



Richard J. Codey
Acting Governor

State of New Jersey
Department of Environmental Protection

Land Use Regulation Program
P.O. Box 439, Trenton, New Jersey 08625
FAX # (609) 777-3656
Web Site: www.state.nj.us/dep/landuse

mailed KM
Bradley M. Campbell
Commissioner
10-18-05

October 14, 2005

**STREAM ENCROACHMENT JURISDICTIONAL DETERMINATION
FLOOD HAZARD AREA CONTROL ACT
NJAC 7:13 et. Seq.**

Mr. Douglas Grysko, PE
Dynamic Engineering
1700 Main Street, Suite 1
Lake Como, New Jersey 07719

Re: File No: 1507-05-0153.2
GC Wen Inc.

Dear Mr. Grysko:

This is in response to your letter received on September 25, 2005 concerning a proposed restaurant along an unnamed tributary to Toms River off NJSH Route 9 within Lot Nos. 22.06 and 26.02 in Dover Township, Ocean County.

DECISION

A review of a drawing prepared by Sailer & Watson dates July 6, 2005, unrevised, entitled:

"BOUNDARY AND TOPOGRAPHIC SURVEY TAX LOT 22.06, 26.01 & 26.02 BLOCK 412.12 TOWNSHIP OF DOVER, OCEAN COUNTY, NEW JERSEY."
sheet No. 1 of 1

and a drawing prepared by Dynamic Engineering Consultants, PC, undated, unrevised entitled:

"CONCEPTUAL SITE PLAN 'C' SHEET No. 1 of 1

indicates a stream encroachment permit is not required.

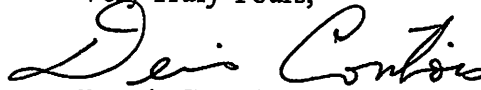
REASON FOR DECISION

There are no governmental studies available of the stream in question. Based on the vertical elevation change between the stream and grading no activity is proposed in the 100 year flood plain.

This letter does not relieve the applicant of the responsibility of obtaining any other required State including Freshwater Wetlands, Federal or local permits and approvals as required by law and is based on a review of information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is determined to be incorrect or site conditions change. This letter is valid for five (5) years from the date of issuance.

Should you have any questions regarding this determination, please contact me at the above address or by telephone at (609) 777-0456.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Dennis Contois".

Dennis Contois

Application Support Unit

CC: Dover Township Construction Official
Dover Township Engineer

RB

Denms
DA appears to be 7.50 Acres @ 1/3 point.

NJ Department of Environmental Protection
Land Use Regulation Department
Bureau of Stream Encroachment
501 East State Street
Trenton, NJ 08625-0439

Attn: George Davis

September 23, 2005
Via Certified Mail

RE: Request for Jurisdictional Determination
Proposed Wendy's Restaurant
NJSH Route 9, Opposite Whitty Road
Dover Township
Ocean County, NJ
DEC # 0072-05-001

Dear Mr. Davis,

Enclosed please find the following information in support of our request for a Jurisdictional Determination for the above referenced project:

1. One (1) copy of a Conceptual Layout Plan for a proposed Wendy's Restaurant as prepared by Dynamic Engineering Consultants, PC.
2. One (1) copy of a Boundary and Topographical Survey of the property as prepared by Sailer and Watson.
3. One (1) copy of the USGS Map illustrating the approximate watershed area to the unnamed tributary to the Tom's River (Blue Line Stream).
4. One (1) copy of the completed "Information Required for Jurisdictional Determination Form".

Based on our review of the USGS Map topography it would appear that total contributory drainage area to the unnamed stream at the location of the subject property is approximately 45 acres. Given the fact that the stream is indicated as "Blue Line" on the USGS Map we question whether or not the Stream Encroachment Regulations will apply. Please confirm that, based on the fact that the total contributory drainage area appears to be less than 50 acres, a Stream Encroachment Permit would not be required for this project.

At this time we are requesting a Jurisdictional Determination regarding the applicability of the Stream Encroachment Regulations for this project. Please note that by copy of this correspondence we are also forwarding this information to Robert Cubberley of NJDEP for his review as well.

Upon receipt and review of these materials please do not hesitate to contact our office if additional data is required to complete your review. Thank you for your attention to this matter.

Sincerely,

Dynamic Engineering Consultants, PC

Douglas Grysko
Douglas Grysko, P.E.

Enclosures

Cc: Bob Cubberley (w/enc)
Gaspar Giordano