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cc: Adm.
Gene B.

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Watershed Management
Bureau of Watershed Regulation
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JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

Notice of Intent to Revoke

Certified Mail # 7005 0390 0001 8551 8974
Return Receipt Requested

MAR 11 2009

Muhammad Farooq
15 Wilstow Road
Budd Lake, New Jersey 07828

Re: Farooq Subdivision
Block 2603, Lot 4
4 Thirty First Street
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan
Program Interest No.: 435434
Activity No.: CSD070028



Dear Mr. Farooq:

This letter is in regard to the November 7, 2007 Highlands Applicability and Water Quality Management Plan Consistency Determination of **Not Major Highlands Development/Consistent**. The exemption was granted in follow-up to the application received April 16, 2007, which requested a determination that the project/activity is not a "Major Highlands Development," according to the definition at N.J.A.C. 7:38-1.4. In accordance with N.J.A.C. 7:38-9.1(h), the Department of Environmental Protection (Department) intends to revoke the determination.

The November 7, 2007 determination letter applies to the subject project which includes subdividing a 0.754 acre property (Lot 4) to create three new lots (Lots 4, 4.01, and 4.02) and construct a four-bedroom single-family home on each lot. The new remaining Lot 4 will become a 0.229 acre property, new Lot 4.01 will become a 0.252 acre property and new Lot 4.02 will become a 0.273 acre property. The Department granted the determination for this project based, in part, on the applicant's assertion that no Department permits are required. Furthermore, the determination letter stipulated that if a Department permit is required, the determination would be null and void.

Since the above-described determination was issued on November 7, 2007, it was brought to our attention that the applicant has filed for and requires a Freshwater Wetlands General Permit No. 2 and a Transition Area Waiver-Averaging Plan for the subject project.

Therefore, it will be necessary for you to provide proof to this office indicating that this information is incorrect.

Please be reminded that if a wetlands permit or other environmental land use or water permit is required, the project would be considered Major Highlands Development and the November 7, 2007 determination would be revoked.

Your response is required within 30 days from the date of your receipt of this letter. If after 30 days the required information is not submitted or fails to establish that a Department approval is not required, the exemption will be revoked pursuant to N.J.A.C. 7:38-9.1(h). Please include a copy of this letter with the additional required information that you submit.

A copy of the submittal that you send in response to this letter, as well supporting information, must also be sent to those parties listed at N.J.A.C. 7:38-9.2(b)5.

Please be advised that since this issue has not yet been resolved and since the outcome may result in the termination of the previous determination, you must not proceed with this project until a final determination is issued. If you have any questions or require further assistance, please call Laura Eudell at (609) 984-6888.

Sincerely,



Terry Pilawski, Chief
Bureau of Watershed Regulation

- c: James Glasson, P.E., Civil Engineering, Inc.
- Larry I. Kron, Esq., Nusbaum, Stein, Goldstein, Bronstein & Kron
- Lisa M. Lashway, Mount Olive Township Clerk
- Russ Brown, Mount Olive Construction Official
- Mount Olive Township Planning Board
- Mount Olive Township Environmental Commission
- Morris County Planning Board
- Christine Ross, Highlands Council
- Barbara Baus, NJDEP, Bureau of Compliance and Enforcement
- Armand Perez, NJDEP, Bureau of Compliance and Enforcement
- Dan Bello, NJDEP, Bureau of Inland Regulation
- Sue Michniewski, NJDEP, Bureau of Inland Regulation
- Deborah Bechtel, NJDEP, Bureau of Watershed Regulation
- Barry Miller, NJDEP, Bureau of Watershed Regulation
- Abigail Amutah, NJDEP, Bureau of Watershed Regulation
- Laura Hilton, NJDEP, Bureau of Watershed Regulation