



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF LAND USE REGULATION

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

cc: Admin
Plan
Gene B
Clark



Mr. Richard B. Schommer, Jr.
Schommer Engineering, Inc.
13 Mt. Kemble Avenue
Morristown, New Jersey 07960

Re: Modification to an Individual Freshwater Wetlands Permit and Stream Encroachment Permit

File No: 1427-03-0006.1 (FWW 100001 & FHA 100001)

Original Permit No's.: 1427-03-0006.1 (FWW 030001 & FHA 030002)

Applicant: The Land Conservancy of New Jersey

Block: 7000; Lots: 64.01 through 64.17 (formerly: Block 7000, Lot 64)

Mount Olive Township, Morris County

Waterways: Unnamed Tributaries to the South Branch Raritan River

Dear Mr. Schommer:

This letter is in response to your request for a Modification to the Individual Freshwater Wetlands Permit originally issued on May 27, 2004, and the Stream Encroachment Permit originally issued on January 9, 2004. The applicants for those permits were Rezamir Estates, Inc. and Deer Field/Rezamir Estates, Inc., respectively. The applicant for this permit modification is The Land Conservancy of New Jersey.

On March 28, 2007, following the December 17, 2004 suspension of the originally issued permits, a Stipulation of Settlement was signed between Rezamir Estates, Inc. and the Department of Environmental Protection (Department), Division of Land Use Regulation (Division). In addition to requiring the restoration of unauthorized disturbed areas, the Stipulation of Settlement reinstated and modified the permits to provide for the phased construction of 16 houses with associated roads and stormwater management facilities. This Stipulation of Settlement also tolled the expiration dates of the permits to September 7, 2011 for the Individual Freshwater Wetlands Permit and April 20, 2011 for the Stream Encroachment Permit.

This Modification to the reinstated permits is to restore the site for conservation purposes and open space use. Included in this proposal are the following: a) The required removal of existing pipe culverts and the restoration of the natural stream channels at the Shop Lane Crossing, Hydrologic Connection #3 (HC-3), and HC-4; b) The optional removal of the

remaining four pipe culverts with restoration of the stream channels; c) The filling of the two detention basins, with collapse and plugging of the basin outlet structures and piping; d) The restoration of the existing gravel roadways via scarification and the addition of soil, and/or removal of gravel and addition of soil; e) The optional re-grading of Yalda Court to restore pre-existing natural grades; f) The removal and re-grading of the existing stockpile areas; g) The collapse and fill of the existing building foundation; and, h) With the exception of the proposed parking area and its access drive, the vegetative stabilization of all disturbed areas. The restoration work will occur within wetlands, State open waters, wetland transition areas, and riparian zones.

The drawings approved with this Modification are prepared by Schommer Engineering, Inc., dated February 22, 2010, last revised May 11, 2010, and entitled:

“Block 7000 – Lot 64, Deer Field Estates, Township of Mount Olive, Morris County, New Jersey”

“Overall Site Restoration Plan, Sheet No. 1 of 6;

“Site Restoration and Soil Erosion & Sediment Control Plan”, Sheet No’s. 2 through 4 of 6;

“Stream Crossings and Channel Sections”, Sheet No. 5 of 6;

“Construction Details”, Sheet No. 6 of 6

This Modification is hereby approved subject to the following conditions:

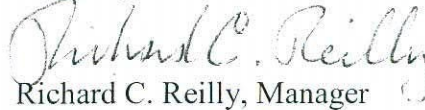
Specific Conditions

1. In accordance with item 1(d) of the Stipulation of Settlement between Rezamir Estates, Inc. and the Division, monitoring of the replanted areas identified in the Department approved restoration plans shall continue for at least five full growing seasons from the completion of planting in 2008. Any failures to meet vegetation survival and coverage goals shall be addressed appropriately.
2. The Department retains all its rights and authority to enforce all terms of the June 2, 2006 Administrative Order and Notice of Civil Administrative Penalty Assessment issued to Mr. Mortezaei with regard to the above referenced property.
3. All activities authorized by this permit modification 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 activities. No work shall begin prior to the receipt of all appropriate certifications and approvals from the Morris County Soil Conservation District. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same.

4. In order to protect the resident trout population within the tributaries to the South Branch Raritan River, and to protect hibernating turtles, any proposed grading or construction activities within the banks of these or any other streams on site, or any activities which could introduce sediment into said streams or cause the streams to become turbid, are prohibited between October 1 and April 1 of each year.
5. The permittee shall have a biologist on site to oversee the removal of turtles from permitted work areas. All turtles found will be removed from the permitted work areas and relocated to downstream, undisturbed portions of the site with suitable habitat prior to the onset of construction. Filter fabric fences shall be placed in the permitted work areas depicted on the approved plans to block the turtles from returning.
6. To the extent practicable, the disturbed streambed shall be restored using native substrate and/or rounded river stone and the restored bed shall meet existing stream bottom inverts and cross-channel profiles to re-establish the original grade and channel contours.
7. Should the permittee pursue the "optional" means of addressing the Shop Lane and Yalda Court gravel roadways, which involves the removal of the gravel, the remaining ground surface must be covered with a minimum of 4 inches of additional soil and stabilized with the approved seed mix.
8. The Division recommends that the proposed filling of the detention basins occur as late in the spring/summer season as possible to allow for amphibian metamorphosis.
9. While no tree cutting is proposed, note that in order to avoid direct impacts to foraging/roosting Indiana bats, the clearing of trees 6 inches diameter at breast height or greater may not occur within the entire project area from April 1 to September 30.
10. No change in plans or specifications shall be made except with the prior written permission of the Department.
11. Acceptance of this decision and all conditions shall be assumed, unless the permittee requests an adjudicatory hearing to contest the permit and/or permit conditions, in accordance with the requirements of the Freshwater Wetlands Protection Act and Flood Hazard Area Control Act rules.

If you have any questions regarding this letter, please contact Susan Michniewski at (609) 777-0454 or susan.michniewski@dep.state.nj.us.

Sincerely,


Richard C. Reilly, Manager
Bureau of Inland Regulation

- C: David Epstein, The Land Conservancy of New Jersey (19 Boonton Avenue, Boonton, NJ 07005 – with plan)
Terrence Nolan, The Trust for Public Land (20 Community Place, Suite 7, Morristown, NJ 07960)
Anthony Mortezaei (6 Old Farmstead Road, Chester, NJ 07930)
Mount Olive Township Construction Official (with plan)
Mount Olive Township Clerk
David Sumba, Bureau of Coastal and Land Use Compliance and Enforcement – Highlands Region (with plan)
Bruce Velzy, DAG
Joseph Dunn, Morris County Soil Conservation District (Morris County Court House, P.O. Box 900, Morristown, NJ 07963-0900)