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cc = Amy  
JLB

JON S. CORZINE  
Governor

**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Watershed Management  
Bureau of Watershed Regulation  
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**Highlands Applicability and Water Quality Management Plan (WQMP) Consistency  
Determination Application Form**

**Notice of Technical Incompleteness**

Date: **MAY 13 2008**

Certified Mail #7003 1010 0002 6060 2525  
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 and 12  
Address: 484 Route 46  
Mount Olive Township, Morris County  
Upper Raritan Water Quality Management Plan (WQMP)  
Program Interest No.: 435434  
Activity No.: CSD070002

Dear Mr. Blasko:

Your application dated January 23, 2007 and received on February 7, 2007 was deemed to be administratively complete on February 26, 2007. 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)4., for the reconstruction for any reason of any building or structure within 125 percent of the footprint of the lawfully existing impervious surfaces on the site on August 10, 2004, provided that the reconstruction or development does not increase the lawfully existing impervious surface by one-quarter acre or more.

Upon review of the site plan submitted with the application, it has become evident that the proposed new impervious surface greatly exceeds the 125 percent threshold. Therefore, the proposed project will need to be redesigned in order to meet the criteria of the requested exemption.

Please be advised that the reconstruction exemption has two criteria:

1. The reconstruction of any building or structure for any reason must be within 125% of the footprint of the lawfully existing (on August 10, 2004) impervious surfaces on the site; **and**
2. The reconstruction must not increase the lawfully existing (on August 10, 2004) impervious surface by one-quarter acre or more.

The first criterion above applies to new impervious surfaces that are proposed. Therefore, all portions of the proposed impervious surfaces that are new, i.e. to be placed upon existing pervious areas (not paved, not graveled, not structured, or having no impervious surface as defined in the Highlands Act), when added to the lawfully existing impervious surfaces, must be within 125% of the footprint of the lawfully existing impervious surfaces. The equation expressing this criterion is as follows:

$$(\text{proposed new impervious surface} + \text{lawfully existing impervious surface}) / (\text{lawfully existing impervious surface}) \leq 1.25$$

The second criterion applies to the net increase in impervious surface compared to that which existed lawfully on August 10, 2004. Hence, the area of future impervious surfaces minus the lawfully existing impervious surfaces must result in less than 0.25 acre. This would allow the project credit for removal of lawfully existing impervious surfaces in the calculation. The equation expressing this criterion is as follows:

$$(\text{proposed new impervious} - \text{any removal of lawfully existing impervious}) < 0.25 \text{ acre}$$

In summary, we do not credit any removal of existing impervious when calculating the first criterion, the percentage limit. The only factors to be considered are the lawfully existing impervious surface and proposed new impervious surface. Credit for removal of existing impervious only applies to the second criterion. An exemption under N.J.A.C. 7:38-2.3(a)4 requires that **both** criteria must be satisfied.

Therefore, the items required for further review are listed below:

- A revised site plan certified by the appropriate licensed New Jersey Professional showing all impervious surfaces, including all structures, that lawfully existed on the site on August 10, 2004; all proposed new development including all new structures, new impervious surfaces (i.e. currently pervious areas proposed to be impervious), clearing limits, and limits of disturbance (including grading); and all areas of lawfully existing impervious cover to be restored to pervious. Also include a breakdown of supporting calculated values for the lawfully existing and all proposed new impervious surfaces for the project/activity, as well as any areas of the lawfully existing impervious cover to be restored to pervious.
- Confirmation of the lawful existence of the impervious surfaces on August 10, 2004 (i.e. the depicted gravel drive) on Lot 12. Please be advised that on the Department's GIS 2002 Imagery, the aerial photography does not reveal the existence of any impervious surface on

project Lot 12. Therefore, documentation satisfactory to the Department indicating the August 10, 2004 lawful existence of such impervious surface is required, such as by a letter from the Township.

In addition, in order for the Department to complete its review of your application based on the contention that the pre-existing pool and patio were not removed but are buried, the following items must be addressed:

- Documentation must be provided as to the August 10, 2004 lawful existence and extent of the pool and patio area claimed to be buried within Lot 6. The Department must be notified as to the proposed method (e.g. soil borings or sonographic mapping) prior to conducting any investigation.

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,



Jennifer Dufine  
Bureau of Watershed Regulation

c: Larry Kron, Esq.  
James Glasson, PE, Engineer, 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  
Bureau of Watershed Regulation - File