

950475-0081



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(See Issuing Division below)  
PERMIT\*



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1000-05-0001.1 FHA 050001 Application No.

Issuance Date **MAY 05 2005** Effective Date **MAY 05 2005** Expiration Date **MAY 05 2010**

Name and Address of Applicant Mr. John S. Campi, Jr. NJDOT 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625-0600	Name and Address of Owner	Name and Address of Operator
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Location of Activity/Facility (Street Address) Lot: 1.01 Block: south of 6 Twp.: Clinton Town County: Hunterdon	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
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Type of Permit Stream Encroachment Maximum Approved Capacity, if applicable

This permit grants permission to:

construct an extension to an existing 5-foot by 12-foot culvert conveying an unnamed tributary to Lingerts Creek, to construct four (4) stormwater outfall structures within the flood plain of said watercourse, and to construct three (3) utility crossings underneath said watercourse, located at the intersection of Routes 513 and 173, in the Town of Clinton, Hunterdon County, New Jersey.

RECEIVED

MAY 31 2005

Prepared By: Peter DeMeo  
Peter DeMeo

PROJECT MANAGEMENT

(See page 5 for Section Chief's signature.)

Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) _____	Title _____
	Signature _____	Title _____

**Terms And Conditions**

**This permit is subject to the following terms and conditions:**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. **Limit and Extent of Approval**
  - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
  - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.
10. **Method of Construction**
  - a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall

**Terms And Conditions**

be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.

- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

**11. Responsibilities of Applicant**

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
  - b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
  - c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
  - d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
  - e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.
12. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
  13. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater BMP's on site. This includes, but is not

**Terms And Conditions**

limited to, the cleaning and inspection of the detention basin, sand filter, and mechanical unit in accordance with the New Jersey Stormwater Best Management Practices Manual, the cleaning and inspection of all stormwater inlets at least four (4) times per year and after every storm exceeding one (1) inch in rainfall, and the continuous implementation of appropriate soil conservation practices within any stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.

14. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding the use of dredged or fill materials.
15. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by the approved drawings. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.
16. In order to protect the trout-maintenance and warmwater resources for the State open waters of Lingerts Creek, grading or construction activities within the State open waters of this or any other watercourse on site are prohibited **between March 15 through June 15** of each year. In addition, any activity within the 100-year flood plain or flood hazard area draining to this watercourse which could introduce sediment into said watercourse or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
17. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish and aquatic biota, from coming in contact with the waters of Lingerts Creek.
18. Disturbed stream banks and adjacent areas are to be restored using native plant materials to ensure stabilization of the banks of the Lingerts Creek in the project area.
19. The low-flow channel to be provided through the riprap scour protection shall be field located to match invert elevations of the stream thalweg at upstream and downstream limits of riprap in order to maintain the low-flow channel depths of Lingerts Creek. The riprap transition to existing channel bottom shall include field location of the limits of riprap to match existing elevations of the stream bottom, including the low-flow thalweg elevation. Riprap is to be embedded into the existing stream bottom to match existing dimensions of the channel.
20. The drawings hereby approved are ten (10) sheets prepared by Greenman-Pedersen, Inc., undated, unrevised, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION STREAM ENCROACHMENT PERMIT PLANS ROUTE 173 CONTRACT NO. 000950475", Sheets SE-1 through SE-3 of SE-29 and Sheets SE-5 through SE-9 of SE-29, and

**Terms And Conditions**

"NEW JERSEY DEPARTMENT OF TRANSPORTATION DRAINAGE AND UTILITY  
PLANS ROUTE 173 CONTRACT NO. 000950475", Sheets DU-2 and DU-4 of DU-5.

*Madhu Guru*

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Madhu Guru, PE, Section Chief  
Bureau of Inland Regulation

*5/4/05*

\_\_\_\_\_  
Date



## State of New Jersey

Department of Environmental Protection

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

Richard J. Codey  
Acting Governor

Bradley M. Canpbell  
Commissioner

NJ Department of Transportation  
1035 Parkway Avenue  
Trenton, NJ 08625

Attn: John S. Campi, Jr.

RE: **Authorization for Freshwater Wetlands Statewide General Permit (FWGP) Nos. 10A, 11 and Transition Area Waiver for Stormwater Management, Transition Area Waiver for Linear Development, and Letter of Interpretation**

LURP File No.: 1900-03-0005.3 – FWGP10A, 11, 7, TW4L, TW4S, FWLI4 D50001

Applicant: NJ Department of Transportation  
1035 Parkway Avenue  
Trenton, NJ 08625

Project: **Route 173 & CR 513 Intersection Improvements**  
Town of Clinton, Township of Franklin and Township of Union  
Hunterdon County

Dear Mr. Campi:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by **Statewide General Permit No. 10A, 11, Special Activity Transition Area Waiver** for linear development and stormwater management, which authorize activities in freshwater wetlands, transition areas, and/or State open waters for the construction or expansion of road crossings, including attendant features such as shoulders, sidewalks, and embankments, utilities, and drainage structures. **This authorization includes a Water Quality Certification.**

### **Limit of Authorized Disturbance**

This authorization is for intersection improvements at Route 173 and CR 513 that include: upstream extension of the existing 5 foot by 12 foot concrete box culvert 40 feet along Lingerts Creek. Three existing outfalls will be replaced and one new outfall constructed along Lingerts Creek. Three utility crossings (gas, sanitary sewer, and telephone) will be installed under Lingerts Creek in the vicinity of the channel modification for riprap scour protection. Riprap scour protection will be installed along the Route 173 bridge over Lingerts Creek, according to documents received January 1, 2005. This permit authorization is based on the following plan sheets prepared by Gary T. Etter:

Wetland Permit Plans Sheet W-1 dated 12/22/04,  
Wetland Permit Plans Sheet W-2 dated 1/6/05,  
Wetland Permit Plans Sheet W-3 dated 12/15/04.

Any additional disturbance of wetlands, transition areas and/or State open waters 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 Land Use Regulation Program.

#### 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.).

#### Freshwater Wetlands General Permit No. 10A

##### Permit Conditions

- 1) This Freshwater Wetlands General Permit 10A authorizes the disturbance of approximately 0.1245 acres of freshwater wetlands and State open water for the 40 foot, upstream extension of the existing 5-foot by 12-foot culvert conveying Route 173 over Lingerts Creek, installation of sanitary sewer, gas, and telephone lines under the waterway upstream of the culvert, and riprap scour protection. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a wetland transition area waiver for disturbance which has been determined by the Department to be necessary to accomplish the authorized activities as shown on the approved plans. Any additional disturbance of wetlands, transition areas and/or State open waters 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 Land Use Regulation Program. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
- 2) Dewatering of cofferdams or other construction areas must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the stream channel.
- 3) Prior to construction in regulated areas of floodplains, wetlands, and transition areas, a Stream Encroachment Permit must be obtained from the NJ Department of Environmental Protection, Land Use Regulation Program.
- 4) Landscaping must be amended to include the following:
  - a) At number 68 West Main Street, a tree well will be used to surround an aged sugar maple. This tree is acknowledged by the homeowner and Town's arborist to be in decline. As such, the tree will be monitored for a period of five (5) years by the Town of Clinton's Shade Tree Commission. If it is determined that the tree must be removed, NJDOT maintenance will remove the tree. NJDOT will provide a replacement tree of 6" caliper. The species will be a red maple (*Acer rubrum*) such as October Glory which is a colorful tree reaching 60'.

- b) In consultation with the HPO, the property owners, and the NJDOT, the use of a retaining wall or slope at the properties in the historic district from which right-of-way will be acquired will be selected. If a retaining wall is selected, it will be made of tinted concrete (see Retaining Wall/Slope). If a slope is selected, it will be planted with grass.
  - c) Street trees will be planted in the area between the curb and the sidewalk to replace those, which have been removed for the project. The species will match those, which will be removed for the project. Generally, a 2 1/2" to 4" caliper will be used.
  - d) A portion of the existing right-of-way along the I-78 westbound exit ramp will be vacated. Landscaping will occur in this section to offer a "Gateway" approach at this entry into the Historic District. The details of the plan will be developed in consultation with the consulting parties.
- 5) Sidewalks and Curbing are to be constructed as follows:
- a) In order to match the existing sidewalk within the historic district, the sidewalks in the project's APE will be 4' wide and be constructed of tinted concrete. The concrete color will match the existing and will be delineated in the Specifications utilizing the Federal Standard 595B Colors Fan Deck (July 1994). The NJDOT and HPO staff will convene in the field to determine what color chip closely matches the extant concrete.
  - b) Pavers will be used to delineate the newly planted trees, which will be located between the curb and the sidewalk. These pavers will match the existing pavers, which the Town of Clinton has installed as a border around shade trees, which were planted along Rt. 173 by the Town. The new pavers will be laid in the same pattern as the existing ones installed by the Town of Clinton.
  - c) The curbing will be gray concrete or tinted to match the existing. If matching color is selected, the color will be delineated in the specifications utilizing the Federal Standard 595B Colors Fan Deck (July 1994). The NJDOT and HPO staff will convene in the field to determine what color chip closely matches the extant concrete.
- 6) Retaining Wall/Slopes are to be constructed as follows:
- a) Retaining walls or slopes will be constructed at the properties within the Historic District where property will be taken. The decision to construct a retaining wall or a slope will be decided in consultation with the property owners, the HPO, and the NJDOT. If retaining walls are constructed, they will be made from tinted concrete. The concrete color will match the existing and will be delineated in the specifications utilizing the Federal Standard 595B Colors Fan Deck (July 1994). The NJDOT and HPO staff will convene in the field to determine what color chip closely matches the extant concrete. Exposed aggregate may be desirable; if exposed aggregate finish is chosen, the aggregate type, shape, and size will be determined in consultation with the property owners, the HPO, and the NJDOT.
  - b) If a slope is selected, it will be planted with the NJDOT "A-3" grass mix. This mix consists of tall fescue, Kentucky bluegrass, chewing fescue, and perennial rye grass.
- 7) The divisional island that will be located in the historic district will be stamped, or given a similar treatment, in order to replicate the look and pattern of the extant pavers within the historic district. The details of the plan will be developed in consultation with the consulting parties.

- 8) Traffic control equipment including all lighting (i.e. traffic control equipment and components) installed for this project will be powder coated brown. The color of the steel traffic signal poles and mast arms along with pertinent hardware shall be powder coated to match the color chip of Federal Standard 595: Brown - Chip No. 3D111. All aluminum traffic signal poles, mast arms, meter cabinets, mast arm support assemblies, lighting arm assemblies, transformer bases, luminaires, etc. shall be anodized a brown or bronze similar to that of the steel as stated above.
- 9) A sign informing the public that they are entering the Town of Clinton Historic District will be located in the portion of the existing right-of-way along the I-78 westbound exit ramp that will be vacated. This sign should mimic the sign that the Town presently uses for this notification. However, the development of the sign will be in consultation with the Town of Clinton, the HPO, and the NJDOT as part of the above stipulation.
- 10) Prior to the solicitation of bids for the project, the New Jersey Department of Transportation shall submit final plans and specification for the project to the Historic Preservation Office for review and approval.

#### **Freshwater Wetlands General Permit No. 11**

- 11) This Freshwater Wetlands General Permit 11 authorizes the disturbance of approximately 0.0601 acres of freshwater wetlands and State open water for the replacement of three existing outfalls and construction of one new outfall along the banks of Lingerts Creek. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a wetland transition area waiver for disturbance which has been determined by the Department to be necessary to accomplish the authorized activities as shown on the approved plans. Any additional disturbance of wetlands, transition areas and/or State open waters 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 Land Use Regulation Program.
- 12) The amount of riprap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 10 cubic yards of fill per outfall, unless a larger amount is required in order to comply with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.
- 13) The upper-most 18-inches of any temporary trench excavation is backfilled with the original soil material if feasible, and otherwise with clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material. Excavations must be backfilled to the preexisting elevation, where feasible.
  - a) The area above the excavation must be replanted with native, indigenous species.
  - b) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.
  - c) All stormwater conveyance structures within wetlands and transition areas are to be properly sealed to prevent a discharged loss of water that would adversely affect these areas.

#### **Freshwater Wetlands Special Activities Waiver for Linear Development**

This Freshwater Wetlands Special Activities Waiver for Linear Development authorizes the disturbance of 0.1796 acres of freshwater wetlands transition area associated with wetlands along Lingerts Creek. This authorization is

for the realignment of the I-78 westbound exit ramp between Lingerts Creek and existing commercial development at Interchange 15 to facilitate a reduction in signal phases and reduce queue lengths that extend onto the mainline of I-78 where the queue is a contributory cause of accidents.

**Freshwater Wetlands Special Activities Waiver for Stormwater Management**

This Freshwater Wetlands Special Activities Waiver for Stormwater Management authorizes the disturbance of 0.0745 acres of freshwater wetlands transition area associated with wetlands along Lingerts Creek. This authorization is for the construction of a proposed sand filter / detention basin to be located between I-78, County Route 513 and the I-78 westbound exit.

**Letter of Interpretation**

Based upon the information submitted, and a site inspection conducted on March 9, 2005, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the approved plans are accurate as shown.

In addition, the Department has determined that wetlands on the subject property are of intermediate resource value and have a standard transition area or buffer required adjacent to these wetlands of fifty (50) feet, with the exceptions listed below. This intermediate resource value classification is based on the determination that the wetlands are associated with tributaries to Lingerts Creek, which is an FW-2 trout maintenance water as listed in the "Classification of New Jersey Waters As Related to Their Suitability For Trout," December, 1996. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-3), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-9) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-7). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.) and implementing rules for additional information.

**Appeal of Decision**

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, at the address listed above, or by email [William.McLaughlin@dep.state.nj.us](mailto:William.McLaughlin@dep.state.nj.us). Please reference the above file number in all correspondence.

Sincerely,

  
Robert N. Cubberley  
Environmental Scientist 1  
Bureau of Inland Regulation

WMcL

- c. Bureau of Enforcement
- Township of Clinton Clerk
- Township of Union Clerk
- Township of Franklin Clerk
- c. w/o plan Steve Hardegan, SHPO