



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
Mail Code 501-02A, P. O. Box 420
Trenton, New Jersey 08625-0420
www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

April 28, 2017

Scarlet Fliers Venture, LLC
c/o Mr. Derrick Griggs
444 Neptune Blvd.
Neptune, NJ 07753

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
DLUR File No.: 1334-16-0009.1
Activity Number: FWW 160002
Applicant: Scarlet Fliers Venture LLC
Block: 2601 Lots: 5-7 & 9
Township of Neptune, Monmouth County

Dear Mr. Griggs,

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the Division is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by Division staff on February 2, 2017, the Division has determined that the wetlands boundary line as shown on the plan map entitled: "WETLANDS DELINEATION MAP, 3122-3138 WEST BANGS AVENUE, TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, NEW JERSEY", consisting of 1 sheet, dated 9/07/16, unrevised, and prepared by Grant Engineering & Construction Group, LLC, is accurate as shown.

Wetlands Resource Value Classification ("RVC")

The Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Intermediate: Flags L1 to L13 (50-foot wetland buffer)

Please be advised that the above wetland is classified as isolated. RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-4) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Department. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.6 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.8. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this

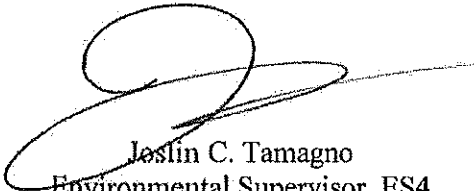
determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Appeal Process

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information on this process.

Please contact Tejal Kuray of our staff by e-mail at Tejal.Kuray@dep.nj.gov or (609) 633-9259 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Joslin C. Tamagno
Environmental Supervisor, ES4
Bureau of Urban Growth and Redevelopment
Division of Land Use Regulation

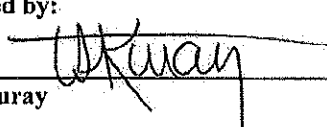
c: Mr. Z. Lewis, Lewis Consulting Group, Agent (original)



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date APR 28 2017</p>
		<p>Expiration Date APR 27 2022</p>
<p>Permit Number(s): 1334-16-0009.1 FWW160001</p>	<p>Type of Approval(s): Freshwater Wetlands General Permit 6; Water Quality Certificate</p>	<p>Enabling Statute(s): N.J.S.A. 13:9B-1 et seq. N.J.S.A. 58:10A-1 et seq.</p>
<p>Permittee: Scarlet Fliers Venture LLC c/o Derrick Griggs 444 Neptune Blvd Neptune, NJ 07753</p>	<p>Site Location: Block: 2601 Lots: 5, 6, 7, 9 Municipality: Neptune County: Monmouth</p>	
<p>Description of Authorized Activities:</p> <p>This permit authorizes the permanent disturbance of 0.865 acres (37,682 square feet) of freshwater wetlands and 0.594 acres (25,896 square feet) of freshwater wetlands transition area for the construction of a housing development under a Freshwater Wetlands General Permit 6 – Non-tributary wetlands, as shown on the plans referenced on the last page of this permit.</p> <p>The Division of Land Use Regulation has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-5. The activities allowed by this authorization shall comply with applicable conditions noted at N.J.A.C. 7:7-4.3, 5, and 13.1. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. seq.).</p> <p>This authorization to conduct activities in freshwater wetlands includes the issuance of a Water Quality Certificate.</p>		
<p>Prepared by:  _____ Tejal Kuray</p>		<p>Received and/or Recorded by County Clerk:</p>
<p>If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

FRESHWATER WETLAND SPECIAL CONDITIONS:

1. The total amount of disturbance associated with this authorization shall not exceed 0.865 acres (37,682 square feet) of wetland and 0.594 acres (25,896 square feet) of freshwater wetlands transition area for the construction of single family residential units under a Freshwater Wetlands General Permit No. 6.
2. The wetlands affected by this permit authorization are of Intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. This general permit includes a transition area waiver, which allows encroachment only in that portion of the transition area, which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules (N.J.A.C. 7:7A-1.1 et seq.) for additional information. (delete is TA only)
3. This authorization for a General Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new General Permit authorization or an Individual permit.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area. In addition, a permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain

- time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
- a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
 8. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
 9. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
 10. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
 11. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
 12. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
 13. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-14.2.
 14. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A 14.4 and 14.5.

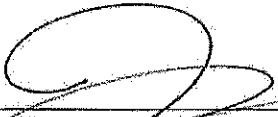
15. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
16. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
17. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
18. Best management practices shall be followed whenever applicable. (N.J.A.C. 7:7A-1.4)
19. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-12.2(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource and immediately notify the Department and proceed as directed.

APPROVED PLAN:

The drawing hereby approved is one (1) sheet prepared by Grant Engineering & Construction Group, LLC entitled: "NJDEP GENERAL PERMIT #6 MAP, 3122-3138 WEST BANGS AVENUE, TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, NEW JERSEY" dated 09/07/16, unrevised.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:



Joslin C. Tamagno
Environmental Supervisor, ES4
Bureau of Urban Growth and Redevelopment
Division of Land Use Regulation

4.28.17
Date

Original sent to Agent to record

c: Permittee
Mr. Z. Lewis, Lewis Consulting Group, Agent

Subject: RE: NJDEP DLUR PI# 1334-16-0009.1
From: Christina Viguers (Christina@lcg-online.com)
To: bgrant@grantecg.com;
Cc: CharleneCS@lcg-online.com; wthompson@grantecg.com; Zach@lcg-online.com;
Date: Monday, May 15, 2017 2:36 PM

Brian,

Attached for your records, please find a copy of the NJDEP FWW LOI Verification and FWW GP6 for this project. Derrick should be receiving a copy of this letter in the mail shortly, if he has not already.

Sincerely,

Christina Viguers, Environmental Scientist

LEWIS CONSULTING GROUP
Corporate Headquarters

2517 Highway 35, Building P, Suite 202

Manasquan, NJ 08736

Newark Office

211 Warren Street, Suite 222

Newark, NJ 07103

Manasquan (732) 276-2420 • Newark (973) 494-0133 • Fax (732) 276-9401

www.lcg-online.com

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From: Brian Grant [mailto:bgrant@grantecg.com]
Sent: Wednesday, May 10, 2017 9:30 AM
To: Christina Viguers <Christina@lcg-online.com>
Cc: CharleneC Singletary <CharleneCS@lcg-online.com>; Wanda Thompson (wthompson@grantecg.com) <wthompson@grantecg.com>; Zach Lewis <Zach@lcg-online.com>
Subject: Re: NJDEP DLUR PI# 1334-16-0009.1

Christina,

Thank you for the consistent followup. Great work. This is good news. Now we can get moving on this.

Brian Grant, PE

GRANT ENGINEERING & CONSTRUCTION GROUP, LLC

New Jersey - North

211 Warren Street, Suite 222

Newark, NJ 07103

New Jersey - South

2517 Hwy. 35

Bldg. P, Ste. 202

Manasquan, NJ 08736

P: 732-705-7373 | F: 732-377-8612

Website: www.grantecg.com

(Send large files [over 20MB] to us via File Sharing Site)

<https://www.hightail.com/u/grantecg>)

From: Christina Viguers <Christina@lcg-online.com>
To: "Brian Grant (bgrant@grantecg.com)" <bgrant@grantecg.com>
Cc: CharleneC Singletary <CharleneCS@lcg-online.com>; "Wanda Thompson (wthompson@grantecg.com)" <wthompson@grantecg.com>; Zach Lewis <Zach@lcg-online.com>
Sent: Wednesday, May 10, 2017 9:23 AM
Subject: FW: NJDEP DLUR PI# 1334-16-0009.1

Good morning Brian,
Please see the message below from the DEP. The plans have been located and the DEP will be mailing out the FWW LOI and GP6.

Thank you for your patience throughout this process. If you have any questions, please feel free to contact me.

Sincerely,
Christina Viguers, *Environmental Scientist*
LEWIS CONSULTING GROUP
Corporate Headquarters
2517 Highway 35, Building P, Suite 202
Manasquan, NJ 08736

Newark Office
211 Warren Street, Suite 222
Newark, NJ 07103

Manasquan (732) 276-2420 • Newark (973) 494-0133 • Fax (732) 276-9401
www.lcg-online.com

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From: Jones, Christopher [<mailto:Christopher.Jones@dep.nj.gov>]
Sent: Wednesday, May 10, 2017 9:06 AM
To: Christina Viguers <Christina@lcg-online.com>; Dow, Diane <Diane.Dow@dep.nj.gov>; Dietrick, Suzanne <Suzanne.Dietrick@dep.nj.gov>; Miller, Shamara <Shamara.Miller@dep.nj.gov>; Guire, Kelly <Kelly.Guire@dep.nj.gov>
Cc: Zach Lewis <Zach@lcg-online.com>; CharleneC Singletary <CharleneCS@lcg-online.com>; Kuray, Tejal <Tejal.Kuray@dep.nj.gov>
Subject: RE: NJDEP DLUR PI# 1334-16-0009.1

Ms. Viguers,

Your submittal has been located and we will be sending out the LOI and GP.

Christopher Jones, Manager
Bureau of Urban Growth & Redevelopment
(609) 984-6216

From: Christina Viguers [<mailto:Christina@lcg-online.com>]
Sent: Tuesday, May 09, 2017 3:10 PM
To: Dow, Diane; Dietrick, Suzanne; Miller, Shamara; Guire, Kelly; Jones, Christopher
Cc: Zachary Lewis; CharleneC Singletary
Subject: NJDEP DLUR PI# 1334-16-0009.1
Importance: High

Good afternoon,

I am reaching out to you regarding the **Freshwater Wetlands LOI and Freshwater Wetlands General Permit 6** for the project site identified as Griggs Derrick BevJean Estates, located at 3122-3138 West Bangs Avenue, Neptune Township, New Jersey, identified with **NJDEP DLUR PI# 1334-16-0009.1**.

On 04/28/2017, the Freshwater Wetlands General Permit 6 was approved and issued for the project. However, the assigned reviewer, Tejal Kuray indicated that the permit would not be mailed until two (2) signed & sealed sets of revised plans were submitted to the Department.

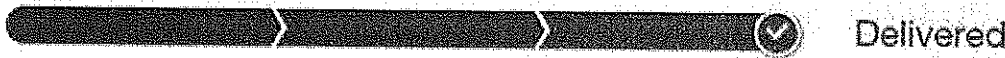
Therefore, on 05/05/2017, our office submitted the requested documents to the following address per Ms. Kuray's instruction.

Priority Mail® 1-Day
Legal Flat Rate Envelope
9405 8036 9930 0444 5143 85 (Sequence Number 1 of 1)

Scheduled Delivery Date: 05/05/2017
Shipped to: MS. TEJAL KURAY
NJDEP - DIVISION OF LAND USE
REGULATION
PO BOX 420
MAIL CODE 501-02A
TRENTON NJ 08625-0420

According to our USPS tracking receipt, the documents were delivered to NJDEP on May 6th. However, per my conversation with Ms. Kuray this afternoon, she has not received the documents.

Tracking Number: 9405803699300444514385



On Time
Updated Delivery Day: Saturday, May 6, 2017
Product & Tracking Information

See Available Actions

Postal Product: Priority Mail™
Features: Insured

DATE & TIME	STATUS OF ITEM	LOCATION
May 6, 2017, 12:38 am	Delivered, To Agent	TRENTON, NJ 08625
Your item has been delivered to an agent at 12:38 am on May 6, 2017 in TRENTON, NJ 08625.		
May 6, 2017, 12:35 am	Arrived at Unit	TRENTON, NJ 08650
May 6, 2017, 12:18 am	Departed USPS Facility	TRENTON, NJ 08650
May 6, 2017, 12:18 am	Arrived at USPS Facility	TRENTON, NJ 08650

At your earliest convenience, can you please advise on how to resolve this issue and provide an estimated timeframe for mailing of the LOI and permit approval so that my client may move forward with this project?

If there is anything I can do to expedite this process, please advise. Your assistance with this matter is sincerely appreciated.

Best regards,
Christina Viguers, Environmental Scientist
LEWIS CONSULTING GROUP
Corporate Headquarters
2517 Highway 35, Building P, Suite 202
Manasquan, NJ 08736

Newark Office
211 Warren Street, Suite 222
Newark, NJ 07103

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Attachments

- 16-1581B W. Bangs Development_NJDEP ltr 5.15.2017.pdf (468.61KB)
- image001.jpg (11.22KB)
- image002.jpg (26.03KB)

