waterfront Development Permits		Fee Amount	Fee Paid
<input type="checkbox"/>	CAFRA Individual Permit		
<input type="checkbox"/>	CAFRA Exemption Request	\$500.00	
<input type="checkbox"/>	Waterfront Development Individual Permit/Upland		
<input type="checkbox"/>	Waterfront Development Individual Permit/In-water		
<input type="checkbox"/>	Minor Technical Modification of a Coastal GP or Coastal IP		
<input type="checkbox"/>	Major Technical Modification of a Coastal GP or Coastal IP		
<input type="checkbox"/>	Zone Letter	\$500.00	
<input type="checkbox"/>	Waterfront Development Individual Permit - Extension		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA	No Fee	No Fee

Coastal Wetlands		Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal/Tidal Wetlands Permit		
<input type="checkbox"/>	Coastal Wetland Permit Modification		

Highlands		Fee Amount	Fee Paid
<input type="checkbox"/>	Emergency Permit		
<input type="checkbox"/>	Pre-application Meeting	\$500.00	
<input type="checkbox"/>	Resource Area Determination >one acre		
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance	No Fee	No Fee
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization	\$500.00	
<input type="checkbox"/>	Preservation Area Approval (PAA)		
<input type="checkbox"/>	PAA with Waiver (Specify type below)		

	Freshwater Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	FWGP1 Main. & repair Exist Feature	\$1,000.00	
<input type="checkbox"/>	FWGP2 Utility Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP3 Discharge of Return Water	\$1,000.00	
<input type="checkbox"/>	FWGP4 Hazard Site Invest/Cleanup	\$1,000.00	
<input type="checkbox"/>	FWGP5 Landfill Closure	\$1,000.00	
<input type="checkbox"/>	FWGP6 Filling of NSWC	\$1,000.00	
<input type="checkbox"/>	FWGP6A/TA- Filling of NSWC	\$1,000.00	
<input type="checkbox"/>	FWGP7 Fill ditch / swale	\$1,000.00	
<input type="checkbox"/>	FWGP8 House Addition	\$1,000.00	
<input type="checkbox"/>	FWGP9 Airport Sightline Clearing	\$1,000.00	
<input type="checkbox"/>	FWGP10A Very Minor Road Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP10B Minor Road Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP11 Outfalls / Intakes	\$1,000.00	
<input type="checkbox"/>	FWGP12 Survey / Investigation	\$1,000.00	
<input type="checkbox"/>	FWGP13 Lake Dredging	\$1,000.00	
<input type="checkbox"/>	FWGP14 Water Monitoring	\$1,000.00	
<input type="checkbox"/>	FWGP15 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FWGP16 Habitat Create / Enhance	No Fee	No Fee
<input type="checkbox"/>	FWGP17 Trails / Boardwalks	\$1,000.00	
<input type="checkbox"/>	FWGP17A Multiuse paths	\$1,000.00	
<input type="checkbox"/>	FWGP18 Dam Repairs	\$1,000.00	
<input type="checkbox"/>	FWGP19 Dock or Pier	\$1,000.00	
<input type="checkbox"/>	FWGP20 Bank Stabilization	\$1,000.00	
<input type="checkbox"/>	FWGP21 Above Ground Utility	\$1,000.00	
<input type="checkbox"/>	FWGP23 Expand Cranberry	No Fee	No Fee
<input type="checkbox"/>	FWGP24 Spring Developments	\$1,000.00	
<input type="checkbox"/>	FWGP25 Malfunction Septic System	No Fee	No Fee
<input type="checkbox"/>	FWGP26 Channel / Stream Clean	\$1,000.00	
<input type="checkbox"/>	FWGP27 Redevelop Disturbed Site	\$1,000.00	
<input type="checkbox"/>	FWGP Modification	\$500.00	
<input type="checkbox"/>	FWGP Extension	\$500.00	

	Freshwater Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Individual Wetlands Permit		
<input type="checkbox"/>	Individual Open Water Permit		
<input type="checkbox"/>	Individual Permit Mod. Major/Minor		
<input type="checkbox"/>	Individual Permit Extension		
<input type="checkbox"/>	Wetlands Exemption	\$500.00	
<input type="checkbox"/>	Permit Equivalency/CERCLA	No Fee	No Fee

	Transition Area Waiver	Fee Amount	Fee Paid
<input type="checkbox"/>	Averaging Plan		
<input type="checkbox"/>	Reduction		
<input type="checkbox"/>	Hardship Reduction		
<input type="checkbox"/>	Special Activity Stormwater		
<input type="checkbox"/>	Special Activity Linear Development		
<input type="checkbox"/>	Special Activity Redevelopment		
<input checked="" type="checkbox"/>	Special Activity Individual Permit		\$1,900
<input type="checkbox"/>	Exemption	\$500.00	
<input type="checkbox"/>	Modification Major/Minor		
<input type="checkbox"/>	Extension	\$500.00	

	Letter of Interpretation	Fee Amount	Fee Paid
<input type="checkbox"/>	Presence Absence	\$1,000.00	
<input type="checkbox"/>	Presence Absence Footprint	\$1,000.00	
<input type="checkbox"/>	Delineation < 1.00 Acres	\$1,000.00	
<input checked="" type="checkbox"/>	Verification		\$36,600
<input type="checkbox"/>	Extension		

	Consistency Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Water Quality Certificate		
<input type="checkbox"/>	Federal Consistency	No Fee	No Fee
<input type="checkbox"/>	HMC Water Quality Certificate		

Please note:

If no fee amount is specified in the "Fee Amount" column, please refer to the Regulatory Fee Schedule which can be found at www.nj.gov/dep/landuse/forms.html. The following types of applications DO NOT require a fee submittal:

<u>Coastal Permitting</u>	<ul style="list-style-type: none"> • General Permit # 24 - Habitat creation, restoration, enhancement and living shoreline activities • Individual Permit Equivalency - CERCLA
<u>Applicability Determinations</u>	<ul style="list-style-type: none"> • Coastal Applicability Determination • Highlands Jurisdictional Determination • Flood Hazard Area Applicability • Executive Order 215
<u>Flood Hazard Area</u>	<ul style="list-style-type: none"> • General Permit #1 – Channel cleaning under the Stream Cleaning Act • General Permit #4 – Creation, restoration, and enhancement of habitat and water quality values and functions • General Permit #5 – Reconstruction and/or elevation of a building in a floodway • Transfer of Approval • Individual Permit Equivalency - CERCLA
<u>Federal Consistency</u>	<ul style="list-style-type: none"> • Federal Consistency Determination
<u>Highlands</u>	<ul style="list-style-type: none"> • General Permit #1 - Habitat Creation, Restoration, Enhancement
<u>Freshwater Wetlands</u>	<ul style="list-style-type: none"> • General Permit #16 - Habitat creation and enhancement activities • General Permit #17 - Trails and Boardwalks (NO FEE when the activity is proposed on publicly owned lands) • General Permit #23 – Expansion of cranberry growing operations in the Pinelands • General Permit #25 – Malfunctioning individual subsurface sewage disposal (septic) systems • Individual Permit Equivalency - CERCLA

Also:

In addition to the standard paper submission, an electronic copy of the entire application, including plans, may be submitted on CD-ROM to assist the Department in the review this application. Plans should be submitted as a CAD file or Shapefile, georeferenced in NJ state plane feet NAD83. Please do NOT send the electronic version via E-Mail.

Electronic permitting and/or application submittal is available for specific applications. Please see the Division website at www.nj.gov/dep/landuse/epemit.html for more information.

APPLICANT NAME: _____

FILE # (if known): _____

APPLICATION FORM - APPENDIX I

Section 1: Please provide the following information for the overall project site. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres).

<u>PROPOSED:</u>	<u>PRESERVED</u>	<u>UNDISTURBED</u>	<u>DISTURBED</u>
RIPARIAN ZONE	_____	_____	_____
CZMRA FORESTED (CZMRA IP - Only)	_____	_____	_____
E & T HABITAT Endangered and/or Threatened	_____	_____	_____
FRESHWATER WETLANDS	_____	_____	_____

Section 2: Please provide the following information for each permit/authorization requested pursuant to the Freshwater Wetlands Protection Act. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres). Use additional sheets if necessary

PERMIT TYPE	TAW-IP	WETLAND TYPE Emergent, Forest, Shrub, Etc.	Forest	RESOURCE CLASSIFICATION Ordinary, Intermediate, Exceptional, EPA, Etc.	Exceptional
<u>PROPOSED DISTURBANCE:</u>		<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>	
FILLED		NA	8.64	NA	
EXCAVATED		_____	_____	_____	
CLEARED		_____	_____	_____	
TEMPORARY DISTURBANCE		_____	_____	_____	

PERMIT TYPE		WETLAND TYPE Emergent, Forest, Shrub, Etc.		RESOURCE CLASSIFICATION Ordinary, Intermediate, Exceptional, EPA, Etc.	
<u>PROPOSED DISTURBANCE:</u>		<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>	
FILLED		_____	_____	_____	
EXCAVATED		_____	_____	_____	
CLEARED		_____	_____	_____	
TEMPORARY DISTURBANCE		_____	_____	_____	

Appendix II - Fee Calculation Sheet (Required)

Directions:

The Fee Calculation sheet is broken down by the types of programs administered by the Division of Land Use Regulation: Coastal, Flood Hazard Area, Freshwater Wetlands, Stormwater Review.

Use the abbreviation key below in order to identify the type(s) of applications that you need to submit for your project. Once you find your application type(s) work through the **calculation column** and place the figure on the **fee amount** line. Do this for each application type and subtotal each section. In section 5 – enter the subtotals as indicated and add the fee figures to find your total fee.

- Whenever the calculation requires an acreage figure, you will need to round UP to the nearest whole number, for example: 0.25 acres gets rounded up to one (1) acre or 2.61 acres gets rounded up to three (3) acres.
- The maximum fee for a CAFRA Individual permit, an Upland Waterfront Development permit, or an In-Water Waterfront Development permit is \$30,000 per permit type. For example: if you are applying for both an upland and an in-water Waterfront Development the maximum fee is applied to each permit for a maximum total of \$60,000 plus any applicable stormwater review fee.
- No matter how many types of applications are required, the stormwater review fee is applied only one time.

Abbreviation KEY

CAFRA = CZM	General Permit = GP	Single Family Home = SFH
Coastal (Tidal) Wetlands = CSW	Individual Permit = IP	Transition Area Waiver = TAW
Extension = EXT	Letter of Interpretation = LOI	Verification = VER
Flood Hazard Area = FHA	Mean High Water Line = MHWL	Waterfront Development = WD
Freshwater Wetlands = FWW	Modification = MOD	Water Quality Certificate = WQC

Section 1 - Coastal Application Type

	<u>Calculation</u>	<u>Fee Amount</u>
All General Permits (Except for Coastal GP #4)	\$1,000 x _____ # of GPs requested	_____
CZM – IP SFH or Duplex	\$2,000	_____
CZM – IP Residential other than SFH/duplex	\$3,000 x _____ # of units	_____
CZM – IP Commercial, Industrial or Public	\$3,000 x _____ acres of the site	_____
CSW – IP SFH or Duplex	\$2,000	_____
CSW – IP All Development other than SFH/duplex	\$3,000 x _____ acres of wetlands disturbed	_____
WD - IP SFH or Duplex (Landward of MHWL)	\$2,000	_____
WD – IP Residential other than SFH/duplex (Landward of MHWL)	\$3,000 x _____ # of units	_____
WD – IP Commercial, Industrial or Public Development	\$3,000 x _____ acres of the site	_____
WD - IP SFH or Duplex (Waterward of MHWL)	\$2,000	_____
WD – IP All Development other than SFH/duplex (Waterward of MHWL)	\$3,000 x _____ acres of water area impacted	_____
CZM, CSW, WD – Minor Technical Modification (GP/IP)	\$500 x _____ # of items to be revised	_____
CZM, CSW, WD – Major Technical Modification (GP/IP)	0.30 x _____ original fee = Fee (Minimum \$500)	_____
General Permit Extension	\$240 x _____ # of GPs to be extended	_____
WD – IP Permit Extension	0.25 x _____ original fee = Fee (Maximum \$3,000)	_____
CZM, CSW, WD – Exemption Request	\$500 x _____ # of exemptions requested	_____

Subtotal for Coastal Applications _____

Section 2 - Freshwater Wetlands Application Type

	<u>Calculation</u>	<u>Fee Amount</u>
All General Permits (Except those listed in notes on Page 4)	\$1,000 x _____ # of GPs requested	_____
FWW – LOI Presence/Absence, Footprint, Delineation < 1 acre	\$1,000	_____
FWW – LOI Line Verification	\$1,000 + (\$100 x <u>356</u> # of acres of the site)	<u>36,600.00</u>
FWW – TAW with valid LOI	\$1,000 + (\$100 x <u>9</u> # acres FWW disturbed)	<u>1,900.00</u>
FWW – TAW without valid LOI	\$1000 + (\$100 x _____ acres TAW disturbed)+ LOI Fee	_____
FWW – IP or Open Water Fill SFH or Duplex	\$2,000	_____
FWW – IP or Open Water Fill other than SFH or Duplex	\$5,000 + (\$2,500 x _____ # acres FWW disturbed)	_____
FWW – GP, TAW, IP, Open Water Fill Minor Modification	\$500 x _____ # of items to be revised	_____
FWW – GP, TAW, IP, Open Water Fill Major Modification	0.30 x _____ original fee (Minimum \$500)	_____
FWW – EXT LOI Presence/Absence, Footprint, Delineation < 1 acre	\$500	_____
FWW – EXT LOI Line Verification	0.50 x _____ original fee (Minimum \$500)	_____
FWW – EXT GP or TAW	\$500 x _____ # of items to be extended	_____
FWW – EXT IP or Open Water Fill	0.50 x _____ original fee (Minimum \$500)	_____

Subtotal for Freshwater Wetlands Applications _____

38,500.00

<u>Section 3 - Flood Hazard Area Application Type</u>	<u>Calculation</u>	<u>Fee Amount</u>
All General Permits (Except for FHAGP 1, 4, 5)	\$1,000 x _____ # of GPs requested	
FHA – VER Methods 1, 2, 3, 5 (Fee not applicable to one (1) SFH)	\$1,000	2,000.00
FHA – VER Method 4 or 6	\$4,000 + (\$400 x _____ per 100 linear feet)	
FHA – Delineation of Riparian Zone Only	\$1,000	
FHA – IP SFH and/or Accessory Structures	\$2,000	
FHA – IP * Fee not applicable to one (1) SFH	\$3,000 base	
*Bank/Channel (stabilization, reestablishment, etc.) No Calculation Review –	+ \$1,000	
*Bank/Channel (stabilization, reestablishment, etc.) With Calculation Review–	+ (\$4,000 + (\$400 x _____ per 100 linear ft.))	
*Bridge, Culvert, Footbridge, Low Dam, etc. No Calculation Review–	+ \$1,000 x _____ # of structures	
*Bridge, Culvert, Footbridge, Low Dam, etc. With Calculation Review–	+ \$4,000 x _____ # of structures	
*Review of Flood Storage Displacement (net fill) Calculations	+ \$4,000	
Review of Hardship Exception Request	+ \$4,000	
*Utility Line	+ \$1,000 x _____ # of water crossings	
FHA – VER, IP, GP Minor Technical Modification	\$500 x _____ # of project elements to be revised	
FHA – VER, IP, GP Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
FHA – Extension of Verification - Method 1, 2, 3, 5, Riparian Zone	\$240.00	
FHA - Extension of Verification - Method 4 or 6	0.25 x _____ original fee	
FHA – Extension of a General Permit	\$240.00 x _____ # of GPs to be extended	
FHA – Extension of an Individual Permit	0.25 x _____ original fee	
FHA – Department Delineation Minor Revision	\$500	
FHA – Department Delineation Major Revision	\$4,000 + (\$400 x _____ per 100 linear feet)	
Subtotal for Flood Hazard Area Applications		\$2,000.00

<u>Section 4 – Individual Water Quality Certificate</u>	<u>Calculation</u>	<u>Fee Amount</u>
WQC (NOTE: No fee required under the coastal program)	\$5,000 + (\$2,500 x _____ # acres regulated area disturbed)	

<u>Section 5 - Additional Stormwater Review Fee</u>	<u>Calculation</u>	<u>Fee Amount</u>
Stormwater Review	\$3,000 base	\$3,000
Review of Groundwater Recharge Calculations	+ \$250 x $\frac{9}{9}$ # acres disturbed	\$2250
Review of Runoff Quantity Calculations	+ \$250 x $\frac{9}{9}$ # acres disturbed	\$2250
Review of Water Quality Calculations	+ \$250 x $\frac{1}{1}$ # acres impervious surface	\$250
Subtotal of Stormwater Review Fee		\$7750.00

<u>Section 6 – Total of Application Fees</u>	
Subtotal of Section 1 - Coastal Applications	
Subtotal of Section 2 - Freshwater Wetlands Applications	\$38,500.00
Subtotal of Section 3 - Flood Hazard Area Applications	\$2,000.00
Subtotal of Section 4 – Individual Water Quality Certificate	
Subtotal of Section 5 - Additional Stormwater Review	\$7750.00

Total Application Fee \$48,250.00

Total Fee: \$48,250.00 Check #: _____

Instructions for completing the Application Form for Permits/Authorizations from the Division of Land Use Regulation
(Please print clearly or type all information in every section)

Section 1. Applicant Information

- ✓ Please check off whether the project is Superstorm Sandy related.
- ✓ Make sure all applicant information is correct and up to date.
- ✓ Do not provide telephone numbers with call intercept.
- ✓ Must include correct E-mail address.

Section 2. Agent Information

- ✓ Make sure all agent information is correct and up to date.
- ✓ Do not provide telephone numbers with call intercept.
- ✓ If you do not have an agent, leave this section blank.
- ✓ Must include correct E-mail address.

Section 3. Property Owner Information

- ✓ Identify the property owner if different from applicant.

Section 4. Project Site Information/Fees and Costs

- ✓ List the street address if known along with the correct zip code for the property.
- ✓ List all blocks and lots if more space is needed please attach a list to the application form.
- ✓ Make sure the state plane coordinates are given and that they are 1983 datum otherwise the application will be rejected.
 - Applicants can find state plane coordinates on USGS maps or by going to the NJDEP website and using the IMAP feature to find the location of property and the exact state plane coordinates

Section 5. Project Description

- ✓ Briefly describe what you are proposing to construct within regulated areas. In addition, list any previous LUR file number(s) and if a Waiver Request has been submitted to the Office of Permit Coordination and Environmental Review please list the Waiver Request ID number(s) on the line provided.

Section A. Applicant's Signature

- ✓ The person or responsible party representative applying for this permit and to whom the permit will be issued must sign here.

Section B. Property Owner's Signature

- ✓ The legal owner of the property on which the regulated activities are proposed must sign here and certify items one through four in this section. In addition, all easement owners on the project site are also required to sign the certification.

Section C. Applicant's Agent Authorization

- ✓ If the applicant is represented by a consultant or engineer, that individual shall fill out this section.

Section D. Statement of the Preparer of Plans

- ✓ All Flood Hazard Area and Waterfront Development applications require that the person preparing the plans and reports fill out this section

Section E. Statement of the Preparer of Application, Reports and Supporting Documents

- ✓ Anyone who prepares and is the responsible person for part of the application, reports or supporting documents must fill out this section

Section F. Type of Application you are submitting

- ✓ Place a check mark next to each type of activity you are requesting in this application package. Please fill in the amount of fee required for each permit and the amount of fees paid for each permit. The fee paid may be different from the amount required for each permit since the amount required may differ due the three payment plan for fees in excess of \$1,000. A Fee Calculation Sheet is now included to allow an applicant to determine the fee for applications where the fee will vary due to size of site, impacts, etc.

Appendices Please follow the directions as outlined for each Appendix.

- ✓ Both Appendix I and II are required to be filled-out and submitted in order for the application form to be considered completed

JACKSON PARKE

LAND USE PERMITTING APPLICATION FEES

FLOOD HAZARD AREA VERIFICATION

Method 3 (Unnamed Trib to Toms River):	\$1,000.00
Use of Previous Approved/Permitted Line (Cedar Branch):	<u>\$1,000.00</u>
TOTAL FHA VERIFICATION APPLICATION FEE:	\$2,000.00

LETTER OF INTERPRETATION LINE VERIFICATION (LOI)

\$1,000 + \$100/acre of the site

The total acreage for the parcels included in the LOI is 356 acres (Lot 57.01= 113.536; Lot 5.01= 226.246; Lot 5.04= 15.676).

\$1,000 + \$100 (356):	<u>\$36,600.00</u>
TOTAL LOI LINE VERIFICATION APPLICATION FEE:	\$36,600.00

TRANSITION AREA WAIVER-SPECIAL ACTIVITY INDIVIDUAL PERMIT (TAW-IP)

\$1,000.00 + \$100/acre of disturbance to regulated areas

The total area of disturbance to the wetland buffer between the 50-ft buffer and 150-ft buffer is 8.64 acres.

\$1,000+ \$100 (9 acres):	<u>\$1,900.00</u>
TOTAL TAW-IP APPLICATION FEE:	\$1,900.00



**State of New Jersey
Department of Environmental Protection**

Revised: June 2016

Website: www.nj.gov/dep/landuse



**FLOOD HAZARD AREA APPLICATION CHECKLIST
Verification**

CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS

To apply for a flood hazard area verification, please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
Division of Land Use Regulation
501 East State Street
Station Plaza 5, 2nd Floor
Trenton, New Jersey, 08609
Attn: Application Support

Please note: If you apply for a verification and a permit at the same time, the application requirements may be combined. For example, an application for a verification and an authorization under a general permit each require three sets of site plans. Rather than submitting six sets of site plans, three sets may be submitted.

1. Completed application form
2. If the proposed verification is based on Method 4, 5, or 6 (see N.J.A.C. 7:13-3.4(f), 3.6, and 3.6, respectively), documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19, as follows:

Notice to governmental entities and property owners (N.J.A.C. 7:13-19.3(a) and (b))

- i. Documentation of public notice shall consist of:
 - A. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt; and
 - B. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department.
- ii. The notice letter required under N.J.A.C. 7:13-19.3(d)1iii shall read as follows:

"This letter is to provide you with legal notification that an application for a flood hazard area verification <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed plan(s). A brief description of the proposed delineation follows: <<INSERT DESCRIPTION OF THE PROPOSED DELINEATION>>

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the

✓
N/A
Method
(3)

proposed delineation and site. Please submit your written comments within 15 calendar days of the date of this letter to:

*New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625
Attn: (Municipality in which the property is located) Supervisor"*

Newspaper Notice (N.J.A.C. 7:13-19.3(c))

- i. Documentation of newspaper notice shall consist of:
 - A. A copy of the published newspaper notice; and
 - B. The date and name of the newspaper in which notice was published.
- ii. The newspaper notice may be either a legal notice or display advertisement and must read as follows:

"Take Notice that an application for a flood hazard area verification <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the delineation described below:

APPLICANT:

PROJECT NAME:

DELINEATION DESCRIPTION:

SITE STREET ADDRESS:

BLOCK: LOT:

MUNICIPALITY: COUNTY:

A complete copy of the application package is available to be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed delineation and site. Please submit your written comments within 15 calendar days of the date of this notice to:

*New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
501 East State Street
Trenton, New Jersey 08625
Attn: (Municipality in which the property is located) Supervisor"*

- ✓
3. The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to the "Treasurer of the State of New Jersey."

- ✓
4. Three sets of site plans, certified in accordance with N.J.A.C. 7:13-18.2(j). Prior to issuance of the verification, the Department will require four to five sets of final site plans. The site plans must be signed and sealed by an engineer, land surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4. The site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:13-18.4(a)4:
- i. Existing features:
 - A. All relevant existing features such as lot lines, structures, land coverage, and vegetation.
 - ii. Proposed regulated activities:
 - A. N/A: No regulated activities will be authorized by a verification.
 - iii. Topography:
 - A. Existing topography. All topography shall reference NGVD or include the appropriate conversion factor to NGVD.
 - iv. Soil erosion and sediment control:
 - A. Not applicable to a verification.
 - v. Riparian zone:
 - A. The location of any riparian zone onsite (see N.J.A.C 7:13-4.1);
 - vi. Metes and bounds description:
 - A. A metes and bounds description of any existing and proposed flood hazard area and floodway limits onsite; and
 - B. Identification of the method at N.J.A.C. 7:13-3 that was used to determine these limits.
 - vii. Flood hazard area/floodway information:
 - A. If the entire site lies within a flood hazard area and/or floodway, the site plans shall indicate this; and
 - B. The elevation(s) of the flood hazard area design flood throughout the site.
 - viii. Details of construction proposed in a regulated water:
 - A. N/A: No regulated activities will be authorized by a verification.
 - ix. The following statement: "NOTE: All or a portion of this site lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."

✓

5. State plane coordinates in accordance with N.J.A.C. 7:13-18.4(a)5. (LWRP-2)

✓

6. Color photographs depicting the site mounted on 8½ -inch by 11-inch paper and accompanied by a map showing the location and direction from which each photograph was taken. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

✓
7. Three copies of an engineering report that includes:

- i. The signature and seal of an engineer;
- ii. The name, address, and telephone number of the engineer, as well as any other person designated by the engineer to answer questions about the report ;
- iii. All supporting hydrologic, hydraulic, flood storage volume, stormwater and structural calculations, which are necessary to demonstrate that the application meets the requirements of this chapter;
- iv. A narrative that explains the submitted calculations and describes why each particular calculation or methodology was used;
- v. All maps, references, and other supporting materials that were used to prepare the submitted calculations;
- vi. All flood maps, drainage area maps, and other material used to determine the flood hazard area and/or floodway limits; and
- vii. The certification set forth at N.J.A.C. 7:13-18.2(j).



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State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
Mail Code 501-02A
PO Box 420
Trenton, NJ 08625-0420
Fax# (609)-777-3656
www.nj.gov/dep/landuse/



FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI) APPLICATION CHECKLIST AND FEE TABLE

(Updated March 2016)

This checklist is for all LOI types which are as follows:

1. A presence/absence LOI for an entire site
2. A presence/absence LOI for a portion of a site under one acre (also called a footprint of disturbance LOI). See N.J.A.C. 7:7A-3.2 for a detailed description of this LOI;
3. A line delineation LOI for an entire site under one acre. See N.J.A.C. 7:7A-3.3 for a detailed description of this LOI; and
- ④ 4. Line verification LOI. See N.J.A.C. 7:7A-3.4 for a detailed description of this LOI.

To complete this checklist, you will need:

- ✓ 1. Attachment A: Form letter for providing certified mail notice of an application.
- ✓ 2. DLUR Form: Application form

Notes:

- Please provide only one copy of each item listed on the checklist, unless the item specifically states that additional copies are required.
- The person who signs the DLUR application form as the applicant must either be the owner of the site, or a person with legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, however only one person may be identified in the application as the applicant's agent. The agent may be a consultant, engineer, attorney, or other person who has assisted or prepared the application. The agent is the person to which all correspondence will be sent and the person that has authority to make decisions with regard to the application.
- For a "Line Delineation" LOI, once the Department has delineated and flagged and/or staked the regulated wetland areas on the site, the applicant will receive a Letter indicating that the delineation has been completed. At this time the applicant has the option of submitting a revised survey which includes the wetlands and/or open waters boundary to the Department. The Department will then re-issue the LOI citing the revised survey.
- As appropriate, the application shall inform the Department of known or suspected safety hazards located on any portion of the site in order to protect the safety of DEP staff who may visit the site to conduct the wetland verification which may include examination of soils, hydrology and vegetation. Examples of safety hazards include but are not limited to; hazardous materials on or

within 18" of the soil and/or water surface, fencing, barbed wire, wells or mines, presence of guard animals on site, site access difficulties due to a security clearance requirement, etc..

APPLICATION REQUIREMENTS FOR ALL LOI'S:

To be deemed administratively complete, an application for a letter of interpretation must include all of the following items:

- Item 1 A DLUR application form, completed in accordance with the directions on the form;
- Item 2 The appropriate fee, indicated in the fee table below, paid as follows:
- The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - For all projects except those in the Pinelands, the fee shall be made payable to "Treasurer, State of New Jersey";
 - For projects in the Pinelands, the fee shall be made payable to "NJDEP-Pinelands Wetlands Program.";
 - Each check, purchase order, or money order must be marked with the name of the applicant and must indicate the type of letter of interpretation (LOI) for which the application is submitted (for example "presence/absence LOI");
 - If more than one permit is requested a fee break down should be included on a separate page.
- Item 3 Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the stamped white postal receipt you receive when you send the item by certified mail, the signed green certified mail return receipt card or a copy of either of these two items.) All of the following must be submitted:
- A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
- B. Proof that a completed copy of the notice letter found in Attachment A has been sent to each of the following:
- i. The municipal environmental commission (if one exists);
 - ii. The municipal planning board;
 - iii. The municipal construction official;
 - iv. The county planning board; and
 - v. One of the following sets of neighboring landowners (applicant choose one option):
 - Option 1: All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site"). If this option is selected, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality;
 - Option 2: If the application is part of a joint application for an LOI and a general permit authorization, all owners of land within 200 feet of the proposed disturbance. If this option is selected, the application must also include a tax map with the location of the proposed

disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined; or

___ Option 3: If the LOI is part of a joint application for an LOI and a general permit authorization for a linear development, trail, or boardwalk; and the project is more than one half mile long, proof that both of the following have been done: A copy of the notice in Attachment A has been sent to all owners of land within 200 feet of any proposed above ground structure (not including telephone poles, power lines or similar structures), such as an access road, treatment plant, power substation, or similar structure; and a display advertisement has been published in the newspaper of record for the municipality in which the site is located and in a newspaper with regional circulation in the region in which the site is located. The advertisement shall be at least four column inches in size. Proof must be provided that the advertisement has been placed, either a copy of the advertisement or a copy of an affidavit from the newspaper stating that the advertisement was published.

Note: If a project site is located in more than one municipality or county, the notice requirements in item 3 above must be met for each municipality and/or county in which the site is located.

- Item 4 A copy of a USGS quad map, with the site clearly outlined and State Plane coordinates in NAD 1983 for a point at the approximate center of the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672 or go to their website at: <http://www.nj.gov/dep/gis/faqgeneral.htm#Gen13>.

Note: For a linear development, the list of State plane coordinates required shall include the coordinates at each end of the development and at 1,000 foot intervals along the entire length of the development.

- Item 5 An up to date county road map or local street map with the site clearly indicated;
- Item 6 The most recent municipal tax map available with the site clearly indicated;
- Item 7 A minimum of four (4) original color photographs, mounted or color photocopied on 8½ by 11 inch paper, sufficient to show a representative sample of the vegetation on the portion(s) of the site that are affected by the LOI application. The photo locations should be indicated on the survey or separate map.
- Item 8 A copy of the county soil survey map with the site clearly outlined. (Soil survey maps can be obtained from the local NJ Department of Agriculture Soil Conservation District or online through the Web Soil Survey at: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>). If not already indicated, please indicate the soil survey map number on the copy;
- Item 9 A written narrative and/or reports necessary to accurately describe the site, its location, existing site conditions, previous permits as well as any areas of Division regulatory jurisdiction;

Item 10 A document which includes the name(s) and qualifications of the person(s) who prepared the application. This must include in the case of a Line Verification, the person(s) who performed the delineation.

Note: In addition to the information required for ALL LOI's, you must supply additional documentation required for the type of LOI for which you are applying as follows:

Additional Requirements Depending on LOI Type

NA Presence/absence LOI for an entire site

Item A **Application/Survey Requirements:** For a presence/absence LOI for an entire site under N.J.A.C. 7:7A-3.2(c)1, no additional information is required.

Item B **Site Requirements:** The boundaries of the site shall be flagged or staked to enable Department staff to identify the site boundaries;

NA Presence/absence LOI for a portion of a site (Footprint of Disturbance)

Item A **Application/Survey Requirements:** For a presence/absence LOI for a portion of a site under N.J.A.C. 7:7A-3.2(c)2, in addition to the information required for all LOI's, the following information is required:

___ i. Five (5) folded copies of a topographical survey of the site; drawn at a scale of no more than 1 inch to 50 feet, prepared in accordance with N.J.A.C. 7:7A-10.1(q), signed and sealed by a licensed surveyor and which clearly shows the portion of the site ("footprint") which the applicant wishes the LOI to cover, all areas within 150' of the footprint and which reflects the site requirements below;

Item B **Site Requirements:** Sequentially numbered flags and/or stakes must be placed on the site to show the boundaries of the portion of the site (or "footprint of disturbance") that the LOI will cover so that Department staff can easily find the boundary of that portion of the site. Please note that the maximum footprint allowed under this LOI is 1 (one) acre and that the footprint must encompass ALL proposed disturbance for the project including but not limited to; clearing, grading, extent of silt fences, etc.

NA Line Delineation LOI for a Site Under One Acre

Item A **Application/Survey Requirements:** For a line delineation LOI under N.J.A.C. 7:7A-3.3, in addition to the information required for all LOI's, the application shall include:

___ i. Five (5) folded copies of a survey signed and sealed by a licensed surveyor, drawn at an appropriate scale and prepared in accordance with N.J.A.C. 7:7A-10.1(q), and which reflects the site requirements below;

Item B **Site Requirements:** The boundaries of the site shall be flagged and/or staked to enable Department staff to identify the site boundaries;

Item C **Digital Survey Optional:** A digital copy, georeferenced in NAD 83, of any post delineation revised survey can also be provided in addition to the paper copies.

Line Verification LOI

Item A **Application/Survey Requirements:**

Data Sheets: For a Line Verification, the application must include data sheets for sample locations which include:

___ i. **Soil Borings:** Soil logs describing the soil characteristics at the location of each soil boring, including a description of the field indicators, or lack thereof, for hydrology as outlined in the 1989 Federal manual;

___ ii. **Vegetation:** A description of the vegetative species on the site recorded at each soil boring location classified using the United States Fish and Wildlife Service (USFWS) categories listed under "R/IND" and "NAT-IND" (Regional and National Indicators) columns in the "National Wetlands Plant List" and amendments thereto, compiled by the USFWS, United States Army Corps of Engineers, USEPA and the USDA's Natural Resources Conservation Service;

Surveys: Five folded copies of a topographical survey, drawn at a scale of no more than one inch to 100 feet prepared in accordance with N.J.A.C. 7:7A-10.1(q), signed and sealed by a licensed Surveyor and must include but not be limited to the following:

___ i. If the application is for a line verification for an entire site under N.J.A.C. 7:7A-3.4(b) 1 or 2, the survey must show the boundaries of the site. If the application is for a line verification for only a portion of a site under N.J.A.C. 7:7A-3.4(b)3, the survey must show that portion of the site and include a metes and bounds description of that portion.

___ ii. The proposed boundaries of all wetlands and/or open waters on the site must be drawn and clearly labeled on the survey and must include:

1. The flags or stakes depicted in the field identifying the wetland(s) and/or State open water(s) boundaries. Each flag must be uniquely (sequentially if possible) numbered and identified on the survey;
2. The line segments between each flag must be uniquely (sequentially if possible) numbered on the survey. The Department will assign a resource classification to each line segment as identified by its number. Please see pg. 8 for details.

___ iii. The survey shall indicate the location and identifying number of each sample location;

___ iv. The survey shall indicate topographic contours as follows:

1. If the site is located in Middlesex County or Mercer County or anywhere north of these counties, the survey must show topographic contours at intervals of no more than five feet;
2. If the site is located south of Middlesex and Mercer Counties, the survey must show topographic contours at intervals of no more than two feet;

Item B

Site Requirements:

Boundary Markers: The property boundaries and the proposed boundaries of all wetlands and/or open waters must be flagged and/or staked on the site as follows.

- i. All flags and/or stakes must be present on the site prior to submission of the application to the Department.
- ii. The flags and/or stakes must be no more than 75 feet apart, must be set in relation to identifiable points and landmarks if possible and from each flag and/or stake you should be able to see the adjacent ones.;
- iii. Each flag and/or stake must be uniquely (sequentially if possible) numbered and identified on the survey;
- iv. Flag and/or stakes shall be positioned so that they can be clearly visible at any time and any weather condition during the year, i.e. care should be taken so that flags and/or stakes are not positioned in a location likely to be covered by snow in the winter or overgrown in the summer.
- v. Flags should not be tied to dead or annual vegetation.

Sample Locations: All sample locations as referenced in the data sheets must be clearly marked in the field.

Item C

Digital Survey Requirements (Optional): A digital file, georeferenced in NAD 83 of the survey can also be provided in addition to paper copies.



5-

State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A
PO Box 420
Trenton, NJ 08625-0420
Fax# (609)-777-3656
www.nj.gov/dep/landuse/



FRESHWATER WETLANDS TRANSITION AREA WAIVER APPLICATION CHECKLIST AND FEE TABLE

(Updated February 2015)

This checklist is to be used to apply for a transition area waiver. If a transition area disturbance can be covered by a general permit, use the application checklist for that general permit.

The Department issues the following types of transition area waivers:

1. Averaging plan transition area waiver (see N.J.A.C. 7:7A-6.2);
2. Special activity transition area waiver for stormwater management (see N.J.A.C. 7:7A-6.3(d));
3. Special activity transition area waiver for linear development (see N.J.A.C. 7:7A-6.3(e));
4. Special activity transition area waiver for redevelopment (see N.J.A.C. 7:7A-6.3(f));
5. Special activity transition area waiver for activities eligible for an individual freshwater wetlands permit (see N.J.A.C. 7:7A-6.3(g));
6. Matrix type width reduction transition area waiver (see N.J.A.C. 7:7A-6.4); and
7. Hardship transition area waiver (see N.J.A.C. 7:7A-6.5).

To complete this checklist, you may need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

Attachment B: Form for providing newspaper notice of an application

Attachment C: List of municipalities with swamp pink plants

Attachment D: List of municipalities with bog turtles

Attachment E: Form letter for providing an offer of sale for a hardship transition area waiver

Attachment F: Organizations to be contacted for the sale of property

DLUR Form: Application form

NOTES:

- Please provide only **one copy** of each item listed below, unless the item specifically states that more copies should be provided.
- The person who signs the DLUR application form as the applicant must be the owner of the site, or a person with legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, however only one person may be identified in the application as the applicant's agent. The agent may be a consultant, engineer, attorney, or other person who has assisted or prepared the application. The agent is the person to which all correspondence will be sent and the person that has authority to make decisions with regard to the application.

APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for a transition area waiver must include all of the following items:

1. A DLUR application form, completed in accordance with the directions on the form;
2. The appropriate fee, indicated in the fee table below, paid as follows:
 - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - The fee shall be made payable to "**Treasurer, State of New Jersey**";
 - Each check, purchase order, or money order must be marked with the name of the applicant;
 - Each check, purchase order, or money order must indicate the type of transition area waiver for which the application is submitted (for example, "linear development waiver");
 - If more than one permit is requested a fee break down should be included on a separate page.
3. Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the stamped white postal receipt you receive when you send the item by certified mail, or the signed green certified mail return receipt card.) All of the following must be submitted:
 - A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
 - B. Proof that a completed copy of the notice letter found in Attachment A has been sent to each of the following:
 - ___ i. The municipal environmental commission (if one exists);
 - ___ ii. The municipal planning board;
 - ___ iii. The municipal construction official;
 - ___ iv. The county planning board; and
 - ___ v. One of the following sets of neighboring landowners (applicant choose one option):
 - Option 1: All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site").
 - If this option is selected, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality;
 - Option 2: All owners of land within 200 feet of the disturbance.
 - If this option is chosen, the application must also include a tax map with the location of the proposed disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined; or
 - Option 3: If the project is a linear development, trail, or boardwalk; and the project is more than one half mile long, proof that both of the following have been done:
 - A copy of the notice in Attachment A has been sent to all owners of land within 200 feet of any proposed above ground structure (not including telephone poles, power lines or similar structures), such as an access road, treatment plant, power substation, or similar structure; and
 - A display advertisement has been published in the newspaper of record for the municipality in which the site is located and in a newspaper with regional circulation in the region in which the site is located. The advertisement shall be at least four column inches in size;

➤ To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published;

Note: if a project site is located in more than one municipality or county, the notice requirements in item 3 above must be met for each municipality and/or county in which the site is located.

4. A copy of a USGS quad map, with: the site clearly outlined; and State Plane coordinates for a point at the approximate center of the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.

Note: For a linear development, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.

5. An up to date county road map or local street map, with the site clearly indicated;
6. Original color photographs, mounted on 8½ by 11 inch paper, clearly showing the portion of the site that will be disturbed by the activities proposed in the transition area. A minimum of four photographs shall be included;
7. A compliance statement that includes all of the following:
- A. A description of the project and all proposed regulated activities;
 - B. A list of all of the limits and requirements in the transition area provisions of the freshwater wetlands rules at N.J.A.C. 7:7A-6 that apply to the proposed activities; and
 - C. An explanation of how the proposed activities comply with each limit or requirement listed under B above;
 - D. If a site is known or suspected to be contaminated with toxic substances, and if the Department requests it, a laboratory analysis of representative samples of the soil or sediment on the site;
8. The following information on the location of wetlands on the site:
- A. A line delineation LOI issued under N.J.A.C. 7:7A-3.3, or a line verification LOI issued under N.J.A.C. 7:7A-3.4. A presence/absence LOI issued under N.J.A.C. 7:7A-3.2 is not sufficient.;
 - B. If no LOI has been issued for the site, or if only a presence/absence LOI has been issued, submit all the information required for an application for a line delineation LOI or line verification LOI.➤ This delineation shall be drawn onto the site plan required under item below. A formal delineation report is not required. However, the application must include the data sheets used by the delineator to record the information on soils and vegetation which formed the basis for the delineation;
9. Five folded copies of a site plan, signed and sealed by a licensed surveyor, showing the entire site and indicating the following:
- A. All existing structures in the area that will be disturbed by the proposed activities;
 - B. All proposed structures, disturbances, and activities; and
 - C. If a delineation of wetlands, transition areas, and State open waters is required under item above, this delineation must be drawn on the site plan;

x Submitted here in

10. Information regarding whether other approvals are required for the activities by Federal, interstate, State and local agencies for the activity; information regarding whether any such approvals or denials have been received; and information regarding whether the proposed activities are consistent with the rules, plans, or policies of other Federal, interstate, State and local agencies;
11. If the application is for a proposed project that has disturbances of $\frac{1}{4}$ acre impervious surface in freshwater wetlands and/or transition area or if the total pervious and impervious disturbance to wetlands and/or transition is greater than an acre or if more than $\frac{1}{4}$ acre of impervious surface drains to any outfall requiring a general permit 11 the applicant must submit a Stormwater Report that proves the proposed project meets the Water Quality Standards at N.J.A.C. 7:8 and a full set of construction site plans.

In addition to the above the following must be submitted

Stormwater management must be provided in certain cases as described below. See www.njstormwater.org for more information. (Note: if your freshwater wetlands application is being submitted jointly with a stream encroachment, waterfront development and/or CAFRA application, different means of determining whether the Stormwater Management rules may apply.) Stormwater fees may also apply.

- A. Check (and explain) if the project:
- Is exempt from the stormwater rules at N.J.A.C. 7:8-5.2(d). (In such cases, you do not need to complete the rest of this section.)
 - Meets the waiver requirements for public roadway improvements at N.J.A.C. 7:8-5.2(e).

- B. Enter the total amount of land that will be disturbed (as described below):
8.64 ft² or acres (circle one).

"Disturbance" means the sum of the following:

- The total amount of proposed disturbance within freshwater wetlands, transition areas and open waters onsite.
- The total amount of proposed disturbance onsite, if runoff from the disturbed area will be collected and discharged into freshwater wetlands, transition areas or open waters.

If at least 1 acre (43,560 ft²) of land will be disturbed, as described above, submit the following (in the engineering report):

- One completed Low Impact Design checklist (see Appendix A of BMP manual at www.njstormwater.org).
- One copy of a USGS map, showing the site and its HUC-14 watershed and indicating any 300-ft buffers onsite.
- Proof that the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2 are met (unless exempted at N.J.A.C. 7:8-5.4(a)2ii).
- Proof that the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3 are met (unless the project lies in a tidal floodplain and will cause no adverse impacts to flooding, as described at N.J.A.C. 7:8-5.4(a)3iv).
- Proof that the use of nonstructural stormwater strategies has been maximized onsite via one of the following:
 - A completed Nonstructural Stormwater Strategies Point System spreadsheet (see www.njstormwater.org).
 - A detailed narrative (including an alternative analysis where necessary), explaining how the project does (or does not) implement all nine nonstructural strategies required at N.J.A.C. 7:8-5.3.

C. Enter the net-increase in impervious area onsite (as described below):
0.92 ft² or acres (circle one).

"Impervious areas" means the sum of the following:

- The total amount of proposed impervious areas within freshwater wetlands, transition areas and open waters onsite.
- The total amount of proposed impervious areas onsite, if runoff from the impervious areas will be collected and discharged into freshwater wetlands, transition areas or open waters. Include all new impervious areas onsite, as well as existing impervious areas from which stormwater currently sheet-flows, but which will be collected into a basin or storm sewer system. Subtract any impervious areas being removed onsite, if runoff from the area to be removed is currently collected and discharged into within freshwater wetlands, transition areas and open waters.

If a net-increase of at least ¼ acre (10,890 ft²) of impervious area will occur, as described above, submit all material in Part B above and the following:

- Proof (in the engineering report) that the water quality standards at N.J.A.C. 7:8-5.5 are met.

D. Complete a Stormwater Review Fee worksheet to calculate the appropriate stormwater review fee

12. If the site is located in a municipality with the endangered plant known as swamp pink (*helonias bullata*) (these municipalities are listed in Attachment C), the application must include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;

~~N/A~~ 13. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Attachment D), the application must include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;

~~N/A~~ 14. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, submit a letter from the National Park Service approving the proposed activities.
➤ As of August 1, 2001, the water bodies containing designated wild and scenic river areas in New Jersey are:
- The Maurice River and tributaries;
- The Great Egg Harbor River and tributaries
- Portions of the Mullica/Lower Atsion River; and
- Portions of the Delaware River.
➤ Contact the Department at the above address for more detailed information on wild and scenic rivers.

15. A copy of the deed and/or other relevant documents pertaining to the site, showing and/or describing property boundaries, ownership, easements, restrictions, previous approvals by any local, federal, interstate or state agency, and any other information relating to the site that will assist the Department in assessing compliance with the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A.

~~N/A~~ 16. For an averaging plan transition area waiver under N.J.A.C. 7:7A-6.2, the following information is required, in addition to the information required in items 1 through 15 above:

- A. The total square footage of the standard transition area, determined in accordance with N.J.A.C. 7:7A-2.5;
- B. The total square footage of transition area to be disturbed by the proposed project, including grading;
- C. The total square footage by which the transition area will be reduced, and the total square footage of increased transition area which will be provided in compensation for the reduction; and
- D. A site plan showing and clearly labeling the standard transition area, the proposed area in which the standard transition area will be reduced, and the proposed area that will be added to the transition area as compensation. The transition area shown on the site plan shall be reproducible in the field;

17. For a special activity transition area waiver for stormwater management under N.J.A.C. 7:7A-6.3(d), the following information is required, in addition to the information required in items 1 through 15 above:

- A. A written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-6.3(c) and (d). The alternatives analysis must list the possible alternatives, and explain why each was rejected;
- B. A site plan showing the standard transition area, as determined under N.J.A.C. 7:7A-2.5, and showing all proposed regulated activities (see N.J.A.C. 7:7A-2.5 for a list of activities regulated in transition areas);

18. For a special activity transition area waiver for linear development under N.J.A.C. 7:7A-6.3(e), the following information is required, in addition to the information required in items 1 through 15 above:

- A. A written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-6.3(c) and (e). The alternatives analysis must list the possible alternatives, and explain why each was rejected; and
- B. A site plan showing the standard transition area, as determined under N.J.A.C. 7:7A-2.5, and showing all proposed regulated activities (see N.J.A.C. 7:7A-2.5 for a list of activities regulated in transition areas);

19. For a special activity transition area waiver for redevelopment under N.J.A.C. 7:7A-6.3(f), a site plan showing the following is required, in addition to the information required in items 1 through 15 above:

- A. The location and extent of areas that are significantly disturbed so that they are not functioning as a transition area, including impervious surfaces, as defined at N.J.A.C. 7:7A-1.4; and
- B. The location and extent of proposed development and attendant features including but not limited to septic systems discharging onsite, stormwater outfalls, and proposed stormwater management measures;

20. For a special activity transition area waiver for a project that would be eligible for an individual freshwater wetlands permit under N.J.A.C. 7:7A-6.3(g), the applicant must submit the following information, in addition to the information required in items 1 through 15 above:

- A. The information required for an individual freshwater wetlands permit application at N.J.A.C. 7:7A-10.6(b); and
- B. A mitigation proposal in accordance with the requirements at N.J.A.C. 7:7A-15.26.

21. For a matrix type transition area waiver under N.J.A.C. 7:7A-6.4, the following information is required, in addition to the information required in items 1 through 15 above:

- A. The slope of the portion of the transition area contained within the site, as determined under N.J.A.C. 7:7A-6.4(g);
- B. The dominant vegetation community in the portion of the transition area contained within the site, as determined under N.J.A.C. 7:7A-6.4(h); and
- C. The development intensity of the proposed project, as determined under N.J.A.C. 7:7A-6.4(i);

NTA

22. For a hardship transition area waiver under N.J.A.C. 7:7A-6.5, in addition to the information required in items 1 through 15 above, the applicant shall demonstrate that the site meets the requirements at N.J.A.C. 7:7A-6.5(a). The applicant may demonstrate this by submitting documentation that all of the following criteria are met:

- A. The presence of transition areas on the site makes it impossible to build a single family dwelling on the site under the other provisions of this chapter;
- B. The lot or lots that make up the site were created by a subdivision occurring prior to July 1, 1988;
- C. The site has been owned continuously by the applicant since prior to July 1, 1988;
- D. The site is not contiguous with an improved property that was owned by the applicant on July 1, 1988;
- E. The applicant has not received a hardship transition area waiver based on these hardship criteria at any time during the five years prior to the present application for a hardship transition area waiver;
- F. The applicant has unsuccessfully attempted to purchase adjacent properties for fair market value in order to create a developable upland;
- G. The applicant has offered the site for sale at fair market value as determined by a fair market value appraisal, performed by a State-licensed appraiser and using a form letter provided by the Department (Attachment E), to adjacent property owners and the offer was refused or is not reasonable, assuming a minimum beneficial economically viable use, in accordance with N.J.A.C. 7:7A-17, to alleviate the hardship;
- H. The applicant has offered the site for sale at fair market value as determined by a fair market value appraisal, performed by a State-licensed appraiser, and using a form letter provided by the Department, to interested public and/or private conservation organizations on a list provided by the Department (Attachment F), and the offer was refused or is not reasonable, assuming a minimum beneficial economically viable use, in accordance with N.J.A.C. 7:7A-17, to alleviate the hardship;
- I. Document(s) showing when the property as a whole, as defined at N.J.A.C. 7:7A-1.4, was acquired, the purchase price of the property as a whole and the instrument which documents the applicant's real property interest;
- J. Document(s) showing the amount, nature, and date of any investments made to maintain and/or develop the property as a whole, other than the purchase price;
- K. A copy of each letter that the property owner sends under G. and H. above;
- L. All responses the property owner receives to the letters sent under G. and H. above. Each response shall be submitted to the Department within 15 days after the property owner's receipt of the response;
- M. A list, certified by the municipality, of all owners of real property within 200 feet of the property as a whole, including owners of easements as shown on the tax duplicate;
- N. The written offer of sale required under G. and H. above shall be sent by certified mail and shall:
 - ___ i. Indicate that the offer is open for a period of at least 90 calendar days;
 - ___ ii. Include a copy of a fair market value appraisal, performed by a State-licensed appraiser, that assumes that a minimum beneficial economically viable use of the property will be allowed;
 - ___ iii. Include full disclosure of the location on the property of any freshwater wetlands, transition areas, and/or State open waters.

APPENDIX B

EVIDENCE OF NOTIFICATION

TOWNSHIP OF JACKSON
95 WEST VETERANS HIGHWAY
JACKSON, NJ 08527

6/27/2016

TOWNSHIP ASSESSORS OFFICE

Per Statute 40:55D-12 Paragraph C: List of Property Owners within 200 Feet of:

BLOCK: 10401 LOT: 5.04 , 17802 57.01 OWNER: EL AT JACKSON

REQUESTED BY: PARTNER ENGINEERING AND SCIENCE, INC.

ADDRESS: 611 INDUSTRIAL WAY, EATONTOWN, NJ 07724

Owners of record, Block & Lots as they appear on Tax Assessment Books.

If property is adjacent to a proposed or established highway NOTIFY: Commissioner of Transportation, State House, Trenton, NJ 08625

If property is located within the Pinelands NOTIFY: Pinelands Commission, P.O. Box 7, New Lisbon, NJ 08064

NOTIFY: D. Klee; Owen, Little & Assoc.; 443 Atlantic City Blvd.; Beachwood, NJ 08722

NOTIFY: O.C. Planning Board, 129 Hooper Avenue, Toms River, NJ 08753

Date Mailed Out: _____ By: _____ Amount: \$10.00

Certification: *Toni Nagle-Rowe*
TONI NAGLE-ROWE, CTA, JACKSON TOWNSHIP ASSESSOR

Utilities: NJ Natural Gas Co., P.O. Box 1464, Wall, NJ 07719

JCP & L Co., 300 Madison Avenue, Morristown, NJ 07932

Monmouth Cablevision Assoc., 1501 18th Ave, Wall Twp, NJ 07719

Verizon New Jersey Inc., 777 Parkway Ave, Trenton, NJ 08618

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
10401 5.02	PERRINEVILLE RD	15C	OCEAN COUNTY 101 HOOPER AVE TOMS RIVER NJ	08754
11201 8.01	PROSPERTOWN ROAD	15C	TOWNSHIP OF JACKSON 95 W VETERANS HWY JACKSON NJ	08527
11201 8.02	PROSPERTOWN ROAD	15C	OCEAN COUNTY 101 HOOPER AVE TOMS RIVER NJ	08754
11201 9	PROSPERTOWN ROAD	15C	TOWNSHIP OF JACKSON 95 W VETERANS HWY JACKSON NJ	08527
11201 10.01	PROSPERTOWN ROAD	15C	STATE OF NJ DEP GREEN ACRES PROGRAM PO BOX 420 TRENTON NJ	08625.0420
17301 1	778 W VETERANS HIGHWAY	2	SCHENCK, GEORGE J JR & LINDA J 778 W VETERANS HWY JACKSON NJ	08527
17301 2	772 W VETERANS HIGHWAY	2	JENNINGS, NADYNE 772 WEST VETERANS HWY JACKSON NJ	08527
17301 3	766 W VETERANS HIGHWAY	2	BARBUTO, JOHN H & DUSTY L 766 W VETERANS HGWY JACKSON NJ	08527
17301 4	764 W VETERANS HIGHWAY	2	CEPPALUNI, KRISTIN L & BOLINSKY, S 764 W VETERANS HWY JACKSON NJ	08527
17301 5	760 W VETERANS HIGHWAY	2	DELLA SALLA, RALPH JR & ROSEMARY 760 W VETERANS HWY JACKSON NJ	08527
17301 6	756 W VETERANS HIGHWAY	2	VOLKENS, THOMAS F & ALICE M 756 W VETERANS HWY JACKSON NJ	08527
17301 7	752 W VETERANS HIGHWAY	2	HAMMOND, JAMES & VREELAND SHERRY L 752 W VETERANS HWY JACKSON NJ	08527
17301 8	748 W VETERANS HIGHWAY	2	CRIST, NICHOLAS & CATHERINE 748 W VETERANS HWY JACKSON NJ	08527
17301 9	742 W VETERANS HIGHWAY	2	HISBLOOD MINISTRIES INC PO BOX 457 LAKEWOOD NJ	08701
17301 10	W VETERANS HIGHWAY	1	ADDARICH, YOLANDA A 39-30 59TH ST WOODSIDE NY	11377
17301 11	726 W VETERANS HIGHWAY	2	KINSMAN, GARY & JUNE 726 W VETERANS HWY JACKSON NJ	08527
17301 12	718 W VETERANS HIGHWAY	2	MORGAN, GLADYS SCHAEFER 553 JOHN ETHERIDGE RD CHESAPEAKE VA	23322.2065
17301 14	700 W VETERANS HIGHWAY	2	MAYER, RICHARD & LISA 700 W VETERANS HWY JACKSON NJ	08527

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
17301 15	692 W VETERANS HIGHWAY	2	MAZZARA HOLDINGS LLC 45 WHITLOCK AVE JACKSON, NJ	08527
17301 16	686 W VETERANS HIGHWAY	2	SCHULTZ, ROSS M & KATIE L 686 W VETERANS HWY JACKSON NJ	08527
17302 1	PROSPERTOWN ROAD	15C	TOWNSHIP OF JACKSON 95 W VETERANS HWY JACKSON NJ	08527
17302 2	W VETERANS HIGHWAY	1	DAVIDOVICH, GREGORY W 7300 MAJESTIC MANOR COLLEYVILLE TX	76034
17302 38	PROSPERTOWN ROAD	1	DAVIDOVICH, GREGORY W 7300 MAJESTIC MANOR COLLEYVILLE TX	76034
17302 39	PROSPERTOWN ROAD	1	SCHULTZ, ROSS M & KATIE L 686 W VETERANS HWY JACKSON NJ	08527
17302 40	W VETERANS HIGHWAY	1	MAZZARA, ANTONIO 45 WHITLOCK AVE JACKSON, NJ	08527
17401 8	7 W VETERANS HWY	1	GALATIS, GEORGE H ETALS 2831 W BANG AVE NEPTUNE NJ	07753
17401 9	W VETERANS HIGHWAY	15C	OCEAN COUNTY 101 HOOPER AVE TOMS RIVER NJ	08754
17401 10	785 W VETERANS HIGHWAY	2	GILLILAND, CHRIS & ANDREW, C 785 W VETERANS HWY JACKSON NJ	08527
17802 37	920 W VETERANS HIGHWAY	4A	TOMARON INC 920 W VETERANS HWY JACKSON NJ	08527
17802 40	2 HARVARD WEST DRIVE	2	SHRAMOVICH, KURT 139 WASHINGTON RD SAYREVILLE NJ	00000
17802 44	10 HARVARD WEST DRIVE	2	ALKALAY, SIMON & JACOBI, SHARON 10 HARVARD WEST DR JACKSON NJ	08527
17802 45	12 HARVARD WEST DRIVE	2	PETERS, EDWARD SCOTT & ANNEMARIE 12 HARVARD WEST DR JACKSON NJ	08527
17802 46	14 HARVARD WEST DRIVE	2	VRANCART, JOANNA R & ALBERT J 14 HARVARD W DR JACKSON NJ	08527
17802 47	16 HARVARD WEST DRIVE	2	MONAGHAN, MELISSA & PUTZ, DAVID F J 16 HARVARD WEST DR JACKSON NJ	08527
17802 48	18 HARVARD WEST DRIVE	2	CHRISTIE, MICHAEL & KRISTINE 18 HARVARD WEST DR JACKSON NJ	08527
17802 49	17 HARVARD WEST DRIVE	2	BORRIS, MATTHEW A 17 HARVARD WEST DR JACKSON NJ	08527

TOWNSHIP OF JACKSON
95 WEST VETERANS HIGHWAY
JACKSON, NJ 08527

6/27/2016

TOWNSHIP ASSESSORS OFFICE

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NOTIFY: D. Klee; Owen, Little & Assoc.; 443 Atlantic City Blvd.; Beachwood, NJ 08722

NOTIFY: O.C. Planning Board, 129 Hooper Avenue, Toms River, NJ 08753

Date Mailed Out: _____ By: _____ Amount: \$10.00

Certification: *Toni Nagle-Rowe*
TONI NAGLE-ROWE, CTA, JACKSON TOWNSHIP ASSESSOR

Utilities: NJ Natural Gas Co., P.O. Box 1464, Wall, NJ 07719

JCP & L Co., 300 Madison Avenue, Morristown, NJ 07932

Monmouth Cablevision Assoc., 1501 18th Ave, Wall Twp, NJ 07719

Verizon New Jersey Inc., 777 Parkway Ave, Trenton, NJ 08618

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS
10301 20	11 BEATRICE LANE	2	SKIAS, AGLAIA & ATHANASIOS 11 BEATRICE LN JACKSON NJ 08527
10301 21	9 BEATRICE LANE	2	MAZZEO, MICHAEL & CORSO, MARY JO 7312 N 14TH AVE BROOKLYN NY 11228
10301 22	7 BEATRICE LANE	2	HOUSE, DANIEL R 7 BEATRICE LN JACKSON NJ 08527
10301 23	5 BEATRICE LANE	2	SIDHOUM, MOHAMMED & LILA 5 BEATRICE LN JACKSON NJ 08527
10301 25	464 PERRINEVILLE ROAD	2	HENIG, PATRICIA A 464 PERRINEVILLE RD JACKSON NJ 08527
10301 26.01	410 PERRINEVILLE ROAD	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10301 26.02	1 PRESIDENTIAL CIRCLE	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10301 26.03	3 PRESIDENTIAL CIRCLE	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10301 26.04	5 PRESIDENTIAL CIRCLE	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10301 26.05	7 PRESIDENTIAL CIRCLE	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10301 26.06	9 PRESIDENTIAL CIRCLE	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10301 26.07	11 PRESIDENTIAL CIRCLE	1	PLATINUM DEVELOPERS @ PERRINEVILLE 210 OCEAN AVE LAKEWOOD NJ 08701
10305 18	12 WOODS EDGE DRIVE	2	IZZARD, ST JULIAN III & DONNA 12 WOODS EDGE DR JACKSON NJ 08527
10305 19	10 WOODS EDGE DRIVE	2	RANDO, RONALD G & DONNA M 10 WOODS EDGE DR JACKSON NJ 08527
10305 20	8 WOODS EDGE DRIVE	2	BATSOUTENKO, NINA & GENNADI ETAL 8 WOODS EDGE DR JACKSON NJ 08527
10401 5.02	PERRINEVILLE RD	15C	OCEAN COUNTY 101 HOOPER AVE TOMS RIVER NJ 08754
10501 7	REED & PROSPERTOWN ROADS 1,2,4,6-9:10401,1-4,	15C	STATE OF NJ - DEP JOHN FITCH PLAZA TRENTON NJ 08625
11404 86.01	279 PERRINEVILLE ROAD	2	CASTIGLIONE, JOSEPH 279 PERRINEVILLE RD JACKSON NJ 08527

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS
11404 87	PERRINEVILLE ROAD	1	KOSLOWSKI, JOHN JR & DENISE 609 OAKLEAF ST JACKSON NJ 08527
11404 88	609 OAKLEAF STREET	2	KOSLOWSKI, JOHN JR & DENISE 609 OAKLEAF ST JACKSON NJ 08527
11404 104	610 PINE STREET	2	TKACENKO, GALINA 51 NORTH LAKESIDE AVE JACKSON NJ 08527
11404 105	319 PERRINEVILLE ROAD	2	MAGNO, SAM A & DEBRA A 319 PERRINEVILLE RD JACKSON NJ 08527
11404 106	325 PERRINEVILLE ROAD	2	GERACI, CHARLES JOSEPH & CELESTE 325 PERRINEVILLE RD JACKSON NJ 08527
11404 119	30 LEONE BOULEVARD	2	MALLOURIS, MICHAEL & LAURA 30 LEONE BLVD JACKSON NJ 08527
11404 120	397 PERRINEVILLE ROAD	2	NEMETH, JEFFREY & PATRICIA 397 PERRINVILLE RD JACKSON NJ 08527
11404 121	401 PERRINEVILLE ROAD	2	ZAMICHIELI, PETER & JENNIFER 401 PERRINEVILLE RD JACKSON NJ 08527
11406 1	PERRINEVILLE ROAD	1	SPEARS, DONNA A 1412 FRANCES DR WALL NJ 07719
11406 2	272 PERRINEVILLE ROAD	2	DANIECKI, EDWARD & SHIRLEY 272 PERRINEVILLE RD JACKSON NJ 08527
11406 3	PERRINEVILLE ROAD	1	DANIECKI, EDWARD 272 PERRINEVILLE RD JACKSON NJ 08527
11406 4	260 PERRINEVILLE ROAD	2	MEJIA, EDGAR A & DIPIETRO, DEBRA L 260 PERRINEVILLE RD JACKSON NJ 08527
11406 5	256 PERRINEVILLE ROAD	2	CLAYTON, CHARLES R&JR&WENDY S 256 PERRINEVILLE RD JACKSON NJ 08527
11406 6	248 PERRINEVILLE ROAD	2	LUCIANO, ERNEST J JR 248 PERRINEVILLE RD JACKSON NJ 08527
11407 7	610 OAKLEAF STREET	2	MADRIGAL, FRANCISCO & MARIA 104 EASY ST HOWELL NJ 07131
11407 8	608 OAKLEAF STREET	2	LESKO, MARC F & MARY R WEBER LESKO 608 OAKLEAF ST JACKSON NJ 08527
11407 10	607 PINE STREET	2	ABBASZADEH, SAEED 607 PINE ST JACKSON NJ 08527
11408 8	367 PERRINEVILLE ROAD	2	KELLY, CHRISTOPHER S & JENNIFER L 367 PERRINEVILLE RD JACKSON NJ 08527

LIST OF GOVERNMENT AGENCIES NOTIFIED

<p>Entire Application To: Township of Jackson Clerk 95 West Veterans Highway Jackson, NJ 08527</p>	<p>Site Plan & Notice Letter To: Ocean County Planning Board 129 Hooper Avenue P.O. Box 2191 Toms River, NJ 08754-2191</p>
<p>Site Plan & Notice Letter To: All Adjacent Owners within 200 ft</p>	<p>Site Plan & Notice Letter To: Township of Jackson Planning Board 95 West Veterans Highway Jackson, NJ 08527</p>
<p>Site Plan & Notice Letter To: Township of Jackson Environmental Commission 95 West Veterans Highway Jackson, NJ 08527</p>	<p>Site Plan & Notice Letter To: Township of Jackson Construction Code 95 West Veterans Highway Jackson, NJ 08527</p>

Jackson Parke Project Photographs
Block 10401 * Lots 5.01 & 5.04; Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ
Photograph Date: June, 2016



11. Photograph of a disturbed and cleared area in the uplands on Section 1, located in the northern section of Lot 5.01.



12. Representative photograph of the existing dirt roads that traverse the overall site within the upland areas.

VIA CERTIFIED MAIL

August 15, 2016

Job No.: 59839100000

Ocean County Planning Board
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754-2191

Re: Jackson Parke
Applicant: EL at Jackson, LLC
Block 10401, Lots 5.01 and 5.04
Block 17802, Lot 57.01
Jackson Township, Ocean County, New Jersey

Dear Sir:

We are sending you this letter to inform you that we are submitting an application for permit(s) to the New Jersey Department of Environmental Protection (NJDEP) under the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A for the project described/depicted on the attached site plan. The NJDEP regulates construction within wetlands and wetland buffers pursuant to the Freshwater Wetlands Rules.

We are applying for NJDEP approval for a Freshwater Wetland Letter of Interpretation – Line Verification, which will verify the limits of freshwater wetlands, state open waters and/or transition areas on the subject property, and a Transition Area Waiver – Individual Permit, which authorizes regulated activities within freshwater wetland buffers. The activities for which our application requests NJDEP freshwater wetland approval are associated with disturbance in the transition area presently anticipated for a residential development including but not limited to, a portion of a community center building, patio, residential construction, parking, infiltration basin, grading and section of roadway/sidewalk. As part of the application process, all land owners within two hundred (200) feet of the property must be notified. If you are receiving this letter, you are within two hundred (200) feet of the above referenced Block and Lot; this application does not directly affect your property.

If you would like to inspect a copy of the application, it is on file at the Municipal Clerk's Office in the town in which the property is located, or you can call the NJDEP at (609) 777-0456 to make an appointment to see my application at NJDEP offices in Trenton during normal business hours.

The rules governing freshwater wetlands permits and approvals are found in the NJDEP's Freshwater Wetlands Protection Act Rules at N.J.A.C.7:7A. You can view or download these rules on the NJDEP Division of Land Use Regulation website at www.state.nj.us/dep/landuse, or you can find a copy of these rules in the court law library in your county courthouse.

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The NJDEP welcomes any comments you may have on my application. If you wish to comment on my application, comments should be submitted to the NJDEP *in writing* within 15 calendar days of the date of this letter for the flood hazard application, and within 30 days after the Department publishes notice of the application in the NJDEP Bulletin for the freshwater wetlands application to ensure that the NJDEP will be able to consider your concerns during its review of this application. You can submit comments after this date but the NJDEP may not be able to address your concerns. Comments cannot be accepted by telephone. Please submit any comments you may have *in writing, along with a copy of this letter*, to:

New Jersey Department of Environmental Protection

Administrative Support

Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

Trenton, NJ 08625-0420

Ocean County Supervisor

When the NJDEP has decided whether or not my application qualifies for approval under the Freshwater Wetlands Protection Act Rules, NJDEP will notify the municipal clerk of the final decision on my application.

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VIA CERTIFIED MAIL

August 15, 2016

Job No.: 59839100000

Jackson Township Clerk
95 West Veterans Highway
Jackson, NJ 08527

Attn: Ann Marie Eden, R.M.C

**Re: Jackson Parke
Flood Hazard Area Verification
Freshwater Wetland Transition Area Waiver Individual Permit
Freshwater Wetlands Letter of Interpretation Line Verification
Applicant: EL at Jackson, LLC
Block 10401, Lots 5.01 and 5.04
Block 17802, Lot 57.01
Jackson Township, Ocean County, New Jersey**

Dear Ms. Eden:

Enclosed please find one copy of a request to the New Jersey Department of Environmental Protection for a Freshwater Wetland Transition Area Waiver Individual Permit, Flood Hazard Area Verification and a Freshwater Wetlands Letter of Interpretation Line Verification application for the above referenced project. The activities for which our application requests NJDEP freshwater wetland approval include verification of the limits of freshwater wetlands, state open waters and/or transition areas on the subject property and disturbance in the transition area presently anticipated for a residential development including but not limited to, a portion of the community center building, patio, residential construction, parking, infiltration basin, grading and section of roadway/sidewalk. We are also requesting a Flood Hazard Area Verification to verify the extent of the Flood Hazard Area of the Toms River and Cedar Branch. Please keep this application on file for public record.

Should you require additional information, please do not hesitate to contact me directly ay 732-233-3246.

Very truly yours,

PARTNER ENGINEERING AND SCIENCE, INC.



Anne Napolitano
Regulatory Permitting Project Manager

AN:an

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R:\Solutions\Jobs\Monmouth County Parks System\02079100000\Correspondence\Permits-Reviews\ACOE\2016-06-16 ACOE Response to Comments.docx

VIA CERTIFIED MAIL

August 15, 2016

Job No.: 59839100000

Township of Jackson Environmental Commission
95 West Veterans Highway
Jackson, NJ 08527

Re: Jackson Parke
Applicant: EL at Jackson, LLC
Block 10401, Lots 5.01 and 5.04
Block 17802, Lot 57.01
Jackson Township, Ocean County, New Jersey

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Trenton, NJ 08625-0420

Ocean County Supervisor

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VIA CERTIFIED MAIL

August 15, 2016

Job No.: 59839100000

Township of Jackson Planning Board
95 West Veterans Highway
Jackson, NJ 08527

Re: Jackson Parke
Applicant: EL at Jackson, LLC
Block 10401, Lots 5.01 and 5.04
Block 17802, Lot 57.01
Jackson Township, Ocean County, New Jersey

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VIA CERTIFIED MAIL

August 15, 2016

Job No.: 59839100000

Township of Jackson Construction Code Official
95 West Veterans Highway
Jackson, NJ 08527

Re: Jackson Parke
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Block 10401, Lots 5.01 and 5.04
Block 17802, Lot 57.01
Jackson Township, Ocean County, New Jersey

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APPENDIX C

SITE PHOTOGRAPHS & PHOTO LOCATION MAP



11. Photograph of a disturbed and cleared area in the uplands on Section 1, located in the northern section of Lot 5.01.



12. Representative photograph of the existing dirt roads that traverse the overall site within the upland areas.

Jackson Parke Project Photographs
Block 10401 * Lots 5.01 & 5.04; Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ
Photograph Date: June, 2016



9. Representative photograph of the wetland areas identified as the W10 and W100/W1 wetland lines in the northern section of Section 1.



10. Representative photograph of the interior larger wetland complex on Section 1 between the W20 line and W100 line.



7. Representative photograph of the upland community in the central section of Lot 57.01 in Section 2 of the project, north of New Egypt-Cassville Road.



8. Representative photograph of the uplands in the eastern section of Section 1 (Lot 5.01).



5. Facing north from approximate location of wetland point W539, illustrating representative photograph of the pitch pine lowland wetland areas in Section 2.



6. Representative photograph of the emergent and successional wetland situated north of wetland point W265 on Lot 5.04.

Jackson Parke Project Photographs
Block 10401 * Lots 5.01 & 5.04; Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ
Photograph Date: June, 2016



7. Representative photograph of the upland community in the central section of Lot 57.01 in Section 2 of the project, north of New Egypt-Cassville Road.

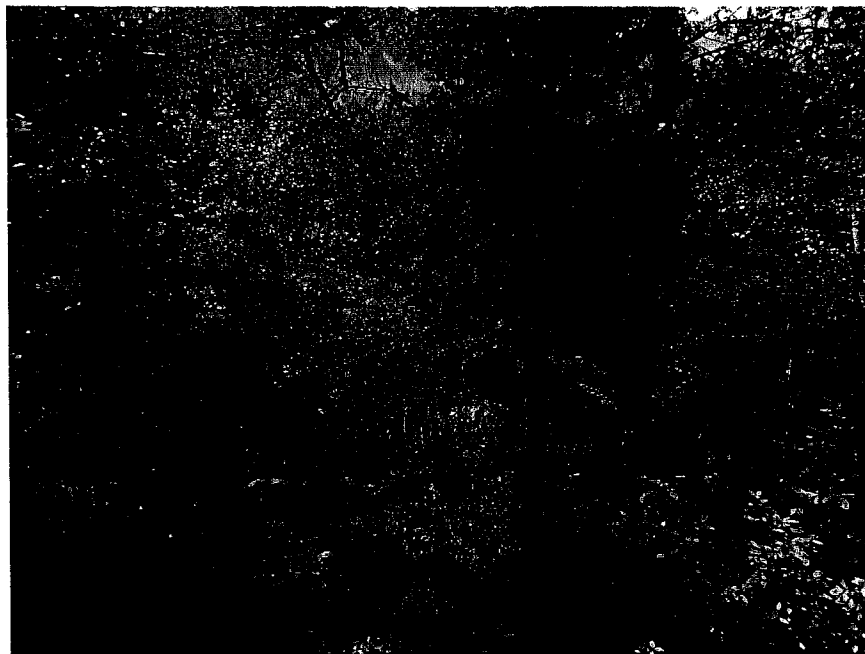


8. Representative photograph of the uplands in the eastern section of Section 1 (Lot 5.01).

Jackson Parke Project Photographs
Block 10401 * Lots 5.01 & 5.04; Block 17802 * Lot 57.01
Jackson Township, Ocean County, NJ
Photograph Date: June, 2016



3. Representative photograph of the uplands in Section 2 on Lot 57.01, facing south from approximate location of wetland point W533.



4. Facing west into the wetland north of the overall W500 wetland line, illustrating representative view of the successional wetland area along the Cedar Branch in Section 2.

APPENDIX D

STORMWATER MANAGEMENT REPORT

(Please refer to attached "*Stormwater Management Report, Volumes 1 thru 4 of 4, Drainage Analysis for Jackson Parke,*" prepared by Partner Engineering and Science, Inc. revised July 26, 2016)

APPENDIX E
FLOOD HAZARD AREA ENGINEERING REPORT

(Please refer to attached "*Flood Hazard Area Engineering Report*," prepared by Partner Engineering and Science, Inc. last revised August 8, 2016)

APPENDIX F
OPERATION AND MAINTENANCE MANUAL

(Please refer to attached "*Operation and Maintenance Manual*," prepared by Partner Engineering and Science, Inc. dated May 25, 2006 and last revised July 26, 2016)

APPENDIX G

**OVERALL PLAN- FLOOD HAZARD AREA PLAN FOR
CEDAR BRANCH AND TRIBUTARY TO TOMS
RIVER**

(Please refer to attached "*Overall Plan- FLOOD HAZARD AREA PLAN FOR CEDAR BRANCH AND TRIBUTARY TO THE TOMS RIVER,*" prepared by Partner Engineering and Science, Inc. dated July 28, 2016 and sheets 1-6)

APPENDIX H
WETLANDS LOCATION MAP

(Please refer to attached "*Wetlands Location Map*," prepared by Partner Engineering and Science, Inc. dated July 1, 2016, sheets 1-3)

APPENDIX I
WETLANDS PERMITTING PLAN SECTIONS 1 & 2
JACKSON PARKE

(Please refer to attached "*Wetlands Permitting Plan Sections 1 & 2 Jackson Parke*," prepared by Partner Engineering and Science, Inc. dated July 26, 2016, sheets 1-69.