

Dunn, Patrick

From: Ryan Anderson <Ryan.Anderson@dep.nj.gov>
Sent: Wednesday, December 17, 2014 1:13 PM
To: Dunn, Patrick; Jessica Cobb
Subject: RE: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination
Attachments: 1220-14-0001.1 CDT140001.pdf.pdf

Here is a revised JD that addresses your issues.

From: Dunn, Patrick [mailto:DunnPW@cdmsmith.com]
Sent: Wednesday, December 17, 2014 1:00 PM
To: Ryan Anderson; Jessica Cobb
Subject: RE: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Ryan,

Thank you very much for the response letter. A couple points of clarification that may require letter revisions:

1. The program that this project is receiving funding under is the Landlord Rental Repair Program (LRRP), which is not included in the list of programs in the first sentence.
2. The second sentence of the letter should be reconstruction of a multi-family rental property at the above referenced site.

Are you able to make these revisions to the letter?

Patrick

From: Ryan Anderson [mailto:Ryan.Anderson@dep.nj.gov]
Sent: Wednesday, December 17, 2014 11:34 AM
To: Jessica Cobb; Dunn, Patrick
Subject: RE: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Patrick

Please find the JD attached. Let us know if you have questions.

Ryan J. Anderson
Supervising Environmental Specialist
Bureau of Coastal Regulation
Division of Land Use Regulation
(609) 292-1230

From: Jessica Cobb
Sent: Tuesday, December 16, 2014 3:19 PM
To: Dunn, Patrick
Cc: Ryan Anderson
Subject: RE: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Hi Patrick,

It is almost ready. The staff member conducting the freshwater wetlands and flood hazard review was out sick last week. I know she is working on it now so it should be issued shortly.

Jessica Cobb
Division of Land Use Regulation
501 East State St., 2nd Floor
P.O. Box 420, Mail Code 501-02A
Trenton, NJ 08625

Phone: 609-292-1237
Fax: 609-292-5399

From: Dunn, Patrick [<mailto:DunnPW@cdmsmith.com>]
Sent: Tuesday, December 16, 2014 3:14 PM
To: Jessica Cobb
Subject: RE: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Jessica,

About two weeks ago we discussed this project over the phone and it sounded like you were putting together the response at that time. When do you anticipate being able to complete your review of this site?

We are looking to finalize the EA that contains this site by the end of the week.

Thanks!

Patrick Dunn, AICP, CFM
Planner
CDM Smith
125 S. Wacker Drive, Suite 600
Chicago, IL 60606
Phone: 312-780-7726
dunnpw@cdmsmith.com

From: Dunn, Patrick
Sent: Wednesday, December 03, 2014 8:50 AM
To: 'Jessica Cobb'
Cc: Ryan Anderson
Subject: RE: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Jessica,

We were not provided any additional information concerning the proposed reconstruction and site plans are not available. To be conservative, we assume reconstruction outside the existing footprint. The wetlands are so close to the existing structures (within 20 feet) that it is assumed there would be wetland impacts as part of the reconstruction. However, the wetlands are offsite and any wetland impacts would be temporary in nature.

Due to the site's location in the floodplain and a coastal zone, the environmental review will include the following conditions: If the footprint of the building is not increased by more than 300 square feet; the expansion or relocation of

the lowest floor of the building is reconstructed or elevated to at least one foot about the flood hazard area design flood elevation; and the building is not expanded or relocated closer to any regulated water, within a floodway, or on a beach, dune or wetland, the project qualifies for FHA PBR N.J.A.C. 7:13-7.2(a)3 and Coastal PBR N.J.A.C. 7:7-7.2(a)8. If the building is to be relocated, it must be located in an area where previous disturbance occurred.

Does this help as part of your review? I have also attached the photo log for this site that was compiled as part of our site inspection.

Patrick Dunn, AICP, CFM
Planner
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From: Jessica Cobb [<mailto:Jessica.Cobb@dep.nj.gov>]
Sent: Wednesday, December 03, 2014 7:43 AM
To: Dunn, Patrick
Cc: Ryan Anderson
Subject: FW: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Hi Patrick,

Can you please provide additional information concerning the reconstruction? Are the dwellings being reconstructed within the existing footprint or is an expansion or relocation proposed? I understand that wetlands are immediately adjacent to the site but does the project include wetlands disturbance? If site plans depicting the work are available please forward them to me at your earliest convenience.

Thanks,

Jessica Cobb
Division of Land Use Regulation
501 East State St., 2nd Floor
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Trenton, NJ 08625

Phone: 609-292-1237
Fax: 609-292-5399

From: Dunn, Patrick [<mailto:DunnPW@cdmsmith.com>]
Sent: Monday, December 01, 2014 1:15 PM
To: Ryan Anderson
Cc: Rakowski, Jeffrey
Subject: CDBG-DR LRRP Middlesex-Monmouth Counties (SRP0037809) - Wetland Jurisdictional Determination

Hi Ryan,

I am tasked with completing the environmental assessment (EA) for a Community Development Block Grant-Disaster Recovery (CDBG-DR) project for the Landlord Rental Repair Program (LRRP). The proposed project would reconstruct five multi-family rental properties in Middlesex and Monmouth counties (project is known as LRRP Middlesex-Monmouth Counties). One of the properties in this EA, SRP0037809, 123-139 Rosewell Avenue, South Amboy,

Middlesex County (PAMS PIN 1220_161.02_22), would impact adjacent herbaceous wetlands. The adjacent wetlands, as described by our wetland scientist, are as follows:

The property sits on the north bank of an unnamed, tidal tributary of Raritan Bay. Estuarine, intertidal emergent wetlands are present along the eastern property boundary and extend north and eastward to the shores of Raritan Bay. Site photographs and aerial imagery indicate that these emergent wetlands are dominated by common rush (*Phragmites australis*). To the southeast of the property, wetlands transition from emergent estuarine to forested riparian wetlands dominated by mature trees located along the north bank of the unnamed, tidal stream. The wetlands extend to the eastern property boundary along its entirety, and to within 10 feet of the west side of the two primary residential structures. In the northeastern section of the parcel, wetlands extend to within 5 feet of the parking lot. Along the southern property boundary, wetlands begin approximately 60 feet east of S Rosewell Street and continue uninterrupted eastward. These wetlands extend up to the southern property boundary and come within 10 feet of the southernmost residential structure.

Due to the close proximity of the wetlands to the existing structures proposed for reconstruction, an 8-step wetland analysis is being completed. Attached is a wetland map to assist in your jurisdictional determination (JD) review for wetlands. The property is also in the floodplain and a coastal zone, but this property is not being submitted for a JD for floodplain or coastal due to guidance that LRRP projects do not require individual JD reviews.

Let me know if you have any questions or require additional information.

Thank you!

Patrick Dunn, AICP, CFM
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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Patrick Dunn, AICP, CFM
CDM Smith
125 S. Wacker Dr.
Suite 600
Chicago, IL 60606

December 17, 2014

Re: JURISDICTIONAL DETERMINATION
Environmental Review - EDA and DCA/NEP Programs
DLUR File Number: 1220-14-0001.1
DLUR Activity Number: CDT140001
Grant Application ID Number: SRP0037809
Applicant: JAMES JOE ONE LLC
Block(s) and Lot(s): [161.02, 22]
City of South Amboy, Middlesex County

Dear Mr. Dunn:

This letter is in response to an application submitted by the above referenced applicant for funding under the Economic Development Authority's Neighborhood & Community Revitalization (NCR), Small Business Loans (SBL) Programs, the Department of Community Affairs's Neighborhood Enhancement Program (NEP), the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program and/or the Landlord Rental Repair Program (LRRP). This jurisdictional determination is for reconstruction of a multi-family rental property at the above referenced site. The project site is located within the CAFRA zone of the City of South Amboy, a non-qualifying municipality. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et seq.), Flood Hazard Area Control Act (N.J.S.A. 58:16A-1 et seq.) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Based on a review of the information provided, the Coastal Permit Program Rules, and the Department's Geographic Information System information and Coastal Wetlands Maps, a **Waterfront Development permit and a Coastal Wetlands permit are not required.**

Per N.J.A.C. 7:7-2.1(c)3, a CAFRA permit is not required for development reconstruction provided reconstruction:

- is in compliance with existing requirements or codes of municipal, State and Federal law;
- does not result in the enlargement or relocation of the footprint of the development; and
- does not result in an increase in the number of dwelling units or parking spaces within the development.

Per N.J.A.C. 7:7-7.2(a)8, a CAFRA permit is not required for the expansion or relocation (with or without expansion) landward or parallel to the mean high water line of the footprint of a legally constructed residential development, including accessory development such as sheds, garages, pools and driveways, that has been or could have been legally occupied in the most recent five-year period, provided:

- expansion or relocation is in compliance with the applicable requirements or codes of

- municipal, State and Federal law;
- expansion does not result in an increase in the number of dwelling units;
- expansion or relocation meets the requirements of N.J.A.C. 7:7E-3.25 and 3.26;
- expansion does not increase the surface area of the footprint of the development by a cumulative total of more than 400 square feet on the property constructed after July 19, 1994; and
- expansion or relocation is not proposed on a beach, dune or wetland and does not result in additional impacts to special areas as defined at N.J.A.C. 7:7E-3 except where the expansion includes structures such as stairs or an ADA-compliant ramp, which are constructed only for access to a residential development required to be elevated pursuant to the New Jersey Uniform Construction Code, N.J.A.C. 5:23, in accordance with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, there is no feasible alternative location for these structures outside of a beach, dune, wetland, or other special areas as defined at N.J.A.C. 7:7E-3. ADA means the Americans with Disabilities Act of 1990 (42 USC sect. 1201 et seq.).

In addition, this project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1. Reconstruction and elevation projects within the same footprint may qualify for a Flood Hazard Area permit-by-rule provided the criteria at N.J.A.C. 7:13-7.2(a)3 is met.

Based on the information provided to the Division, it does not appear that the proposed project will impact freshwater wetlands regulated under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. However, it appears that the project will be within the transition area of wetlands immediately adjacent to the filled portion of the property. Provided the reconstruction and elevation occurs within the same footprint, the project would qualify as a non-regulated activity pursuant to N.J.A.C. 7:7A-2.6(b)1i(9) and wetland permits would not be required. If the reconstruction and elevation results in work outside of the existing building footprints, then a Transition Area Waiver may be required.

Please be advised that the Army Corps of Engineers (Corps) has jurisdiction over any activity that results in a discharge of fill below the mean high water line or within Federally regulated wetlands. It does not appear that the proposed reconstruction or elevation will result in discharge of fill within areas regulated by the Corps. However, if the project were to occur in Corps jurisdiction, it appears the project would qualify for a Nationwide Permit No. 3 (NWP3) provided the reconstruction and elevation was conducted in the same footprint as the existing buildings. NWP3 does not require pre-construction approval from the Corps.

The project may be presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change.

Please contact Jessica Cobb by e-mail at Jessica.Cobb@dep.nj.gov or (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Supervisor
Bureau of Coastal Regulation
Division of Land Use Regulation