



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Watershed Management
Bureau of Watershed Regulation
P.O. Box 418, 401 East State Street
Trenton, New Jersey 08625-0418
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www.state.nj.us/dep/watershedmgt

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

cc: Admin
Gene B.

JUN 05 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 (WQMP)
Program Interest No.: 435434
Activity No.: CSD070028

Agency Determination: Revoked

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**. That finding was issued 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. The Department of Environmental Protection (Department) granted the determination for this project based, in part, on the applicant's assertion that no Department permits are required. Subsequent to its issuance of the November 7, 2007 determination, it has come to the Department's attention that a freshwater wetlands permit and a transition area waiver are required.

On March 11, 2009, the Department issued a Notice of Intent to Revoke the Highlands Applicability and WQMP Determination for the project. The Notice of Intent to Revoke offered the applicant 30 days to submit proof to the Department that the Farooq Subdivision project would abide by the stipulations specified in the November 7, 2007 determination letter. A letter dated March 19, 2009 from Larry I. Kron, Esq., was received requesting an extension of time to respond to the Notice of Intent to Revoke to June 11, 2009. On April 30, 2009, however, the Department received a phone call from Tom De'Angelo of Eco Systems who relayed the message that the property owner decided to re-design the project to remove the need for any Department permits.

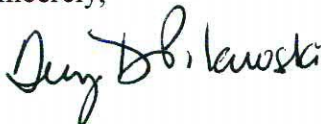
To date, satisfactory information to prove that a Freshwater Wetlands General Permit No. 2 and a Transition Area Waiver-Averaging Plan are not required for this project has not been submitted. Therefore, pursuant to N.J.A.C. 7:38-9.1(h), the determination issued for the project is considered revoked as of the date of this letter.

Should you decide to revise the proposed project to be considered for an exemption to the Highlands Act, you must resubmit a complete application for a new Highlands Applicability and Water Quality Management Plan Consistency Determination. Additionally, please include a copy of this determination letter as part of your new application.

Otherwise, in order to apply for your Highlands Approval you should submit the required information for the applicable review components to the New Jersey Department of Environmental Protection, Division of Land Use Regulation, P. O. Box 439, Trenton, New Jersey 08625-0439. The information requirements and forms for each component can be found and downloaded at www.state.nj.us/dep/highlands. Once all review components have been reviewed and if found consistent with the Highlands Act, you will be issued a final Highlands Preservation Area Approval.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Watershed Management. If you have any questions regarding this matter, please call Laura Eudell at (609) 984-6888.

Sincerely,



Terry Pilawski, Chief
Bureau of Watershed Regulation

Enclosure

c: James Glasson, P.E., Civil Engineering, Inc.
Larry I. Kron, Esq., Nusbaum, Stein, Goldstein, Bronstein & Kron
Tom De'Angelo, Eco Systems
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 Coastal and Land Use Compliance and Enforcement (w/o encl.)
Armand Perez, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o encl.)
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 Eudell, NJDEP, Bureau of Watershed Regulation
Bureau of Watershed Regulation – File
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