



State of New Jersey

Department of Environmental Protection
Division of Land Use Regulation
P O Box 439
501 East State Street
Trenton, NJ 08625-0439
Fax: (609) 292-8115
www.state.nj.us/dep/landuse

Jon S. Corzine
Governor

Lisa P. Jackson
Commissioner

S.m.
mailed
6-13-07

Jeffrey D. Spalt
Dynamic Engineering Consultants, PC
1904 Main Street
Lake Como, New Jersey 07719

June 12, 2007

Re: **LURP File No.: 1507-05-0153.2 APD 070001**
Name: GC Wen, Inc.
Block: 412.12; Lot(s): 22.06 & 26.02
Address: Route 9 & Monroe Avenue
Toms River Township, Ocean County

Dear Jeffrey D. Spalt:

This letter is in response to your request for a jurisdictional determination as referenced above. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et. seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et. seq.) and the Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et. seq.). Based on a review of the information submitted including the site plan entitled "**SITE PLAN, GC WEN, INC, PROPOSED WENDY'S RESTAURANT, BLOCK 412.12, LOTS 22.06 & 26.02, NJSH RT. 9 AT MONROE AVE., TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY**" dated April 19, 2007 and prepared by Dynamic Engineering Consultants, PC, and a review of information as maintained on the Department's Geographic Information System the following statutes will apply:

(X) A Waterfront Development permit is not required.

Based on a review of the Coastal Wetlands Maps, the following determination is made:

(X) There are no Coastal Wetlands on this site, therefore no permit is required.

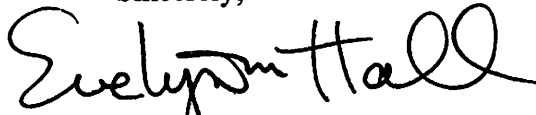
Based on a review of the submitted documentation, the Coastal Area Facility Review Act, **CAFRA**, is **not applicable** as per Section 7:7-2.1(a)5(ii) of the Coastal Permit Program Rules to the proposed construction of a commercial development that shall include less than 50 parking spaces or equivalent area at a location within the CAFRA regulatory area that is more than 150 feet from the nearest mean high water or beach or dune.

This letter does not constitute a jurisdictional determination for the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A and the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-1.1 et seq. Assistance with the applicability of these statutes is available from this offices' Ocean County Region group which may be contacted at the above address.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change.

Should you have any questions regarding this determination, please contact me at the above address or via email: Evelyn.Hall@dep.state.nj.us. Requests for assistance must include the file number as found on each page of this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Evelyn Hall", with a stylized flourish at the end.

Evelyn M. Hall
Principal Environmental Specialist
Division of Land Use Regulation

c: Ocean County Region Supervisor, DLUR, NJDEP
Bureau of Enforcement, Toms River
Toms River Township Construction Official



1904 Main Street
Lake Como, NJ 07719
Ph 732-974-0198
Fax 732-974-3521

RECEIVED

2007 APR 23 A 11:51

April 20, 2007
Via DHL Ground

New Jersey Department of Environmental Protection
Land Use Regulation Program
Jurisdictional Determination Unit
PO Box 439
501 East State Street
Trenton, NJ 08625-0439

Attn: Ms. Evelyn Hall

**RE: Proposed Wendy's Restaurant
Block 412.12, Lot 22.06, 26.02
NJSH Route 9
Township of Toms River
Ocean County, NJ
DEC# 0072-05-001**

Dear Ms. Hall:

This letter shall serve as our formal request for a Jurisdictional Determination from the New Jersey Department of Environmental Protection regarding the above referenced project. Attached please find the following items to help facilitate your review:

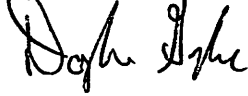
1. One (1) copy of the USGS Map with property location identified.
2. One (1) copy of the Toms River Tax Map with the project site highlighted.
3. One (1) copy of the Location Map with property location identified.
4. One (1) copy of the CAFRA Map with property location identified.
5. State plane coordinates of the site are X= 572,366 Y=424,993.
6. One (1) copy of the Preliminary Site Plan prepared by our office.
7. One (1) copy of the completed "Information Required for Jurisdictional Determination" form.

The proposed project includes the construction of a 3,260 SF Wendy's Restaurant with 44 parking spaces and associated site amenities. Based on the number of parking spaces proposed as part of this development, this project would not fall under the CAFRA jurisdictional threshold of 50 parking spaces for a commercial development.

At this time, we are requesting a jurisdictional determination regarding the applicability of the CAFRA regulations to the project. Please respond to our office at your earliest convenience. Should you have any questions or require information regarding the project please do not hesitate to contact our office.

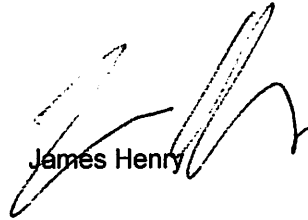
Sincerely,

Dynamic Engineering Consultants, PC

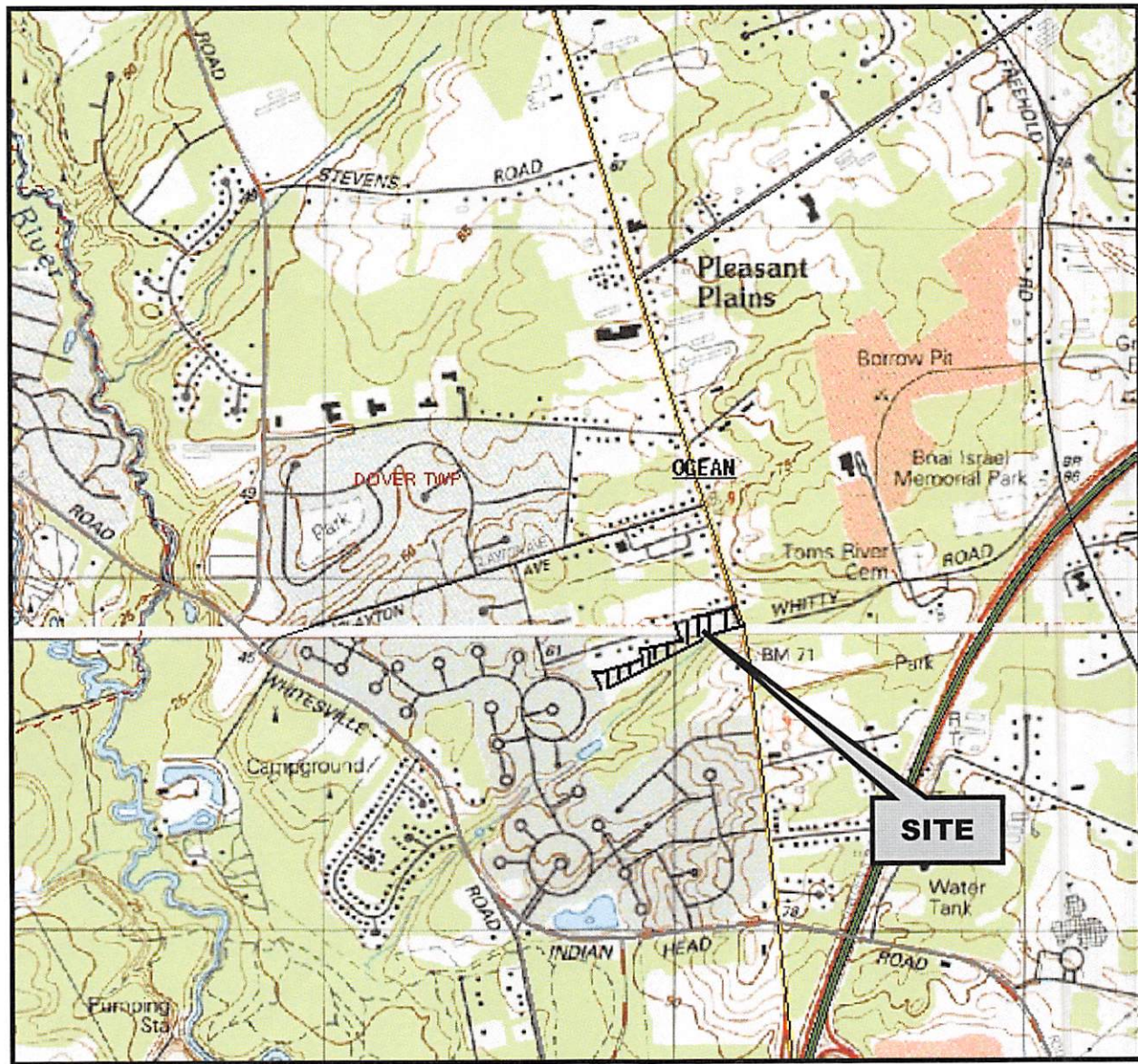


Douglas Grysko, PE

Enclosures

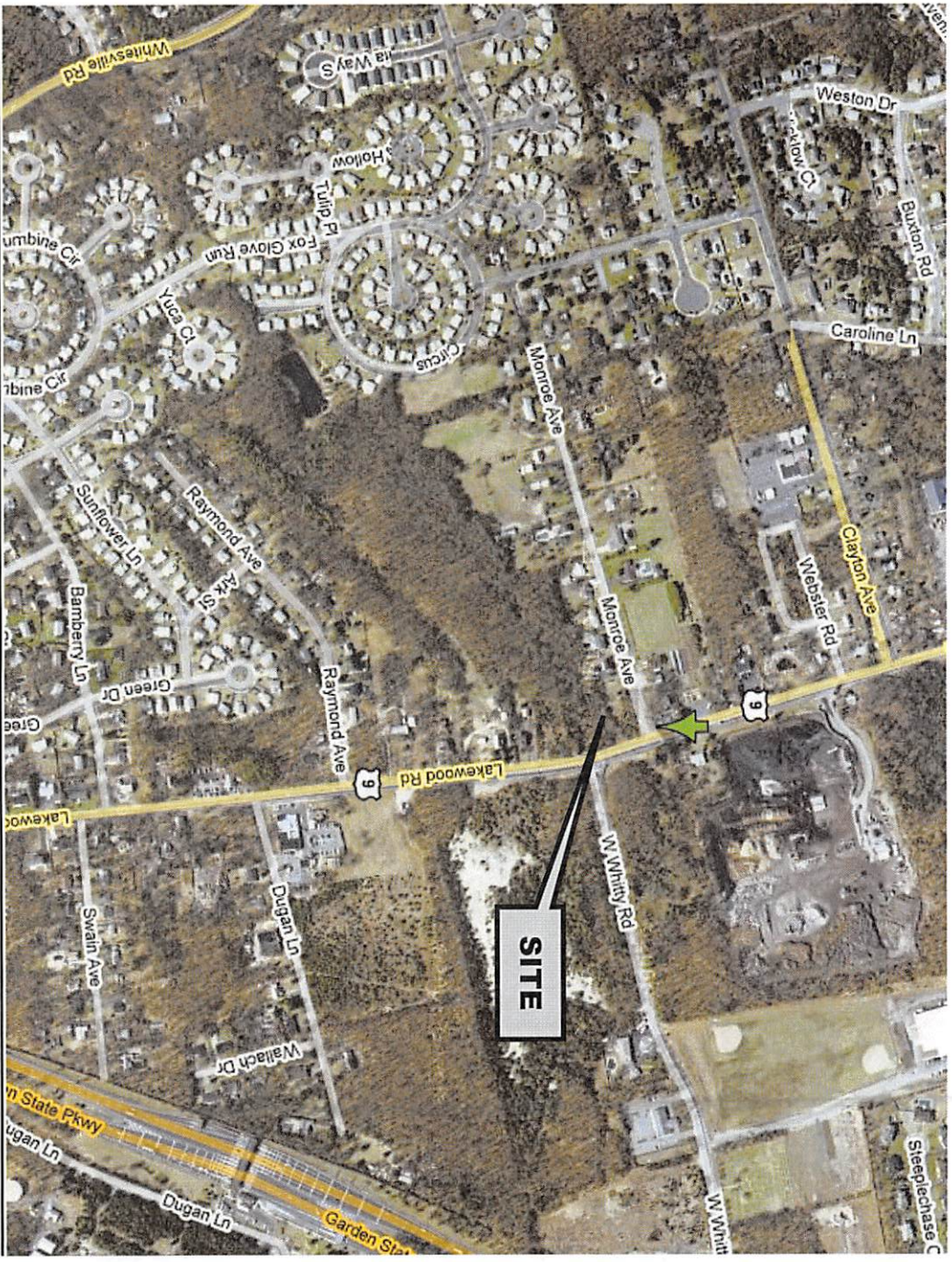


James Henry



USGS MAP
Not To Scale

Proposed Wendy's Restaurant – NJSH Route 9 at Monroe Avenue
Approx Overall Lot Area = 9.14 acres
Proposed Subdivided Lot Area = 1.35 acres



Location Map

Data Layers

refresh map

☐ AutoRefresh Map

- ☐ Mobile Active
- ☐ NIEMS Sites
- ☐ Chromate Sites
- ☐ Public Community Water Supply Wells
- ☐ Air Monitoring Stations
- ☐ Fish Index Of Biotic Integrity
- ☐ Known Contaminated Sites List
- ☐ Ambient
- ☐ Biomonitoring Network (AMNET)
- ☐ Place Names
- ☐ Zip Codes
- ☐ Urban Enterprise Zones
- ☐ Municipalities
- ☒ Counties
- ☐ Congressional Districts
- ☐ Legislative Districts
- ☒ CAFRA Boundary
- ☐ Highlands
- ☐ Pinelands Boundary
- ☐ Open Space (State)
- ☐ Natural Heritage Priority Sites
- ☐ Pinelands Management Area
- ☐ Sewer Service Areas
- ☐ Roads (Tele Atlas)
- ☐ Category One Waters
- ☐ Surface Water Quality Standards
- ☐ Streams
- ☐ Water Bodies
- ☐ Delaware and Raritan Canal Commission Review Zones
- ☐ Shellfish Classification
- ☐ Landscape Project (Bald Eagle Foraging)
- ☐ Landscape Project (Beach)
- ☐ Landscape Project (Emergent Wetlands)
- ☐ Landscape Project (Forest)

Query

? Find Location of Interest

Legend

- ☐ Counties
- ☒ CAFRA Boundary
- ☐ Mid-Atlantic States
 - New Jersey
 - Delaware
 - Maryland
 - Pennsylvania
 - Connecticut
 - New York



Set Scale 1: 322396

Go

Back to Last Extent

start

Report Appendix

NJDEP Aerial - Windo...

route 70, manchester...

NJDEP - i-MapNJ DEP ...

http://njin.nj.gov - l...

untitled - Paint

Internet