



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

P.O. Box 439, Trenton, NJ 08625-0439

Fax # (609) 777-3656

www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner



JUN 29 2009

Ryan Merritt
Birdsall Engineering, Inc.
611 Industrial Way West
Eatontown, NJ 07724

RE: Authorization for Freshwater Wetlands Statewide General Permit, Water Quality Certification and Waiver of Transition Area for Access
File No.: 1217-09-0002.1FWW090002 (FWGP10B)
and Withdrawal of
File No.: 1217-09-0002.1FWW090001 (FWGP10A)
Applicant: Township of Piscataway
Project: Brookside Road Improvements
Piscataway Township, Middlesex County

Dear Mr. Merritt:

The Division of Land Use Regulation has reviewed the referenced application for a 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 Statewide General Permit No. 10B for Minor road crossings. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

In addition, this letter acknowledges your request of May 28, 2009, to withdraw the above referenced Statewide General Permit No. 10A. Your application is hereby considered withdrawn. Please note that in accordance with NJAC 7:7A-12.6(d) and (e)2, the fees submitted with this application have been applied to the Statewide General Permit No. 10B referenced above.

LIMIT OF AUTHORIZED DISTURBANCE:

Based on three (3) sheets prepared by PMK Group, Inc., dated March 17, 2009, unrevised unless otherwise noted, entitled:

“BROOKSIDE ROAD TOWNSHIP OF PISCATAWAY MIDDLESEX COUNTY NEW JERSEY”

“NJDEP PERMIT PLAN STA. 0+00 TO 10+50 BROOKSIDE ROAD IMPROVEMENTS”, Sheet 1 of 3,

"NJDEP PERMIT PLAN STA. 10+50 TO 21+50 BROOKSIDE ROAD IMPROVEMENTS", Sheet 2 of 3,

"NJDEP PERMIT PLAN STA. 21+50 TO 10+32+23.56 BROOKSIDE ROAD IMPROVEMENTS", Sheet 3 of 3, last revised May 28, 2009,

the authorized activity involves the disturbance of 0.040 of an acre of intermediate resource value wetlands and 0.166 of an acre of transition area for widening Brookside Road. Any additional disturbance of freshwater wetlands, State open waters or transition area 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.

STATEWIDE GENERAL PERMIT CONDITIONS

The activities allowed by this authorization shall comply with the following conditions. 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.).

Special Conditions:

1. Prior to the commencement of site clearing, grading or construction, the permittee shall have a silt fence erected at the limits of the clearing. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the wetland and transition area from encroachment by construction vehicles or activities. These fences shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized. No other regulated activities, including grading or clearing may occur in wetland or transition areas on site without the prior approval of the Department.
2. The applicant shall be responsible for preserving and minimizing vegetation disturbances within the wetlands transition area and along streams. All temporary disturbances shall be planted with native vegetation.
3. The Division of Land Use Regulation has not reviewed this application for consistency with the Areawide Water Quality Management Plan and the issuance of this permit shall not be construed as an approval of any wastewater management plan for this project or site. There shall be no construction of any sewage generating structures unless and until the proposed development has been found to be consistent with the appropriate areawide water quality management plan.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and 5.10, 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" 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 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 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. Acceptance of this decision and all conditions shall be assumed, unless the permittee requests an Adjudicatory hearing to contest the permit and/or permit conditions, in accordance with the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C.7:7A-1.7

Waiver of Transition Area

The Division has determined that the wetlands affected by this permit authorization are of Intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. The resource value classification is the basis for determining the standard width of transition area required for the wetlands affected by this permit authorization. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver. This waiver allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the authorized activities.

Any additional prohibited activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6(a).

This authorization for a Statewide General Permit is valid for a term not to exceed five years from the date of this letter. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

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, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a

completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Tina Wolff of our staff at (609) 777-0454 or e-mail at Tina.Wolff@dep.state.nj.us should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Daniel Bello, Principal Environmental Specialist
Central Region
Bureau of Inland Regulation

- c. Piscataway Township Municipal Construction Official w/ plan
Piscataway Township Municipal Clerk

PROFESSIONAL ENGINEER
New Jersey Professional Engineer License No. 23731