



2/4
2/6/07

JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
Fax # (609) 777-3656
www.state.nj.us/landuse

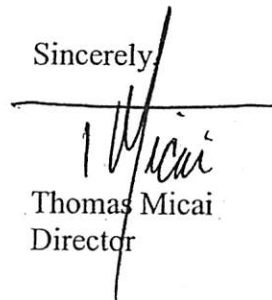
LISA P. JACKSON
Commissioner

March 1, 2007

Dear Agent/Applicant:

Please be advised that effective March 1, 2007 all Division of Land Use Regulation applications that are received without the new LURP2 Application Form will be sent back without review. This includes resubmission of any previously submitted applications. Please note that the application also requires that application fees must be identified by permit type as discussed on page 2 of the application form. The new form has a revised date of 2/1/2007 and is attached. You can also download the new application form from our website at www.nj.gov/dep/landuse. This requirement was posted on the Division's website February 1, 2007 and has been sent to all our clients. If you have any questions or need further information, please contact the Division's Tech Support Center at (609) 777-0454 or (609) 984-0162.

Sincerely,



Thomas Micai
Director



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

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LISA P. JACKSON
Commissioner

MAR 06 2007

Junetta Nowell Dix
Junetta N. Dix Consulting, Inc.
213 East Seaview Avenue
Linwood, NJ 08221

RE: Freshwater Wetlands Statewide General Permit #10B, Water Quality Certification and Waiver of Transition Area for Access
File No.: 1507-05-0153.1
Activity No.: FWW060001
Applicant: Monroe Properties USA, LLC
Block: 412.12; Lots: 22.06 & 26.02
Township of Toms River, Ocean County

Dear Ms. Dix:

The Division of Land Use Regulation has reviewed the referenced application for a Freshwater Wetlands Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Freshwater Wetlands Statewide General Permit No. 10B, which conditionally authorizes construction of one or more road crossings in wetlands, transition areas and/or State open waters. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

Approved Plans/Limit of Authorized Disturbance

The regulated activities hereby authorized by this letter are depicted on the approved plan consisting of one sheet entitled: "WETLANDS PERMIT PLAN, GC WEN, INC., PROPOSED WENDY'S RESTAURANT, BLOCK 412.12, LOTS 22.06 & 26.02, NJSH RT. 9 AT MONROE AVE., DOVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY," dated 2/9/07, unrevised, and prepared by J.D. Spalt of Dynamic Engineering Consultants, PC.

This permit authorizes the filling of 0.17 acres (7,362 SF) of transition area for the proposed access drive, pursuant to the standards at N.J.A.C. 7:7A-5.10B of the Freshwater Wetlands Protection Act. Any additional disturbance of freshwater wetlands or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation.

Permit Conditions

The activities allowed by this authorization shall comply with the conditions noted at N.J.A.C. 7:7A-4.3 and 5.10B. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et.seq.). In addition to the above referenced conditions, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General Conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" (obtainable from local Soil Conservation District Offices), or equal engineering specifications, to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable, or subject to modification or change at any time, when in the judgement of the Department of Environmental Protection of the State of New Jersey, such revocation, modification or change shall be necessary.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
8. A copy of this authorization shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Department the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.

GP Activity Transition Area Waiver

The wetlands affected by these general 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 authorization includes a transition area waiver, where applicable, which allows direct access to a permitted wetland activity. Additional regulated activities conducted within a standard transition area on-site shall

either be counted toward the respective GP areal limit or require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Appeal of Decision

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 after notice of 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.

If you have any questions regarding this letter, please contact Ryan J. Anderson of our staff at (609) 292-8262. Be sure to indicate the Department's file number in any communication.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Fanz". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "Fanz".

David B. Fanz, Supervisor
Bureau of Coastal Regulation

- c. Toms River Township Construction Official
Toms River Township Clerk
NJDEP-Bureau of Coastal and Land Use Compliance and Enforcement, Toms River



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
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JON S. CORZINE
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LISA P. JACKSON
Commissioner

Junetta N. Dix
Junetta N. Dix Consulting
213 E. Seaview Avenue
Linwood, NJ 08221

MAR 06 2007

RE: Transition Area Waiver-Averaging Plan Approval
File No.: 1507-05-0153.1
Activity No.: FWW050002
Applicant: Monroe Properties USA, LLC
Block: 412.12; Lot: 22.06
Township of Toms River, Ocean County

Dear Ms. Dix:

This letter is in response to your request for a transition area waiver averaging plan to modify the standard transition area on the above referenced property.

THIS WAIVER IS NOT VALID AND NO WORK IS AUTHORIZED IN ANY WETLAND OR WETLAND TRANSITION AREA UNTIL THE DEED RESTRICTION AS NOTED IN WAIVER CONDITION #3 IS FILED WITH THE APPROPRIATE COUNTY OFFICIALS AND A RECORD OF SAID FILING IS SUBMITTED TO THE DIVISION OF LAND USE REGULATION.

The Division of Land Use Regulation has determined that the freshwater wetlands present on or adjacent to the above referenced property are of Intermediate resource value. Pursuant to N.J.A.C. 7:7A-2.5, a standard transition area of 50 feet is required adjacent to these wetlands. The submitted plan shows a modification to this standard transition area through the means of a transition area averaging plan.

Section 7:7A-6 of the Freshwater Wetlands Protection Act Rules discusses the conditions under which the standard transition area may be modified if the Department determines that the modification will result in minimal environmental impact and that the modified transition area will continue to feature the purposes and functions set forth in N.J.A.C. 7:7A-2.5(a) and (b).

Based upon a review of the submitted information, the Department has determined that the proposed modified transition area boundary line as shown on the plan map entitled "WETLANDS PERMIT PLAN, GC WEN, INC., PROPOSED WENDY'S RESTAURANT, BLOCK 412.12, LOTS 22.06 & 26.02, NJSH RT. 9 AT MONROE AVENUE, DOVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY," dated 2/9/07, unrevised, and prepared by J.D. Spalt of Dynamic Engineering Consultants, PC, will continue to meet the purposes and functions of a transition area as detailed in the Act and implementing rules providing the following conditions are met. **Please be advised that this averaging plan is to provide compensation for**

a transition area violation (File #1507-91-0003.1) on Block 412.12, Lot 22.05. There is no reduction in transition area authorized as part of this approval.

Waiver Conditions

In addition to the standard conditions set forth in section 7:7A-6, the following special conditions must be met for the activity authorized under this transition area waiver.

1. The transition area shall provide for a compensation of 0.087 acres (3,800 SF) as shown on the referenced plan.
2. The owner shall sign a Department approved conservation restriction for the modified transition area on the subject parcel(s) in accordance with N.J.A.C. 7:7A-6.1(h). **The conservation restriction shall apply to the entire transition area(s), including the reduced area(s), the compensated area(s), and any other transition areas on the subject property.** The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages), in the county wherein the lands included in the waiver are located. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetland and transition area boundaries. Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act. **The conservation restriction should conform to the format and content of the model Declaration of Restriction for Modified Transition Area found at www.state.nj.us/dep/landuse/forms. Prior to site preparation or within 60 days, the permittee shall submit a draft copy of the required conservation restriction information for review and written approval to the Department. This information should include the model deed restriction language, a metes and bounds description of the deed restricted area and a plan illustrating the site and deed restricted area. Upon written approval of the draft, a final conservation restriction shall be recorded with the property deed in the office of the County Clerk and proof of recordation shall be submitted to the Department. No site preparation or construction authorized by this permit shall commence until the approved conservation restriction is recorded with the property deed in the office of the County Clerk.**
3. Silt fencing shall be placed at the interface of the transition area and the upland lot areas prior to site preparation. This condition shall be printed on all applicable construction plans. In addition, the permittee shall erect a fence at the limit of the approved conservation restriction area as shown on the approved plan at the completion of site grading.
4. The permittee shall inform prospective buyers of lots containing regulated transition area that the presence of the regulated area may place constraints on proposed future development. In addition, the permittee shall erect permanent signs on the split rail fence that denotes the area beyond the fence as deed restricted. A sign shall be placed on each lot affected by the conservation area.

Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A 13:9B-1 et seq). You are entitled to rely upon this boundary determination for a period of five years from the date of this letter pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-6.

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

A copy of this plan, together with the information upon which this boundary determination is based, has been made a part of this Department's public records.

The freshwater wetlands and the transition area boundary line, as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above file number and the following note:

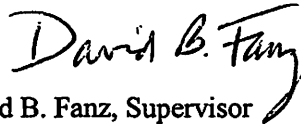
"Freshwater Wetlands/Waters as verified by the NJDEP, file #1507-05-0153.1 FWW050001" and
"Transition Area Boundary Line approved by the NJDEP on (Date of this Letter), file #1507-05-0153.1 FWW050002"

Appeal of Decision

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 after notice of 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.

If you have any questions regarding this letter, please contact Ryan J. Anderson of my staff at (609) 292-8262. Be sure to indicate the file number in any communication.

Sincerely,



David B. Fanz, Supervisor
Bureau of Coastal Regulation

c: Toms River Township Clerk
Toms River Township Construction Official
NJDEP – Bureau of Coastal and Land Use Compliance and Enforcement, Trenton



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
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Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
Fax # (609) 777-3656
www.state.nj.us/landuse

LISA P. JACKSON
Commissioner

Junetta N. Dix
Junetta N. Dix Consulting
213 E. Seaview Avenue
Linwood, NJ 08221

MAR 06 2007

RE: Letter of Interpretation/Line Verification
File No.: 1507-05-0153.1
Activity No: FWW050001
Applicant: Monroe Properties USA, LLC
Block: 412.12, Lot: 22.06
Township of Toms River, Ocean County

Dear Ms. Dix:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation 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 on December 14, 2005, the Division of Land Use Regulation has determined that **the wetlands and waters boundary line(s) as shown on the plan map consisting of one sheet entitled "WETLANDS PERMIT PLAN, GC WEN, INC., PROPOSED WENDY'S RESTAURANT, BLOCK 412.12, LOTS 22.06 & 26.02, NJSH RT. 9 AT MONROE AVE., DOVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY," dated 2/9/07, unrevised, and prepared by J.D. Spalt of Dynamic Engineering Consultants, PC is accurate as shown for the property in question.** Please be advised that this Letter of Interpretation is only valid for Block 412.12, Lot 22.06.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Department's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP, File #1507-05-0153.1, Activity #FWW050001."

In addition, the Department has determined that the wetlands on and adjacent to the property are of Intermediate resource and the standard transition area or buffer required adjacent to these wetlands is 50 feet. It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

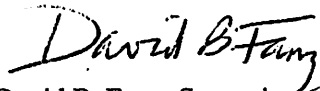
In addition, all wetlands that are a tributary to the Barnegat Bay are designated as a "Priority Wetland" by the U.S. Environmental Protection Agency. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this 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.

This letter in no way legalizes any fill, which may have been placed, or other regulated activities, which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

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 after notice of 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.

Please contact Ryan J. Anderson of our staff at (609) 292-8262 should you have any questions regarding this letter. Be sure to indicate the file number in all communication.

Sincerely,



David B. Fanz, Supervisor
Bureau of Coastal Regulation

c: Toms River Township Clerk
Toms River Township Construction Official



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation Application Form (LURP-2)
Division of Land Use Regulation
501 E. State Street P O Box 439
Trenton, NJ 08625-0439
www.nj.gov/dep/landuse



G-PIDB
revised
LURP

PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. **Applicant Name:** Monroe Properties USA, LLC Email: jfarellatx@yahoo.com
Address: 425 Henrietta Avenue City: Webster
State: TX Zip: 77598 Daytime Phone: 281-728-3504 Ext.: Cell Phone:
2. **Agent Name:** Junetta N. Dix Firm: Junetta N. Dix Consulting Email: junettanowell@comcast.net
Address: 213 E. Seaview Avenue City: Linwood
State: NJ Zip: 08221 Daytime Phone: 609-927-5580 Ext.: Cell Phone:
3. **Property Owner Name:** SAME AS APPLICANT Address: SAME AS APPLICANT
City: State: Zip: Phone: Ext.:
4. **Project Name:** Proposed Wendy's Restaurant Site Location (Street Address): Whitty Road at Route 9 South
Zip: 08753 Municipality: Township of Toms River (formerly Dover Twp.) County: Ocean County
Block(s): 412.12 Lot(s): 22.06 and 26.02 - for G-PIDB only
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: E (x): 572572 N (y): 425078
Nearest Waterway: Un-named trib. to Toms River Watershed: Toms River Subwatershed: Toms River
5. **Fees:** Total Fee: 1,390.00 Project Cost: N/A Check No: 113
6. **Project** The applicant is applying for a Letter of Interpretation, Boundary Verification (re-issuance after the expiration date)
Description: and also, a Statewide General Permit No. 10, to construct an access drive from Route 9 South, into the site. The
access drive, per DOT standards, must align with Whitty Road and thus, crosses through wetland buffers.

FOR OFFICIAL USE ONLY

Program Interest # Class Code Activity #
Type Component Type Highlands Yes No
Proposed activity Fees Urban Area Yes No
Date Received / / 20th Day / / 90th Day / /
PRO Project Engineer
Alternate Program Interest ASU ASU Date / /
Program Interest # Class Code Activity #
Type Component Type Fees Pts
Proposed activity

Revised 2/1/2007

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program Application Form (LURP #)
Land Use Regulation Program
501 E. State Street P O Box 439
Trenton, NJ 08625-0439

LOI +
AP
LURP

PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. Applicant Name Monroe Properties USA, LLC
Address 397 Dunhams Corner Road Phone (732) 613-8753
City New Brunswick State NJ Zip 08816
2. Agent Name Junetta Nowell Dix Firm Junetta N. Dix, Consulting, Inc.
Address 213 E. Seaview Avenue Phone (609) 927-5580
City Linwood State NJ Zip 08221
3. Project Name N/A Location (Street Address) Monroe Avenue at Route 9
Municipality Dover Township County Ocean County
Block(s) 412.12 Lot(s) 22.06
- N.A.D. 1983 State Plane Coordinates N(y) 4,365,421 feet E(x) 489,623 feet
Nearest Waterway Un-named tributary to Toms River Watershed Toms River
4. Total Fees \$1,390.00 Project Cost N/A Check Number 113
5. Project Description: The applicant has previously received a Letter of Interpretation, Boundary Verification and Transition Area Wavier for the property. These approvals have since expired and the applicant seeks re-issuance of both permits. The subject site is approximate 5-acre tract.

Greenlight

FOR OFFICIAL USE ONLY

Program Interest # 1507-05-0153.1 Class Code PW Activity # 050001
Type PW44 Component Type LOT 20th Day _____ 90th Day _____
Proposed activity Verification Fees 890
Date Received 9/28/05 PRO Ryan Anderson Pts _____ Project Eng _____ Pts _____
Alternate PI 1507-920015-1 ASU J2 ASU Date 10/13/05

Program Interest # 1507-05-0153.1 Class Code PW Activity # 050002
Type PWTW1 Component Type trans 20th Day _____ 90th Day _____
Proposed activity averg. Fees 500 Pts _____

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program Application Form (LURP #)
Land Use Regulation Program
501 E. State Street P O Box 439
Trenton, NJ 08625-0439

RECEIVED

2006 SEP 15 A 11:45

LAND USE REGULATION

GP10B
Original
LURP

PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. Applicant Name Monroe Properties USA, LLC
Address 397 Dunhams Corner Road Phone (732) 613-8753
City New Brunswick State NJ Zip 08816
2. Agent Name Junetta Nowell Dix Firm Junetta N. Dix, Consulting, Inc.
Address 213 E. Seaview Avenue Phone (609) 927-5580
City Linwood State NJ Zip 08221
3. Property Owner Name SAME AS APPLICANT
Address _____ City _____ State _____ Zip _____
4. Project Name N/A Location (Street Address) Monroe Avenue at Route 9 Zip: 08753
Municipality Dover Township County Ocean County
Block(s) 412.12 Lot(s) 22.06
N.A.D. 1983 State Plane Coordinates N(y) 4,365,421 feet E(x) 489,623 feet
Nearest Waterway Un-named tributary to Toms River Watershed Toms River
4. Total Fees \$1,390.00 Project Cost N/A Check Number 113
5. Project Description: The applicant has previously received a Letter of Interpretation, Boundary Verification and Transition Area Wavier for the property. These approvals have since expired and the applicant has previously applied for re-issuance of both permits. As part of that review, it has been determined that an SGP#10B is also required and is the subject of this application.

FOR OFFICIAL USE ONLY

Program Interest # 1507-05-01 0153-1 Class Code FWW Activity # 060001
Type Fugl 10 B Component Type Transition 20th Day _____ 90th Day _____
Proposed activity Minor road change on N'sturbana Fees SW
Date Received 9/1/06 PRO R. Anderson Pts _____ Project Eng _____ Pts _____
Alternate PI _____ ASU DM ASU Date 10/11/06

Program Interest # _____ Class Code _____ Activity # _____
Type _____ Component Type _____ 20th Day _____ 90th Day _____
Proposed activity _____ Fees _____ Pts _____

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program Application Form (LURP #)
Land Use Regulation Program
501 E. State Street P O Box 439
Trenton, NJ 08625-0439

PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. Applicant Name Monroe Properties USA, LLC
Address 397 Dunhams Corner Road Phone (732) 613-8753
City New Brunswick State NJ Zip 08816
2. Agent Name Junetta Nowell Dix Firm Junetta N. Dix, Consulting, Inc.
Address 213 E. Seaview Avenue Phone (609) 927-5580
City Linwood State NJ Zip 08221
3. Project Name N/A Location (Street Address) Monroe Avenue at Route 9
Municipality Dover Township County Ocean County
Block(s) 412.12 Lot(s) 22.06
N.A.D. 1983 State Plane Coordinates N(y) 4,365,421 feet E(x) 489,623 feet
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FOR OFFICIAL USE ONLY

Program Interest # _____ Class Code _____ Activity # _____
Type _____ Component Type _____ 20th Day _____ 90th Day _____
Proposed activity _____ Fees _____
Date Received ____/____/____ PRO _____ Pts _____ Project Eng _____ Pts _____
Alternate PI _____ ASU _____ ASU Date ____/____/____

Program Interest # _____ Class Code _____ Activity # _____
Type _____ Component Type _____ 20th Day _____ 90th Day _____
Proposed activity _____ Fees _____ Pts _____

Revised 7/03

Both the Applicant and Property owner's section must be filled out for all permits.

APPLICANT SIGNATURE

I certify under penalty of law that the information provided in this document is true and accurate. I am aware that there are significant civil and criminal penalties for submitting false or inaccurate information. (If corporate entity, print/type the name and title of person signing on behalf of the corporate entity.)



Signature of Applicant/Owner

Signature of Applicant/Owner

Date

Date

Print Name

Print Name

SAME AS PAGE 1

Print Address

Print Address

A. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to done. This endorsement is certification that the owner grants permission for the conduct of the proposed activity. In addition, I hereby give unconditional written consent to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection or survey of the project site.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement - Yes _____ No XXX
2. Whether any part of the entire project (e.g., pipeline, roadway, cable, transmission line, structure, etc.) will be located within property belonging to the State of New Jersey-Yes _____ No XXX

Date



Signature of Property Owner

Print Name

Print Address

B. APPLICANT'S AGENT

(Notary certification not required if applying for a Freshwater Wetlands Permit)

NOTE: Notary seal is required when an agent is used.

I _____, the Applicant/Owner, authorize to act as my agent/representative
in all matters pertaining to my application the following person:

Name Junetta N. Dix

Occupation/Profession Environmental Consultant



(Signature of Applicant/Owner)

AGENT'S CERTIFICATION

Sworn before me this day of

_____ 20 ____

I agree to serve as agent for the above-mentioned applicant



Junetta Nowell Dix
(Signature of Agent)

Not Required for Wetlands Applications

Notary Public

Site History

- 1/23/91 1507-91-0003.1 ENF B:412.12 L:22.01
- filling/clearing of TA for construction of SFH + garage

* subsequently, L:22.01 was subdivided into L:22.05 + 22.06
- 2/3/92 1507-91-0108.1 LOI-V B:412.12 L:22.05
- 5/20/96 1507-92-0015.1 TAN-AP B:412.12 L:22.06
- reduced TA on L:22.05 to address violation + compensated on L:22.06 ; no record of any deed restriction being filed
- 3/10/92 -0015.2 LOI-V
- 8/3/00 -0015.3 LOI-V → revised AP 15.1 ; moved comp. area to
" -0015.4 TAN-AP rear of 22.06 + proposed structures along Rt. 9
- Pending 1507-05-0153.1 FWN050001 LOI-V B:412.12 L:22.06 + 26.02
rec. 9/28/05 FWN050002 TAN-AP
- proposal was essentially a re-issuance of 91-0015.3,4 ; app. didn't show project on plan ; inspection conducted 12/14/05
- 2/14/06 - sent email requesting project on plan ; also wanted them to take references to old WL line (it had changed slightly) + old AP
- 7/25/06 - DEP receives a revised conceptual plan ; spoke w/ agent + informed there was a road through TA as shown on plans ; also req. they put compensation from 91-0015.1 back on plans ; new plans didn't show comp that addressed '91 violation ^{adds L:26.02}
- 9/15/06 - DEP receives application for FWGP10B (FWN060001) ; propose to construct an access road for commercial dev.
- 11/9/06 - DEP sends deficiency email for project
- 2/12/07 - DEP approves conceptual plan via email ; agent will send 5 plans

1507-05-0153.2 B:412.12 L:22.06+26.02

APD050001 SE JD 10/14/05 - no SE permit req.

APD050002 Coastal JD 12/13/05 - no coastal permits req.

From: "Junetta N. Dix" <junettanowell@comcast.net>
To: "Ryan Anderson" <Ryan.Anderson@dep.state.nj.us>
Date: 3/1/2007 2:06:22 PM
Subject: Re: Monroe Properties

Yeah, the response was written in pink after each of your items. Scroll down....

----- Original Message -----

From: "Ryan Anderson" <Ryan.Anderson@dep.state.nj.us>
To: <junettanowell@comcast.net>
Sent: Thursday, March 01, 2007 1:02 PM
Subject: Re: Monroe Properties

did you send a response? I got an email but no text

>>> "Junetta N. Dix" <junettanowell@comcast.net> 3/1/2007 11:45 AM >>>

----- Original Message -----

From: "Ryan Anderson" <Ryan.Anderson@dep.state.nj.us>
To: <junettanowell@comcast.net>
Sent: Thursday, March 01, 2007 9:43 AM
Subject: Monroe Properties

Junetta

I was getting everything together and realized we have another problem...possibly minor. When the original application came in for the LOI and TAW, it was only for L: 22.06. Now that L: 26.02 is part of the application, something has to be done about showing the extent of wetlands on that lot. I guess we have two options:

1. We leave the plan as it is. I issue the LOI and TAW for L: 22.06 only and the GP10B for both lots. This is easiest for both of us but I don't know how the town is going to be with a LOI for only one lot. I would think they would be OK since we are approving a plan that shows the proposed project. Let's do it this way; I think the town will be fine. These guys are really anxious to proceed. I think there is a plan (eventually) to build something on the back of Lot 26.02. I'll advise them that, when and if they plan this, we'll have to flag more wetlands and apply for new LOI.

2. We revise the plan to show all of L: 26.02 with the extent of wetlands and issue all 3 permits for both lots. I think this involves mor field work, surveying, etc.

It's really up to you guys depending on how you think the town will react.

Ryan



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

RECEIVED

Project #: 0072-05-001

2007 FEB 22 A 11: 57

To: NJDEP

Date: 02/21/07

Division of Land Use Regulation

LAND USE REGULATION

Re: Monroe Properties / Wendy's

501 E. State Street

Trenton, NJ 08625

Attn: Ryan Anderson

VIA: ☐ USPS ☒ Overnight Delivery ☐ Hand Delivery
☐ OTHER:

ENCLOSED: ☒ Plans ☐ Reports ☐ Shop Drawings ☐ Other: NJDEP Forms

No.	Date	Description	Signed & Sealed
5		Wetlands Permit Plan	Yes

SUBMITTED: ☐ For approval ☒ For your use ☒ As requested ☐ For review and comment
☐ Approved as submitted ☐ Approved as noted ☐ Returned for corrections

Comments:

CC: Signed: Jeffrey D. Spalt, PE, PP

February 15, 2007
Via DHL Ground

New Jersey Department of Environmental Protection
Division of Land Use Regulations
501 East State Street
Trenton, New Jersey 08625

Attn: Ryan Anderson

RE: Monroe Properties/Wendy's
Block 412.12, Lot 22.06 & 26.02
Township of Toms River
Ocean County, New Jersey
DEC # 0072-005-001

RECEIVED
2007 FEB 16 A 10:49
LAND USE REGULATION

Dear Mr. Anderson:

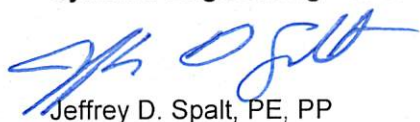
Pursuant to our email correspondence with Junetta Dix enclosed please find five (5) copies of the revised Wetlands Permit Plan as prepared by our office for the above referenced project. By copy of this correspondence with are also forwarding a copy of this plan to Junetta Dix.

We understand you will be utilizing this information to further process the Permit Application for the GP10B.

In the event that additional information is required, please do not hesitate to contact our office. Thank you.

Sincerely,

Dynamic Engineering Consultants, PC


Jeffrey D. Spalt, PE, PP

Enclosures

Cc: Junetta Dix (w/enc)
Gaspar Giordano

From: Ryan Anderson
To: Dix, Junetta
Subject: Re: Monroe Properties / Wendy's

The plan is fine. We are OK with the location of the road since DOT requires it be placed there. Just double check that extra lot. It looks like it's part of the project as shown on the tax map. No big deal. Just add to the LURP form.

>>> "Junetta N. Dix" <junettanowell@comcast.net> 2/12/2007 10:47 AM >>>

Hi Ryan - As a result of your email, outlining 3 issues, the project engineers have revised the plans:

1. You advised that we can piggy-back a TAW on top of a GP, and accordingly, the project engineer has re-designed the site so that only the access road is within the wetlands buffer and the remaining drive has been pulled outside of the buffer. Because of DOT regulations, the access drive from Route 9 really has to align with Whitty Road, so we really can not avoid the buffer disturbance. The total area of proposed buffer disturbance is 7362 square feet; less than the permitted area under the GP10B. Could you please take a look at the attached and let us know if it looks okay before we make prints and send you revised plans?

2. No other buffer averaging is now proposed so only the previously approved buffer compensation is now shown on the plan.

3. I don't think Lot 26.02 is, in fact, included in the application but I'll have the project engineers double check. If not, we will, of course, remove it from the title block on the plans. If it is, I'll send you a revised page 1 of the LURP form.

If you'll let me know your thoughts on the revised plans, we can then send you the required copies.

Thanks so much,

Junetta

Email from Ryan Anderson to JunettaNowell@comcast.net

I got the revised plans along with the GP10B application and I have some issues with the application.

1. First, you have attempted to extend the limits of a GP through the use of a TAW. If you look at NJAC 7:7A-6.1k, it talks about this. Basically you can't use the AP for the same activity as the GP because the combined disturbance of both exceeds the quarter acre allowed under the GP10B. So you are going to have to try and find another way to permit the road.

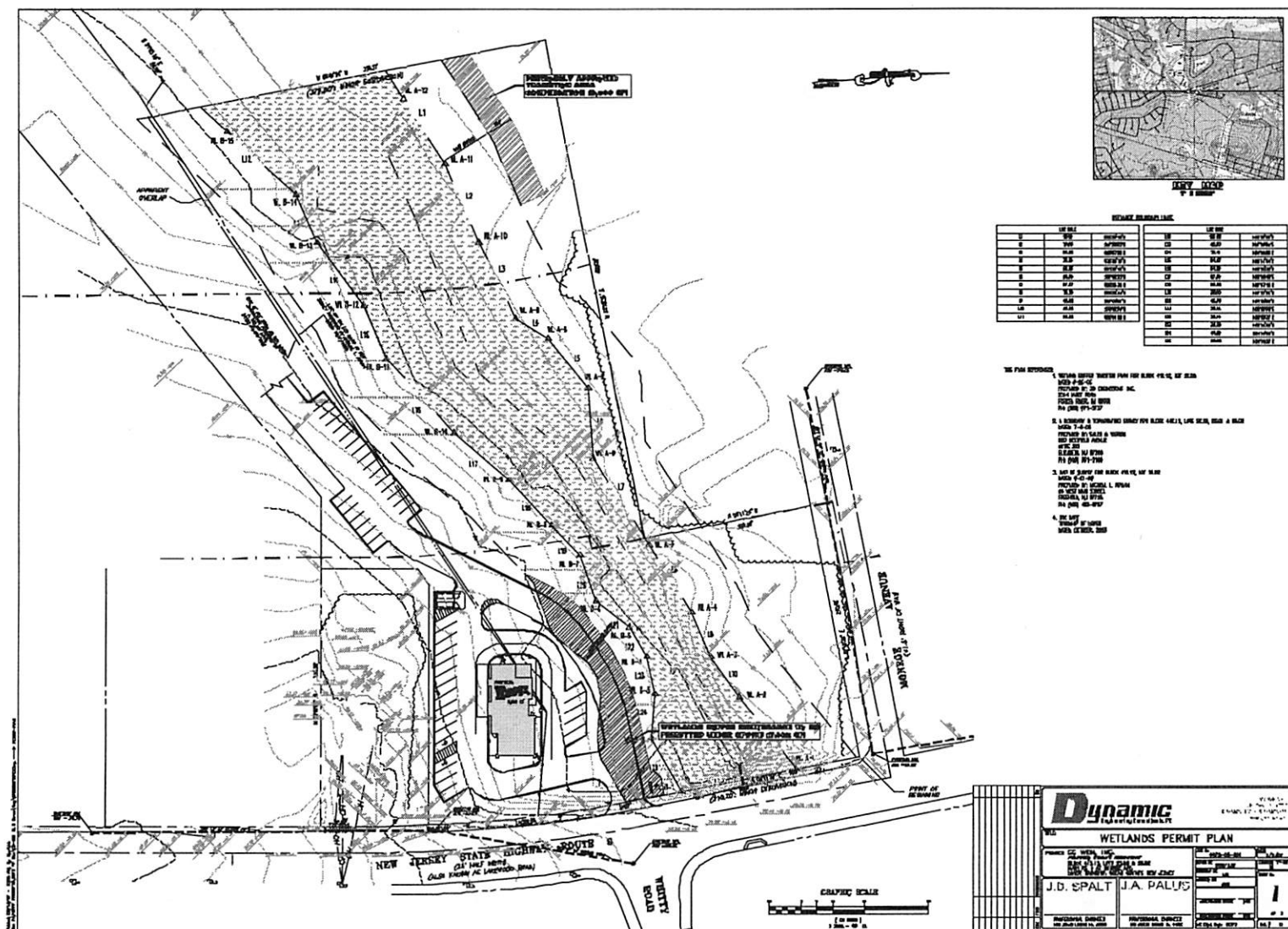
2. Second, as proposed, the total compensation is 10,479 to cover the 10,376 reduction. But you have forgotten to include the 3,790 SF of compensation that was originally moved from NE corner of the lot to the rear of the lot. That was the compensation that was provided back in 96 to address the violation on L: 22.05. You still need to provide this compensation somewhere on the property.

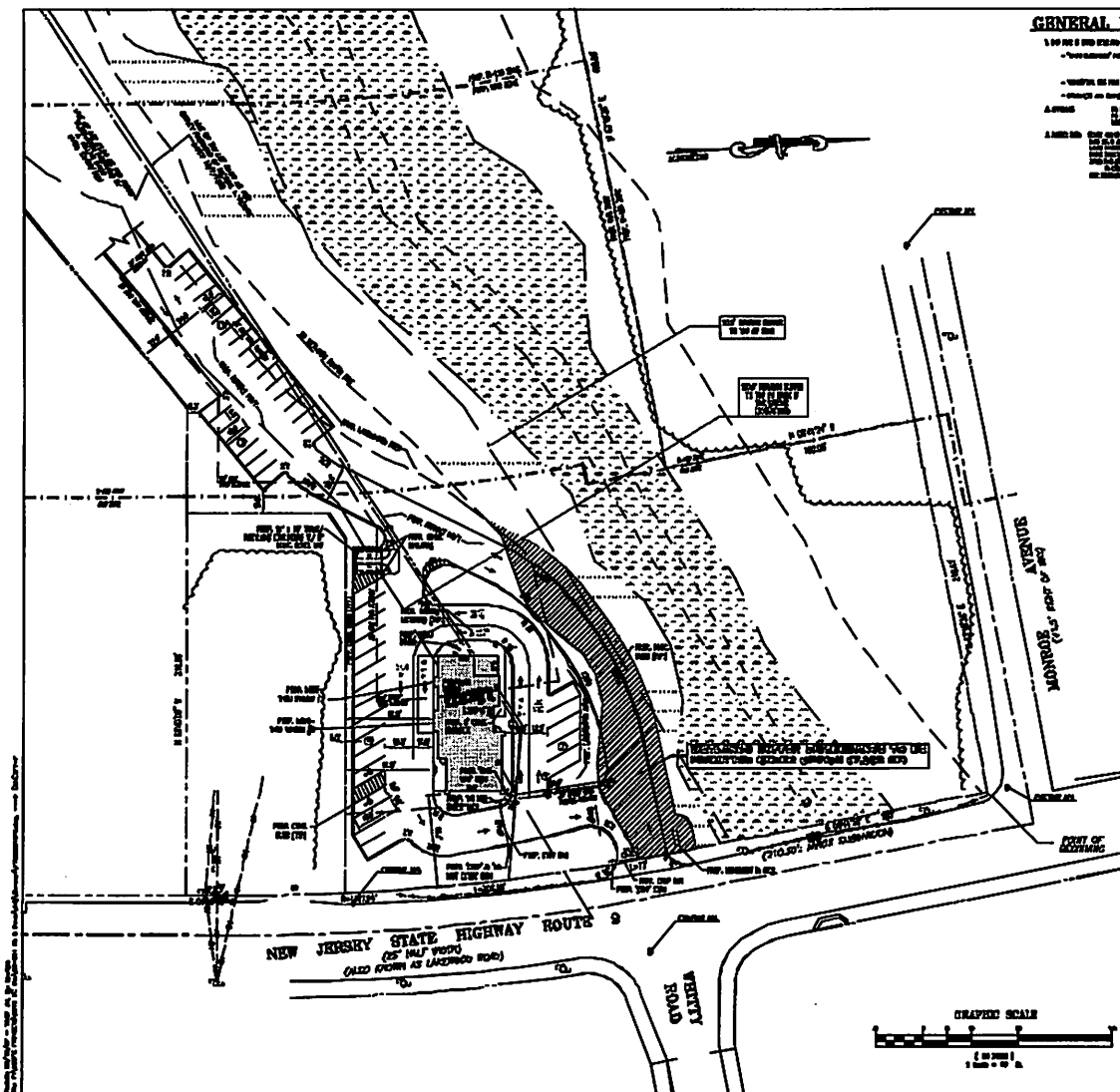
3. I also noticed that L: 26.02 is now part of the application. Can you provide a revised LURP1 first page that shows this. And all future plans should show the entire property in question.

If you have questions, let me know.

Ryan

CC: Farella, Joseph; Giordano, Gaspar; Spalt, Jeff





GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. "CONCRETE" SHALL BE 4000 PSI STRENGTH CONCRETE WITH 4% STEEL FIBERS.
3. "PAVEMENT" SHALL BE 4" ASPHALT OVER 4" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
4. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
5. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
6. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
7. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
8. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
9. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.
10. "FILL" SHALL BE 3" GRANULAR FILL OVER 4" GRANULAR SUBGRADE.

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE	100	CU YD	100.00	100.00
2	PAVEMENT	100	CU YD	100.00	100.00
3	FILL	100	CU YD	100.00	100.00
4	FILL	100	CU YD	100.00	100.00
5	FILL	100	CU YD	100.00	100.00
6	FILL	100	CU YD	100.00	100.00
7	FILL	100	CU YD	100.00	100.00
8	FILL	100	CU YD	100.00	100.00
9	FILL	100	CU YD	100.00	100.00
10	FILL	100	CU YD	100.00	100.00

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

CONCEPTUAL SITE PLAN "F"	
PROJECT: 00-000-000 DATE: 00-00-00 BY: J.D. SPALT	PROJECT: 00-000-000 DATE: 00-00-00 BY: J.A. PALUS
REVISION: 00-00-00 REVISION: 00-00-00	REVISION: 00-00-00 REVISION: 00-00-00

11/9/06 1:30 PM

From: Ryan Anderson
To: Dix, Junetta Nowell
Subject: Monroe Properties

Junetta

I got the revised plans along with the GP10B application and I have some issues with the application.

First, you have attempted to extend the limits of a GP through the use of a TAW. If you look at NJAC 7:7A-6.1k, it talks about this. Basically you can't use the AP for the same activity as the GP because the combined disturbance of both exceeds the quarter acre allowed under the GP10B. So you are going to have to try and find another way to permit the road.

Second, as proposed, the total compensation is 10,479 to cover the 10,376 reduction. But you have forgotten to include the 3,790 SF of compensation that was originally moved from NE corner of the lot to the rear of the lot. That was the compensation that was provided back in 96 to address the violation on L: 22.05. You still need to provide this compensation somewhere on the property.

I also noticed that L: 26.02 is now part of the application. Can you provide a revised LURP1 first page that shows this. And all future plans should show the entire property in question.

If you have questions, let me know.

Ryan



Junetta N. Dix Consulting, Inc.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TELEPHONE/FAX: (609) 927-5580
EMAIL: JUNETTANOWELL@COMCAST.NET

VIA OVERNIGHT DELIVERY

July 25, 2006

Mr. Ryan Anderson
New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
501 E. State Street (5 Station Plaza)
Trenton, New Jersey 08625-0401

**Re: Letter of Interpretation, Boundary Verification, and Transition Area Waiver
(Averaging Plan) Application #1507-92-0015.3 - .4
Block 412.12, Lot 22.06; Dover Township; Ocean County
Applicant: Monroe Properties USA**

Dear Mr. Anderson:

In response to your email sent on February 14, 2006, enclosed please find one (1) copy of a new plan (preliminary; un-signed), for the above captioned pending application. Due to non-response from the former site engineer, the applicant has retained a new engineer (Dynamic Engineering Consultants, PC) to complete the requested plan revisions.

I apologize for the delay in providing this response.

I recognize that you require five (5) signed and sealed copies of the plan to issue the approval. However, I wanted to give you an opportunity to review the print prior to having Dynamic Engineering finalize and printing numerous copies.

Please advise as soon as possible if the plan addresses the comments of your email and I will provide the required copies. Thank you for your continued assistance with this permit application.

Sincerely,

Junetta N. Dix
Agent for the Applicant

Enclosures

C: Monroe Properties, USA (applicant) (w/o)
Jeffrey Spalt, PE (w/o)

Junetta Dix

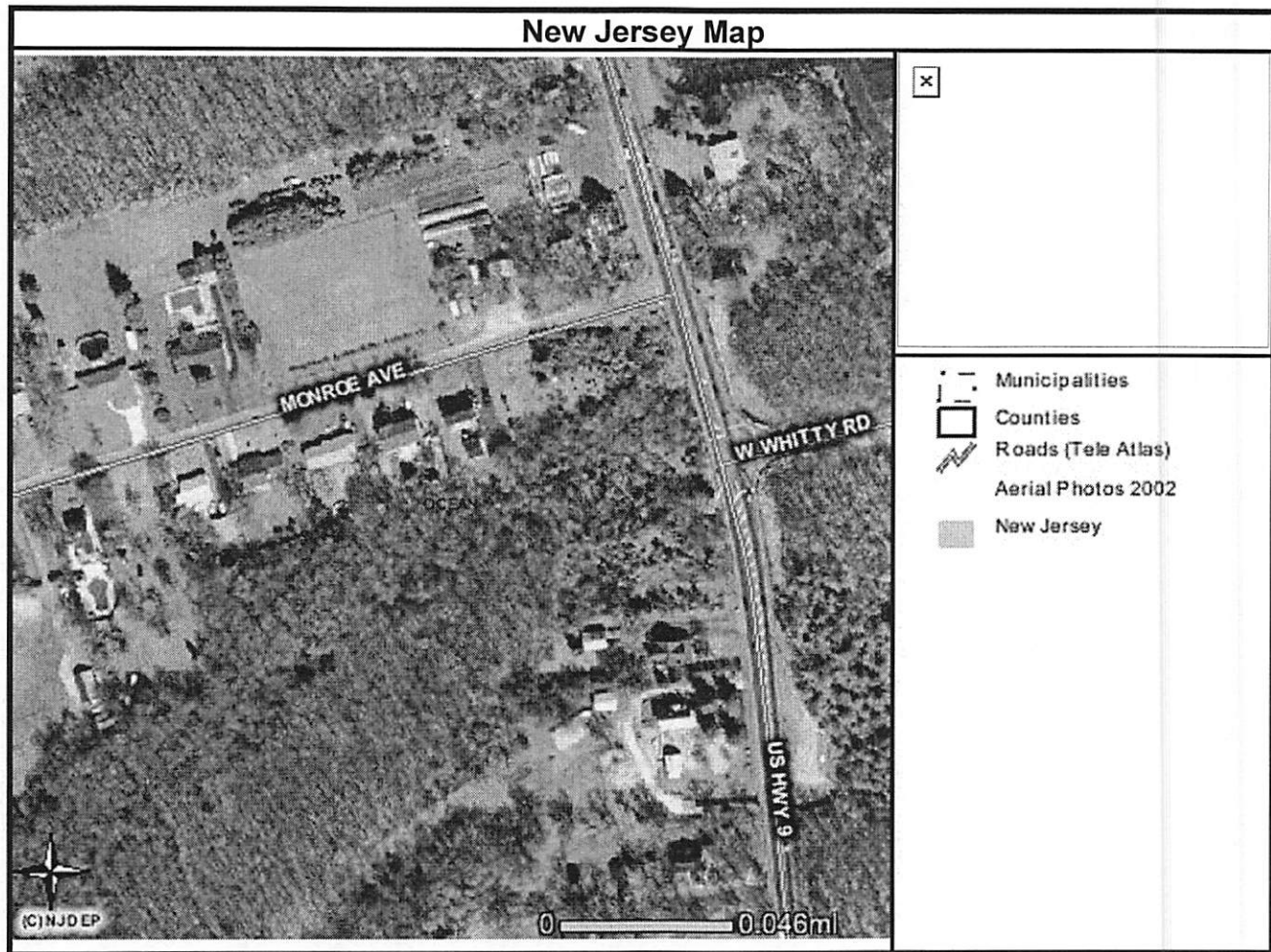
From: "Ryan Anderson" <Ryan.Anderson@dep.state.nj.us>
To: <junettanowell@comcast.net>
Sent: Tuesday, February 14, 2006 4:54 PM
Subject: Monroe Properties 1507-05-0153.1

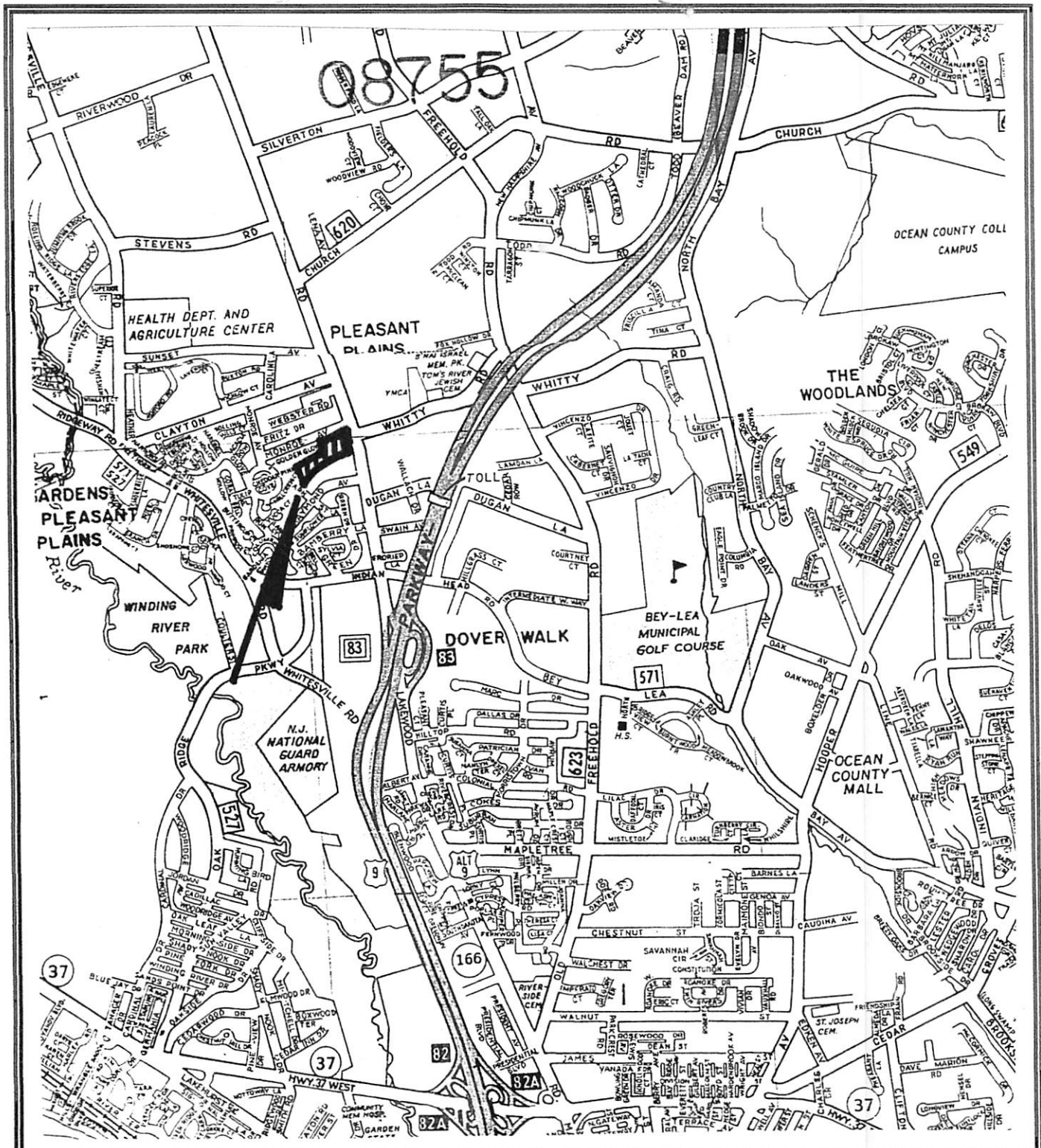
Junetta

I wanted to touch base with you regarding this LOI and AP in Dover. I was out there and I was OK with the line...although quite a few of the flags were missing. I do have some comments regarding the plan. First of all, I would take off all references to the old approvals. You can keep the note but the overlapping wetlands lines and TAW areas of reduction and compensation are confusing. Just put the current WL line and the proposed TAW-AP on the plan. Additionally, you need to show a proposed project in order for us to issue the AP. So please show some sort of project on the plan including all proposed clearing, grading and structures. Please provide 5 copies of revised plans. Thanks

Ryan

7/25/2006





Junetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TEL/FAX: (609)927-5580

FIGURE 2 - ROAD MAP

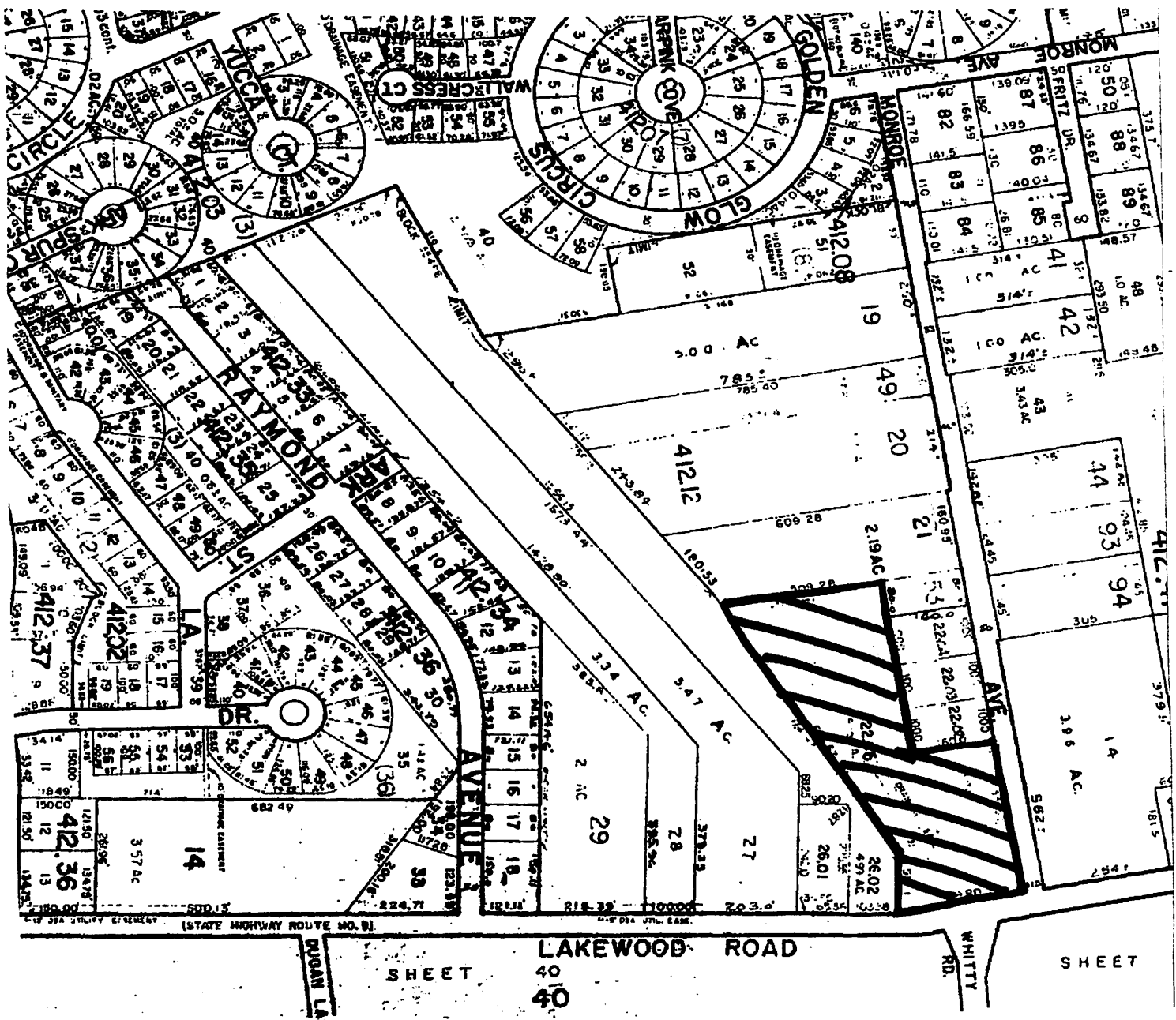
**Block 412.12, Lot 22.06; Dover Township;
Ocean County, NJ**

Drawn By:
GLB

Checked By:
JND

Date:
August 12, 1999

Scale: Not to Scale
Source: Hagstrom Ocean County Road Map



Dunetta E. Howell Consulting, Ltd.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TEL/FAX: (609)927-5580

FIGURE 1 - TAX MAP

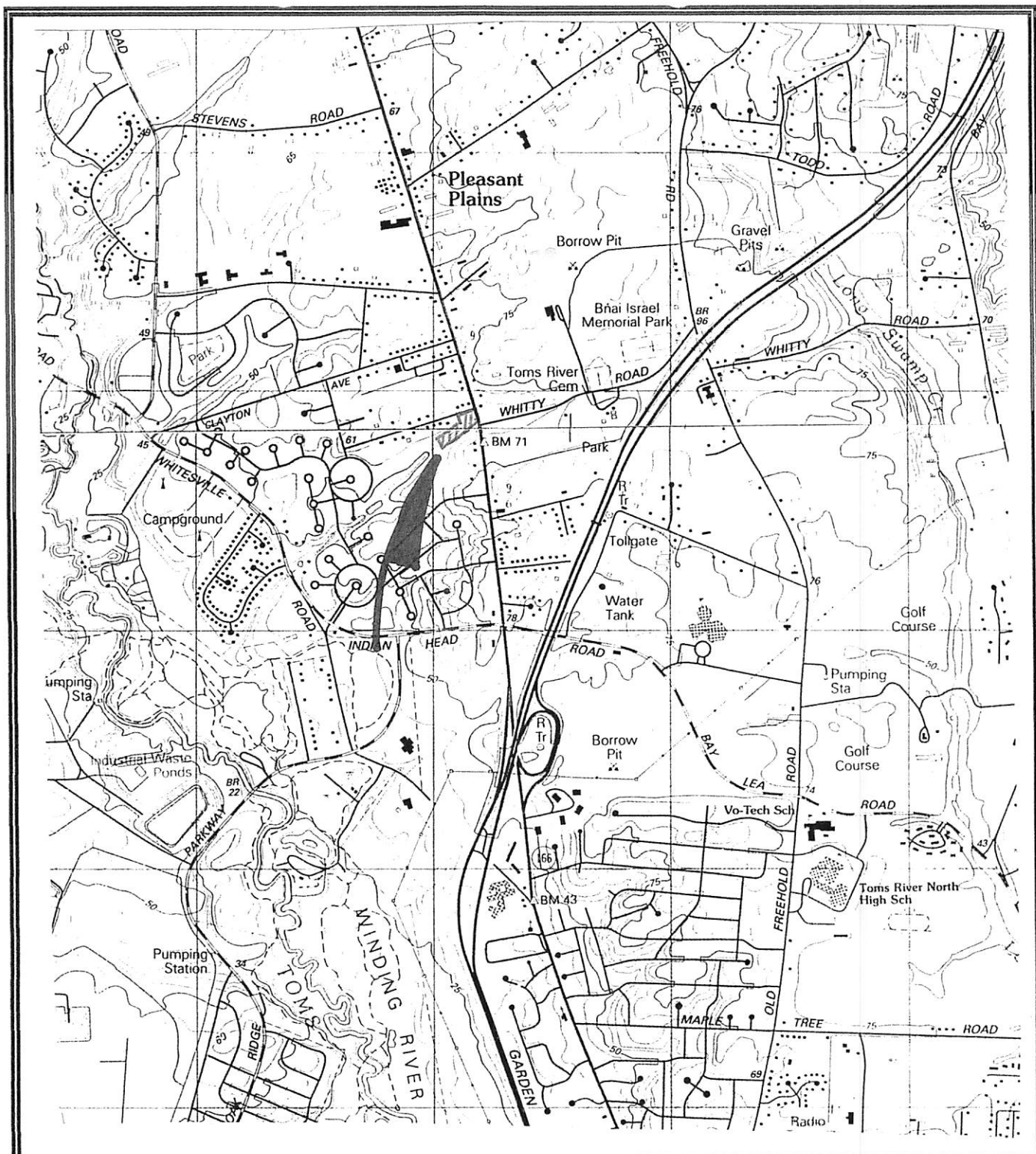
**Block 412.12, Lot 22.06; Dover Township;
Ocean County; NJ**

Drawn By:
GJB

Checked By:
JND

Date:
August 12, 1999

Scale: Not to Scale
Source: Dover Township Tax Maps



Junetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TEL/FAX: (609)927-5580

FIGURE 3- SITE LOCATION MAP

**Block 412.12, Lot 22.06; Dover Township;
Ocean County, NJ**

Drawn By:
GLB

Checked By:
JND

Date:
August 12, 1999

Scale: 1" = 2,000'

Source: USGS Topographic Map, Lakewood and Toms River,
NJ Quadrangles

113

MONROE PROPERTIES USA

292 BIRCH BARK DR.
BRICK, NJ 08723

55-39/212

DATE Sept 27, 2005

PAY TO THE ORDER OF TEASQUEA - STATE OF New Jersey \$ 1390.00

One Thousand & three hundred & ninety 00/100 DOLLARS

Bank of America



98622

Brick, New Jersey

FOR

⑆000113⑆ ⑆021200339⑆ 95086 42009⑆

Paula Stull

MP

ATTACHMENT 3 - NOTIFICATIONS

7004 2890 0000 6447 822

7004 2890 0000 6447 823

7004 2890 0000 6447 8931

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Kenneth & Lois Petroski
1472 Lakewood Road
Toms River, NJ 08755-3256

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28 Montee Avenue
Toms River, NJ 08755-3245

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7004 2890 0000 6447 9051

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To: Ocean County Planning Board
119 Hooper Avenue
CN 2191
Toms River, NJ 08753

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Sent To: Ocean County Environmental Commission
1623 Whitesville Road
Toms River, NJ 08753

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To: Dover Township Planning Board
33 Washington Street
Toms River, NJ 08754-0728

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33 Washington Street
Toms River, NJ 08754-0728

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To: Whitney Associates, LLC
156 Route 37 East
Toms River, NJ 08753

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To: Leonard Cuzzi Jr.
1481 Lakewood Road
Toms River, NJ 08755

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Total: Stanley & Frances Wallach
P.O. Box 144
Toms River, NJ 08754-0144

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SEP 27 2005
LINWOOD NJ

To: Scott Hyers
44 Monroe Avenue
Toms River, NJ 08755-3245

PS Form 3800, June 2002

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SEP 27 2005
LINWOOD NJ

Total: Lorraine & Patrick Dicristo
34 Monroe Avenue
Toms River, NJ 08755-3245

PS Form 3800, June 2002

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SEP 27 2005
LINWOOD NJ

Kenneth & Aida Zalenski
16 Monroe Avenue
Toms River, NJ 08755-3245

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LINWOOD NJ

Total: William & Eileen Klein
20 Monroe Avenue
Toms River, NJ 08755-3245

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SEP 27 2005
LINWOOD NJ

Total: ARC Ocean County
815 Cederbridge Road
Lakewood, NJ 08701-4932

PS Form 3800, June 2002

See Reverse for Instructions

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LINWOOD NJ

To: Monroe Properties USA LLC
292 Birch Bark Drive
Brick, NJ 08723

PS Form 3800, June 2002

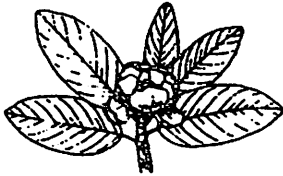
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SEP 27 2005
LINWOOD NJ

Total: Christy Ann Giammella
224 Manchester Avenue
Toms River, NJ 08753

PS Form 3800, June 2002

See Reverse for Instructions



Junetta N. Dix Consulting, Inc.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TELEPHONE/FAX: (609) 927-5580
EMAIL: JUNETTANOWELL@COMCAST.NET

September 27, 2005

Via Certified Mail Return Receipt

**TO: DOVER TOWNSHIP CLERK, CONSTRUCTION OFFICIAL, PLANNING BOARD
AND ENVIRONMENTAL COMMISSION
OCEAN COUNTY PLANNING BOARD & ENVIRONMENTAL COMMISSION
ADJACENT PROPERTY OWNERS**

**RE: FRESHWATER WETLANDS PROTECTION ACT
LETTER OF INTERPRETATION, BOUNDARY VERIFICATION
BLOCK 412.12; LOT 22.06; DOVER TOWNSHIP; OCEAN COUNTY
APPLICANT: MONROE PROPERTIES, USA, LLC**

Dear Sir/Madam:

This letter is to provide you with legal notification that Junetta N. Dix Consulting, Inc., on behalf of the applicant is submitting an application to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program, for a Freshwater Wetlands Protection Act Letter of Interpretation Permit.

If approved by the NJDEP, the letter of interpretation will confirm the limits of the wetlands on the property and will assign a resource value and associated required transition area, or buffer. A Transition Area Waiver, if approved by the NJDEP, will allow certain activities to occur in the transition area. The property owner is applying for a transition area waiver to average the wetland buffer to provide yard areas.

The complete permit application package will be available for review at the Dover Township Clerk's office or by appointment at the address below. The NJDEP welcomes comments and any information that you may provide concerning the property. Please submit your written comments along with a copy of this letter within 15 days of receiving this letter to:

New Jersey Department of Environmental Protection, Land Use Regulation
Program
P.O. Box 439, 501 E. State Street
Trenton, New Jersey 08625
Attention: Cumberland County Section Chief

As part of the Department's review of the application, NJDEP personnel may perform a site inspection on your property. This site inspection will involve only that area of your property

Sir/Madam

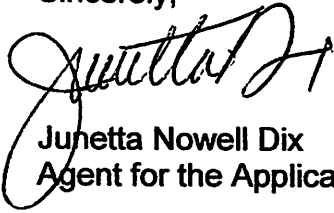
2

September 27, 2005

within 50 feet of the applicant's property line. This site visit will involve a visual inspection and possibly minor soil borings using a 4" diameter hand auger. The inspection will not result in any damage to vegetation or to improvements to your property.

The Department will notify the municipal environmental commission, planning board and the municipal construction official, as well as the County planning board of the Department's determination in the letter of interpretation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Junetta Nowell Dix".

Junetta Nowell Dix
Agent for the Applicant

Applicant: Monroe Properties, USA, LLC
397 Dunhams Corner Road
New Brunswick, NJ 08816

TOWNSHIP OF DOVER

County of Ocean
Toms River, New Jersey 08753

Return To: Office of the Assessor
33 Washington Street
Toms River, NJ 08753

Telephone: (732) 341-1000 Ext. 8300
Fax: (732) 797-3848

September 14, 2005

JUNETTA NOWELL DIX
213 EAST SEAVIEW AVE
LINWOOD, NJ 08221

**RE: PROPERTY OWNERS LIST
MONROE PROP.
BLOCK 412.12, LOT, 22.06
Property Location: 8 MONROE AVE**

To Whom It May Concern:

Enclosed please find a completed Property Owners List for the above referenced property per your recent request submitted to the Dover Township Assessor's Office. Please be advised that you will also be required to notify the attached agencies where indicated by (X).

Should you have any questions, please call or fax my office at the numbers listed above.

Respectfully submitted:

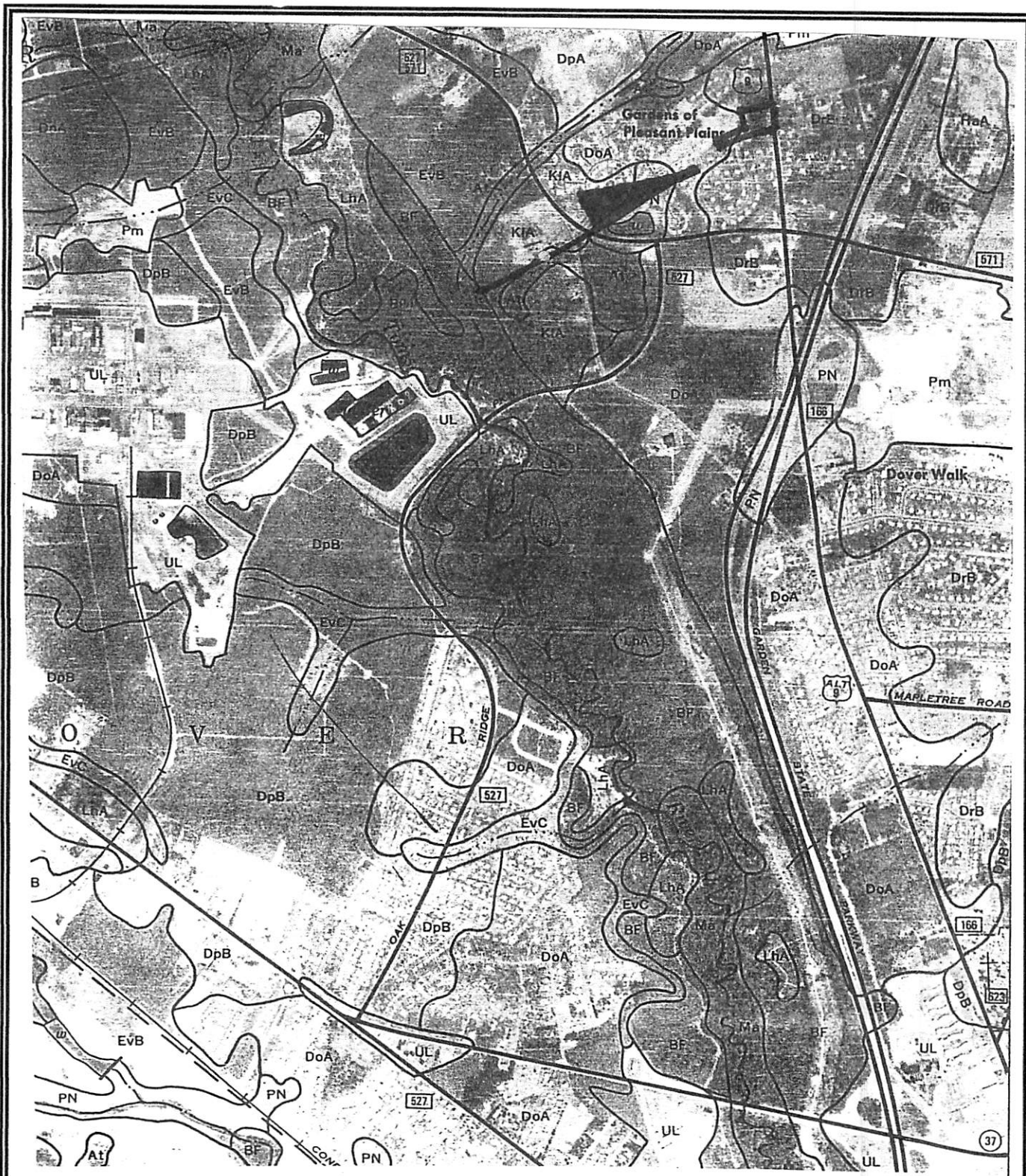


Glenn R. Seelhorst, CTA
Dover Township Assessor

GRS:keg
enclosures

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
410 28	1471 LAKEWOOD ROAD	2	WHITTY ASSOCIATES, LLC@GILLEN REALT 156 ROUTE 37 EAST TOMS RIVER, NJ	08753
410 29	1481 LAKEWOOD ROAD	2	CUZZI, LEONARD JR 1481 LAKEWOOD ROAD TOMS RIVER, NJ	08755
410.01 28	2843 LAKEWOOD ROAD L29	1	WALLACH, STANLEY & FRANCES P.O. BOX 144 TOMS RIVER, NJ	08754.0144
410.01 28 B02	2843 LAKEWOOD ROAD L29	4A	WALLACH, STANLEY & FRANCES P.O. BOX 144 TOMS RIVER, NJ	08754.0144
412.12 20.02	44 MONROE AVENUE	2	HYERS, SCOTT 44 MONROE AVENUE TOMS RIVER, NJ	08755.3245
412.12 21	34 MONROE AVENUE	2	DICRISTO, PATRICK & LORRAINE 34 MONROE AVENUE TOMS RIVER, NJ	08755.3245
412.12 22.02	16 MONROE AVENUE	2	ZALENSKI, KENNETH & AIDA 16 MONROE AVE TOMS RIVER, NJ	08755.3245
412.12 22.03	20 MONROE AVENUE	2	KLEIN, WILLIAM & EILEEN 20 MONROE AVENUE TOMS RIVER, NJ	08755.3245
412.12 22.04	24 MONROE AVENUE	15F	ARC OCEAN COUNTY 815 CEDARBRIDGE ROAD LAKEWOOD, NJ	08701.4932
412.12 22.05	14 MONROE AVENUE	2	PALMBLAD, LARS 14 MONROE AVENUE TOMS RIVER, NJ	08755
412.12 22.06	8 MONROE AVENUE	1	MONROE PROPERTIES USA LLC 292 BIRCH BARK DRIVE BRICK, NJ	08723
412.12 26.01	1454 LAKEWOOD ROAD	2	GIAMMELLA, CHRISTY ANN 224 MANCHESTER AVENUE TOMS RIVER, NJ	08753
412.12 26.02	1456 LAKEWOOD ROAD	1	MONROE PROPERTIES USA LLC 292 BIRCH BARK DRIVE BRICK, NJ	08723
412.12 27	1450 LAKEWOOD ROAD	2	JUHASZ, BARNA & JUDITH 1450 LAKEWOOD RD TOMS RIVER, NJ	08755.4041
412.12 28	1442 LAKEWOOD ROAD	2	JUHASZ, JUDITH & BARNA 1450 LAKEWOOD RD TOMS RIVER, NJ	08755.4041
412.12 53	28 MONROE AVENUE	2	GALLINI, LYNN ANN 28 MONROE AVE TOMS RIVER, NJ	08755.3245
412.41 14	1472 LAKEWOOD ROAD	2	PETROSKI, KENNETH & LOIS 1472 LAKEWOOD ROAD TOMS RIVER, NJ	08755.3256

ATTACHMENT 4 - FIGURES



Junetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TEL/FAX: (609)927-5580

FIGURE 4 - SOILS MAP

Block 412.12, Lot 22.06; Dover Township;
Ocean County; NJ

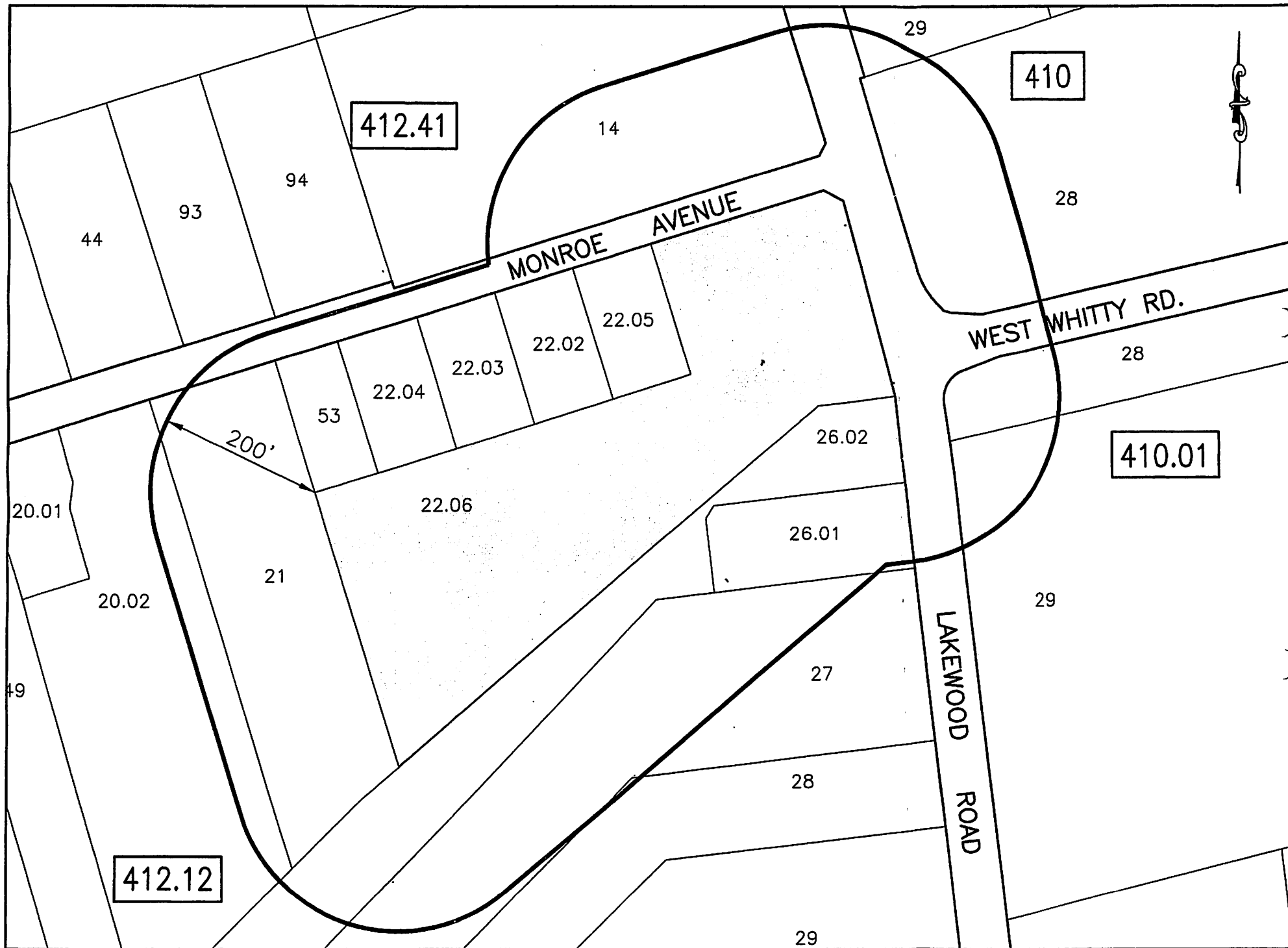
Drawn By:
GLB

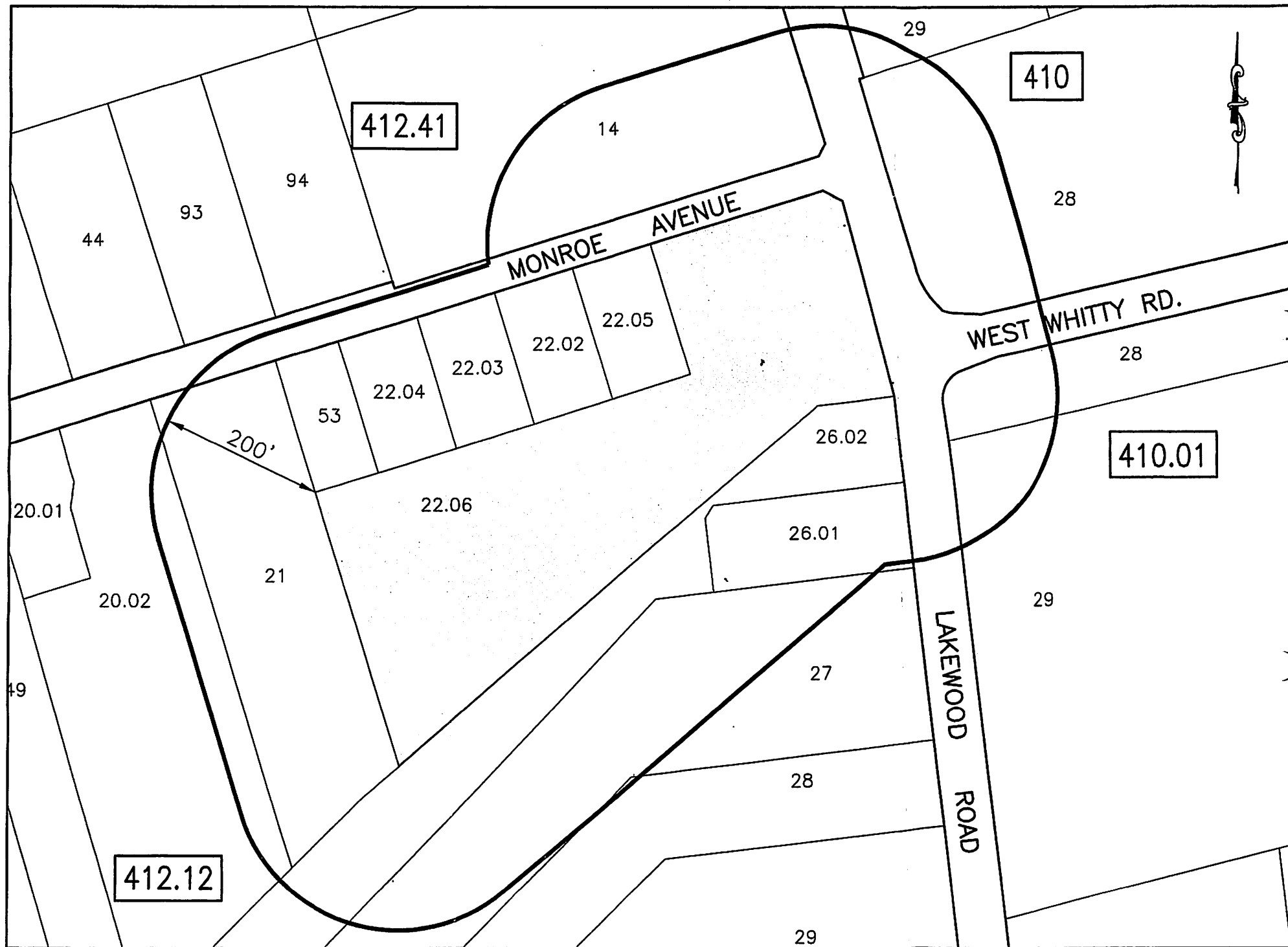
Checked By:
JND

Date:
August 12, 1999

Scale: 1" = 1667'

Source: USDA Ocean County Soil Survey, Sheet No. 25





200' RADIUS MAP -- SCALE 1" = 150'

ATTACHMENT 5 - SITE PHOTOS

Block 412.12, Lot 22.06; Dover Township; Ocean County

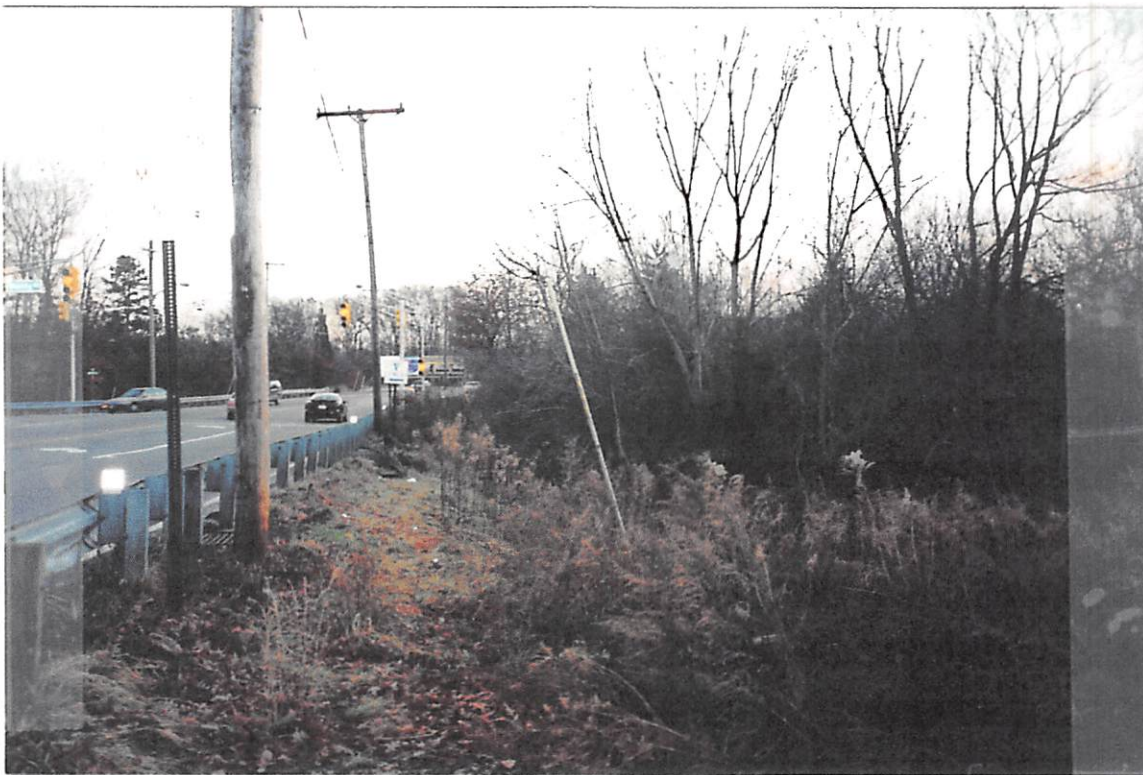


PHOTO 1

View of site, from corner of Monroe Avenue and Route 9, facing south



PHOTO 2

View of site from Monroe Avenue, facing west

Block 412.12, Lot 22.06; Dover Township; Ocean County



PHOTO 3
View of wetlands



PHOTO 4
View of site from Monroe Avenue, facing west

**ATTACHMENT 6 - STATEMENT OF COMPLIANCE
WITH TRANSITION AREA AVERAGING PLAN**

ATTACHMENT 2 - STATEMENT OF WORK
FOR THE CHICAGO POLICE DEPARTMENT

Project Description and Statement of Compliance with Transition Area Averaging Plan Requirements

Written Description of the Proposed Activities and Compliance with the Transition Area Averaging Plan Requirements.

The applicant proposes construction of a single family home on the northern side of the stream corridor and a commercial building on the southern side of the stream corridor. To allow for the development, the applicant proposes to average the standard 50-foot wide buffer.

As depicted on the provided survey / plan, the applicant proposes the following:

- A total area of 2,280 square feet of standard buffer will be reduced to allow for construction of the commercial building.
- A total area of 2,312 square feet of standard buffer is proposed increased to compensate for the above reduction.

Please note that a transition area averaging plan was previously approved for the north side of the wetland corridor. The previously issued TAW requires 3,790 square feet of compensation area. This same size area will continue to be preserved; however, the applicant proposes to relocate the dedicated compensation area to another part of the wetland complex.

In accordance with the requirements for transition area averaging plans [N.J.A.C. 7:7A-6.2(c)], the following terms of the averaging plan are provided:

- No structures, including the proposed concrete pad, will be located within 20 feet of the wetland boundary.
- The proposed reduced transition area is greater than 10-feet wide at all locations.
- The compensated transition area width is a maximum of 75-feet wide (less than or equal to 50% of the standard 50-foot buffer).

**ATTACHMENT 7 - SITE PLAN & WETLAND DATA
SHEETS**

THE QUALITY OF THE SERVICE PROVIDED BY THE
 COMPANY

Junetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE, LINWOOD, NEW JERSEY 08221

TEL/FAX: (609) 927-5580

ROUTINE WETLAND DETERMINATION DATA SHEET

PROJECT: *Monroe Avenue & Route 9 South*

DATE: *July 1999*

SITE LOCATION: *Block 412.12, Lot 22.06*

Dover Township; Ocean Co.

INVESTIGATOR: *J. Nowell Dix*

STATION NUMBER: *B-1*

LOCATION: *Upland of Flag B-11*

VEGETATION:

PLANT COMMUNITY CLASSIFICATION:

PERCENT CANOPY COVER: *TREE: 80% SHRUB: 15% HERB: 5% VINE: 0%*

DOMINANT PLANT SPECIES	COMMON NAME	INDICATOR STATUS (REED, 1988)
Quercus rubra	Red Oak	FACU-
Quercus stellata	Post Oak	UPL
Smilax rotundifolia	Common Greenbriar	NL
Quercus prinus	Chestnut Oak	UPL

PERCENT OF DOMINANT SPECIES THAT ARE OBL, FACW, AND/OR FAC: *0%*

SOILS AND HYDROLOGY

MOTTLED? NO **GLEYPED?** NO

INUNDATED? NO

SATURATED? NO

ESTIMATED SEASONAL HIGH WATER TABLE:

Not encountered

OTHER HYDROLOGY INDICATORS: None

SOIL PROFILE

DEPTH (in)	BRIEF DESCRIPTION
4 - 0	Leaf litter; organics
0 - 24	Bright yellowish brown (10YR, 5/6) sandy loam, subangular blocky, firm, damp.

SUMMARY

VEGETATION: NON-HYDROPHYTIC, **SOIL:** NON-HYDRIC, **HYDROLOGY:** SHWT indicators not encountered.

DECISION: NON-WETLAND

Janetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE, LINWOOD, NEW JERSEY 08221

TEL/FAX: (609) 927-5580

ROUTINE WETLAND DETERMINATION DATA SHEET

PROJECT: *Monroe Avenue & Route 9 South*

DATE: *July 1999*

SITE LOCATION: *Block 412.12, Lot 22.06*

Dover Township; Ocean Co.

INVESTIGATOR: *J. Nowell Dix*

STATION NUMBER: *B-2*

LOCATION: *Wetland of Flag A-6*

VEGETATION:

PLANT COMMUNITY CLASSIFICATION:

PERCENT CANOPY COVER: *TREE: 80% SHRUB: 15% HERB: 5% VINE: 0%*

DOMINANT PLANT SPECIES	COMMON NAME	INDICATOR STATUS (REED, 1988)
<i>Vaccinium corymbosum</i>	Highbush Blueberry	FACW-
<i>Osmunda cinnamomea</i>	Cinnamon Fern	FACW
<i>Smilax rotundifolia</i>	Common Greenbriar	NL
<i>Magnolia virginian</i>	Sweetbay Magnolia	FACW+

PERCENT OF DOMINANT SPECIES THAT ARE OBL, FACW, AND/OR FAC: *100%*

SOILS AND HYDROLOGY

MOTTLED? YES **GLEYED?** NO

INUNDATED? YES

SATURATED? Damp

ESTIMATED SEASONAL HIGH WATER TABLE:

Evidence encountered within 8:

OTHER HYDROLOGY INDICATORS: Hummocking,
water stained leaves and sediments, mosses & lichens.

SOIL PROFILE

DEPTH (in)	BRIEF DESCRIPTION
4 - 0	Leaf litter; organics
0 - 8	Dark Gray (10 YR, 6/1) sandy loam with yellowish brown (10YR, 5/6) common, distinct mottles, subangular blocky, firm.
8 - 24	Bright yellowish brown (10YR, 5/6) sandy loam, subangular blocky, firm, damp.

SUMMARY

VEGETATION: HYDROPHYTIC, **SOIL:** HYDRIC, **HYDROLOGY:** SHWT indicators encountered with 8"

DECISION: WETLAND



Junetta N. Dix Consulting, Inc.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TELEPHONE/FAX: (609) 927-5580
EMAIL: JUNETTANOWELL@COMCAST.NET

September 27, 2005

Ocean County Section Chief
New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
501 E. State Street (5 Station Plaza)
Trenton, New Jersey 08625-0401

**Re: Letter of Interpretation, Boundary Verification, and Transition Area Waiver
(Averaging Plan) Application #1507-92-0015.3 - .4
Block 412.12, Lot 22.06; Dover Township; Ocean County
Applicant: Monroe Properties USA**

Dear Sir/Madam:

Please accept this application for a Letter of Interpretation, Boundary Verification, and a Transition Area Averaging plan, on the above captioned 5-acre property. These permits were previously approved by the Department but have since expired. The exact same plan of development is proposed and submitted herein for re-issuance of the approvals.

This office has delineated the onsite wetlands in accordance with NJDEP methodology and the wetland flags have been survey located and plotted onto an outbound survey. In addition to confirmation of the wetlands delineation, the resources classification is also requested.

In accordance with the Freshwater Wetlands Protection Act, enclosed please find the following documentation:

- LURP-1 application form;
- Application fee (check number 113) in the amount of \$1,390.00, calculated as:

LOI: $\$500.00 + \$70.00 \times 5 \text{ acres} = \850.00
TAW: $\$500.00 + \$40.00 \text{ for 1 acre of wetland buffer averaging} = \540.00
- Copies of the certified mail receipts, sample letters and certified adjacent property owner's list, documenting proof that the public notice has been made to the following:

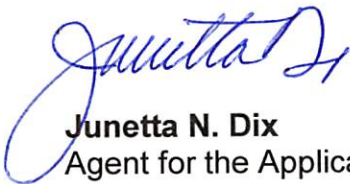
September 27, 2005

- Dover Township Clerk (with a complete copy of the application package), Construction Official, Planning Board, and Environmental Commission;
 - Ocean County Planning Board and Environmental Commission; and,
 - Adjacent Property Owners within 200 feet (certified list enclosed).
- Figures (tax map, road map; USGS quadrangle site location map; and, soils map);
 - Four (4) original color photographs of the site and wetlands area;
 - Statement of Compliance with Transition Area Averaging Plan requirements; and,
 - Five folded copies of a survey or site plan, depicting the proposed wetland boundary and wetland data sheets.

With the submittal of this application, the applicant grants the NJDEP authorization to access the site and conduct a field inspection.

Please do not hesitate to contact me with any questions. Thank you in advance for your assistance on this application.

Sincerely,



Junetta N. Dix
Agent for the Applicant

Enclosures

- C: Dover Township Clerk (w/ complete copy of application)
 Monroe Properties, USA (applicant) (w/ complete copy of application)



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Land Use Regulation Program
P. O. Box 439
Trenton, NJ 08625
Fax #(609) 777-3656

Robert C. Shinn, Jr.
Commissioner

AUG 03 2000

Junetta Nowell Dix
Junetta E. Nowell Consulting, Inc.
213 East Seaview Avenue
Linwood, NJ 08221

RE: Transition Area Waiver-Averaging Plan Approval
Applicant: David Aker
File No.: 1507-92-0015.4
Block: 412.12; Lot: 22.06
Dover Township, Ocean County

Dear Ms. Dix:

This letter is in response to your request for a transition area waiver averaging plan to modify the standard transition area on the above referenced property.

The Land Use Regulation Program has determined that the freshwater wetlands present on or adjacent to the above referenced property are of intermediate resource value. Pursuant to N.J.A.C. 7:7A-6, a standard transition area of 50 feet is required adjacent to these wetlands. The submitted plan shows a modification to this standard transition area through the means of a transition area averaging plan.

Section 7:7A of the Freshwater Wetlands Protection Act Rules discusses the conditions under which the standard transition area may be modified if the Department determines that the modified transition area will continue to feature the purposes and functions set forth in N.J.A.C. 7:7A-6.1(a) and (b). Based upon a review of the submitted information, the Department has determined that the proposed modified transition area boundary line as shown on the plan map entitled "Wetland Transition & Concept Land Plan, Block 412.12, Lots 26.06 & 26.06, Dover Township, Ocean County, New Jersey", prepared by David E. Johnson, P.E., dated July 17, 2000, unrevised, will continue to meet the purposes and functions of a transition area as detailed

Page 2
Letter of Interpretation

in the Act and implementing rules providing the following conditions are met.

Waiver Conditions

In addition to the standard conditions set forth in section 7:7A-7, the following special conditions must be met for the activity authorized under this transition area waiver.

1. The transition area shall be reduced by 2280 square feet and compensated by an equal or greater surface area as shown on the referenced plan.
2. The transition area shall not be reduced to less than 40 feet in width at any location as shown on the referenced plan.
3. The applicant shall sign a Department approved deed restriction for the subject parcel(s) in accordance with N.J.A.C. 7:7A-7.1(g). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES), in the county wherein the lands included in the waiver are located. The restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetlands and transition area boundaries. Any regulated activities undertaken on the site before a copy of the recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act.
4. The applicant must inform all potential purchasers of the commercial building and single family dwelling unit that the location of wetlands and transition area on the property may impact future development of the property.

Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:19B-1 et seq.). You are entitled to rely upon this boundary determination for a period of five years from the date of this letter pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-7. This determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above LURP file number and the following note:

Page 3
Letter of Interpretation

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

Consistency with the Areawide Water Quality Management Plan

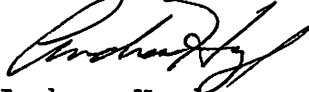
This project is consistent with the applicable Water Quality Management Plan and thus the method of wastewater treatment is acceptable. If the treatment method is changed or if anticipated flow volumes increase, an amended plan must be submitted to the NJDEP for a revised consistency determination.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date 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.

Please contact Joanne Davis of our staff at (609) 984-0288 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,



Andrew Heyl
Supervisor, Ocean Region
Bureau of Coastal Regulation

c: Municipal Clerk
Municipal Construction Official



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Land Use Regulation Program

P. O. Box 439
Trenton, NJ 08625
Fax #(609) 777-3656

Robert C. Shinn, Jr.
Commissioner

AUG 03 2000

Junetta Nowell Dix
Junetta E. Nowell Consulting, Inc.
213 East Seaview Avenue
Linwood, NJ 08221

RE: Letter of Interpretation/Line Verification
Applicant: David Aker
File No.: 1507-92-0015.3
Block: 412.12; Lot: 22.06
Dover Township, Ocean County

Dear Ms. Dix:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains 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 on March 7, 2000, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled "Lots 26.02 & 26.06, Block 412.12, Dover Township, Ocean County, New Jersey, Wetland Transition & Concept Land Plan", prepared by David E. Johnson, P.E., dated July 17, 2000, unrevised, is accurate as shown for the property in question.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will

Page 2
Letter of Interpretation

require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq., you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above LURP file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

In addition, the Department has determined that the wetlands on the property are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-3), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-9) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-7). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

The wetlands have also been identified as being priority wetlands by the U.S. Environmental Protection Agency. This classification may affect the types of permits or transition area waivers available for the above referenced property.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

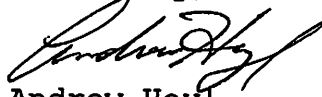
This letter in no way legalizes any fill, which may have been placed, or other regulated activities, which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Page 3
Letter of Interpretation

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date 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.

Please contact Joanne Davis of our staff at (609) 984-0288 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,



Andrew Heyl
Supervisor, Ocean Region
Bureau of Coastal Regulation

c: Municipal Clerk
Municipal Construction Official

**ATTACHMENT 1 AND 2 - LURP FORM AND COPY OF
APPLICATION FEE**

MONROE PROPERTIES USA

292 BIRCH BARK DR.
BRICK, NJ 08723

113

DATE Sept 27, 2005

55-33/212

PAY TO THE
ORDER OF

TREASURER - STATE OF New Jersey

\$ 1350.00

One Thousand + three hundred + ninety

00/100

DOLLARS



Bank of America



98022

Brick, New Jersey

FOR

Full

⑈000113⑈ ⑈021200339⑈ 95086 42805⑈

Joseph Stull

MP

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program Application Form (LURP #)
Land Use Regulation Program
501 E. State Street P O Box 439
Trenton, NJ 08625-0439

RECEIVED

2006 SEP 15 A 11:45

LAND USE REGULATION

PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. Applicant Name Monroe Properties USA, LLC
Address 397 Dunhams Corner Road Phone (732) 613-8753
City New Brunswick State NJ Zip 08816
2. Agent Name Junetta Nowell Dix Firm Junetta N. Dix, Consulting, Inc.
Address 213 E. Seaview Avenue Phone (609) 927-5580
City Linwood State NJ Zip 08221
3. Property Owner Name SAME AS APPLICANT
Address _____ City _____ State _____ Zip _____
4. Project Name N/A Location (Street Address) Monroe Avenue at Route 9 Zip: 08753
Municipality Dover Township County Ocean County
Block(s) 412.12 Lot(s) 22.06
N.A.D. 1983 State Plane Coordinates N(y) 4,365,421 feet E(x) 489,623 feet
Nearest Waterway Un-named tributary to Toms River Watershed Toms River
4. Total Fees \$1,390.00 Project Cost N/A Check Number 113
5. Project Description: The applicant has previously received a Letter of Interpretation, Boundary Verification and Transition Area Wavier for the property. These approvals have since expired and the applicant has previously applied for re-issuance of both permits. As part of that review, it has been determined that an SGP#10B is also required and is the subject of this application.

FOR OFFICIAL USE ONLY

Program Interest # _____ Class Code _____ Activity # _____
Type _____ Component Type _____ 20th Day _____ 90th Day _____
Proposed activity _____ Fees _____
Date Received ____/____/____ PRO _____ Pts _____ Project Eng _____ Pts _____
Alternate PI _____ ASU _____ ASU Date ____/____/____

Program Interest # _____ Class Code _____ Activity # _____
Type _____ Component Type _____ 20th Day _____ 90th Day _____
Proposed activity _____ Fees _____ Pts _____

6. Application(s) for: (Please check all that apply)

Stream Encroachment:	Permit	_____	Waiver	_____
CAFRA:	Individual Permit	_____	General Permit	_____
	Exemption Request	_____	Permit by Rule	_____
Freshwater Wetlands:	Individual Permit	_____	General Permit (Specify #)	<u>XXX - 10B</u>
	Transition Area Waiver	_____	Letter of Interpretation	_____
	Exemption Request	_____	Open Water Fill Permit	_____
Waterfront Development:	Residential	_____	Commercial	_____
Upland Waterfront Development:	Residential	_____	Commercial	_____
Water Quality Certificate	_____		Tidal Wetlands (1970)	_____
Federal Consistency Determination	_____		Jurisdictional Determination	_____
Permit Modification (specify)	_____			
Other (specify)	_____			

7. Indicate below all Federal, State, County and Municipal approvals, denials or certifications received for the project site or are required for the proposed project: *In Column A, indicate application status: (*P for* - pending, *A for* - approved, *D for* - denied, *T for* - to be applied for, or *O for* - other (explain other). *In Column B, indicate application, permit, or docket number.

	A	B		A	B
CAFRA Permit	_____	_____	Stream Encroachment Permit	_____	_____
CAFRA Exemption	_____	_____	Stream Encroachment Waiver	_____	_____
Waterfront Development Permit	_____	_____	Water Quality Certificate	_____	_____
Tidal Wetlands (1970) Permit	_____	_____	Tidelands (Riparian) Conveyance	_____	_____
Statewide General FWW Permit	<u>P</u>	<u>Subject Application</u>	Dam Safety Permit	_____	_____
Freshwater Wetlands LOI	<u>P</u>	<u>Pending</u>	Pinelands Certificate of Filing	_____	_____
Former Expired approval \$1507-92-0015.1					
Freshwater Wetlands			D & R Canal Commission		
Transition Area Waiver	<u>P</u>	<u>Pending</u>	Certificate	_____	_____
Former Expired approval \$1507-92-0015.2					
Freshwater Individual Permit	_____	_____	Federal Permits (Specify)	_____	_____
Freshwater Wetlands Exemption	_____	_____	State Permits (Specify)	_____	_____
Permit Modification (specify # & type)	_____	_____	Municipal (specify)	_____	_____

Attached additional sheets if there are additional approvals

Both the Applicant and Property owner's section must be filled out for all permits.

APPLICANT SIGNATURE

I certify under penalty of law that the information provided in this document is true and accurate. I am aware that there are significant civil and criminal penalties for submitting false or inaccurate information. (If corporate entity, print/type the name and title of person signing on behalf of the corporate entity.)

David Akker
Signature of Applicant/Owner

9/14/06
Date

DAVID AKKER
Print Name

SAME AS PAGE 1
Print Address

Signature of Applicant/Owner

Date

Print Name

Print Address

A. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to done. This endorsement is certification that the owner grants permission for the conduct of the proposed activity. In addition, I hereby give unconditional written consent to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection or survey of the project site.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement - Yes _____ No XXX
2. Whether any part of the entire project (e.g., pipeline, roadway, cable, transmission line, structure, etc.) will be located within property belonging to the State of New Jersey-Yes _____ No XXX

Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres –
Yes _____ No XXX

4. Whether any part of this project requires a Section 106(National Register of Historic Places) Determination as part of a federal permit or approval – Yes _____ No XXX

Date

David Akker
Signature of Property Owner

DAVID AKKER
Print Name

SAME AS PG. 1
Print Address

B. APPLICANT'S AGENT

(Notary certification not required if applying for a Freshwater Wetlands Permit)

NOTE: Notary seal is required when an agent is used.

I DAVID AKER, the Applicant/Owner, authorize to act as my agent/representative
in all matters pertaining to my application the following person:

Name Junetta N. Dix

Occupation/Profession Environmental Consultant



(Signature of Applicant/Owner)

AGENT'S CERTIFICATION

Sworn before me this day of

_____ 20 _____

I agree to serve as agent for the above-mentioned applicant



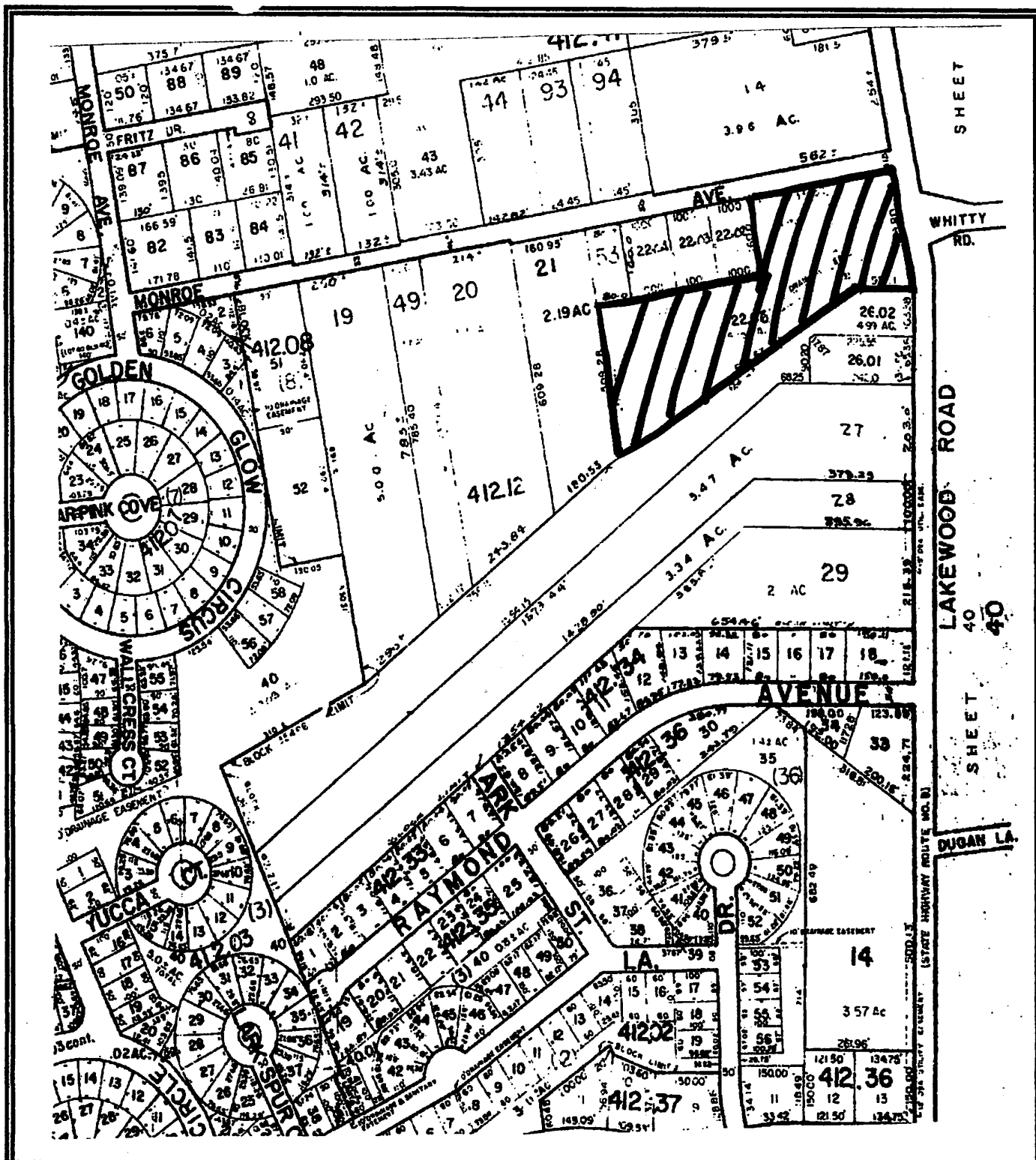
Junetta Nowell Dix
(Signature of Agent)

Not Required for Wetlands Applications

Notary Public

Attachment 3 - Figures

August 1 - C. meridionalis



Junetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TEL/FAX: (609)927-5580

FIGURE 1 - TAX MAP

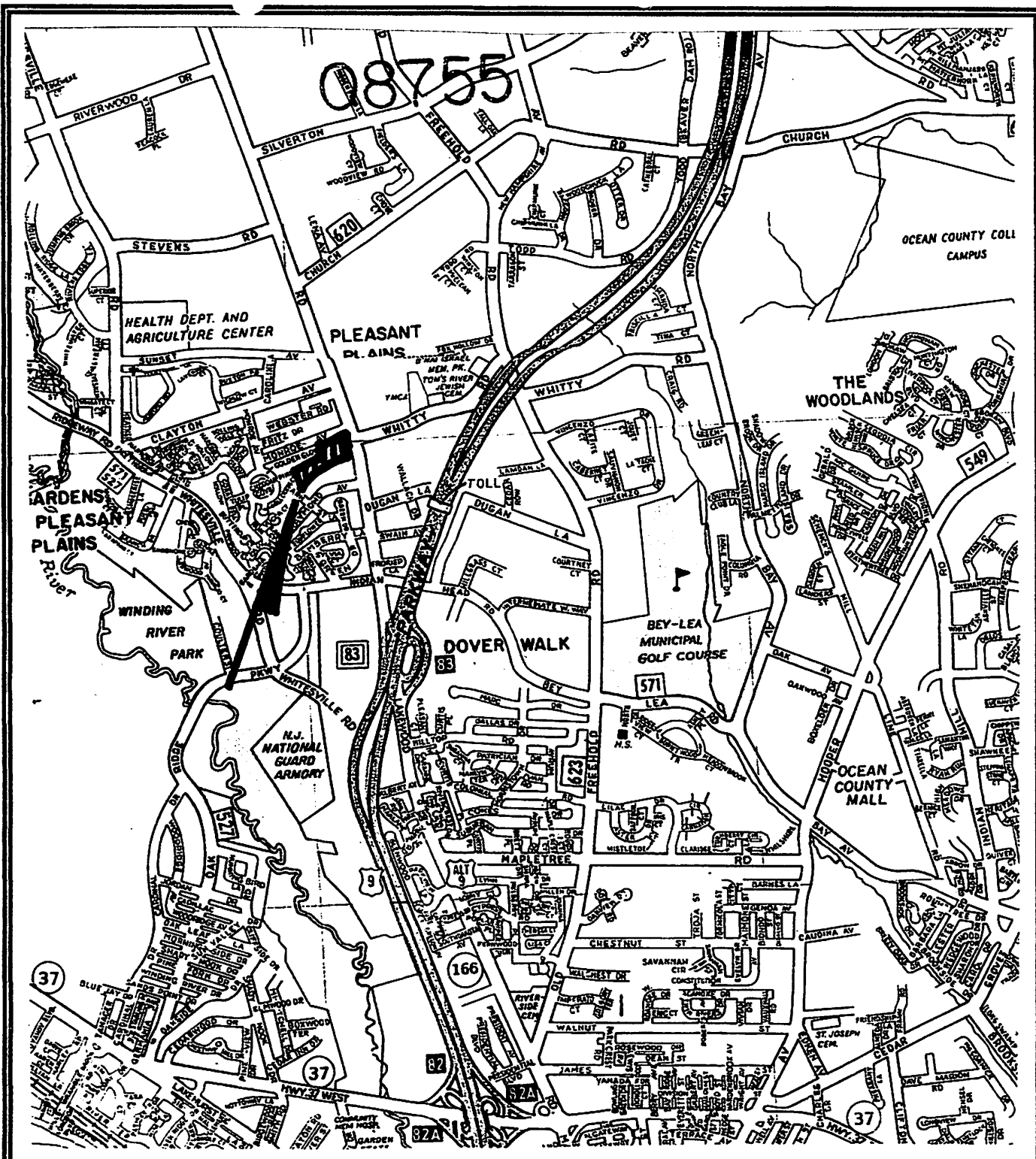
**Block 412.12, Lot 22.06; Dover Township;
Ocean County; NJ**

Drawn By:
GLB

Checked By:
JND

Date:
August 12, 1999

Scale: Not to Scale
Source: Dover Township Tax Maps



Junetta E. Nowell Consulting, Ltd.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TEL/FAX: (609)927-5580

FIGURE 2 - ROAD MAP

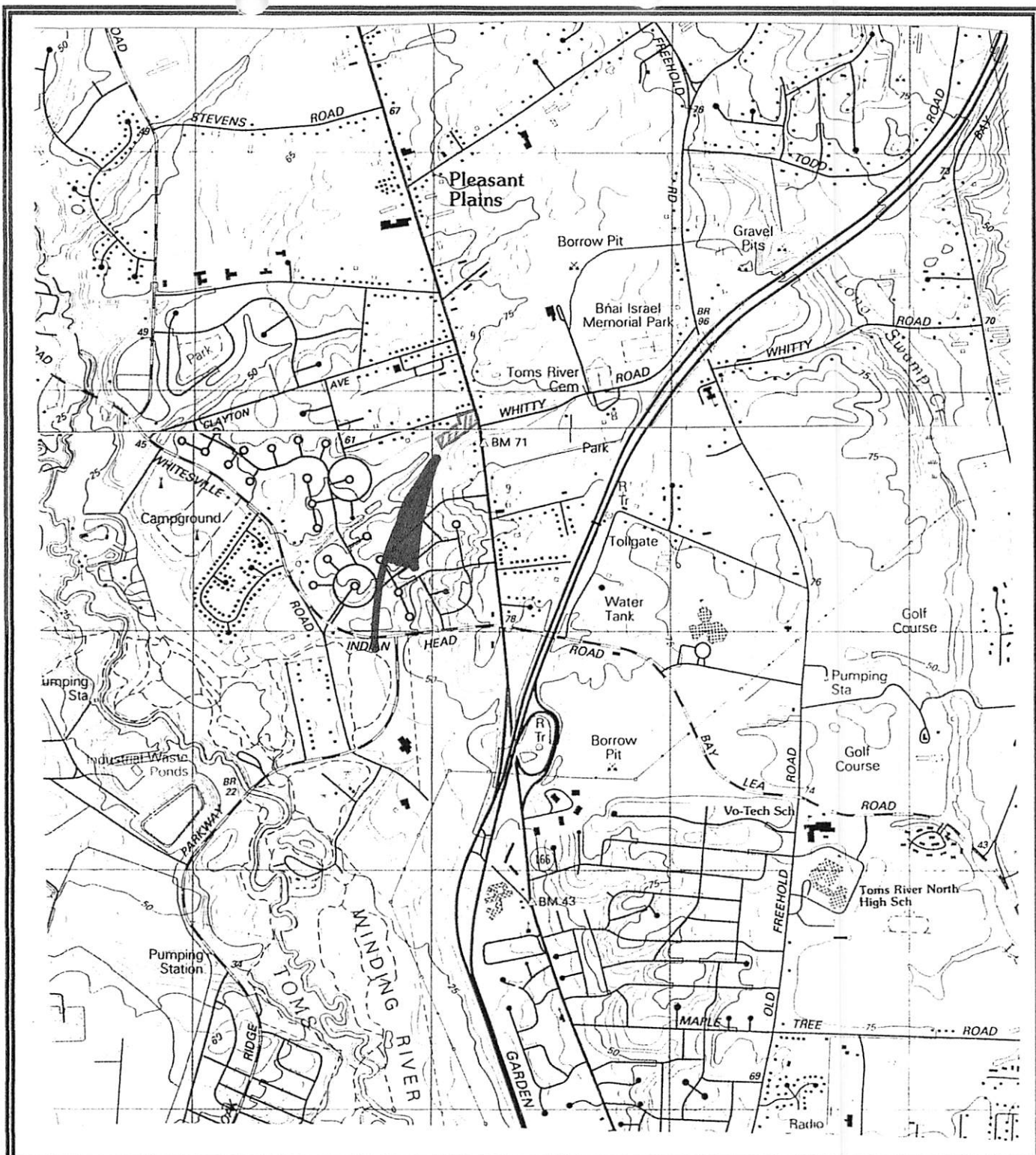
**Block 412.12, Lot 22.06; Dover Township;
Ocean County; NJ**

Drawn By:
GLB

Checked By:
JND

Date:
August 12, 1999

Scale: Not to Scale
Source: Hagstrom Ocean County Road Map



Junetta E. Nowell Consulting, Ltd.

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TEL/FAX: (609)927-5580

FIGURE 3- SITE LOCATION MAP

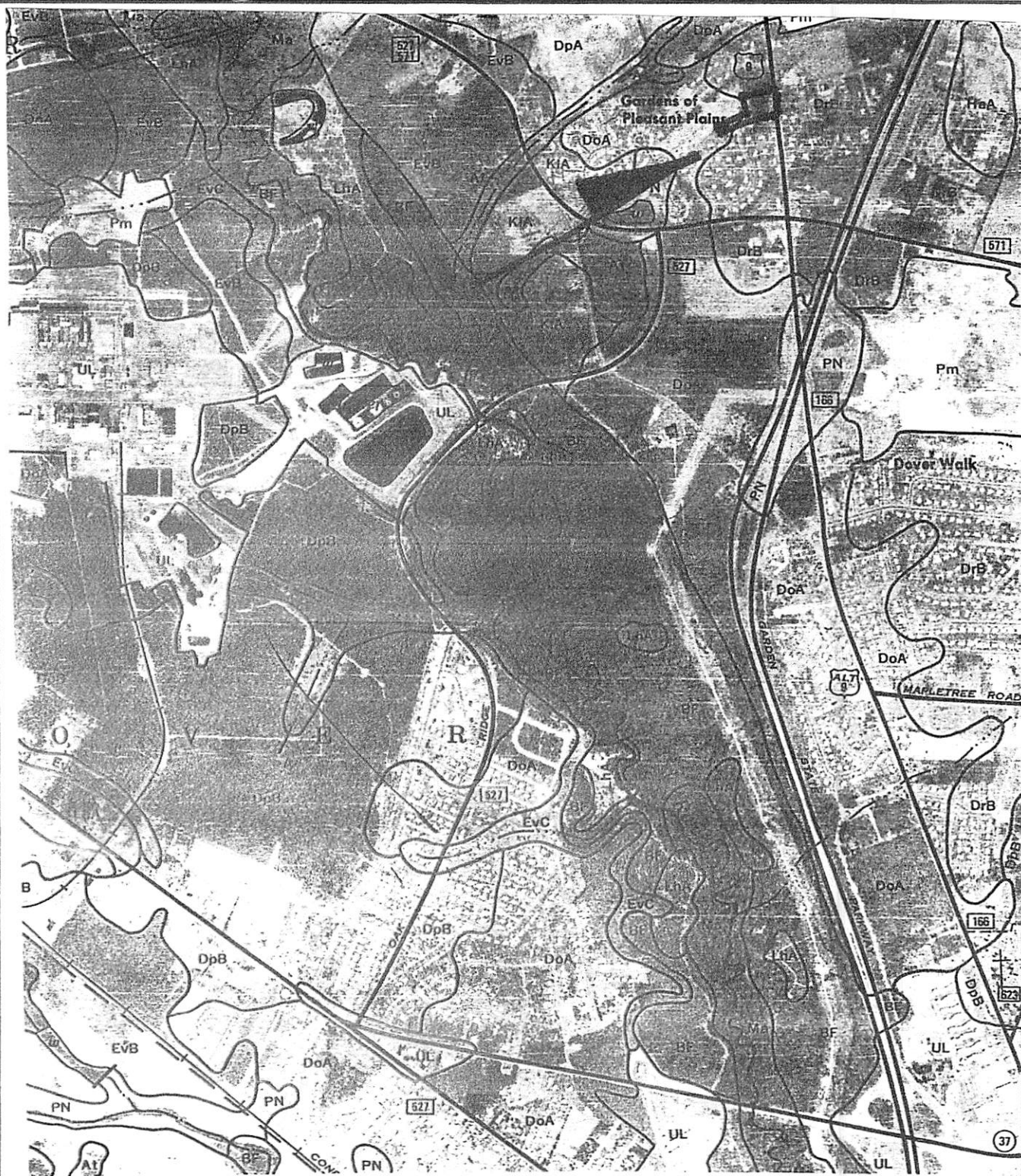
**Block 412.12, Lot 22.06; Dover Township;
Ocean County; NJ**

Drawn By:
GLB

Checked By:
JND

Date:
August 12, 1999

Scale: 1" = 2 000'
Source: USGS Topographic Map, Lakewood and Toms River,
NJ Quadrangles



Junetta E. Nowell Consulting, Ltd.
 213 EAST SEAVIEW AVENUE
 LINWOOD, NEW JERSEY 08221
 TEL/FAX: (609)927-5580

FIGURE 4 - SOILS MAP
Block 412.12, Lot 22.06; Dover Township;
Ocean County, NJ

Drawn By:
 GLB

Checked By:
 JND

Date:
 August 12, 1999

Scale: 1" = 1667'
Source: USDA Ocean County Soil Survey, Sheet No. 25

**Attachment 4 - Certified Mail
Receipts, Sample Notification
Letter & Certified Adjacent
Property Owners List**

Attachment 1 - Certified Mail
Receipt, Sample Notification
Letter & Certified Return
Property Owners List

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Scott Hyers
44 Monroe Avenue
Toms River, NJ 08755-3245

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Lorraine & Patrick Dicristo
34 Monroe Avenue
Toms River, NJ 08755-3245

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Kenneth & Aida Zalenski
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Toms River, NJ 08755-3245

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William & Eileen Klein
20 Monroe Avenue
Toms River, NJ 08755-3245

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Lakewood, NJ 08701-4932

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Lars P. Almblad
14 Monroe Avenue
Toms River, NJ 08755

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Monroe Properties USA LLC
292 Birch Bark Drive
Brick, NJ 08723

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224 Manchester Avenue
Toms River, NJ 08753

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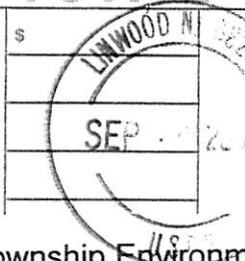
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Dover Township Construction
Official
33 Washington Street
Toms River, NJ 08754-0728

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Ocean County Planning Board
119 Hooper Avenue
CN 2191
Toms River, NJ 08753

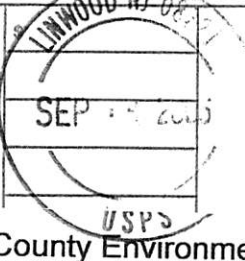
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Toms River, NJ 08753

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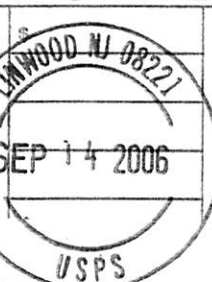
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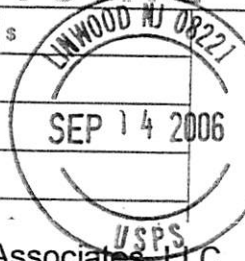
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Dover Township Planning
Board
33 Washington Street

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Whitney Associates, LLC
156 Route 37 East
Toms River, NJ 08753

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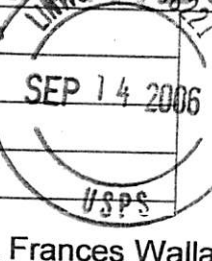
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Leonard Cuzzi, Jr.
1481 Lakewood Road
Toms River, NJ 08755

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Stanley & Frances Wallach
P.O. Box 144
Toms River, NJ 08754-0144

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See Reverse for Instructions

TOWNSHIP OF DOVER

County of Ocean
Toms River, New Jersey 08753

Return To: Office of the Assessor
33 Washington Street
Toms River, NJ 08753

Telephone: (732) 341-1000 Ext. 8300
Fax: (732) 797-3848

JUNETTA NOWELL DIX
213 EAST SEAVIEW AVE
LINWOOD, NJ 08221

**RE: PROPERTY OWNERS LIST
MONROE PROP.
BLOCK 412.12, LOT, 22.06
Property Location: 8 MONROE AVE**

To Whom It May Concern:

Enclosed please find a completed Property Owners List for the above referenced property per your recent request submitted to the Dover Township Assessor's Office. Please be advised that you will also be required to notify the attached agencies where indicated by (X).

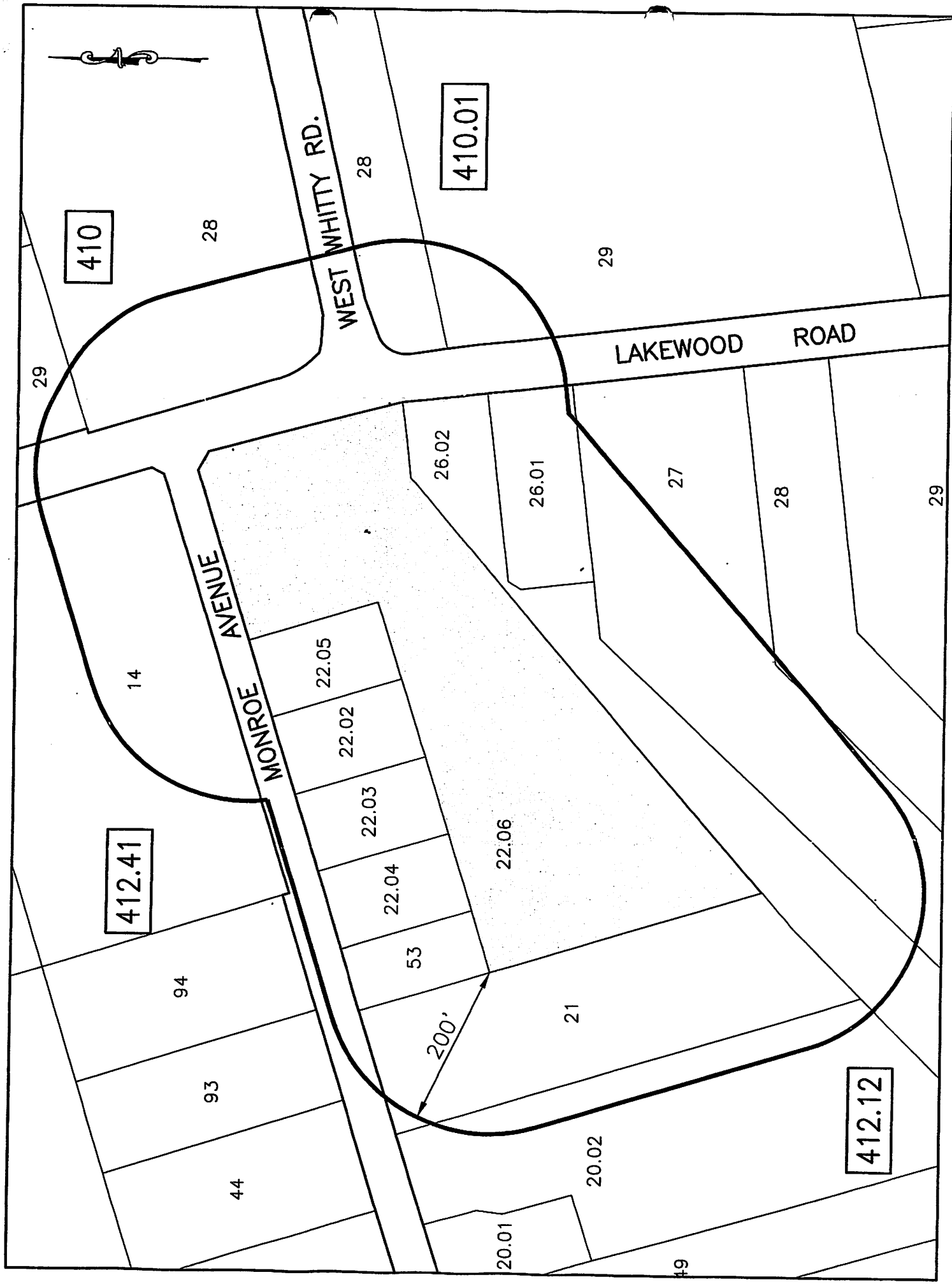
Should you have any questions, please call or fax my office at the numbers listed above.

Respectfully submitted:



Glenn R. Seelhorst, CTA
Dover Township Assessor

GRS:keg
enclosures



200' RADIUS MAP - - SCALE 1" = 150'

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
410 28	1471 LAKEWOOD ROAD	2	WHITTY ASSOCIATES, LLC@GILLEN REALT 156 ROUTE 37 EAST TOMS RIVER, NJ	08753
410 29	1481 LAKEWOOD ROAD	2	CUZZI, LEONARD JR 1481 LAKEWOOD ROAD TOMS RIVER, NJ	08755
410.01 28	2843 LAKEWOOD ROAD L29	1	WALLACH, STANLEY & FRANCES P.O. BOX 144 TOMS RIVER, NJ	08754.0144
410.01 28 B02	2843 LAKEWOOD ROAD L29	4A	WALLACH, STANLEY & FRANCES P.O. BOX 144 TOMS RIVER, NJ	08754.0144
412.12 20.02	44 MONROE AVENUE	2	HYERS, SCOTT 44 MONROE AVENUE TOMS RIVER, NJ	08755.3245
412.12 21	34 MONROE AVENUE	2	DICRISTO, PATRICK & LORRAINE 34 MONROE AVENUE TOMS RIVER, NJ	08755.3245
412.12 22.02	16 MONROE AVENUE	2	ZALENSKI, KENNETH & AIDA 16 MONROE AVE TOMS RIVER, NJ	08755.3245
412.12 22.03	20 MONROE AVENUE	2	KLEIN, WILLIAM & EILEEN 20 MONROE AVENUE TOMS RIVER, NJ	08755.3245
412.12 22.04	24 MONROE AVENUE	15F	ARC OCEAN COUNTY 815 CEDARBRIDGE ROAD LAKEWOOD, NJ	08701.4932
412.12 22.05	14 MONROE AVENUE	2	PALMBLAD, LARS 14 MONROE AVENUE TOMS RIVER, NJ	08755
412.12 22.06	8 MONROE AVENUE	1	MONROE PROPERTIES USA LLC 292 BIRCH BARK DRIVE BRICK, NJ	08723
412.12 26.01	1454 LAKEWOOD ROAD	2	GIAMMELLA, CHRISTY ANN 224 MANCHESTER AVENUE TOMS RIVER, NJ	08753
412.12 26.02	1456 LAKEWOOD ROAD	1	MONROE PROPERTIES USA LLC 292 BIRCH BARK DRIVE BRICK, NJ	08723
412.12 27	1450 LAKEWOOD ROAD	2	JUHASZ, BARNA & JUDITH 1450 LAKEWOOD RD TOMS RIVER, NJ	08755.4041
412.12 28	1442 LAKEWOOD ROAD	2	JUHASZ, JUDITH & BARNA 1450 LAKEWOOD RD TOMS RIVER, NJ	08755.4041
412.12 53	28 MONROE AVENUE	2	GALLINI, LYNN ANN 28 MONROE AVE TOMS RIVER, NJ	08755.3245
412.41 14	1472 LAKEWOOD ROAD	2	PETROSKI, KENNETH & LOIS 1472 LAKEWOOD ROAD TOMS RIVER, NJ	08755.3256

Attachment 5 - Statement of Compliance with SGP#10

Attachment 5 - Statement of
Compliance with 309410

ATTACHMENT 5

Written Description of the Proposed Activities and Compliance with Statewide General Permit No. 10B (Minor Road Crossing) Criteria

In order to access the lot for construction of a commercial development, the only access to the site (under Department of Transportation design criteria), is through the wetland buffer.

In accordance with N.J.A.C. 7:7A-5.10B(b), the following compliance with SGP No. 10B (Minor Road Crossings) criteria is provided:

- I. The applicant demonstrates that no alternative onsite location and/or configuration for the road crossing exists that would access the developable upland with less adverse environmental impact.**

RESPONSE: As depicted on the enclosed plan, no other access to the upland portion of the site is available. The access roadway *must* be aligned with Whitty Road and can not, due to the minimal frontage of the lot, be located further south, outside of the wetlands boundary.

- ii. The total area of freshwater wetlands, transition areas, and/or State open waters disturbed under this permit shall not exceed one-quarter of an acre (10,890 square feet).**

RESPONSE: As depicted on the enclosed site plan, the proposed roadway crossing will result in 0 square feet of disturbance to wetlands. The area of buffer disturbance is 5,401 square feet; less than the allowed 10,890 square feet of disturbance.

- iii. The crossing is designed to minimize environmental impact pursuant to N.J.A.C. 7:7A-5.10B(c)1-4:**

RESPONSE:

1. The proposed roadway has been designed so as to disturb the least amount of wetlands and wetland buffers possible, while still allowing commercial development of the site. Maintaining fish passage is not applicable to this application.
 2. Rip rap is not necessary for this minor crossing.
 3. The cartway, shoulder, and side slopes of the roadway are the minimum necessary for the crossing and are consistent with the New Jersey Department of Transportation and local design standards.
-

Finally, the proposed disturbance to the transition area will comply with conditions applicable to all general permits. Specifically, the proposed wetlands fill is associated with a commercial development; the activities are not expected to adversely impact threatened or endangered species; is not located within a Wild and Scenic River corridor; is not expected to adversely impact properties which are listed or are legible for listing on the National Register of Historic Places; will utilize clean, suitable fill material; and, will be constructed utilizing BMPs and in compliance with all applicable Federal, State and local standards.

**Attachment 6 -
Site Photographs**

Attachment 5 -
Site Photographs

Block 412.12, Lot 22.06; Dover Township; Ocean County



PHOTO 1

View of site, from corner of Monroe Avenue and Route 9, facing south



PHOTO 2

View of site from Monroe Avenue, facing west

Block 412.12, Lot 22.06; Dover Township; Ocean County



PHOTO 3
View of wetlands



PHOTO 4
View of site from Monroe Avenue, facing west



Junetta N. Dix Consulting, Inc.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TELEPHONE/FAX: (609) 927-5580
EMAIL: JUNETTANOWELL@COMCAST.NET

VIA UPS DELIVERY

September 14, 2006

Ocean County Section Chief
New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 439
501 E. State Street
Trenton, New Jersey 08625

**RE: APPLICATION FOR STATEWIDE GENERAL PERMIT NO. 10
BLOCK 412.12, LOTS 22.06 AND 26.02; DOVER TOWNSHIP; OCEAN CO.
APPLICANT: MONROE PROPERTIES, USA, LLC**

Dear Sir/Madam:

On behalf of the applicant, Monroe Properties USA, LLC, this office is pleased to submit this permit application for a Freshwater Wetlands Protection Act Statewide General Permit No. 10, on the above captioned property.

The applicant has previously received a Letter of Interpretation, Boundary Verification (File No. 0108-02-0043.1), confirming the wetlands boundary and also, assigning an intermediate resource value. The LOI since expired and a new application for the boundary verification and Transition Area Waiver, Averaging Plan was submitted to the Department and is currently pending with Mr. Ryan Anderson. As a result of the LOI and Buffer Averaging application, it has become apparent that a Statewide General Permit No. 10B is also necessary for the proposed project.

In accordance with the Freshwater Wetlands Protection Act basic application content requirements (N.J.A.C. 7:7A-10.2) and additional application requirements for a general permit authorization (N.J.A.C. 10.4), the following documentation is enclosed:

Attachment 1	LURP application form;
Attachment 2	Application fee in the amount of \$500.00 (check number 1725);
Attachment 3	Figures (tax map; road map; USGS quadrangle map and soils map)

September 14, 2006

Attachment 4

Copies of certified mail receipts to:

- Dover Township Clerk (w/ a copy of all material); Construction Official; Environmental Commission; and, Planning Board
- Ocean County Planning Board and Environmental Commission;
- Property owners within 200-feet of the subject lot (certified list also enclosed);

Attachment 5

Statement of Compliance with SGP #10B, Minor Road Crossing;

Attachment 6

Site Photographs; and,

Also, enclosed please find five (5) copies of the site plan, depicting the proposed road crossing.

With the submittal of this permit application, prepared by this office, utilizing site design plans prepared by Dynamic Engineering Consultants, PC, the property owner gives unconditional consent for NJDEP representatives to access the property.

Additionally, no other federal or state approvals are required to complete the proposed activities. Local approvals are either pending and/or have been obtained.

Finally, the subject wetlands have been designated as intermediate and thus, is not habitat for swamp pink or bog turtle. Therefore, the proposed activities will not result in any adverse impacts to the species.

Thank you in advance for your assistance with this permit application. Please do not hesitate to contact this office with any questions.

Sincerely,



Junetta N. Dix
Agent for the Applicant

Enclosures

C: Dover Township Clerk (w/ enclosures)
Monroe Properties USA, LLC (w/o enclosures)
J. Spalt, PE (w/o)

10-10-1940

10-10-1940

The following is a list of the names of the persons who have been named in the report of the Committee on the Administration of the Government of the District of Columbia, dated October 10, 1940.

The names of the persons named in the report are as follows:

1. Mr. [Name]

2. Mr. [Name]

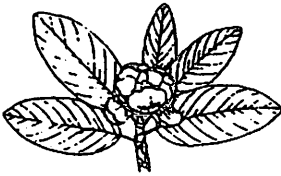
3. Mr. [Name]

4. Mr. [Name]

5. Mr. [Name]

6. Mr. [Name]

7. Mr. [Name]



Junetta N. Dix Consulting, Inc.

213 EAST SEAVIEW AVENUE
LINWOOD, NEW JERSEY 08221
TELEPHONE/FAX: (609) 927-5580
EMAIL: JUNETTANOWELL@COMCAST.NET

September 14, 2006

Via Certified Mail Return Receipt

**TO: DOVER TOWNSHIP CLERK, CONSTRUCTION OFFICIAL, PLANNING BOARD
AND ENVIRONMENTAL COMMISSION
OCEAN COUNTY PLANNING BOARD & ENVIRONMENTAL COMMISSION
ADJACENT PROPERTY OWNERS**

**RE: FRESHWATER WETLANDS PROTECTION ACT
STATEWIDE GENERAL PERMIT NO. 10B
BLOCK 412.12; LOT 22.06; DOVER TOWNSHIP; OCEAN COUNTY
APPLICANT: MONROE PROPERTIES, USA, LLC**

Dear Sir/Madam:

This letter is to provide you with legal notification that Junetta N. Dix Consulting, Inc., on behalf of the applicant is submitting an application to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program, for a Freshwater Wetlands Protection Act Statewide General Permit Number 10B.

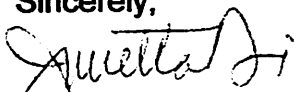
If approved by the NJDEP, the Statewide General Permit will allow the applicant to access the site by crossing through wetland buffers (no disturbance to wetlands is proposed).

The complete permit application package will be available for review at the Dover Township Clerk's office or by appointment at the address below. The NJDEP welcomes comments and any information that you may provide concerning the property. Please submit your written comments along with a copy of this letter within 15 days of receiving this letter to:

New Jersey Department of Environmental Protection, Land Use Regulation
Program
P.O. Box 439, 501 E. State Street
Trenton, New Jersey 08625
Attention: Ocean County Section Chief

The Department will notify the municipal environmental commission, planning board and the municipal construction official, as well as the County planning board of the Department's determination in the letter of interpretation.

Sincerely,


Junetta Nowell Dix
Agent for the Applicant

Applicant: Monroe Properties, USA, LLC
397 Dunhams Corner Road
New Brunswick, NJ 08816

**Attachment 1 and 2 - LURP
Application Form and Copy of
Application Fee**

Attachment 1 and 2 - CURP
Application Form and Copy of
Application Fee