

cc: Adm.

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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Watershed Management
Bureau of Watershed Regulation
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JON S. CORZINE
Governor

Date: **OCT 1 2008**

Certified Mail #7003 1010 0002 6060 2631
Return Receipt Requested

George Blasko
500 Lexington Avenue
Clifton, New Jersey 07011

Re: George Blasko, Preliminary and Final Site Plan
Block: 8301; Lot(s): 11 & 12
Address: 484 Route 46
Mount Olive Township, Morris County
Program Interest No.: 435434
Activity No.: CSD070002

Dear Mr. Blasko:

This is in response to the September 8, 2008 letter, received via fax from Larry I. Kron, Esq., requesting additional time to respond to the Notice of Technical Incompleteness (Notice) dated May 13, 2008 for the above referenced project. In that letter, Mr. Kron requested an extension until November 15, 2008 to provide the information required by the Notice. Mr. Kron previously submitted other requests for time extensions in letters dated May 28, 2008, May 29, 2008, July 2, 2008, and August 5, 2008 (for extensions until June 30, 2008, July 13, 2008, August 15, 2008, and September 15, 2008 respectively) and each request was granted. Subsequent to the September 8, 2008 request, a letter dated September 12, 2008 was received from Mr. Kron. That letter requested clarification regarding the technical information required to be submitted.

In Mr. Kron's September 12, 2008 letter, he cited certain numerical coverages in square feet (SF) for what he represented as being existing and proposed impervious surfaces and he contended that the proposed impervious surface coverage associated with the proposed project is within the allowable limit for the requested exemption. He asked whether his calculations were correct.

Please be advised that the methodology provided to you in our previous correspondence (May 13, 2008 Notice as well as the August 11, 2008 follow-up letter) is being misapplied and the site plan (Sheet 4 of


12, titled: "SITE LAYOUT PLAN FOR: 'BUDD LAKE AUTO SALES & AUTO RENTAL' LOTS 11 & 12 BLOCK 8301 TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY", prepared by Civil Engineering, Inc., certified by James G. Glasson, P.E., dated January 19, 2007) does not reflect allowable impervious surface coverages. The 125% criterion does not allow you to re-locate the existing impervious surface as you propose to do and limits the placement of impervious surfaces on area that is currently pervious to no more than 25% of the footprint of the existing (on August 10, 2004) buildings and structures.

The figure that Mr. Kron contends represents existing impervious surface (20,608 SF) multiplied by 125% equals 25,760 SF, as he states. This would allow for the placement of 5,152 SF of new impervious surface beyond the footprint of the existing buildings and structures, but your proposal greatly exceeds that. In fact, it must be pointed out, that it has not been established that the 20,608 SF accurately represents the footprint of the existing (on August 10, 2004) buildings and structures, as credit is not being given for what you contend is buried impervious surface. Furthermore, there is no documentation substantiating that the entire extent of the driveway, as is depicted on the "SURVEY FOR: LOTS 11 & 12 BLOCK 8301 TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY", prepared by Civil Engineering, Inc. and certified by James A. Baker, P.L.S. dated January 19, 2007, sheet 2 of 12; and the "EXISTING CONDITIONS PLAN FOR: 'BUDD LAKE AUTO SALES & AUTO RENTAL' LOTS 11 & 12 BLOCK 8301 TOWNSHIP OF MOUNT OLIVE MORRIS COUNTY, NEW JERSEY", prepared by Civil Engineering, Inc., certified by James G. Glasson, P.E., dated January 19, 2007, sheet 3 of 12, did, in fact, exist on August 10, 2004. Aerial photography for 2002, for example, does not show the existence of the portion of the driveway in the vicinity of Sand Shore Road. While the 125% limitation is central to this discussion, please be reminded that there is another criterion related to exemption #4 proposals, which limits the cumulative increase to less than ¼ acre, crediting for removals of existing impervious surface. A proposed project must meet both criteria.

Regarding your request for an extension until November 15, 2008, please be advised that it is hereby approved. No further time extensions, however, will be granted. Furthermore, be advised that if, after this time, the required information is not submitted or fails to satisfy the deficiencies listed in the Notice, the Department will make a determination based on the information currently contained in the application.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Department. Should you have any questions regarding this matter, you may call Jennifer Desmond at (609) 984-6888.

Sincerely,



Terry Pilawski, Chief
Bureau of Watershed Regulation

c: Larry I. Kron, Esq.
James Glasson, P.E., Civil Engineering, Inc.

Lisa M. Lashway, Mount Olive Township Clerk
Russell Brown, Mount Olive Township Construction Official
Mount Olive Township Planning Board
Mount Olive Township Environmental Commission
Morris County Planning Board
Morris County Environmental Commission
Chris Ross, Highlands Council
Barry Miller, NJDEP, Bureau of Watershed Regulation
Jennifer Desmond, NJDEP, Bureau of Watershed Regulation
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