



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
Mail Code 501-02A, P. O. Box 420  
Trenton, New Jersey 08625-0420  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

MAY 8 4 2017

Robert Tokash  
627 -621 Valley Rd. LLC  
664 Valley Road  
Gillette, NJ 07933

RE: Freshwater Wetlands Letter of Interpretation: Line Verification  
File No.: 1430-02-0007.1, FWW 160002  
Applicant: 627-621 Valley Rd. LLC  
Block: 10801; Lot: 3  
Long Hill Township, Morris County

Dear Mr. Tokash:

This letter is in response to your request for a Letter of Interpretation to have staff of the Division of Land Use Regulation (Division) verify the boundaries of the freshwater wetlands on the referenced property.

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

Based upon the information submitted, and a site inspection conducted by staff of the Division on January 12, 2017, the Division has determined that the wetlands boundary lines as shown on the plan map entitled: **“Wetlands Plan for Lot 3, Block 10801, Passaic Valley Road, Township of Long Hill, Morris County, New Jersey”, Sheet No. 1 of 1, dated February 9, 2017, last revised February 24, 2017, and prepared by William G. Hollows of Murphy & Hollows Associates, LLC, are accurate as shown.**

### Wetlands Resource Value Classification (“RVC”)

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

**Exceptional:** The "C" line, which includes points C-2 through C-6, extending to the property boundaries. [150-foot wetland buffer]

**Intermediate:** The "A" line (which includes points A-3 to A-12) and extending to the property boundaries; the "B" line (which includes points B3, B5, B9 to B12, DEP15, and DEP15 to DEP21); and the "D" line (which includes points D-1 to D-4, and DEP2 to DEP6 then to DEP1 to D-1). [50-foot wetland buffer]

**Ordinary:** The swale area extending between points A-9 and B4; and the swale area denoted by points DEP7 to DEP14. [No wetland buffer]

The wetlands identified above as Exceptional resource value are classified as such because they are a documented and suitable habitat for endangered and/or threatened species. The "D" wetland area, and the swale area denoted by points DEP7 to DEP14 are isolated as they are not connected to any surface water tributary system. Except for these isolated wetlands areas, if they are determined to be located outside of the 100-year floodplain, all on-site wetlands are also classified as priority wetlands by the USEPA because they drain to the Passaic River or are located within the 100-year floodplain. RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-4 & 5) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

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

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as Exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

#### General Information

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

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

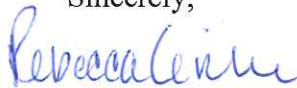
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless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

### Appeal Process

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

Please contact Susan Michniewski of our staff by e-mail at [susan.michniewski@dep.nj.gov](mailto:susan.michniewski@dep.nj.gov) or by telephone at (609) 633-6563 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Rebecca Grike, Environmental Specialist 3  
Division of Land Use Regulation

c: Long Hill Township Clerk  
Long Hill Township Construction Official  
John Sadlon, Sadlon Environmental (with original)