

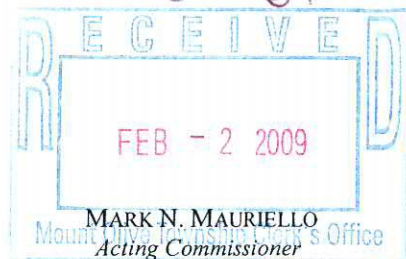


State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor



Mr. Thomas D'Angelo
Eco Systems
17 Indian Terrace
Lafayette, New Jersey 07848

January 20, 2009

Re: Deficiency Letter for Application for Freshwater Wetlands Statewide General Permit No. 2 and Transition Area Waiver – Averaging Plan

File No.: 1427-02-0007.3 (FWW 080001 & 080002)

Applicant: Muhammad Farooq

Block: 2603, Lot: 4

Mount Olive Township, Morris County

Dear Mr. D'Angelo:

I am writing with regard to the above-referenced application for a Freshwater Wetlands Statewide General Permit No. 2 and a Transition Area Waiver – Averaging Plan. Based on an initial review, the application is deficient as follows:

1. The Highlands Applicability Determination for this property/project was included with the application and is dated November 7, 2007. That Applicability Determination states that "...if a Department permit is found to be required, this exemption shall be null and void". Since the application proposes activities for which a freshwater wetlands permit and a transition area waiver are required, the Applicability Determination, which found that the project is not a major development and therefore not subject to the Highlands Protection and Planning Act rules (Highlands rules), is no longer valid. Since this property is located within the Highlands Preservation Area, the Division of Land Use Regulation (Division) can not proceed with its review of the submitted freshwater wetlands permit application without a valid Applicability Determination that finds the project to be either exempt from the Highlands rules or not a major Highlands development.

Based on the need to address the above issue and/or to modify the project as necessary, the Division recommends that the applicant withdraw the freshwater wetlands application. Please be advised that if the Applicability Determination issue is not addressed or a withdrawal letter is not received within 30 days of the date this letter, **this application will be cancelled** in accordance with N.J.A.C. 7:7A-12.6.

File No.: 1427-02-0007.3

Please contact me at (609) 777-0454 if you have any questions regarding this letter. You may also call Laura Hilton of the Bureau of Watershed Regulation at (609) 984-6888 with any questions regarding Applicability Determinations.

Sincerely,



Susan Michniewski
Bureau of Inland Regulation

C: Mount Olive Township Clerk
Muhammad Farooq (40 East Shawnee Trail, Wharton, NJ 07885)
Laura Hilton, NJDEP-Division of Watershed Management