

cc: Admin

(C)



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Watershed Management
Bureau of Watershed Regulation
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LISA P. JACKSON
Commissioner

JON S. CORZINE
Governor

**Highlands Applicability and Water Quality Management Plan (WQMP) Consistency
Determination Application Form**

Notice of Technical Incompleteness

SEP 3 - 2008

Certified Mail # 7007 0220 0002 1035 2023
Return Receipt Requested

Joseph Demiglio and Jerome Lala
647 Anderson Road
P.O. Box 2228
Cliffside, New Jersey 07010

Re: Demiglio Lala Single Family Home
Block: 1101, Lot(s): 2
Cheri Lane
Mount Olive Township, Morris County
Upper Delaware Water Quality Management Plan (WQMP)
Program Interest No.: 435437
Activity No.: CSD080015

Dear Mr. Demiglio and Mr. Lala:

Your application dated July 24, 2008 and received on July 28, 2008 was deemed to be administratively complete on August 4, 2008. During the technical review of the application, it was determined that additional information will be necessary for the Department of Environmental Protection (Department), Bureau of Watershed Regulation to complete the Highlands Applicability and Water Quality Management Plan Consistency Determination review.

The application includes a request for an exemption under N.J.A.C. 7:38-2.3(a)2., for the proposed construction of a single family dwelling on a lot in existence on August 10, 2004, provided that construction does not result in the ultimate disturbance of one or more acres or a cumulative increase in impervious surface by one-quarter acre or more.

Ultimate disturbance consists of the area of disturbance proposed by a project as well as all existing disturbance including, but not limited to, existing structures and areas of deforestation. Where a formal Highlands Applicability Determination is being sought from the Department that a project is not regulated on the basis that it either is not a "Major Highlands development" under N.J.A.C. 7:38-1.4 or is exempt under N.J.A.C. 7:38-2.3(a)2., the Department has an obligation to ensure that these thresholds are not exceeded now or in the future. Therefore, the Department will require as part of the application a metes and bounds description of the total area of the site to be disturbed which must be limited to less than one acre, and require that a Department approved conservation restriction be placed on the balance of the site as a condition of the determination. This will ensure that future owners are made aware of the restriction thereby avoiding the prospect of accidental violation of the Highlands Act. Where site disturbance already exceeds the one acre threshold, in order for new residential construction to qualify for these exemptions, previously disturbed areas beyond the allowable one acre must be restricted from future disturbance including mowing, unless that area is exempted by virtue of being an agricultural or horticultural use as defined at N.J.A.C. 7:38-1.4. A draft conservation restriction is enclosed for your information. If a conservation restriction is required as a condition of your applicability determination, you will be notified in your determination letter.

The additional items of information required are listed below:

- A site plan certified by a licensed New Jersey Professional Engineer showing all existing development (distinguishing between what will be removed and what will remain) and proposed development, including all structures, grading, clearing, impervious surface (not to meet or exceed 0.25 acre).
 - The submitted plan did not appear to account for the 800 square feet of impervious associated with the pool. Include supporting calculated values for the new proposed impervious surfaces.
- A notarized statement certifying that the lot has not been subdivided, merged, or in other ways had its lot lines adjusted subsequent to the date on the submitted deed.
 - A typed statement dated July 10, 2008 and signed by the property owner was included in the application, but it was not notarized. Resubmit the statement with the stamp or seal of a notary.

A copy of the submittal that you send in response to this letter, as well as 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 you have 30 days from the date of receipt of this letter to submit the information required above. If after 30 days the required information is not submitted or fails to satisfy the deficiencies listed above, you will be issued a determination based on the information included in your current application, which may result in a Not Exempt determination. Please include a copy of this letter with the additional required information that you submit.

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. Should you have any questions regarding this matter, you may contact me at (609) 984-6888.

Sincerely,



Elizabeth Dragon
Bureau of Watershed Regulation

Enclosure

c: James Glasson, PE. Civil Engineering, Inc.
Mount Olive Clerk
Mount Olive Construction Official
Mount Olive Planning Board
Mount Olive Environmental Commission
Morris County Planning Board
Morris County Environmental Commission
Chris Ross, Highlands Council
Barry Miller, NJDEP, Bureau of Watershed Regulation (w/o encl.)
Bureau of Watershed Regulation – File (w/o encl.)