



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN LaTOURETTE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

Division of Land Resource Protection
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

Andrew Pecoraro
61 Race Street
Pittstown, New Jersey 08867

02/09/2021

RE: File No.: 1025-20-0002.1
Activity Number: FWW200001
Applicant: Andrew Pecoraro
Block: 25; Lot: 2
Union Township, Hunterdon County
Watershed: North and South Branch Raritan
Sub-watershed: Raritan R SB(River Rd to Spruce Run)

Dear Mr. Pecoraro:

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 within the proposed area of disturbance and not the entire block and lot.

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/or State open waters are not present within the limit of disturbance** labeled as **"PROPOSED FOOTPRINT OF DISTURBANCE 4,970 SF"** as shown on the site plan prepared by Christopher R. Nusser, P.E. of EL&P, entitled **"NJDEP FWW FOOTPRINT OF DISTURBANCE LETTER OF ABSENCE PLAN"**, dated March 26, 2020, unrevised. In addition, the Department has determined that **no part of the area of disturbance 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.

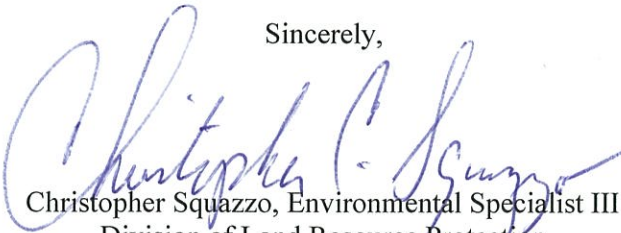
Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Department can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

Please be advised that this property is located within the Highlands Preservation Area, as defined in N.J.S.A. 13:20-1. Any project proposed on this property may be subject to the requirements of the Highlands Water Protection and Planning Act (HWPPA) Rule at N.J.A.C. 7:38. In addition to waters, wetlands and transition areas, the HWPPA establishes additional environmental constraints that may affect development of this property. Therefore, to determine the extent to which HWPPA applies to this site you may obtain a Highlands Applicability and Water Quality Management Plan Consistency Determination from the DEP, Division of Land Resource Protection. Guidance material for this request can be found at The Department webpage www.state.nj.us/dep/highlands. If you require the Department to verify additional site resource information in order to proceed with development, you may apply to this office for a Highlands Resource Area Determination (HRAD) at N.J.A.C. 7:38-4.

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, 7th 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/landuse/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. 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 for more information on this process.

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

Sincerely,



Christopher Squazzo, Environmental Specialist III
Division of Land Resource Protection

cc: Union Township, Municipal Clerk w/plan
Union Township, Construction Official
Agent – Christopher Nusser w/plan