



## State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Land Resource Protection  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

CATHERINE R. McCABE  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

DEC 07 2020

Brian Plushanski  
78 Route 1773, Suite 1  
Hampton, New Jersey 08827

**RE: Letter of Interpretation: Presence/Absence Determination**  
**File No.: 1025-20-0001.1**  
**Activity Number: FWW200001**  
**Applicant: Brian Plushanski**  
**Block(s): 22.02 (formerly Block 22); Lot(s): 3 and 4**  
**Union Township, Hunterdon County**  
**Sub-Watershed: Spruce Run Reservoir / Willoughby Brook**  
**Watershed: Raritan River SB (3 Bridges to Spruce Run)**

Dear Mr. Plushanski :

This letter is in response to your request for a Letter of Interpretation from the Division of Land Resource Protection indicating the presence or absence of freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Resource Protection is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by the staff of the Department on September 15, 2020, the Division of Land Resource Protection has determined that **freshwater wetlands and waters are not present** on the referenced property. In addition, the Department has determined **that no part of the above referenced property occurs within a transition area or buffer** as designated in N.J.A.C. 7:7A-3.3(d)1 and 2.

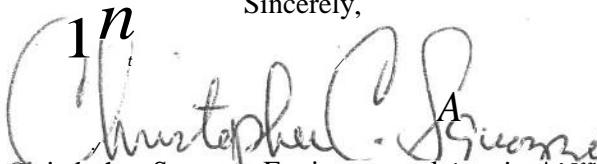
Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal permits which may be required.

In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date 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, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7<sup>th</sup> Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at [www.state.nj.us/dep/Janduse/forms](http://www.state.nj.us/dep/Janduse/forms). Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at [www.state.nj.us/dep/bulletin](http://www.state.nj.us/dep/bulletin). In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

Please contact Michael Tropiano of our staff by e-mail at [Michael.Tropiano@dep.nj.gov](mailto:Michael.Tropiano@dep.nj.gov) or (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,

*1<sup>n</sup>*  
  
Christopher Squazzo, Environmental Specialist  
Division of Land Resource Protection

cc: Union Township, Municipal Clerk  
Union Township, Construction Official  
Agent – Brian McPeak