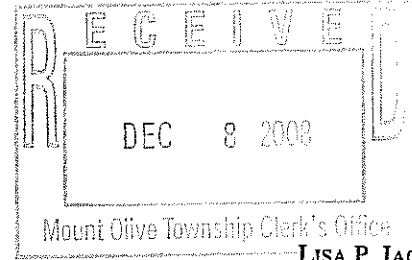


cc: Amin
Eng.

(C)



JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Watershed Management
Bureau of Watershed Regulation
P.O. Box 418, 401 East State Street
Trenton, New Jersey 08625-0418
Telephone: (609) 984-6888
Fax: (609) 984-6505
www.state.nj.us/dep/watershedmgt

LISA P. JACKSON
Commissioner

**Highlands Applicability and Water Quality Management Plan (WQMP) Consistency
Determination Application Form**

Second Notice of Technical Incompleteness

DEC 4 2008

Certified Mail # 7005 1160 0004 0965 4196
Return Receipt Requested

Edward Loh
Ciel West Lake Properties, LLC
c/o Tronex Company
2 Cranberry Road
Parsippany, New Jersey 07054

Re: Ciel West Lake Properties, LLC
Block: 7702, Lot(s): 21
325 Route 46
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434
Activity No.: CSD080007

Dear Mr. Loh:

Your application dated February 28, 2008 and received on March 26, 2008 was deemed to be administratively complete on April 9, 2008. The application includes a request for an exemption under N.J.A.C 7:38-2.3(a)4 for the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more.

During the technical review of the application, it was determined that additional information was necessary for the Department of Environmental Protection (Department), Bureau of Watershed Regulation to complete the Highlands Applicability and Water Quality Management Plan Consistency Determination review. A Notice of Technical

Incompleteness was issued on July 1, 2008 and a response to that Notice, submitted by Suzanne D. Schuffle, of Civil Engineering, Inc., was received on July 25, 2008.

Based upon all of the documents submitted to date, and the 2002 aerial photography of the site, it appears that credit is being sought for impervious surfaces that no longer exist or for which lawful existence has not been established.

Sheds F and G do not appear in the submitted appraisal reports; however, Shed G appears to be depicted on the April 16, 1985 plan titled "EXISTING TOPOGRAPHIC PLAN PROPOSED RETAIL PLUMBING & HEATING SUPPLY STORE 325 RTE. 46, BUDD LAKE, N.J. 07828 TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, NEW JERSEY" prepared by GC Stewart Associates, Inc. While it appears Shed G has existed since at least 1985, the extent of its lawfulness has not been established. Shed F's lawfulness and existence on or before August 10, 2004 has not been established by any of the submitted documentation.

What is referred to as Shed E is indicated on the appraisal report, dated 1973, as a 21 foot x 27 foot "house" with a 4 foot x 21 foot porch. That report also contained a note that the house was "Vacant not used for living." Also, the above referenced 1985 GC Stewart Associates plan refers to this "structure" as "1 Story Cottage." Furthermore, the July 22, 2008 existing conditions photos indicate that Shed E, previously noted as being a house/cottage, has some time long ago collapsed, as it appears to currently exist as a pile of rotting debris over-grown with vegetation. As such, it would not qualify for impervious surface credit.

Also, it appears unlikely that all of the areas identified as "gravel parking lot" and "gravel area" on the Civil Engineering, Inc. site plan would qualify for lawfully existing impervious credit. Based on 2002 aerial photography and the July 2008 photos sent in support of claimed impervious surfaces, it appears that some of the area has reverted back to its natural state and contains trees with 12 to 16 inch diameter trunks, grass and other vegetative cover. The 1985 GC Associates survey noted that Structure B was abandoned and the existing survey continues to note Structure B as abandoned. It appears that over the 24-plus years of apparent non-use, portions of any gravel that may have been there have been buried under a layer of humus to such an extent to support vegetation.

Therefore, based on the preceding, the project as originally proposed would likely exceed the criteria for the specified exemption; however, you may choose to revise the project to reduce the amount of proposed new impervious surface. If you choose to do so, the following are required for the Department of Environmental Protection (Department), Bureau of Watershed Regulation to complete the Highlands Applicability and Water Quality Management Plan Consistency Determination review:

- Do not include the remains of Shed E in determining the August 10, 2004 lawfully existing impervious footprint or in the calculation of any restoration credit.
- Provide appropriate documentation that Sheds F and G lawfully existed as of August 10, 2004. If Sheds F & G's construction did not require local approval per NJ MLUL, or were grandfathered, then provide a letter from the Mt. Olive

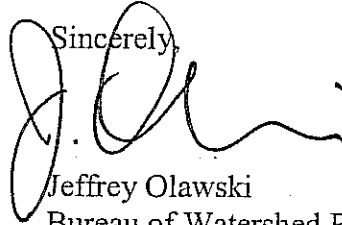
Township Administrative Officer stating so and provide documentation that Shed F was constructed prior to August 10, 2004. If such documentation cannot be provided, then do not include Sheds F and G in the August 10, 2004 lawfully existing impervious footprint or in the calculation of any restoration credit.

- Do not include the areas noted as “gravel” on the Civil Engineering, Inc. site plan that are claimed to lead to and extend behind Building B in determining the August 10, 2004 lawfully existing impervious footprint nor in the calculation of any restoration credit. Revise the calculation of impervious surface associated with gravel areas to include only the area between the concrete curbing (behind Structure A) and the stone wall, beginning from the edge of the paved drive (between Structures A and C) and ending at the western end of the stone wall .
- The Existing Conditions and Site Layout (proposed conditions) plans need to be revised so that 1) they are drawn at the same scale, preferably at 1 inch = 30 feet, and 2) the August 10, 2004 lawfully existing impervious (in compliance with the above-stated requirements), proposed impervious, and any August 10, 2004 lawfully existing impervious areas to be restored to pervious are differentiated by different color shading. Additionally, it needs to be demonstrated that the proposed impervious is within 125% of the 2004 lawfully existing impervious footprint, as adjusted to comply with the above, and less than one-quarter acre. Resubmit a copy of the revised plans and, if possible, ESRI ArcGIS 9.2 compatible shape files containing, as separate layers, the August 10, 2004 lawfully existing, proposed, and to-be-restored impervious surfaces.
- If the proposed building footprint is changed, submit revised estimated wastewater flows (page 15 of application) and a revised project narrative description (page 3 of application).

A copy of the submittal that you send in response to this letter, as well as supporting information, must also be sent to those parties listed at N.J.A.C. 7:38-9.2(b)5.

Please be advised that you have 30 days from the date of receipt of this letter to submit the information required above. If after 30 days the required information is not submitted or fails to satisfy the deficiencies listed above, you will be issued a determination based on the information included in your current application, which may result in your application being cancelled or a Not Exempt determination. Please include a copy of this letter with the additional required information that you submit.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Watershed Management. Should you have any questions regarding this matter, you may contact me at (609) 984-6888.

Sincerely,


Jeffrey Olawski
Bureau of Watershed Regulation

- c: James Glasson, Civil Engineering Inc
Lisa Lashway, Mount Olive Township Clerk
Gary Lindsay, Mount Olive Construction Official
Joseph Fleischner, Mount Olive Planning Board Chair
James Smith, Mount Olive Environmental Commission Chair
Ray Zabihach, Director, Morris County Planning Board
Chris Ross, Highlands Council
Barry Miller, NJDEP, Bureau of Watershed Regulation
Bureau of Watershed Regulation - File