



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF LAND USE REGULATION

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FEB 23 2018

Ms. Edele Hovnanian
c/o Hovsons, Inc.
4000 Route 66
Tinton Falls, New Jersey 07753

RE: Deficiency Letter & Information Request Letter
CAFRA Individual Permit & Freshwater Wetlands General Permit 11 Application
File No. 1518-03-0002.3 CAF170001 & FWW170001
Applicant: Hovsons, Inc.
Project: Heritage Minerals
Project Location: Route 70 & Colonial Drive
Block: 75.01 Lot: 1
Manchester Township, Ocean County

Dear Ms. Hovnanian:

A public hearing on the above application was held on February 8, 2018 at Manchester Township High School in Manchester, New Jersey. In accordance with N.J.A.C. 7:7-26.5(c) of the Coastal Zone Management Rules, the NJDEP Division of Land Use Regulation (Division) has determined that the above application is not complete for review and additional information is required. In accordance with Subchapters 23 through 26 of the Coastal Zone Management Rules at N.J.A.C. 7:7-1.1 et seq. and Subchapter 16 of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-1.1 et seq., please provide the following information:

1. In accordance with comments received from the Department's Division of Air Quality's Bureau of Evaluation and Planning (BEP) and in order to demonstrate project compliance with the Air Quality rule at N.J.A.C. 7:7-16.8 as well as Section 10 of the Coastal Area Facility Review Act (N.J.S.A. 13:19) (CAFRA), a revised Traffic Impact and Air Quality Study for the project needs to be submitted addressing the following comments:
 - a. The CAL3QHC modeling was conducted using an atmospheric stability of 'D'. BEP's *Air Quality Analysis for Intersections* guidance document states an atmospheric stability of D should be used in urban areas. The project location is not shown as an urban area in Figure 4 of the document. Aerial photos of the area suggest it is a mostly suburban area with some rural. We request an atmospheric stability of 'E' be used when modeling all intersections unless justification can be provided that an urban designation is more accurate. (note: the 1-hour background carbon monoxide value recommended for suburban areas is 3 ppm.)
 - b. The applicant modeled the following three intersections in separate CAL3QHC model runs; Route 37 and Colonial Drive Intersection, the Route 37 and Colonial Drive East-Bound Off-Ramp Intersection, and the Route 37 and Colonial Drive West-Bound Off-Ramp Intersection. These three intersections are separated by only 150 meters. Because

they are in very close proximity to each other, all three will affect the air quality in the immediate area in combination. Therefore, a traffic impact analysis with CAL3QHC must be submitted to BEP that includes all three of these intersections in one model run. This analysis must show compliance with the carbon monoxide NAAQS.

- c. The proposed one-way stop on the Manchester Township High School Driveway at its intersection with Colonial Drive is problematic. Outbound vehicles from the High School Driveway will experience LOS of E (a.m. peak) and F (p.m. and Saturday peaks). While the volume of traffic at this stop controlled intersection is unlikely to be an air quality issue, it still may be a level of service concern. The BEP recommends that the school be informed of this issue, and that mitigation steps be taken to reduce the traffic congestion.
2. In order to demonstrate compliance with the requirements of the Endangered or Threatened Wildlife or Plant Species Habitats rule at N.J.A.C. 7:7-9.36 and the Critical Wildlife Habitats rule at N.J.A.C. 7:7-9.37 in the Coastal Zone Management Rules, as well as compliance with the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-19.5(k), the following information must be submitted:
 - a. Based on a site inspection of the project site by the Division's reviewing biologists, potential northern pine snake and corn snake dens have been located within the area onsite proposed for the access road to the site from Colonial Drive. In order to determine if the dens are active, spring emergence surveys are required. The spring emergence surveys shall be conducted from April 1st through May 31st and shall follow ENSP protocols. The surveys shall be submitted to the Division and ENSP for review. Please be advised, if the dens are active, relocation of the proposed roadway may be required. For information about the survey protocols, please contact the Division's reviewing biologists, Larry Torok or Karena DiLeo.
 - b. Pursuant to discussions with staff from the Department's Natural Heritage Program (NHP), in order to determine the proposed impact to sickle-leaved golden aster (*Pityopsis falcata*) from construction of the project, a comprehensive survey of the development area for sickle-leaved golden aster must be completed and submitted to the Division and the NHP for review.
 - c. Pursuant to comments received from the United States Fish & Wildlife Service (USFWS), dated October 24, 2017, relative to the proposed 1,650 square feet (0.038 acres) of freshwater wetlands disturbance under the pending Freshwater Wetlands General Permit 11 application, please complete a Knieskern's beaked-rush survey and submit the results to both the Division and the USFWS for review. The survey must be conducted during the period of August-September by a qualified botanist with experience in sedge identification of any suitable wetland habitat on and adjacent to the subject property, including 500 feet into any adjacent freshwater wetlands and/or waterways. Please include in the submission the survey method used and the qualifications of the surveyor along with an assessment of any potential impacts to Knieskern's beaked rush.
 3. The Division's initial deficiency and information request letter, dated August 30, 2017, requested changes to the proposed snake culverts/tunnels and associated guide walls/fencing. To date, the requested changes have not been made. Please make the following changes to the proposed snake culverts/tunnels, and fencing design:
 - a. The snake culverts/tunnels shall be a three-sided box with a natural sand bottom.
 - b. The grated top of the culverts/tunnels shall be continuous or at least cover most of the tunnel length, not including the endcaps.

- c. The snake culverts/tunnels shall be 12 feet wide and greater than 3.5 feet high.
 - d. The culverts/tunnels shall be at a minimum 3% grade, perpendicular to the roadways, situated at the base of the slope off the road grade, and spaced 200 feet apart on both roadways. Please be advised, after the number of culverts/tunnels has been determined, the New Jersey Division of Fish and Wildlife's Endangered and Nongame Species Program (ENSP) will review the placement to ensure alignment with existing and proposed topography and landscape characteristics.
 - e. Three of the proposed culverts/tunnels along the proposed site access from Colonial Drive daylight into a large detention basin. The basin shall be relocated or divided into smaller basins between the culverts/tunnels with uncleared forested habitat located where the culverts/tunnels daylight. There shall be no mowed lawn habitat connecting the basins along the roadway.
 - f. The fencing shall consist of smooth, solid, opaque material with a longevity of greater than or equal to 10 years. The fencing will require approval by ENSP.
 - g. The fencing shall be six feet high above ground and buried ten inches below ground. If fencing of six feet high is not feasible, then the fencing shall be five feet high with a 12 inch u-shaped lip over the habitat.
 - h. There shall be no gaps between the culverts/tunnels and the fencing.
 - i. There shall be 200 foot flared ends to re-direct snakes back into the habitat at the ends of the fence.
 - j. The design and placement of the fencing shall be coordinated with ENSP in order to maximize the effectiveness of the fencing.
4. The submitted Traffic Impact and Air Quality study indicates that improvements to Colonial Drive will be necessary to mitigate for traffic generated by the proposed development. In order to determine if the future improvements to Colonial Drive will require installation of additional snake culverts/tunnels under Colonial Drive, please provide traffic counts under a build scenario for one entire weekday and weekend day during the school year.
5. Please submit a revised plan with corresponding information which clearly indicates all areas of contamination onsite, and for each area identify the type of contamination, the proposed remedial action in accordance with applicable laws and regulations, what type of final approval is necessary from the Department, the status and/or timeframe to undertake each remedial action, and the acceptable end use of the area(s) upon completion of the remedial action. Please ensure that this information also addresses the following:
- a. Please revise and label the area referenced on the project plans as the "Neighborhood Commercial/Recreation" as the area that will be capped. Please be sure to clearly show and label on the plans the limits of the area to be capped which shall include any grading or mounding associated with the proposed capped area.
 - b. Information provided by the Department's Site Remediation Program indicates that the contamination associated with the leaking transformer pad does not comply with the Department's site remediation rules. Specifically, the Remedial Investigation Report (RIR), which was required to be submitted to the Department by September 30, 2017, has not yet been submitted. In addition, the limits of the contamination and clean up requirements cannot be determined. Please provide a status on the submission of the RIR. Please be advised, a permit cannot be issued for structures in the area that would be affected by this contamination until a determination is made on the acceptable uses of the land in this area.
6. Please submit soil boring logs to confirm that the 50 foot and 100 foot water quality buffer shown around the existing wet borrow pits on the project plans are accurate. Please be advised, once the applicable width(s) of the water quality buffers is confirmed, any proposed uses within the water

quality buffers must comply with the Wet Borrow Pits rule at N.J.A.C. 7:7-9.14(h) and (i). Structures and/or uses which do not comply will need to be removed from the water quality buffer.

7. Please address the following comments from the Division's reviewing engineer to demonstrate project compliance with the Stormwater Management rule at N.J.A.C. 7:7-16.6 and the applicable requirements of the Stormwater Management Rules at N.J.A.C. 7:8:
 - a. The borrow pits can be used to address the stormwater quantity requirement if they are modified to meet all the design criteria for wet ponds set for in the NJ Best Management Practices (BMP) Manual. Due to the depth of the wet borrow pits, safety ledges must be constructed as per the requirements of the NJ BMP Manual. Safety fences must also be installed around these borrow pits. In addition, an outlet control structure must be installed in order to address the drain time requirements of the NJ BMP Manual.
 - b. The existing borrow pits cannot be used to address stormwater quality and groundwater recharge.
 - c. The 100-year rainfall depth used in post-developed conditions was 7.50", which is not accurate. The correct rainfall depth for the 100-year storm event is 9.20" for Ocean County.
 - d. The standing water depths within the infiltration basins (proposed and existing) must not be more than two feet.
 - e. The cross-sectional details of each of the proposed basins as well as each of the existing borrow pits should be submitted. These details should contain the water surface elevations for the 2-, 10-, 100-year and water quality storm events. In addition, the details should include the permeability rate and seasonal high water table elevation at the location of that basin with related soil boring or soil profile pit number/s representing the seasonal high water table elevation and permeability rate at the location of that basin. This soil profile pit or the soil boring number should match with the soil report and soil borings/profile pit locations map.
 - f. The grading, drainage and utility plans must show all the details of existing (borrow pits) and proposed basins (grade lines within the basins, elevations and locations of weirs, elevations and locations of emergency spillways, details of outlet control structures, piping details, etc.).

In addition to the deficient information requested above, the following additional information must be submitted to demonstrate project compliance with the applicable Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A et seq., Coastal Zone Management Rules at N.J.A.C. 7:7-1.1 et seq., and Section 10 of CAFRA:

1. Please provide additional information regarding how the traffic mitigation measures referenced in the submitted Traffic Impact and Air Quality Study, dated July 31, 2017, will be implemented and a timeframe for this implementation. In addition, please also provide the following information:
 - a. The submitted Traffic Impact and Air Quality Study utilized a gravity model to determine the primary trip distribution. However, since the proposed project includes a residential component as well as a retail component, a journey-to-work model should be utilized for the residential portion of the project while the gravity model should be utilized for the commercial component of the project to determine primary trip distribution.
 - b. Capacity analysis printouts for Route 70 & Manchester Boulevard, specifically the ramp that allows only right turn movements as this intersection operates at LOS F under the Build condition. Also, please indicate the appropriate mitigation to ensure that the LOS remains at LOS D or better.
 - c. A capacity analysis for Route 70 and the site driveway during the PM peak hour must be provided.

2. The project as proposed does not comply with the requirements for impervious cover and vegetative cover referenced in Subchapter 13 of the Coastal Zone Management Rules at N.J.A.C. 7:7-13. A review of the impervious cover and vegetative cover calculations submitted in the response to the Department's request for deficient and additional information, dated December 6, 2017, indicates that the impervious cover limit for the portion of the project located in the Suburban Planning Area within a sewer service area would be exceeded by 23.55 acres. In addition, it is not clear that the required tree preservation for the forested portions of the site, the required tree preservation and/or planting for the unforested portions of the site, and the required herb/shrub cover are met for each planning area of the site. Please revise the submitted impervious cover and vegetative cover calculations to demonstrate that the impervious cover and vegetative cover requirements are met in each area of the site, all in accordance with N.J.A.C. 7:7-13.16(i), 7:7-13.17 and 7:7-13.19. Please clearly show on the plans all areas on the plans that will be utilized for tree preservation and/or planting in each planning area of the site.
3. Based on the submitted impervious cover calculations for the portion of the project site located in the Environmentally Sensitive Planning Area, 0.2 acres of impervious is proposed in this area. Please clarify the location of development proposed in this portion of the site.
4. The changes to the plans requested by the Division's wetland specialist after a visit to the project site on November 15, 2017 have not been made. Specifically, there is a wetland fringe present along the shoreline of the open water area on the west side of the train tracks. The width of the transition area along the wetland fringe is 150 feet. This area is shown on Sheet DP3 of the project plans. The transition area should be shown on all applicable sheets of the plans, including the development, grading and landscaping sheets of the plans, and the portions of the lot lines, dwellings and limits of tree clearing within the 150 foot transition area should be eliminated to avoid the need for additional permits.
5. Sheet DP 6 of the project plans shows an area at the end of the cul-de-sac associated with the road labeled C3-2 where the proposed lot lines extend into the wetland transition area. Please revise this sheet of the project plans and all applicable sheets, including the grading and landscaping plans, to eliminate the lot lines within the wetlands transition area.
6. Sheets DP 6, 8, and 12 show the limits of proposed tree clearing which encroaches into the wetlands transition area. These sheets of the plans and all other applicable sheets including the grading and landscaping plans need to be revised to show that the limits of proposed tree clearing would be outside the limit of the wetlands transition area to avoid the need for additional permits.
7. Sheet DP 9 of the project plans references the removal of a section of existing roadway on the Manchester Township High School property. Please eliminate this work from the project plans as this work is not located on the property.
8. The references on the plans made to the 50 foot wide riparian zone extending landward from the top of bank of the tributary to Old Hurricane Brook on the adjacent parcel should be eliminated as the width of the riparian zone from this feature has not been determined. However, the project will not be located within 300 feet of this tributary and will not result in any impacts to vegetation in the riparian zone of this tributary.
9. The proposed square footage of commercial space proposed on the project site is 40,000 square feet. However, the most recent project plans submitted to the Division for review indicate that 50,000 square feet of commercial space is proposed. Please correct all applicable sheets of the plans to reflect that 40,000 square feet of commercial space is proposed.

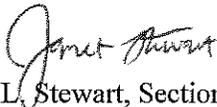
The deficient items noted above must be submitted before the application can be deemed complete for final review. Please be advised, this application is also currently under review by the New Jersey

Pinelands Commission. Additional information may be required to be submitted pursuant to Pinelands Commission review. In addition, an application for a Freshwater Wetlands General Permit 6 for the filling of wetlands for remedial activities at the project site is pending under file# 1518-03-0002.3 FWW180001. If additional information is required during the review of the General Permit 6 application, the Division will contact your agent directly.

Please be advised, comments received from the United States Fish and Wildlife Service indicate that a timing restriction for tree and shrub removal in the wetland areas proposed for disturbance under the pending Freshwater Wetlands General Permit 11 application would be necessary from April 1st through August 31st of each calendar year in order to protect nesting migratory birds.

In addition, the final application fee payment for the pending CAFRA Individual Permit and Freshwater Wetlands General Permit 11 must be submitted prior to a decision on the application. Should you have any questions regarding the information requested in this letter, please do not hesitate to contact Lindsey J. Davis of our staff by email at Lindsey.Davis@dep.nj.gov, by phone at (609) 633-2289, or in writing at the above listed address.

Sincerely,



Janet L. Stewart, Section Chief
Bureau of Coastal Regulation
Division of Land Use Regulation

C: Amy Jones, DuBois Environmental Consultants, LLC, Agent (original mailed to Applicant)