



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation

P.O. Box 439, Trenton, NJ 08625-0439

Fax # (609) 292-8115

Fax # (609) 777-3656

www.state.nj.us/landuse

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

March 25, 2008

George Worth
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 11, Transition Area Special Activities Waiver (Linear Development and Stormwater Management) and Individual Permit Transition Area Waiver - REVISED

File No.: 1400-07-0004.1 FWW 070001 (GP11)

FWW 070003 (TW4L)

FWW 070004 (TW4I)

FWW 070005 (TW4S)

Applicant: New Jersey Department of Transportation

Block: N/A Lot: N/A

Chester Township/Chester Borough, Morris County

Dear Mr. Worth:

The Division of Land Use Regulation has reviewed the referenced applications for authorizations pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. Statewide General Permit No.11 (GP 11), Transition Area Waiver for Linear Development (TW4L), Transition Area Waiver for Stormwater Management (TW4S), and an Individual Permit Transition Area Waiver (TW4I) authorize the proposed activities. GP 11 allows regulated activities in freshwater wetlands, transition areas, and State open waters necessary for the construction of stormwater or NJPDES permitted outfall structures, intake structures located in State open waters, wells, as well as the conveyance structures and energy dissipation structures associated with the outfall structures. The TAWL allows linear development such as roads, stormwater management pipes, and other linear features not associated with wetland impact activities, and the TW4S allows the location of stormwater management facility within the transition area and is not associated with the wetland impact activities.

RECEIVED

APR 21 2008

LIMIT OF AUTHORIZED DISTURBANCES

Statewide General Permit No. 11

The authorized activity involves the construction of a stormwater outfall for the replacement and expansion of an existing structure that discharges into a wetland ditch. The activity results in the disturbance of 0.007-acre (317 square feet) of State open waters, which are hereby approved as shown on plan sheet WP-9 of WP-15 entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION WETLAND PERMIT PLANS ROUTE 206/CR 513 CONTRACT NO. 087950512", last revised 5/07 and signed by Andrew M. Muldowney P.E.

Transition Area Special Activities Waiver for Linear Development

The authorized activities involve the realignment of Maple Avenue where it meets Route 206 and associated grading. These activities, which are hereby approved as shown on plan sheets (WP-6 of WP-15 & WP-8 of WP-15) entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION WETLAND PERMIT PLANS ROUTE 206/CR 513 CONTRACT NO. 087950512", last revised 5/07 and signed by Andrew M. Muldowney P.E. shall not exceed 0.273-acre (11,875 square feet) of wetland transition area disturbance.

Transition Area Special Activities Waiver for Stormwater Management

The authorized activity involves the construction of one stormwater management basin; this activity, which is hereby approved as shown on plan sheet WP-8 of WP-15 entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION WETLAND PERMIT PLANS ROUTE 206/CR 513 CONTRACT NO. 087950512", last revised 5/07 and signed by Andrew M. Muldowney P.E. shall not exceed 0.50-acre (21,746 square feet) of wetland transition area disturbance.

Individual Transition Area Waiver

The authorized activity involves improvement to parking lot at Block 7, Lot 14.1 (Mangel's Candy Store); this activity, which is hereby approved as shown on plan sheet WP-6 of WP-15 entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION WETLAND PERMIT PLANS ROUTE 206/CR 513 CONTRACT NO. 087950512", last revised 5/07 and signed by Andrew M. Muldowney PE shall not exceed 0.002-acre (77.3 square feet) of wetland transition area disturbance.

Any additional disturbance of freshwater wetlands 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 Division of Land Use Regulation.

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.).

Acceptance of permit: If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached Administrative Hearing Request Checklist and Tracking Form.

Special Conditions

1. The proposed project will, conditionally, have no adverse effect on historic properties if designed and constructed in accordance with the following:
 - a. The design, character, materials, quality, and workmanship of project construction and project components affecting the New Jersey and National Registers of Historic Places eligible **Chester Historic District** (State Historic Preservation Office opinion of eligibility September 24, 2001) shall be compatible with the architectural character of the historic district and also responsive to the guidance and recommendations contained in the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)*.
 - b. The New Jersey Department of Transportation shall consult with the Historic Preservation Office (HPO) regarding the design of the project and, prior to the conclusion of design and the initiation of the construction bidding process, shall afford the HPO an opportunity to review and comment on a complete set of project plans and specification for architectural compatibility with the Chester Historic District and for conformity with the Standards.
2. In order to protect roosting Indiana bats (*Myotis sodalis*), tree clearing activities on the project site shall be prohibited from **April 1 to November 15** of each year. If clearing of trees cannot be avoided during this period, further consultation will be required with the U.S. Fish and Wildlife Service.
3. The following measures shall be implemented in order to protect bog turtle (*Clemmys muhlenbergii*), a federally listed (threatened) species:
 - a. Install a toed-in (buried) double layer of silt fence or other small-meshed fencing to prevent turtles from entering the construction area shall encompass the limit of project disturbance.

- b. Placement and monitoring of the double silt fence shall be performed by or under the supervision of a recognized, qualified turtle surveyor. Fence conditions shall be monitored **weekly and immediately after storm events**.
 - c. Any turtles or other species found within the work area shall be released to adjacent suitable habitat outside of the construction area, and a siting report shall be filed with the Division of Fish and Wildlife - Non-Game Program.
4. In order to protect C-1 trout production water from sedimentation and instream/bank disturbances during spawning/early development period and to prevent exposing or killing any hibernating wood turtle within the tributary to Peapack Brook any construction activities within the State open waters of this or any other stream on site are prohibited between **October 1 thru April 1** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to this watercourse which could introduce sediment into said stream(s) 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.
 5. The amount of rip-rap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 200 cubic yards of fill, 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.
 6. Areas of temporary excavation must be restored with native, indigenous species. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc., except where rip-rap is required.
 7. The uppermost 18 inches of any excavation shall be backfilled with the original topsoil material.
 8. Proposed pipes shall be placed entirely beneath the pre-existing ground elevation.
 9. Any excavation shall be backfilled to the preexisting elevation.
 10. Proposed pipes laid through State open water, wetlands and or transition areas shall be sealed so as to prevent leaking or infiltration.
 11. The permittee shall ensure the various regulated activities do not create pathways to drain the wetlands.
 12. The applicant must make specific arrangements to ensure continuous maintenance and efficient operation of all proposed stormwater management measures on-site. This includes, but is not limited to, the cleaning and inspection of all inlets, basins

and mechanical units at least four times per year and after every major storm equaling or exceeding 1 inch of rain fall and the continuous implementation of appropriate soil conservation practices within any grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.

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.
- 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 Division the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP (PO Box 422, 401 East State Street, 4th floor, Trenton, NJ 08625-0422 with written notification 7 days prior to the start of the authorized work.

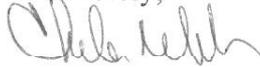
Appeal of Decision

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 these authorizations, please contact me at the address above, phone (609) 984-0848, or email @ charlie.welch@dep.state.nj.us. Please reference the permit file number in any communication concerning this action.

Sincerely,



Charles Welch, Supervisor
Roadways and Infrastructure Unit
Division of Land Use Regulation



C: Borough of Chester and Chester Township Municipal Clerk
Borough of Chester and Chester Township Construction Official

RECEIVED

MAY 09 2008

Bureau of
Environmental Project Support