

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

**FRESHWATER WETLAND  
TRANSITION AREA WAIVER AVERAGING PLAN**

*or*

**Proposed Retail Development  
N.J.S.H. Route 37 and Northampton Boulevard**

**Block 44, Lots 2, 3, 4, 5 and 9  
Block 75.01, Lot 3  
Township of Manchester  
Block 505, Lot 14 and 15  
Township of Toms River  
Ocean County, New Jersey**

*Prepared for:*

**Jaylin Holdings, LLC  
c/o Grunin Properties  
Dover Esplanade Building  
1027 Hooper Avenue  
Toms River, New Jersey 08753**

*Prepared by:*



**BOHLER**  
ENGINEERING

**35 Technology Drive  
Warren, New Jersey 07059  
908-668-8300**

**December 2017  
BENJ #JM170508**





State of New Jersey  
Department of Environmental Protection  
Division of Land Use Regulation  
Mail Code 501-02A  
PO Box 420  
Trenton, NJ 08625-0420  
Fax# (609)-777-3656  
[www.nj.gov/dep/landuse/](http://www.nj.gov/dep/landuse/)



## FRESHWATER WETLANDS TRANSITION AREA WAIVER APPLICATION CHECKLIST AND FEE TABLE (Updated February 2015)

This checklist is to be used to apply for a transition area waiver. If a transition area disturbance can be covered by a general permit, use the application checklist for that general permit.

The Department issues the following types of transition area waivers:

- 
1. Averaging plan transition area waiver (see N.J.A.C. 7:7A-6.2);
  2. Special activity transition area waiver for stormwater management (see N.J.A.C. 7:7A-6.3(d));
  3. Special activity transition area waiver for linear development (see N.J.A.C. 7:7A-6.3(e));
  4. Special activity transition area waiver for redevelopment (see N.J.A.C. 7:7A-6.3(f));
  5. Special activity transition area waiver for activities eligible for an individual freshwater wetlands permit (see N.J.A.C. 7:7A-6.3(g));
  6. Matrix type width reduction transition area waiver (see N.J.A.C. 7:7A-6.4); and
  7. Hardship transition area waiver (see N.J.A.C. 7:7A-6.5).

To complete this checklist, you may need the following attachments:

- Attachment A: Form letter for providing certified mail notice of an application
- Attachment B: Form for providing newspaper notice of an application
- Attachment C: List of municipalities with swamp pink plants
- Attachment D: List of municipalities with bog turtles
- Attachment E: Form letter for providing an offer of sale for a hardship transition area waiver
- Attachment F: Organizations to be contacted for the sale of property
- DLUR Form: Application form

### NOTES:

- Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.
- The person who signs the DLUR application form as the applicant must be the owner of the site, or a person with legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, however only one person may be identified in the application as the applicant's agent. The agent may be a consultant, engineer, attorney, or other person who has assisted or prepared the application. The agent is the person to which all correspondence will be sent and the person that has authority to make decisions with regard to the application.

## APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for a transition area waiver must include all of the following items:

- 1. A DLUR application form, completed in accordance with the directions on the form;
- 2. The appropriate fee, indicated in the fee table below, paid as follows:
  - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
  - The fee shall be made payable to "Treasurer, State of New Jersey";
  - Each check, purchase order, or money order must be marked with the name of the applicant;
  - Each check, purchase order, or money order must indicate the type of transition area waiver for which the application is submitted (for example, "linear development waiver");
  - If more than one permit is requested a fee break down should be included on a separate page.
- 3. Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the stamped white postal receipt you receive when you send the item by certified mail, or the signed green certified mail return receipt card.) All of the following must be submitted:
  - ✓ A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
  - B. Proof that a completed copy of the notice letter found in Attachment A has been sent to each of the following:
    - ✓ i. The municipal environmental commission (if one exists);
    - ✓ ii. The municipal planning board;
    - ✓ iii. The municipal construction official;
    - ✓ iv. The county planning board; and
    - ✓ v. One of the following sets of neighboring landowners (applicant choose one option):
      - Option 1: All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site").
        - If this option is selected, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality;
      - Option 2: All owners of land within 200 feet of the disturbance.
        - If this option is chosen, the application must also include a tax map with the location of the proposed disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined; or
      - Option 3: If the project is a linear development, trail, or boardwalk; and the project is more than one half mile long, proof that both of the following have been done:
        - A copy of the notice in Attachment A has been sent to all owners of land within 200 feet of any proposed above ground structure (not including telephone poles, power lines or similar structures), such as an access road, treatment plant, power substation, or similar structure; and
        - A display advertisement has been published in the newspaper of record for the municipality in which the site is located and in a newspaper with regional circulation in the region in which the site is located. The advertisement shall be at least four column inches in size;

➤ To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published;

**Note:** if a project site is located in more than one municipality or county, the notice requirements in item 3 above must be met for each municipality and/or county in which the site is located.

4. A copy of a USGS quad map, with: the site clearly outlined; and State Plane coordinates for a point at the approximate center of the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.

**Note:** For a linear development, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.

5. An up to date county road map or local street map, with the site clearly indicated;
6. Original color photographs, mounted on 8½ by 11 inch paper, clearly showing the portion of the site that will be disturbed by the activities proposed in the transition area. A minimum of four photographs shall be included;
7. A compliance statement that includes all of the following:
- A. A description of the project and all proposed regulated activities;
  - B. A list of all of the limits and requirements in the transition area provisions of the freshwater wetlands rules at N.J.A.C. 7:7A-6 that apply to the proposed activities; and
  - C. An explanation of how the proposed activities comply with each limit or requirement listed under B above;
  - D. If a site is known or suspected to be contaminated with toxic substances, and if the Department requests it, a laboratory analysis of representative samples of the soil or sediment on the site;
8. The following information on the location of wetlands on the site:
- ✓ A. A line delineation LOI issued under N.J.A.C. 7:7A-3.3, or a line verification LOI issued under N.J.A.C. 7:7A-3.4. A presence/absence LOI issued under N.J.A.C. 7:7A-3.2 is not sufficient.;
  - B. If no LOI has been issued for the site, or if only a presence/absence LOI has been issued, submit all the information required for an application for a line delineation LOI or line verification LOI.;
    - This delineation shall be drawn onto the site plan required under item below. A formal delineation report is not required. However, the application must include the data sheets used by the delineator to record the information on soils and vegetation which formed the basis for the delineation;
9. Five folded copies of a site plan, signed and sealed by a licensed surveyor, showing the entire site and indicating the following:
- A. All existing structures in the area that will be disturbed by the proposed activities;
  - B. All proposed structures, disturbances, and activities; and
  - C. If a delineation of wetlands, transition areas, and State open waters is required under item above, this delineation must be drawn on the site plan;

10. Information regarding whether other approvals are required for the activities by Federal, interstate, State and local agencies for the activity; information regarding whether any such approvals or denials have been received; and information regarding whether the proposed activities are consistent with the rules, plans, or policies of other Federal, interstate, State and local agencies; *Refer to the comprehensive CAFRA application for a list of required permits/approvals.*
11. If the application is for a proposed project that has disturbances of ¼ acre impervious surface in freshwater wetlands and/or transition area or if the total pervious and impervious disturbance to wetlands and/or transition is greater than an acre or if more than ¼ acre of impervious surface drains to any outfall requiring a general permit 11 the applicant must submit a Stormwater Report that proves the proposed project meets the Water Quality Standards at N.J.A.C. 7:8 and a full set of construction site plans.

*In addition to the above the following must be submitted*

Stormwater management must be provided in certain cases as described below. See [www.njstormwater.org](http://www.njstormwater.org) for more information. (Note: if your freshwater wetlands application is being submitted jointly with a stream encroachment, waterfront development and/or CAFRA application, different means of determining whether the Stormwater Management rules may apply.) Stormwater fees may also apply.

A. Check (and explain) if the project:

- Is exempt from the stormwater rules at N.J.A.C. 7:8-5.2(d). (In such cases, you do not need to complete the rest of this section.)
- Meets the waiver requirements for public roadway improvements at N.J.A.C. 7:8-5.2(e).

B. Enter the total amount of land that will be disturbed (as described below):

27.0 \_\_\_\_\_ ft<sup>2</sup> of acres (circle one).

"Disturbance" means the sum of the following:

- The total amount of proposed disturbance within freshwater wetlands, transition areas and open waters onsite.
- The total amount of proposed disturbance onsite, if runoff from the disturbed area will be collected and discharged into freshwater wetlands, transition areas or open waters.

If at least 1 acre (43,560 ft<sup>2</sup>) of land will be disturbed, as described above, submit the following (in the engineering report):

- One completed Low Impact Design checklist (see Appendix A of BMP manual at [www.njstormwater.org](http://www.njstormwater.org)).
- One copy of a USGS map, showing the site and its HUC-14 watershed and indicating any 300-ft buffers onsite.
- Proof that the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2 are met (unless exempted at N.J.A.C. 7:8-5.4(a)2ii).
- Proof that the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3 are met (unless the project lies in a tidal floodplain and will cause no adverse impacts to flooding, as described at N.J.A.C. 7:8-5.4(a)3iv).
- Proof that the use of nonstructural stormwater strategies has been maximized onsite via one of the following:
- A completed Nonstructural Stormwater Strategies Point System spreadsheet (see [www.njstormwater.org](http://www.njstormwater.org)).
- A detailed narrative (including an alternative analysis where necessary), explaining how the project does (or does not) implement all nine nonstructural strategies required at N.J.A.C. 7:8-5.3.

C. Enter the net-increase in impervious area onsite (as described below):

10.841 ft<sup>2</sup> or acres (circle one).

"Impervious areas" means the sum of the following:

- The total amount of proposed impervious areas within freshwater wetlands, transition areas and open waters onsite.
- The total amount of proposed impervious areas onsite, if runoff from the impervious areas will be collected and discharged into freshwater wetlands, transition areas or open waters. Include all new impervious areas onsite, as well as existing impervious areas from which stormwater currently sheet-flows, but which will be collected into a basin or storm sewer system. Subtract any impervious areas being removed onsite, if runoff from the area to be removed is currently collected and discharged into within freshwater wetlands, transition areas and open waters.

If a net-increase of at least ¼ acre (10,890 ft<sup>2</sup>) of impervious area will occur, as described above, submit all material in Part B above and the following:

- Proof (in the engineering report) that the water quality standards at N.J.A.C. 7:8-5.5 are met.

D. Complete a Stormwater Review Fee worksheet to calculate the appropriate stormwater review fee

12. If the site is located in a municipality with the endangered plant known as swamp pink (*helonias bullata*) (these municipalities are listed in Attachment C), the application must include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;
- N/A
13. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Attachment D), the application must include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;
- N/A
14. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, submit a letter from the National Park Service approving the proposed activities.
- N/A
- As of August 1, 2001, the water bodies containing designated wild and scenic river areas in New Jersey are:
    - The Maurice River and tributaries;
    - The Great Egg Harbor River and tributaries
    - Portions of the Mullica/Lower Atsion River; and
    - Portions of the Delaware River.
  - Contact the Department at the above address for more detailed information on wild and scenic rivers.
15. A copy of the deed and/or other relevant documents pertaining to the site, showing and/or describing property boundaries, ownership, easements, restrictions, previous approvals by any local, federal, interstate or state agency, and any other information relating to the site that will assist the Department in assessing compliance with the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A.
16. For an averaging plan transition area waiver under N.J.A.C. 7:7A-6.2, the following information is required, in addition to the information required in items 1 through 15 above:

- A. The total square footage of the standard transition area, determined in accordance with N.J.A.C. 7:7A-2.5;
  - B. The total square footage of transition area to be disturbed by the proposed project, including grading;
  - C. The total square footage by which the transition area will be reduced, and the total square footage of increased transition area which will be provided in compensation for the reduction; and
  - D. A site plan showing and clearly labeling the standard transition area, the proposed area in which the standard transition area will be reduced, and the proposed area that will be added to the transition area as compensation. The transition area shown on the site plan shall be reproducible in the field;
17. For a special activity transition area waiver for stormwater management under N.J.A.C. 7:7A-6.3(d), the following information is required, in addition to the information required in items 1 through 15 above:
- A. A written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-6.3(c) and (d). The alternatives analysis must list the possible alternatives, and explain why each was rejected;
  - B. A site plan showing the standard transition area, as determined under N.J.A.C. 7:7A-2.5, and showing all proposed regulated activities (see N.J.A.C. 7:7A-2.5 for a list of activities regulated in transition areas);
18. For a special activity transition area waiver for linear development under N.J.A.C. 7:7A-6.3(e), the following information is required, in addition to the information required in items 1 through 15 above:
- A. A written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-6.3(c) and (e). The alternatives analysis must list the possible alternatives, and explain why each was rejected; and
  - B. A site plan showing the standard transition area, as determined under N.J.A.C. 7:7A-2.5, and showing all proposed regulated activities (see N.J.A.C. 7:7A-2.5 for a list of activities regulated in transition areas);
19. For a special activity transition area waiver for redevelopment under N.J.A.C. 7:7A-6.3(f), a site plan showing the following is required, in addition to the information required in items 1 through 15 above:
- A. The location and extent of areas that are significantly disturbed so that they are not functioning as a transition area, including impervious surfaces, as defined at N.J.A.C. 7:7A-1.4; and
  - B. The location and extent of proposed development and attendant features including but not limited to septic systems discharging onsite, stormwater outfalls, and proposed stormwater management measures;
20. For a special activity transition area waiver for a project that would be eligible for an individual freshwater wetlands permit under N.J.A.C. 7:7A-6.3(g), the applicant must submit the following information, in addition to the information required in items 1 through 15 above:
- A. The information required for an individual freshwater wetlands permit application at N.J.A.C. 7:7A-10.6(b); and
  - B. A mitigation proposal in accordance with the requirements at N.J.A.C. 7:7A-15.26.
21. For a matrix type transition area waiver under N.J.A.C. 7:7A-6.4, the following information is required, in addition to the information required in items 1 through 15 above:

- A. The slope of the portion of the transition area contained within the site, as determined under N.J.A.C. 7:7A-6.4(g);
- B. The dominant vegetation community in the portion of the transition area contained within the site, as determined under N.J.A.C. 7:7A-6.4(h); and
- C. The development intensity of the proposed project, as determined under N.J.A.C. 7:7A-6.4(i);

22. For a hardship transition area waiver under N.J.A.C. 7:7A-6.5, in addition to the information required in items 1 through 15 above, the applicant shall demonstrate that the site meets the requirements at N.J.A.C. 7:7A-6.5(a). The applicant may demonstrate this by submitting documentation that all of the following criteria are met:

- A. The presence of transition areas on the site makes it impossible to build a single family dwelling on the site under the other provisions of this chapter;
- B. The lot or lots that make up the site were created by a subdivision occurring prior to July 1, 1988;
- C. The site has been owned continuously by the applicant since prior to July 1, 1988;
- D. The site is not contiguous with an improved property that was owned by the applicant on July 1, 1988;
- E. The applicant has not received a hardship transition area waiver based on these hardship criteria at any time during the five years prior to the present application for a hardship transition area waiver;
- F. The applicant has unsuccessfully attempted to purchase adjacent properties for fair market value in order to create a developable upland;
- G. The applicant has offered the site for sale at fair market value as determined by a fair market value appraisal, performed by a State-licensed appraiser and using a form letter provided by the Department (Attachment E), to adjacent property owners and the offer was refused or is not reasonable, assuming a minimum beneficial economically viable use, in accordance with N.J.A.C. 7:7A-17, to alleviate the hardship;
- H. The applicant has offered the site for sale at fair market value as determined by a fair market value appraisal, performed by a State-licensed appraiser, and using a form letter provided by the Department, to interested public and/or private conservation organizations on a list provided by the Department (Attachment F), and the offer was refused or is not reasonable, assuming a minimum beneficial economically viable use, in accordance with N.J.A.C. 7:7A-17, to alleviate the hardship;
- I. Document(s) showing when the property as a whole, as defined at N.J.A.C. 7:7A-1.4, was acquired, the purchase price of the property as a whole and the instrument which documents the applicant's real property interest;
- J. Document(s) showing the amount, nature, and date of any investments made to maintain and/or develop the property as a whole, other than the purchase price;
- K. A copy of each letter that the property owner sends under G. and H. above;
- L. All responses the property owner receives to the letters sent under G. and H. above. Each response shall be submitted to the Department within 15 days after the property owner's receipt of the response;
- M. A list, certified by the municipality, of all owners of real property within 200 feet of the property as a whole, including owners of easements as shown on the tax duplicate;
- N. The written offer of sale required under G. and H. above shall be sent by certified mail and shall:
  - \_\_\_ i. Indicate that the offer is open for a period of at least 90 calendar days;
  - \_\_\_ ii. Include a copy of a fair market value appraisal, performed by a State-licensed appraiser, that assumes that a minimum beneficial economically viable use of the property will be allowed;
  - \_\_\_ iii. Include full disclosure of the location on the property of any freshwater wetlands, transition areas, and/or State open waters.

## TRANSITION AREA WAIVER APPLICATION FEES

Type of transition area waiver	Fee
Any transition area waiver, if the entire site is covered by a valid line delineation or line verification LOI	\$1,000 plus \$100.00 per acres of disturbed regulated area (or fraction thereof) (Plus, as applicable, the additional fees for major developments as defined at N.J.A.C. 7:8-1.2)
Any transition area waiver if the site is not covered by a valid LOI.	\$1,000 plus \$100.00 per acre of disturbed regulated area (or fraction thereof) <b>and the application fee for the appropriate LOI</b> (Plus, as applicable, the additional fees for major developments as defined at N.J.A.C. 7:8-1.2) <b>Note:</b> this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
Multiple transition area waivers (unless all are special activity transition area waivers)	Sum of all fees for all of the applicable transition area waivers
Multiple special activity transition area waivers for a single site	\$1,000.00 per each special activity waiver
Transition area waiver (any type) and one or more general permit authorizations	The applicable transition area waiver fee, plus \$1,000.00 for each general permit authorization
Transition area waiver extension	\$500.00

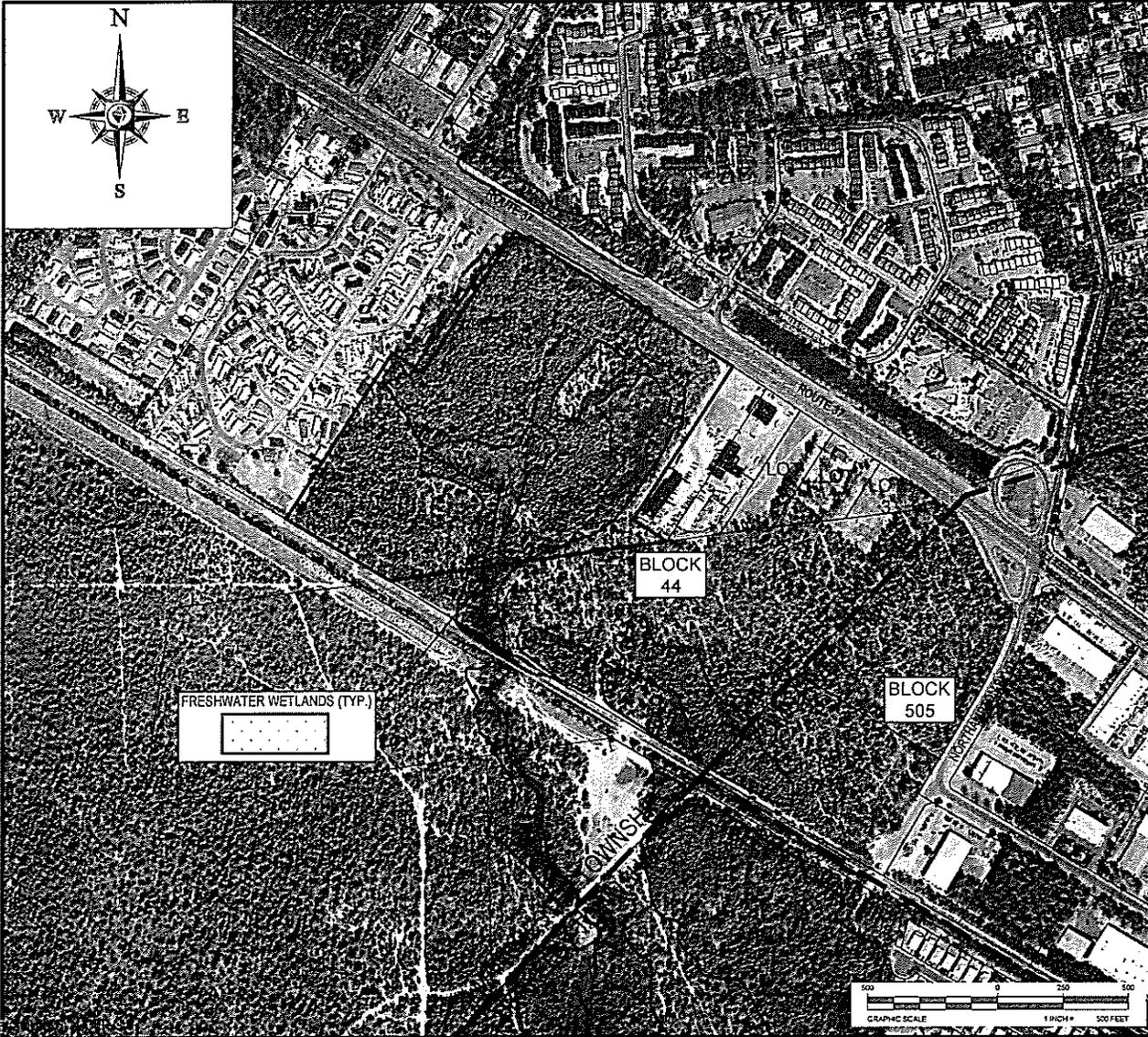
**NOTES:**

- When these fee tables refer to a cost "per acre," this means the cost is per acre or fraction thereof. For example, an area of one and one third acres would have the same fee as an area of two acres.
- When these fee tables refer to a "disturbed regulated area," this means an acre of freshwater wetlands, State open waters, or transition area that will be affected by a regulated or prohibited activity.









**BOHLER ENGINEERING**

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 ASBESTOS ABATEMENT • ENVIRONMENTAL ASSESSMENT • AIR QUALITY  
 REMEDIATION • EROSION CONTROL • SITE INVESTIGATION  
 • SITE RESTORATION • SITE CHARACTERIZATION • SOIL REMEDIATION  
 • ENVIRONMENTAL MONITORING • RAILROADS, DC • DALLAS, TX

REVISIONS			
REV	DATE	COMMENT	BY

PROJECT No. JMI70500  
 DRAWN BY: SLM  
 CHECKED BY: AGJ  
 DATE: 11/02/07  
 SCALE: AS SHOWN  
 CAD ID: JMI70504-EE-04

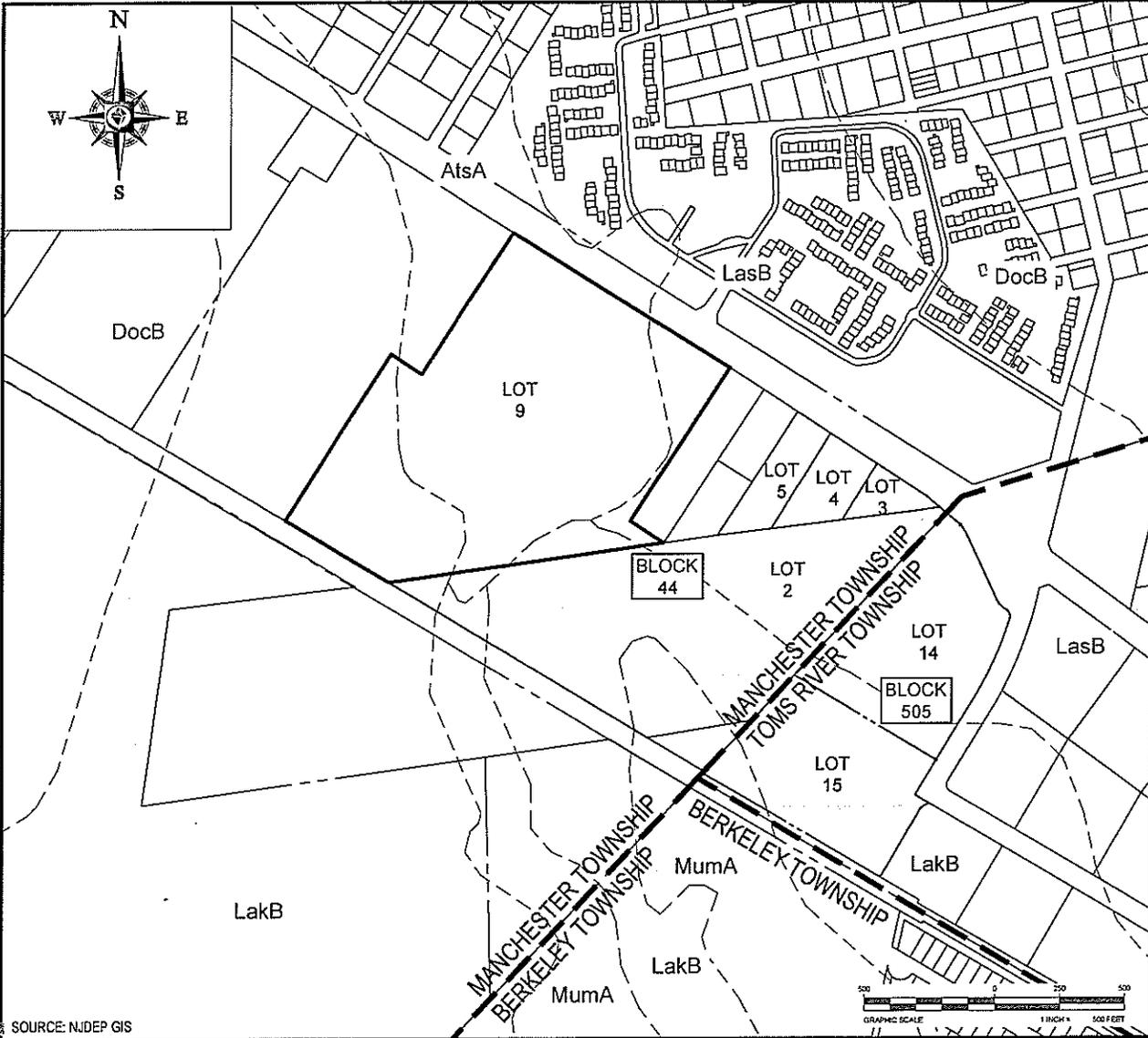
**PROJECT**  
**PRELIMINARY & FINAL SITE PLAN**  
**FOR**  
**GRUNIN PROPERTIES**  
 LOCATION OF SITE  
 MANCHESTER TOWNSHIP  
 TOMS RIVER TOWNSHIP  
 NJSH RT#37 & NORTHAMPTON BLVD  
 OCEAN COUNTY, NEW JERSEY

**BOHLER ENGINEERING**  
 295 FELLOWSHIP ROAD, SUITE 216  
 MOUNT LAUREL, NJ 08054  
 Phone: (856) 930-4200  
 Fax: (856) 930-4001  
[www.BohlerEngineering.com](http://www.BohlerEngineering.com)  
 NJ CERT. OF ARCHITECTURE NO. 343000170

**FIGURE**  
**A-4**

**SHEET TITLE**  
**NJ GEOWEB WETLANDS MAPPING**  
**SHEET NUMBER**  
**4 OF 6**

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123

BOHLER ENGINEERING  
 305 FELLOWSHIP ROAD, SUITE 210  
 MOUNT LAUREL, NJ 08054  
 Phone: (856) 930-4000  
 Fax: (856) 930-4001  
 www.BohlerEngineering.com  
 LICENSE NO. 123456789

BOHLER ENGINEERING  
 12345 MAIN STREET • SUITE 100 • MOUNTAIN VIEW, NJ 07093  
 PHONE: (908) 261-1234 • FAX: (908) 261-5678  
 BOHLER ENGINEERING  
 12345 MAIN STREET • SUITE 100 • MOUNTAIN VIEW, NJ 07093  
 PHONE: (908) 261-1234 • FAX: (908) 261-5678

REVISIONS

REV	DATE	COMMENT

PROJECT No: JM17500A  
 DRAWN BY: GJM  
 CHECKED BY: AMK  
 DATE: 11/20/2017  
 SCALE: AS SHOWN  
 CAD ID: JM17500A-REV-0A

PROJECT: PRELIMINARY & FINAL SITE PLAN FOR GRUNIN PROPERTIES  
 LOCATION OF SITE: MANCHESTER TOWNSHIP, TOMS RIVER TOWNSHIP, NUSH RT#37 & NORTHAMPTON BLVD., OCEAN COUNTY, NEW JERSEY

**BOHLER ENGINEERING**

305 FELLOWSHIP ROAD, SUITE 210  
 MOUNT LAUREL, NJ 08054  
 Phone: (856) 930-4000  
 Fax: (856) 930-4001  
 www.BohlerEngineering.com  
 LICENSE NO. 123456789

FIGURE A-5

SHEET TITLE: NCRS SOILS MAP  
 SHEET NUMBER: 5 OF 6

SOURCE: NJDEP GIS





Photo 1

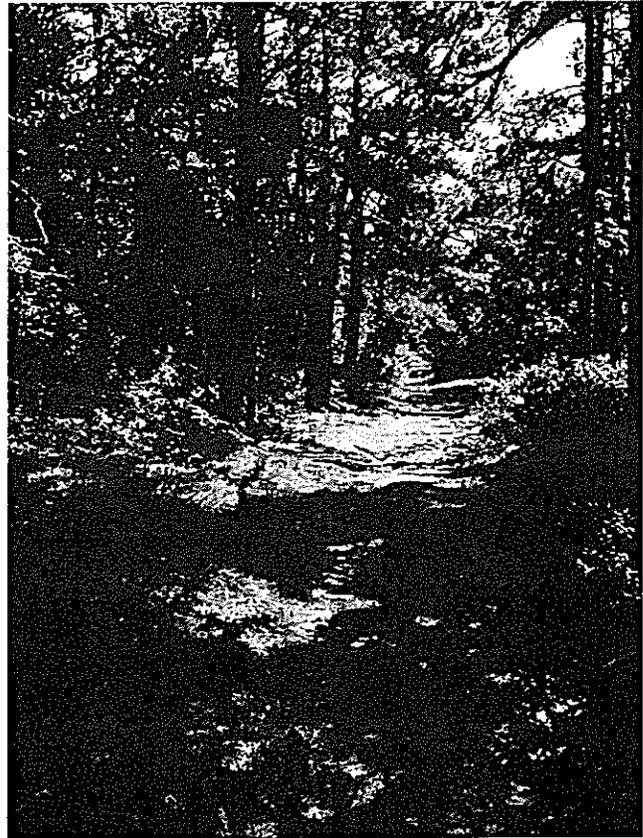


Photo 2

# Grinin Properties

Block 505/44, Lots 14 & 15/2, 3, 4, 9

Toms River and Manchester, Ocean County, NJ

BENJ #030354

Prepared by: MM

Date: 4/8/2016

Checked by: GD

Scale: NTS



**BOHLER**  
ENGINEERING



Photo 3

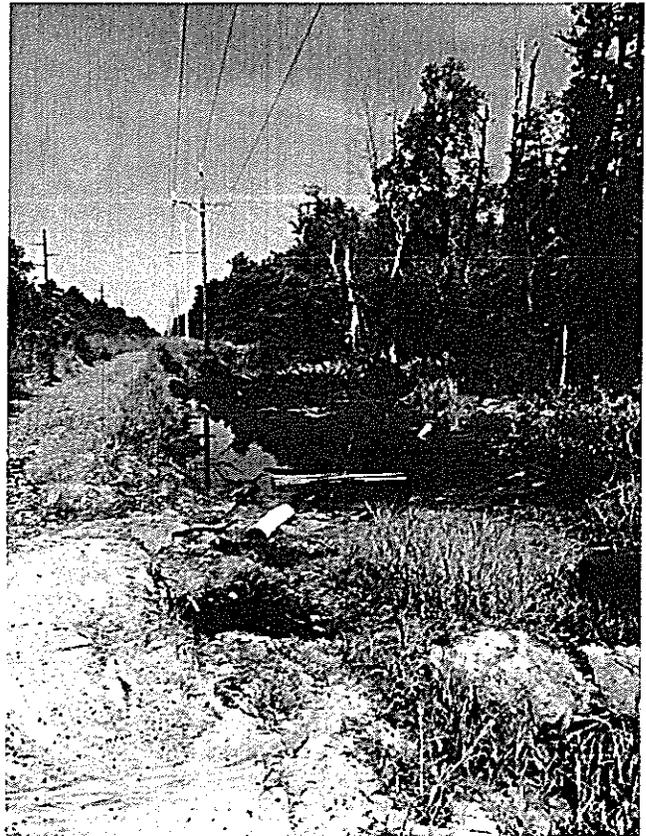


Photo 4

# Grunin Properties

Block 505/44, Lots 14 & 15/2, 3, 4, 9		Toms River and Manchester, Ocean County, NJ	
BENJ #030354			
Prepared by: MM	Date: 4/8/2016	 <b>BOHLER</b> ENGINEERING	
Checked by: GD	Scale: NTS		



5. NORTHWESTERN PORTION OF SITE (LOT 5); VIEW TO THE SOUTH.



6. NORTHERN PORTION OF SITE (LOT 2); VIEW TO THE SOUTHEAST.



7. UNPAVED PATHWAY IN EASTERN PORTION OF SITE;  
VIEW TO THE WEST



8. SOUTHERN PORTION OF LOT 4; VIEW TO THE SOUTHWEST.



9. OUT-OF-SERVICE POTABLE WELL LOCATED ON LOT 3.



10. SOUTHERN PROPERTY BOUNDARY; VIEW TO THE WEST.



11. SOUTHEASTERN PORTION OF SITE (LOT 14); VIEW TO THE NORTH.  
NOTE MISCELLANEOUS DEBRIS.



12. SOUTHWESTERN PORTION OF SITE (LOT 2); VIEW TO THE NORTH.



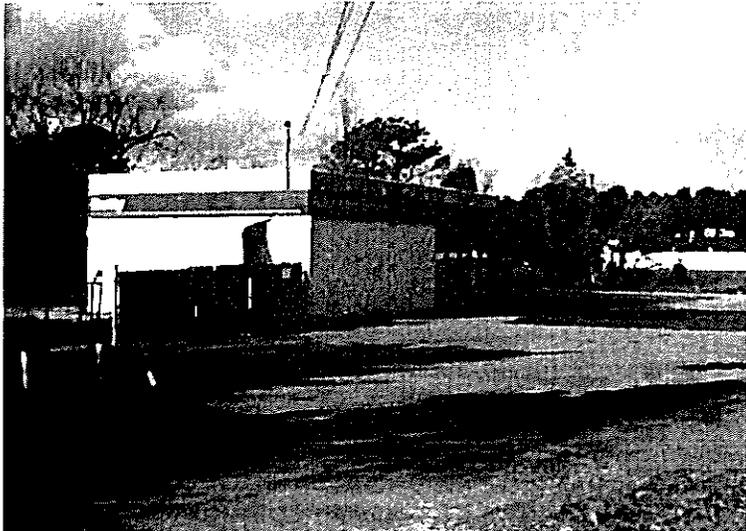
13. WETLAND AREAS LOCATED IN SOUTHWESTERN PORTION OF THE SITE (LOT 2).



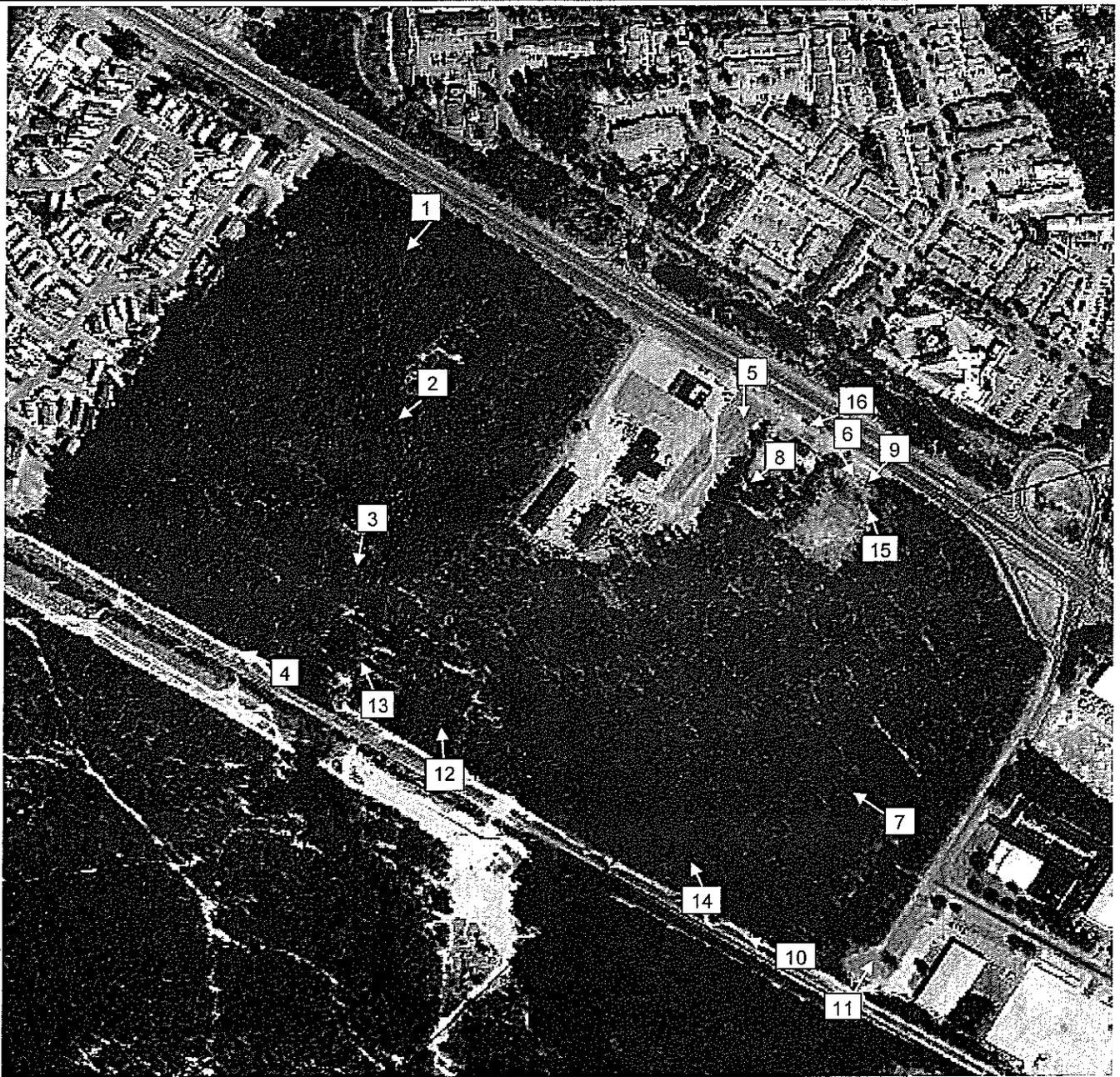
14. WETLAND AREA LOCATED IN SOUTHERN PORTION OF SITE (LOT 14).



15. ABANDONED GROUNDWATER MONITOR WELLS LOCATED ON LOT 2.



16. ABANDONED GETTY GASOLINE STATION LOCATED ON LOT 4 (ADJOINING); VIEW TO THE SOUTHWEST.



## Photo Location Map

# Grunin Properties

Block 505/44, Lots 14 & 15/2, 3, 4, 5, 9		Toms River and Manchester, Ocean County, NJ			
BENJ #030354		 <b>BOHLER</b> ENGINEERING			
Prepared by: MM	Date: 4/8/2016				
Checked by: GD	Scale: NTS				



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Parks & Forestry  
State Forestry Service  
Mail Code 501-04  
Office of Natural Lands Management – Natural Heritage Program  
P.O. Box 420  
Trenton, NJ 08625-0420  
Tel. (609) 984-1339 Fax. (609) 984-1427

BOB MARTIN  
*Commissioner*

November 28, 2017

Michelle Measday  
Bohler Engineering, P.C.  
35 Technology Drive  
Warren, NJ 07059

Re: Proposed Mixed Use Retail  
Block(s) - 505; 44; 75.01, Lot(s) - 14 & 15; 2-5 & 9; 3  
Toms River and Manchester Townships, Ocean County

Dear Ms. Measday:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the

NHP File No. 17-3907483-13099

watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from [http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes\\_2010.pdf](http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf).

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica  
Administrator

c: NHP File No. 17-3907483-13099

NHP File No. 17-3907483-13099

**Table 1: On Site Data Request Search Results (6 Possible Reports)**

<b><u>Report Name</u></b>	<b><u>Included</u></b>	<b><u>Number of Pages</u></b>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	Yes	1 page(s) included

**Rare Wildlife Species or Wildlife Habitat on the  
Project Site Based on Search of  
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Amphibia</i>								
	Pine Barrens Treefrog	Hyla andersonii	Breeding Sighting	3	NA	State Threatened	G4	S2
	Pine Barrens Treefrog	Hyla andersonii	Occupied Habitat	3	NA	State Threatened	G4	S2
	Pine Barrens Treefrog	Hyla andersonii	Vernal Pool Breeding	3	NA	State Threatened	G4	S2
<i>Aves</i>								
	Barred Owl	Strix varia	Breeding Sighting	3	NA	State Threatened	G5	S2B,S2N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
<i>Reptilia</i>								
	Corn Snake	Pantherophis guttatus	Occupied Habitat	4	NA	State Endangered	G5	S1
	Northern Pine Snake	Pituophis melanoleucus melanoleucus	Occupied Habitat	3	NA	State Threatened	G4T4	S2

**Vernal Pool Habitat on the  
Project Site Based on Search of  
Landscape Project 3.3**

<b>Vernal Pool Habitat Type</b>	<b>Vernal Pool Habitat ID</b>
Vernal habitat area	2806
Total number of records:	1

**Other Animal Species  
 On the Project Site Based on  
 Additional Species Tracked by  
 Endangered and Nongame Species Program**

Scientific Name	Common Name	Federal Protection Status	State Protection Status	Grank	Srank
<i>Invertebrate Animals</i>					
<i>Catocala herodias gerhardi</i>	Herodias or Pine Barrens Underwing			G3T3	S3
<i>Cicindela patruela consentanea</i>	New Jersey Pine Barrens Tiger Beetle			G3T1T3	S2S3
<i>Grammia placentia</i>	Placentia Tiger Moth			G3G4	S1S3
<i>Lithophane lemmeri</i>	Lemmer's Noctuid Moth			G3G4	S2
<i>Metarranthis pilosaria</i>	Coastal Bog Metarranthis			G3G4	S3S4
<i>Ptychodis bistrigata</i>	Southern Ptychodis			G3	S1S3
<i>Zanclonatha dentata</i>	A Noctuid Moth			G3G4	S3
Total number of records: 7					

**Table 2: Vicinity Data Request Search Results (6 possible reports)**

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	Yes	1 page(s) included

**Rare Wildlife Species or Wildlife Habitat Within the  
Immediate Vicinity of the Project Site Based on Search of  
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Amphibia</i>								
	Pine Barrens Treefrog	Hyla andersonii	Breeding Sighting	3	NA	State Threatened	G4	S2
	Pine Barrens Treefrog	Hyla andersonii	Occupied Habitat	3	NA	State Threatened	G4	S2
	Pine Barrens Treefrog	Hyla andersonii	Vernal Pool Breeding	3	NA	State Threatened	G4	S2
<i>Aves</i>								
	Barred Owl	Strix varia	Breeding Sighting	3	NA	State Threatened	G5	S2B,S2N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
<i>Reptilia</i>								
	Corn Snake	Pantherophis guttatus	Occupied Habitat	4	NA	State Endangered	G5	S1
	Northern Pine Snake	Pituophis melanoleucus melanoleucus	Occupied Habitat	3	NA	State Threatened	G4T4	S2

**Vernal Pool Habitat  
In the Immediate Vicinity of  
Project Site Based on Search of  
Landscape Project 3.3**

<b>Vernal Pool Habitat Type</b>	<b>Vernal Pool Habitat ID</b>
Vernal habitat area	2806
Potential vernal habitat area	1250
Total number of records:	2

**Other Animal Species  
In the Immediate Vicinity of the Project Site Based on  
Additional Species Tracked by  
Endangered and Nongame Species Program**

Scientific Name	Common Name	Federal Protection Status	State Protection Status	Grank	Srank
<i>Invertebrate Animals</i>					
<i>Catocala herodias gerhardi</i>	Herodias or Pine Barrens Underwing			G3T3	S3
<i>Cicindela patruela consentanea</i>	New Jersey Pine Barrens Tiger Beetle			G3T1T3	S2S3
<i>Grammia placenia</i>	Placenia Tiger Moth			G3G4	S1S3
<i>Lithophane lemmeri</i>	Lemmer's Noctuid Moth			G3G4	S2
<i>Metarranthis pilosaria</i>	Coastal Bog Metarranthis			G3G4	S3S4
<i>Ptychodis bistrigata</i>	Southern Ptychodis			G3	S1S3
<i>Zanclonatha dentata</i>	A Noctuid Moth			G3G4	S3
Total number of records: 7					

**Table 3: Within 1 Mile for FHACA Searches (6 possible reports)**

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	2 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	Yes	1 page(s) included

**Rare Wildlife Species or Wildlife Habitat Within  
One Mile of the Project Site Based on Search of  
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Amphibia</i>								
	Pine Barrens Treefrog	Hyla andersonii	Breeding Sighting	3	NA	State Threatened	G4	S2
	Pine Barrens Treefrog	Hyla andersonii	Occupied Habitat	3	NA	State Threatened	G4	S2
	Pine Barrens Treefrog	Hyla andersonii	Vernal Pool Breeding	3	NA	State Threatened	G4	S2
<i>Aves</i>								
	Barred Owl	Strix varia	Breeding Sighting	3	NA	State Threatened	G5	S2B,S2N
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Least Tern	Sterna antillarum	Foraging	4	NA	State Endangered	G4	S1B,S1N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Tricolored Heron	Egretta tricolor	Foraging	2	NA	Special Concern	G5	S3B,S3N
<i>Insecta</i>								
	Dotted Skipper	Hesperia attalus slossonae	Casual Flyby	2	NA	Special Concern	G3G4T3	S3

**Rare Wildlife Species or Wildlife Habitat Within  
One Mile of the Project Site Based on Search of  
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Reptilia</i>								
	Corn Snake	Pantherophis guttatus	Occupied Habitat	4	NA	State Endangered	G5	S1
	Northern Pine Snake	Pituophis melanoleucus melanoleucus	Occupied Habitat	3	NA	State Threatened	G4T4	S2

Vernal Pool Habitat Within  
One Mile of the Project Site  
Based on Search of  
Landscape Project 3.3

<b>Vernal Pool Habitat Type</b>	<b>Vernal Pool Habitat ID</b>
Vernal habitat area	2806
Potential vernal habitat area	1250
Potential vernal habitat area	1253
Potential vernal habitat area	1275
Total number of records:	4

**Other Animal Species Within  
One Mile of the Project Site Based on  
Additional Species Tracked by  
Endangered and Nongame Species Program**

Scientific Name	Common Name	Federal Protection Status	State Protection Status	Grank	Srank
<i>Invertebrate Animals</i>					
<i>Catocala herodias gerhardi</i>	Herodias or Pine Barrens Underwing			G3T3	S3
<i>Cicindela patuella consentanea</i>	New Jersey Pine Barrens Tiger Beetle			G3T1T3	S2S3
<i>Grammia placentia</i>	Placentia Tiger Moth			G3G4	S1S3
<i>Lithophane lemmeri</i>	Lemmer's Noctuid Moth			G3G4	S2
<i>Metarranthis pilosaria</i>	Coastal Bog Metarranthis			G3G4	S3S4
<i>Pitichodis bistrigata</i>	Southern Pitichodis			G3	S1S3
<i>Zanclognatha dentata</i>	A Noctuid Moth			G3G4	S3
Total number of records:	7				

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

**FRESHWATER WETLAND  
TRANSITION AREA WAIVER AVERAGING PLAN**

*or*

**Proposed Retail Development  
N.J.S.H. Route 37 and Northampton Boulevard**

**Block 44, Lots 2, 3, 4, 5 and 9  
Block 75.01, Lot 3  
Township of Manchester  
Block 505, Lot 14 and 15  
Township of Toms River  
Ocean County, New Jersey**

*Prepared for:*

**Jaylin Holdings, LLC  
c/o Grunin Properties  
Dover Esplanade Building  
1027 Hooper Avenue  
Toms River, New Jersey 08753**

*Prepared by:*



**BOHLER**  
ENGINEERING

**35 Technology Drive  
Warren, New Jersey 07059  
908-668-8300**

**December 2017  
BENJ #JM170508**

## Statement of Compliance for a Transition Area Averaging Plan

This statement has been prepared in accordance with the Freshwater Wetlands Transition Area Waiver Application Checklist in order to receive approval by the NJDEP for an Averaging Plan Transition Area Waiver under NJAC 7:7A-6.2.

We are applying for an Averaging Plan Transition Area Waiver in order to conduct regulated activities within the 150-ft transition area of an exceptional resource value wetland on site. The proposed regulated activities are located within the 150-ft transition area, for which we are requesting a transition area waiver, include grading associated with the construction of retail facility, specifically for the delivery truck drive access and infiltration/detention basins for the proposed development.

The transition area to be modified is shown on the "Wetland Transition Area Plan" as "Proposed Transition Area Reduction Area #1 and #2". The transition area that is being given as compensation for the modified area is shown on the plan as "Wetlands Transition Compensation Area #1". The transition area to be modified has an area of 48,872-SF (1.122-acres), which will be compensated with 50,975-SF (1.1170-acres); which minimally exceeds the required 1:1 modification/compensation ratio. As shown, this results in a 2,103-SF (0.048-acre) net-increase in the total transition area for the wetlands found on the property.

Below details the project compliance with regulations outlined under section NJAC 7:7A-6.2 for the Transition Area Waiver Averaging Plan.

### 7:7A-6.2 Transition area averaging plan waiver

- (a) *A transition area averaging plan waiver modifies the overall shape of a transition area without reducing its total square footage. The Department may approve a transition area averaging plan waiver for activities adjacent to an intermediate or exceptional resource value freshwater wetlands. A diagram of an example transition area averaging plan is shown in N.J.A.C. 7:7A-6, Appendix A.*
- (b) *The Department shall issue a transition area averaging plan waiver only if the transition area, as modified, will continue to serve the purposes of a transition area set forth in N.J.A.C. 7:7A-2.5. The Department shall presume that the following will result in a transition area that will not serve the purposes set forth in N.J.A.C. 7:7A-2.5, and shall not issue a transition area averaging plan waiver, unless the applicant demonstrates otherwise under N.J.A.C. 7:7A-6(d):*
- 1. The portion of the existing, pre-activity transition area that will be reduced has a slope greater than 25 percent, as calculated under N.J.A.C. 7:7A-6.4(g);*

**Compliance:** The transition area impact area has an existing average slope of 6%. The final grade will be stabilized with seeding.

- 2. A new individual subsurface sewage disposal (septic) system that discharges onsite will be placed within the existing, pre-activity transition area;*

**Compliance:** No individual septic system is proposed within the pre-activity transition area.

- 3. An outfall structure that will discharge unfiltered or untreated stormwater into wetlands will be placed within the existing, pre-activity transition area; or*

**Compliance:** No outfall structures are proposed onsite that would discharge unfiltered or untreated stormwater into wetland or transition areas.

4. *The proposed averaging compensation area is separated from the wetland by an intervening structure.*

**Compliance:** No intervening structures are proposed separating the wetland from the proposed compensation area.

(c) *In addition to the presumptions at (b) above, the Department shall also presume that, for a transition area adjacent to an intermediate resource value wetland, the following will result in a substantial impact on the adjacent freshwater wetlands, and the Department shall not issue a transition area averaging plan waiver unless the applicant demonstrates otherwise under N.J.A.C. 7:7A-6.1(d):*

1. *A structure, impervious surface, or stormwater management facility, as defined at N.J.A.C. 7:7A-1.4, will be placed within 20 feet of freshwater wetlands; or*
2. *The transition area averaging plan proposes to:*
  - i. *Reduce any portion of the transition area to less than 10 feet wide;*
  - ii. *Reduce a transition area to less than 25 feet wide in an area containing critical habitat for fauna or flora, as defined at N.J.A.C. 7:7A-1.4;*
  - iii. *Reduce a transition area to 10 feet wide for a continuous distance of 100 linear feet or more along the freshwater wetlands boundary;*
  - iv. *Reduce a transition area to less than 25 feet wide within the watershed of a current or proposed National Wildlife Refuge; or*
  - v. *Compensate for a decrease in a transition area by increasing the width of any portion of the transition area to more than 75 feet.*
  - vi. *Result in an average transition area width that is less than 25 feet.*

**Compliance:** During the prior CAFRA permit application review by the NJDEP, the Department identified 39 acres of forested habitat as "critical wildlife habitat" due to its functioning as a migratory bird stopover habitat. In response, the Applicant agreed to mitigate for the disturbance by preservation of approximately 21 acres of remaining on-site forest as well as 21 acres on several off site parcels. The Department determined that permanent preservation of 42 acres of forested critical wildlife habitat on and adjacent to the Project for use as migratory song bird stopover habitat represents an appropriate mitigation measure. In addition, the remaining approximately 171 acres of offsite parcels that will be permanently protected by the Applicant are forested critical wildlife habitat.

This application is proposing the permanent protection of an additional 29.3 acres of contiguous forested critical wildlife habitat on Block 44, Lot 9.

(d) *In addition to the presumptions at (b) and (c) above, the Department shall also presume that, for a transition area adjacent to an exceptional resource value wetland, the following will result in a substantial impact on the adjacent freshwater wetlands, and the Department shall not issue a*

*transition area averaging plan waiver unless the applicant demonstrates that the activity would qualify for an individual permit under this chapter:*

1. *The freshwater wetland adjacent to the transition area is a breeding or nesting habitat for a threatened or endangered species as defined at N.J.A.C. 7:7A-1.4;*

**Compliance:** According to the Natural Heritage Database Search response letter, dated November 28, 2017, NJ GeoWeb GIS mapping for the site and threatened/endangered species habitat surveys previously performed onsite, suitable habitat for a State threatened/endangered species has been identified on or within the immediate vicinity of the site for Barred Owl (*Strix varia*, State threatened), Red-shouldered Hawk (*Buteo lineatus*, State endangered-breeding), Indiana Bat (*Myotis sodalis*, Federally/State endangered), Northern long-eared Bat (*Myotis septentrionalis*, Federally threatened) and Wood Turtle (*Glyptemys insculpta*, State threatened).

The wetland area being impacted under this TAW averaging plan was previously assigned a resource value classification of intermediate with a 50-ft transition area assigned adjacent to wetland limits. Recent data supplied by the New Jersey Division of Land Use cited habitat south of the railroad right-of-way as providing breeding habitat for the Barred Owl. As a result of this finding, NJDEP reclassified this on-site wetland as exceptional resource value due to its size and proximity to the documented Barred Owl habitat. However, the on-site wetland is not documented as providing nesting or breeding habitat for the above species.

Therefore, the project is in compliance with the above condition.

2. *The freshwater wetland adjacent to the transition area discharges directly to a trout production water or a tributary thereof, except that a transition area averaging plan waiver shall not be disallowed under this subsection if:*
  - i. *The freshwater wetlands and transition area remaining adjacent to the trout production water after the averaging is at least 150 feet wide, measured from the top of the bank of the trout production water; or*
  - ii. *The wetland drains to a tributary that is separated from the trout production water by an intervening lake; or*

**Compliance:** No trout production waters are located on or within the vicinity of the project site.

3. *The transition area averaging plan proposes to:*
  - i. *Reduce any portion of the transition area to less than 75 feet wide; or*
  - ii. *Compensate for a transition area reduction by increasing the width of any portion of the transition area to more than 225 feet.*

**Compliance:** Proposed transition area impact and compensation comply with the above conditions.

- (e) *Each transition area averaging plan shall be specific to a particular freshwater wetland and its associated transition area. To determine whether a freshwater wetland area is all one wetland or made up of multiple separate wetlands, the Department shall consider the factors listed at N.J.A.C.*

7:7A-6.1(f). *If an applicant proposes to expand a transition area to compensate for a reduction elsewhere, the expanded portion of the transition area shall:*

1. *Be an extension of the same transition area that is being reduced, located adjacent to the same freshwater wetlands as the reduced transition area;*
2. *Be located on the same site, as defined at N.J.A.C. 7:7A-1.4, as the reduction;*
3. *Be owned in fee simple by the applicant, unless the applicant demonstrates sufficient legal authority over the site to carry out all requirements of this chapter. For example, the expanded portion of the transition area shall not be subject to a utility easement or other encumbrance; and*
4. *Have the same ecological characteristics as the reduced portion of the transition area, including the vegetation types, or have characteristics that are equivalent or better as regards the transition area's ability to serve the functions listed at N.J.A.C.7:7A-2.5. For example, if a forested portion of the transition area is reduced, the expanded portion of the transition area must also be forested.*

**Compliance:** Transition area compensation is located adjacent to the same freshwater wetlands as the reduced transition area, it is proposed onsite, owned by the applicant and has similar ecological characteristics, as the reduced portion.





**State of New Jersey**  
**Department of Environmental Protection**  
 Division of Land Use Regulation  
 Application Form for Permit(s)/Authorization(s)  
 501 E. State Street Mail Code 501-02A P.O. Box 420  
 Trenton, NJ 08625-0420



Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse

JA

Please print legibly or type the following: Complete all sections and pages unless otherwise noted. Is this project Superstorm Sandy Related Yes  No

1. Applicant Name: Mr./Ms./Mrs Jaylin Holdings, LLC c/o Grunin Properties E-Mail: grunin1@verizon.net  
 Address: Dover Esplanade Building, 1027 Hooper Avenue Daytime Phone: 732-341-5800 Ext. \_\_\_\_\_  
 City/State: Toms River, NJ Zip Code 08753 Cell Phone: \_\_\_\_\_

2. Agent Name: Mr./Ms./Mrs William F. Harrison, Esq.  
 Firm Name: Genova Burns LLC E-Mail: wharrison@genovaburns.com  
 Address: 494 Broad Street Daytime Phone: \_\_\_\_\_ Ext. \_\_\_\_\_  
 City/State: West Orange, NJ Zip Code 07102 Cell Phone: \_\_\_\_\_

3. Property Owner: Mr./Ms./Mrs Javlin Holdings, I.L.C c/o Grunin Properties E-mail: grunin1@verizon.net  
 Address: Dover Esplanade Building, 1027 Hooper Avenue Daytime Phone: 732-341-5800 Ext. \_\_\_\_\_  
 City/State: Toms River, NJ Zip Code 08753 Cell Phone: \_\_\_\_\_

4. Project Name: Proposed Retail Development Address/Location: \_\_\_\_\_  
 Municipality: Toms River / Manchester County: Ocean Zip Code \_\_\_\_\_  
 Block(s): 505 / 44 and 75.01 Lot(s): 14 & 15 / 2, 3, 4, 5, 9 and 3

N.A.D. 1983 State Plane Coordinates (feet) E (x): 555,392 N(y): 421,711 *Not Longitude/Latitude*

Watershed: Toms River (below Oak Ridge Parkway) Subwatershed: Wrangel Brook (below Michaels Branch)

Nearest Waterway: Ambrose Brook

5. Project Description: Construct one 115,532-SF retail building, three 4,800-SF restaurants and one 9,322-SF retail building and associated parking, circulation, utilities, stormwater management, landscaping and lighting associated with these uses.

Provide if applicable: Previous LUR File # (s): \_\_\_\_\_ Waiver request ID # (s): \_\_\_\_\_

**A. SIGNATURE OF APPLICANT (required):**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. If the applicant is an organization such as a corporation, municipal entity, home-owners association etc., the party responsible for the application shall sign on behalf of the organization.

x JAY A GRUNIN  
 Signature of Applicant  
2/16/18  
 Date  
JAY A. GRUNIN  
 Print Name

\_\_\_\_\_  
 Signature of Applicant  
FEB 23 '18 11:00  
 LAND USE REGULATION  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Print Name

**B. PROPERTY OWNER'S CERTIFICATION**

I hereby certify that the undersigned is the **owner of the property** upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:

- 1. Whether any work is to be done within an easement? Yes  No 
  
(If answer is "Yes" – Signature/title of responsible party is required below)
- 2. Whether any part of the entire project will be located within property belonging to the State of New Jersey? Yes  No
- 3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? Yes  No
- 4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval? Yes  No

x. JAY A. GRUNIN  
 Signature of Owner  
2/16/18  
 Date  
JAY A. GRUNIN  
 Print Name

\_\_\_\_\_  
 Signature of Owner/Easement Holder  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Print Name/Title

**C. APPLICANT'S AGENT**

I, JAY A. GRUNIN, the Applicant/Owner and \_\_\_\_\_, co-Applicant/Owner authorize to act as my agent/representative in all matters pertaining to my application the following person:

William F. Harrison  
 Name of Agent  
 \_\_\_\_\_  
 Occupation/Profession of Agent

x. JAY A. GRUNIN  
 Signature of Applicant/Owner  
 \_\_\_\_\_  
 Signature of co-Applicant/Owner

**AGENT'S CERTIFICATION:**

I agree to serve as agent for the above-referenced applicant:

\_\_\_\_\_  
Signature of Agent

**NOTARY:**

Sworn to me, this day of: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

**D. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Signature  
 \_\_\_\_\_  
Print Name  
 \_\_\_\_\_  
Position & Name of Firm  
 \_\_\_\_\_  
Professional License #      Date

**E. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Signature  
 \_\_\_\_\_  
Print Name  
 \_\_\_\_\_  
Position & Name of Firm  
 \_\_\_\_\_  
Professional License #      Date  
 (If Applicable)

F. APPLICATION(S) FOR: (Check all that apply – Fee calculations and directions on pages 6, 7, & 8)

	Coastal General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	CZMGP1 Amusement Pier Expansion	\$1,000.00	
<input type="checkbox"/>	CZMGP2 Beach/Dune Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP3 Voluntary Reconstruction Certain Residential/Commercial Dev.	\$1,000.00	
<input type="checkbox"/>	CZMGP4 Development of one or two SFH or Duplexes	\$1,000.00	
<input type="checkbox"/>	CZMGP5 Expansion or Reconstruction SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP6 New Bulkhead/Fill Lagoon	\$1,000.00	
<input type="checkbox"/>	CZMGP7 Revetment at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP8 Gabions at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP9 Support Facilities at a Marina	\$1,000.00	
<input type="checkbox"/>	CZMGP10 Reconstruction of Existing Bulkhead	\$1,000.00	
<input type="checkbox"/>	CZMGP11 Hazard Waste Clean-up	\$1,000.00	
<input type="checkbox"/>	CZMGP12 Landfall of Utilities	\$1,000.00	
<input type="checkbox"/>	CZMGP13 Recreation Facility at Public Park	\$1,000.00	
<input type="checkbox"/>	CZMGP14 Bulkhead Construction & Fill Placement	\$1,000.00	
<input type="checkbox"/>	CZMGP15 Construction of Piers/Docks/Ramps in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP16 Minor Maintenance Dredging in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP17 Eroded Shoreline Stabilization	\$1,000.00	
<input type="checkbox"/>	CZMGP18 Avian Nesting Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP19 Modification of Electrical Substations	\$1,000.00	
<input type="checkbox"/>	CZMGP20 Legalization of the Filling of Tidelands	\$1,000.00	
<input type="checkbox"/>	CZMGP21 Construction of Telecommunication Towers	\$1,000.00	
<input type="checkbox"/>	CZMGP22 Construction of Tourism Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP23 Geotechnical Survey Borings	\$1,000.00	
<input type="checkbox"/>	CZMGP24 Habitat Creation/Restoration/Enhancement/Living Shorelines	No Fee	No Fee
<input type="checkbox"/>	CZMGP25 1 to 3 Turbines < 200 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP26 Wind Turbines < 250 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP27 Dredge Lagoon (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP28 Dredge post Bulkhead Failure	\$1,000.00	
<input type="checkbox"/>	CZMGP29 Dredge Marina (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP30 Aquaculture Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP31 Placement of Shell (shellfish areas)	\$1,000.00	
<input type="checkbox"/>	CZMGP32 Application of Pesticides in Coastal Wetlands	\$1,000.00	
<input type="checkbox"/>	CZM General Permit Extension	\$240.00	
<input type="checkbox"/>	CZM Permit-by-Certification (On-line application ONLY)	\$600.00	

	Flood Hazard Area General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	FHAGP1 Channel Clean w/o Sediment Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP1 Channel Clean w/Sediment Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP2 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FHAGP3 Scour Protection Bridges/Culverts	\$1,000.00	
<input type="checkbox"/>	FHAGP4 Creation/Restoration/Enhancement of Habitat and Water Quality Values and Functions	No Fee	No Fee
<input type="checkbox"/>	FHAGP5 Reconstruction and/or Elevation of Building in a Floodway	No Fee	No Fee
<input type="checkbox"/>	FHAGP6 Construction of One SFH/Duplex and Driveway	\$1,000.00	
<input type="checkbox"/>	FHAGP7 Relocation of Manmade Roadside Ditches for Public Roadway Improvements	\$1,000.00	
<input type="checkbox"/>	FHAGP8 Placement of Storage Tanks	\$1,000.00	
<input type="checkbox"/>	FHAGP9 Construction/Reconstruction of Bridge/Culvert Across Water < 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP10 Construction/Reconstruction of Bridge/Culvert Across Water > 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP11 Stormwater Outfall Along Regulated Water <50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP12 Construction of Footbridges	\$1,000.00	
<input type="checkbox"/>	FHAGP13 Construction of Trails and Boardwalks	\$1,000.00	
<input type="checkbox"/>	FHA General Permit Extension	\$240.00	
<input type="checkbox"/>	FHA Permit-by-Certification (Except PBC 4 & 5) (On-line application ONLY)	\$1,000.00	

	Flood Hazard Area	Fee Amount	Fee Paid
<input type="checkbox"/>	FHA Verification		
<input type="checkbox"/>	FHA Individual Permit		
<input type="checkbox"/>	FHA Hardship Exception (Must be submitted with a paid FHA IP)	\$4,000.00	
<input type="checkbox"/>	FHA Minor Technical Modification of a GP, IP or Verification		
<input type="checkbox"/>	FHA Major Technical Modification of a GP, IP or Verification		
<input type="checkbox"/>	FHA Extension of an IP or Verification		
<input type="checkbox"/>	FHA Individual Permit Equivalency/CERCLA	No Fee	No Fee

	Stormwater Review Fees	Fee Amount	Fee Paid
<input type="checkbox"/>	Fee for all Stormwater Reviews		

	Applicability Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee

	CAFRA and Waterfront Development Permits	Fee Amount	Fee Paid
X	CAFRA Individual Permit	\$30,000	\$30,000
<input type="checkbox"/>	CAFRA Exemption Request	\$500.00	
<input type="checkbox"/>	Waterfront Development Individual Permit/Upland		
<input type="checkbox"/>	Waterfront Development Individual Permit/in-water		
<input type="checkbox"/>	Minor Technical Modification of a Coastal GP or Coastal IP		
<input type="checkbox"/>	Major Technical Modification of a Coastal GP or Coastal IP		
<input type="checkbox"/>	Zane Letter	\$500.00	
<input type="checkbox"/>	Waterfront Development Individual Permit - Extension		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA	No Fee	No Fee

	Highlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Emergency Permit		
<input type="checkbox"/>	Pre-application Meeting	\$500.00	
<input type="checkbox"/>	Resource Area Determination >one acre		
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance	No Fee	No Fee
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization	\$500.00	
<input type="checkbox"/>	Preservation Area Approval (PAA)		
<input type="checkbox"/>	PAA with Waiver (Specify type below)		

	Coastal Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal/Tidal Wetlands Permit		
<input type="checkbox"/>	Coastal Wetland Permit Modification		

	Freshwater Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	FWGP1 Main. & repair Exist Feature	\$1,000.00	
<input type="checkbox"/>	FWGP2 Utility Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP3 Discharge of Return Water	\$1,000.00	
<input type="checkbox"/>	FWGP4 Hazard Site Invest/Cleanup	\$1,000.00	
<input type="checkbox"/>	FWGP5 Landfill Closure	\$1,000.00	
<input type="checkbox"/>	FWGP6 Filling of NSWC	\$1,000.00	
<input type="checkbox"/>	FWGP6A/TA- Filling of NSWC	\$1,000.00	
<input type="checkbox"/>	FWGP7 Fill ditch / swale	\$1,000.00	
<input type="checkbox"/>	FWGP8 House Addition	\$1,000.00	
<input type="checkbox"/>	FWGP9 Airport Sightline Clearing	\$1,000.00	
<input type="checkbox"/>	FWGP10A Very Minor Road Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP10B Minor Road Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP11 Outfalls / Intakes	\$1,000.00	
<input type="checkbox"/>	FWGP12 Survey / Investigation	\$1,000.00	
<input type="checkbox"/>	FWGP13 Lake Dredging	\$1,000.00	
<input type="checkbox"/>	FWGP14 Water Monitoring	\$1,000.00	
<input type="checkbox"/>	FWGP15 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FWGP16 Habitat Create / Enhance	No Fee	No Fee
<input type="checkbox"/>	FWGP17 Trails / Boardwalks	\$1,000.00	
<input type="checkbox"/>	FWGP17A Multiuse paths	\$1,000.00	
<input type="checkbox"/>	FWGP18 Dam Repairs	\$1,000.00	
<input type="checkbox"/>	FWGP19 Dock or Pier	\$1,000.00	
<input type="checkbox"/>	FWGP20 Bank Stabilization	\$1,000.00	
<input type="checkbox"/>	FWGP21 Above Ground Utility	\$1,000.00	
<input type="checkbox"/>	FWGP23 Expand Cranberry	No Fee	No Fee
<input type="checkbox"/>	FWGP24 Spring Developments	\$1,000.00	
<input type="checkbox"/>	FWGP25 Malfunction Septic System	No Fee	No Fee
<input type="checkbox"/>	FWGP26 Channel / Stream Clean	\$1,000.00	
<input type="checkbox"/>	FWGP27 Redevelop Disturbed Site	\$1,000.00	
<input type="checkbox"/>	FWGP Modification	\$500.00	
<input type="checkbox"/>	FWGP Extension	\$500.00	

	Freshwater Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Individual Wetlands Permit		
<input type="checkbox"/>	Individual Open Water Permit		
<input type="checkbox"/>	Individual Permit Mod. Major/Minor		
<input type="checkbox"/>	Individual Permit Extension		
<input type="checkbox"/>	Wetlands Exemption	\$500.00	
<input type="checkbox"/>	Permit Equivalency/CERCLA	No Fee	No Fee

	Transition Area Waiver	Fee Amount	Fee Paid
X	Averaging Plan	\$1,200	\$1,200
<input type="checkbox"/>	Reduction		
<input type="checkbox"/>	Hardship Reduction		
<input type="checkbox"/>	Special Activity Stormwater		
<input type="checkbox"/>	Special Activity Linear Development		
<input type="checkbox"/>	Special Activity Redevelopment		
<input type="checkbox"/>	Special Activity Individual Permit		
<input type="checkbox"/>	Exemption	\$500.00	
<input type="checkbox"/>	Modification Major/Minor		
<input type="checkbox"/>	Extension	\$500.00	

	Letter of Interpretation	Fee Amount	Fee Paid
<input type="checkbox"/>	Presence Absence	\$1,000.00	
<input type="checkbox"/>	Presence Absence Footprint	\$1,000.00	
<input type="checkbox"/>	Delineation < 1.00 Acres	\$1,000.00	
<input type="checkbox"/>	Verification		
<input type="checkbox"/>	Extension		

	Consistency Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Water Quality Certificate		
<input type="checkbox"/>	Federal Consistency	No Fee	No Fee
<input type="checkbox"/>	HMC Water Quality Certificate		

**Please note:**

If no fee amount is specified in the "Fee Amount" column, please refer to the Regulatory Fee Schedule which can be found at [www.nj.gov/dep/landuse/forms.html](http://www.nj.gov/dep/landuse/forms.html). The following types of applications DO NOT require a fee submittal:

Coastal Permitting

- General Permit # 24 - Habitat creation, restoration, enhancement and living shoreline activities
- Individual Permit Equivalency – CERCLA
- Administrative Modifications

Applicability Determinations

- Coastal Applicability Determination
- Highlands Jurisdictional Determination
- Flood Hazard Area Applicability
- Executive Order 215

Flood Hazard Area

- General Permit #1 – Channel cleaning under the Stream Cleaning Act
- General Permit #4 – Creation, restoration, and enhancement of habitat and water quality values and functions
- General Permit #5 – Reconstruction and/or elevation of a building in a floodway
- Transfer of Approval
- Administrative Modifications
- Individual Permit Equivalency – CERCLA

Federal Consistency

- Federal Consistency Determination

Highlands

- General Permit #1 - Habitat Creation, Restoration, Enhancement

Freshwater Wetlands

- General Permit #16 - Habitat creation and enhancement activities
- General Permit #17 - Trails and Boardwalks (NO FEE when the activity is proposed on publicly owned lands)
- General Permit #23 – Expansion of cranberry growing operations in the Pinelands
- General Permit #25 – Malfunctioning individual subsurface sewage disposal (septic) systems
- Individual Permit Equivalency – CERCLA

**Also:**

In addition to the standard paper submission, an electronic copy of the entire application, including plans, may be submitted on CD-ROM to assist the Department in the review this application. Plans should be submitted as a CAD file or Shapefile, georeferenced in NJ state plane feet NAD83. Please do **NOT** send the electronic version via E-Mail.

Electronic permitting and/or application submittal is available for specific applications. Please see the Division website at [www.nj.gov/dep/landuse/eppermit.html](http://www.nj.gov/dep/landuse/eppermit.html) for more information.

APPLICANT NAME: JAYLIN HOLDINGS, LLC c/o  
GRUNIN  
PROPERTIES

FILE # (if known): 1500-04-0001.1

**APPLICATION FORM - APPENDIX I**

**Section 1:** Please provide the following information for the overall project site. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres).

<u>PROPOSED:</u>	<u>PRESERVED</u>	<u>UNDISTURBED</u>	<u>DISTURBED</u>
RIPARIAN ZONE	_____	_____	_____
CZMRA FORESTED (CZMRA IP – Only)	_____	_____	_____
E & T HABITAT Endangered and/or Threatened	_____	_____	_____
FRESHWATER WETLANDS	_____	_____	_____

**Section 2:** Please provide the following information for each permit/authorization requested pursuant to the Freshwater Wetlands Protection Act. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres). Use additional sheets if necessary

PERMIT TYPE	WETLAND TYPE <i>Emergent, Forest, Shrub, Etc.</i>	RESOURCE CLASSIFICATION <i>Ordinary, Intermediate, Exceptional, EPA, Etc.</i>	
<u>PROPOSED DISTURBANCE:</u>	<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED	_____	_____	_____
EXCAVATED	_____	_____	_____
CLEARED	_____	_____	_____
TEMPORARY DISTURBANCE	_____	_____	_____

PERMIT TYPE	WETLAND TYPE <i>Emergent, Forest, Shrub, Etc.</i>	RESOURCE CLASSIFICATION <i>Ordinary, Intermediate, Exceptional, EPA, Etc.</i>	
<u>PROPOSED DISTURBANCE:</u>	<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED	_____	_____	_____
EXCAVATED	_____	_____	_____
CLEARED	_____	_____	_____
TEMPORARY DISTURBANCE	_____	_____	_____

**Appendix II - Fee Calculation Sheet (Required)**

**Directions:**

The Fee Calculation sheet is broken down by the types of programs administered by the Division of Land Use Regulation: Coastal, Flood Hazard Area, Freshwater Wetlands, Stormwater Review.

Use the abbreviation key below in order to identify the type(s) of applications that you need to submit for your project. Once you find your application type(s) work through the calculation column and place the figure on the fee amount line. Do this for each application type and subtotal each section. In section 5 – enter the subtotals as indicated and add the fee figures to find your total fee.

- Whenever the calculation requires an acreage figure, you will need to round UP to the nearest whole number, for example: 0.25 acres gets rounded up to one (1) acre or 2.61 acres gets rounded up to three (3) acres.
- The maximum fee for a CAFRA Individual permit, an Upland Waterfront Development permit, or an In-Water Waterfront Development permit is \$30,000 per permit type. For example: if you are applying for both an upland and an in-water Waterfront Development the maximum fee is applied to each permit for a maximum total of \$60,000 plus any applicable stormwater review fee.
- No matter how many types of applications are required, the stormwater review fee is applied only one time.

**Abbreviation KEY**

CAFRA = CZM	General Permit = GP	Single Family Home = SFH
Coastal (Tidal) Wetlands = CSW	Individual Permit = IP	Transition Area Waiver = TAW
Extension = EXT	Letter of Interpretation = LOI	Verification = VER
Flood Hazard Area = FHA	Mean High Water Line = MHWL	Waterfront Development = WD
Freshwater Wetlands = FWW	Modification = MOD	Water Quality Certificate = WQC

**Section 1 - Coastal Application Type**

**Calculation**

**Fee Amount**

All General Permits (Except for Coastal GP #4)	\$1,000 x # of GPs requested	
CZM – IP SFH or Duplex	\$2,000	
CZM – IP Residential other than SFH/duplex	\$3,000 x # of units	
CZM – IP Commercial, Industrial or Public	\$3,000 x 73 acres of the site	\$30,000
CSW – IP SFH or Duplex	\$2,000	
CSW – IP All Development other than SFH/duplex	\$3,000 x acres of wetlands disturbed	
WD - IP SFH or Duplex (Landward of MHWL)	\$2,000	
WD – IP Residential other than SFH/duplex (Landward of MHWL)	\$3,000 x # of units	
WD – IP Commercial, Industrial or Public Development	\$3,000 x acres of the site	
WD - IP SFH or Duplex (Waterward of MHWL)	\$2,000	
WD – IP All Development other than SFH/duplex (Waterward of MHWL)	\$3,000 x acres of water area impacted	
CZM, CSW, WD – Minor Technical Modification (GP/IP)	\$500 x # of items to be revised	
CZM, CSW, WD – Major Technical Modification (GP/IP)	0.30 x original fee = Fee (Minimum \$500)	
General Permit Extension	\$240 x # of GPs to be extended	
WD – IP Permit Extension	0.25 x original fee = Fee (Maximum \$3,000)	
CZM, CSW, WD – Exemption Request	\$500 x # of exemptions requested	
<b>Subtotal for Coastal Applications</b>		<b>\$30,000</b>

**Section 2 - Freshwater Wetlands Application Type**

**Calculation**

**Fee Amount**

All General Permits (Except those listed in notes on Page 4)	\$1,000 x # of GPs requested	
FWW – LOI Presence/Absence, Footprint, Delineation < 1 acre	\$1,000	
FWW – LOI Line Verification	\$1,000 + (\$100 x # of acres of the site)	
FWW – TAW with valid LOI	\$1,000 + (\$100 x 1.122 # acres FWW disturbed)	\$1,200
FWW – TAW without valid LOI	\$1000 + (\$100 x acres TAW disturbed)+ LOI Fee	
FWW – IP or Open Water Fill SFH or Duplex	\$2,000	
FWW – IP or Open Water Fill other than SFH or Duplex	\$5,000 + (\$2,500 x # acres FWW disturbed)	
FWW – GP, TAW, IP, Open Water Fill Minor Modification	\$500 x # of items to be revised	
FWW – GP, TAW, IP, Open Water Fill Major Modification	0.30 x original fee (Minimum \$500)	
FWW – EXT LOI Presence/Absence, Footprint, Delineation < 1 acre	\$500	
FWW – EXT LOI Line Verification	0.50 x original fee (Minimum \$500)	
FWW – EXT GP or TAW	\$500 x # of items to be extended	
FWW – EXT IP or Open Water Fill	0.50 x original fee (Minimum \$500)	
<b>Subtotal for Freshwater Wetlands Applications</b>		<b>\$1,200</b>

Appendix II - Fee Calculation Sheet - Continued

<u>Section 3 - Flood Hazard Area Application Type</u>	<u>Calculation</u>	<u>Fee Amount</u>
All General Permits (Except for FHAGP 1, 4, 5)	\$1,000 x _____ # of GPs requested	_____
FHA - VER Methods 1, 2, 3, 5 (Fee not applicable to one (1) SFH)	\$1,000	_____
FHA - VER Method 4 or 6	\$4,000 + (\$400 x _____ per 100 linear feet)	_____
FHA - Delineation of Riparian Zone Only	\$1,000	_____
FHA - IP SFH and/or Accessory Structures	\$2,000	_____
FHA - IP * Fee not applicable to one (1) SFH	\$3,000 base	_____
*Bank/Channel (stabilization, reestablishment, etc.) No Calculation Review --	+ \$1,000	_____
*Bank/Channel (stabilization, reestablishment, etc.) With Calculation Review--	+ (\$4,000 + (\$400 x _____ per 100 linear ft.))	_____
*Bridge, Culvert, Footbridge, Low Dam, etc. No Calculation Review--	+ \$1,000 x _____ # of structures	_____
*Bridge, Culvert, Footbridge, Low Dam, etc. With Calculation Review--	+ \$4,000 x _____ # of structures	_____
*Review of Flood Storage Displacement (net fill) Calculations-----	+ \$4,000	_____
Review of Hardship Exception Request-----	+ \$4,000	_____
*Utility Line-----	+ \$1,000 x _____ # of water crossings	_____
FHA - VER, IP, GP Minor Technical Modification	\$500 x _____ # of project elements to be revised	_____
FHA - VER, IP, GP Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	_____
FHA - Extension of Verification - Method 1, 2, 3, 5, Riparian Zone	\$240.00	_____
FHA - Extension of Verification - Method 4 or 6	0.25 x _____ original fee	_____
FHA - Extension of a General Permit	\$240.00 x _____ # of GPs to be extended	_____
FHA - Extension of an Individual Permit	0.25 x _____ original fee	_____
FHA - Department Delineation Minor Revision	\$500	_____
FHA - Department Delineation Major Revision	\$4,000 + (\$400 x _____ per 100 linear feet)	_____
Subtotal for Flood Hazard Area Applications		_____

<u>Section 4 - Individual Water Quality Certificate</u>	<u>Calculation</u>	<u>Fee Amount</u>
WQC (NOTE: No fee required under the coastal program)	\$5,000 + (\$2,500 x _____ # acres regulated area disturbed)	_____

<u>Section 5 - Additional Stormwater Review Fee</u>	<u>Calculation</u>	<u>Fee Amount</u>
Stormwater Review	\$3,000 base	_____
Review of Groundwater Recharge Calculations-----	+ \$250 x _____ # acres disturbed	_____
Review of Runoff Quantity Calculations-----	+ \$250 x _____ # acres disturbed	_____
Review of Water Quality Calculations-----	+ \$250 x _____ # acres impervious surface	_____
Subtotal of Stormwater Review Fee		Previously paid

<u>Section 6 - Total of Application Fees</u>	
Subtotal of Section 1 - Coastal Applications	\$30,000
Subtotal of Section 2 - Freshwater Wetlands Applications	\$1,200
Subtotal of Section 3 - Flood Hazard Area Applications	_____
Subtotal of Section 4 - Individual Water Quality Certificate	_____
Subtotal of Section 5 - Additional Stormwater Review	_____
<b>Total Application Fee</b>	
	\$31,200

*Handwritten:*  
 3,000  
 13,500  
 2,750  
 -----  
 \$19,250  
 Stormwater  
 Fee

Total Fee: \$31,200

Check #: \_\_\_\_\_

**Instructions for completing the Application Form for Permits/Authorizations from the Division of Land Use Regulation**  
(Please print clearly or type all information in every section)

**Section 1. Applicant Information**

- ✓ Please check off whether the project is Superstorm Sandy related.
- ✓ Make sure all applicant information is correct and up to date.
- ✓ Do not provide telephone numbers with call intercept.
- ✓ Must include correct E-mail address.

**Section 2. Agent Information**

- ✓ Make sure all agent information is correct and up to date.
- ✓ Do not provide telephone numbers with call intercept.
- ✓ If you do not have an agent, leave this section blank.
- ✓ Must include correct E-mail address.

**Section 3. Property Owner Information**

- ✓ Identify the property owner if different from applicant.

**Section 4. Project Site Information/Fees and Costs**

- ✓ List the street address if known (or nearest crossroads) along with the correct zip code for the property.
- ✓ List all blocks and lots if more space is needed please attach a list to the application form.
- ✓ Make sure the state plane coordinates are given and that they are 1983 datum otherwise the application will be rejected.
  - Applicants can find state plane coordinates on USGS maps or by going to the NJDEP website and using the GeoWeb feature to find the location of property and the exact state plane coordinates

**Section 5. Project Description**

- ✓ Briefly describe what you are proposing to construct within regulated areas. In addition, list any previous LUR file number(s) and if a Waiver Request has been submitted to the Office of Permit Coordination and Environmental Review please list the Waiver Request ID number(s) on the line provided.

**Section A. Applicant's Signature**

- ✓ The person or responsible party representative applying for this permit and to whom the permit will be issued must sign here.

**Section B. Property Owner's Signature**

- ✓ The legal owner of the property on which the regulated activities are proposed must sign here and certify items one through four in this section. In addition, all easement owners on the project site are also required to sign the certification.

**Section C. Applicant's Agent Authorization**

- ✓ If the applicant is represented by a consultant or engineer, that individual shall fill out this section.

**Section D. Statement of the Preparer of Plans, Specifications, Surveyor's or Engineer's Report**

- ✓ All Flood Hazard Area and Waterfront Development applications require that the person preparing the plans and reports fill out this section

**Section E. Statement of the Preparer of Application, Reports and Supporting Documents**

- ✓ Anyone who prepares and is the responsible person for part of the application, reports or supporting documents must fill out this section

**Section F. Type of Application you are submitting**

- ✓ Place a check mark next to each type of activity you are requesting in this application package. Please fill in the amount of fee required for each permit and the amount of fees paid for each permit. The fee paid may be different from the amount required for each permit since the amount required may differ due the three payment plan for fees in excess of \$1,000. A Fee Calculation Sheet is now included to allow an applicant to determine the fee for applications where the fee will vary due to size of site, impacts, etc.

**Appendices Please follow the directions as outlined for each Appendix.**

- ✓ Both Appendix I and II are required to be filled-out and submitted in order for the application form to be considered completed

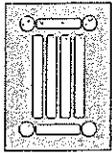
**Please Note:** The following permits and authorizations are available as on-line applications at <http://www.nj.gov/dep/landuse> under "Electronic Services":

Coastal General Permits-by-Certification #10 and #15

Flood Hazard Area Permits-by-Certification #1 thru #15

Freshwater Wetlands General Permits #8 and #25

Freshwater Wetlands E-LOI (submittal only)



**GENOVA  
BURNS**  
ATTORNEYS-AT-LAW

Genova Burns LLC  
494 Broad Street, Newark, NJ 07102  
Tel: 973.533.0777 Fax: 973.533.1112  
Web: www.genovaburns.com

William F. Harrison, Esq.  
Partner  
Member of NJ Bar  
[wharrison@genovaburns.com](mailto:wharrison@genovaburns.com)  
Direct: 973-535-4430

February 22, 2018

**VIA UPS GROUND**

NJ Department of Environmental Protection  
Division of Land Use Regulation  
501 East State Street  
Station Plaza 5, 2nd Floor  
Trenton, New Jersey 08609

FEB 23 '18 AM 11:00  
LAND USE REGULATI

Attn.: Eric Virostek, Application Support

**Re: Application for CAFRA Individual Permit  
Application for Transition Area Waiver: Averaging Plan Transition Area  
Waiver**  
**Property: Block 505 lots 14 and 15  
Township of Toms River  
Block 44, Lots 2, 3, 4, 5 and 9  
Block 75.01, Lot 3  
Township of Manchester**  
**Applicant: Jaylin Holdings, LLC**

Dear Mr. Virostek

Applicant is submitting the above-referenced application for a Coastal Area Facility Review Act ("CAFRA") Individual Permit and a Transition Area Waiver, specifically an averaging plan transition area waiver, to construct one 111,186 square foot retail building, three 4,800 square foot restaurants and one 9,322 square foot retail building, and includes associated parking, circulation, utilities, stormwater management, landscaping and lighting associated with these uses. Five hundred and sixty-seven (567) parking spaces are proposed for the entire development. A stormwater management system that utilizes three above-ground basins has also been designed to accommodate this development.

Please accept the following as submission of the remaining application items, thereby completing the application in accordance with the submission requirements:

- *Land Use Application Form* executed by Applicant and Agent;
- *Land Use Application Form* executed by preparer of plans;



NJ Department of Environmental Protection

February 22, 2018

Page 2

- *One (1) check representing the required Application Fee; and*
- *Proof of Notices.*

Very truly yours,

**GENOVA BURNS LLC**

*William F. Harrison*  
WILLIAM F. HARRISON

WFH/KEB  
Enclosures





Ms. Alison Carlisle, Township Clerk  
Township of Toms River  
January 25, 2018  
Page 2

- *Stormwater Management Report* prepared by Bohler Engineering, dated November 2017;
- *Boundary & Wetland Location Survey*, prepared by Control Point Associates, Inc., dated August 6, 2015, last revised November 20, 2017;
- *ALTA/ASCM Land Title Survey*, prepared by Control Point Associates, Inc., dated April 21, 2004, last revised November 29, 2017;
- *Preliminary & Final Site Plan for Grunin Properties*, dated November 30, 2017; and,
- Compact Disc containing the contents of the previous submission, Permit No. 1500-04-001.1, APL080001, SWW090001.

A brief description of the proposed development follows:

The proposed development includes one (1) 111,186-SF retail building, three (3) 4,800-SF restaurants and one (1) 9,322-SF retail building. Also included is the associated parking, circulation, utilities, stormwater management, landscaping and lighting associated with these uses. Five hundred and sixty-seven (567) parking spaces are proposed for the entire development. A stormwater management system that utilizes three above-ground basins has been designed to accommodate the development.

The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of receiving this letter to:

New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420 , Code 501-02A  
Trenton, New Jersey 08625  
Attn: Toms River Bureau Chief or  
Manchester Bureau Chief

Enclosed is a check for \$50.00 payable to the Township of Toms River for the CAFRA storage filing fee.



Ms. Alison Carlisle, Township Clerk  
Township of Toms River  
January 25, 2018  
Page 3

If you have any questions regarding this notice, please feel free to contact me.

Very truly yours,

GENOVA BURNS LLC

*William F. Harrison* /cm  
WILLIAM F. HARRISON

WFH  
Enclosures





GENOVA BURNS LLC - ATTORNEY BUSINESS ACCOUNT

The Township of Toms River

58977

DATE	INVOICE NUMBER	MEMO	BALANCE
12/05/2017	12052017	CAFRA Storage Filing fee	50.00
CHECK DATE 12/05/2017	CHECK NUMBER 000058977		TOTAL 50.00

GENOVA BURNS LLC  
 ATTORNEY BUSINESS ACCOUNT  
 494 BROAD STREET  
 NEWARK, NEW JERSEY 07102

VALLEY NATIONAL BANK

55-138/212

PAY: *Fifty and 00/100 Dollars*

NUMBER  
000058977

DATE  
12/05/2017

AMOUNT  
\*\*\*\*\*50.00

TO THE ORDER OF  
The Township of Toms River

*R. J. ...*

⑈058977⑈ ⑆021201383⑆ ⑈001001553⑈

58977



Details on back. Security Feature Instruct.

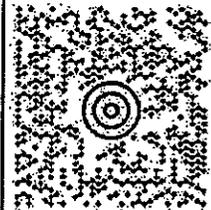
1 OF 1

1 LBS

ROCHELLE WILSON  
973-533-0777  
GENOVA BURNS LLC  
494 BROAD STREET  
NEWARK NJ 07102

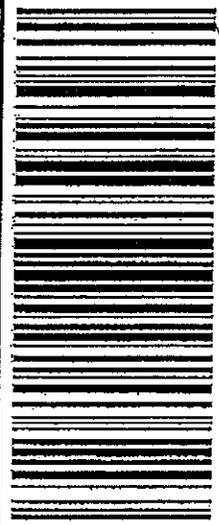
SHIP TO:  
ALISON CARLISLE, TOWNSHIP CLERK  
555-555-5555  
TOWNSHIP OF TOMS RIVER  
33 WASHINGTON STREET  
TOMS RIVER NJ 08754

NJ 087 1-05



UPS GROUND

TRACKING #: 1Z A9R 389 03 9397 5779



BILLING: P/P



Tkx Ref No.: 21886.004 (WFH)  
Trk Ref No.: Shipment Reference #2  
2018-01-25 04:18:03.35  
973-533-0777



Please fold or cut in half

Print at 100% size and do NOT photocopy. Using a photocopy could delay the delivery of your package and may result in additional shipping charge.



Thank you for shipping with Unishippers.

UPS standard terms and conditions apply.

Rate Estimate: 8.04 USD  
Protection: 0.00 USD

Weight (lbs): 1  
Dimensions: 0x0x0  
Ship Ref: 21886.004 (WFH)  
Service Level: UPS Ground  
Special Svc:

Shipment Date: 2018-01-25  
Bill Shipment To: Bill My Account  
Bill To Acct: A9R389

Description:

# RECEIPT

Waybill #: 1ZA9R3890393975779

To (Company):

TOWNSHIP OF TOMS RIVER

33 WASHINGTON STREET

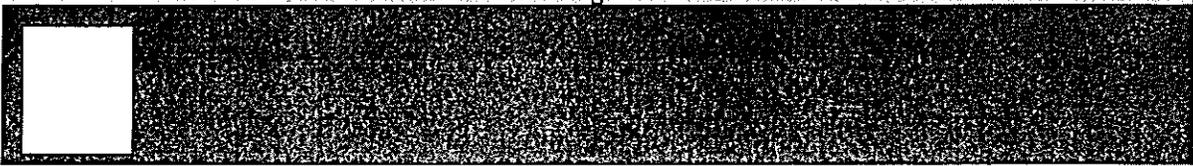
TOMS RIVER, NJ, 08754  
UNITED STATES

Attention To:

ALISON CARLISLE, TOWNSHIP  
555-555-5555

Sent By:

Rochelle Wilson  
973-533-0777



**Your package has been delivered.**

**Delivery Date:** Friday, 01/26/2018

**Delivery Time:** 10:56 AM

At the request of Genova Burns LLC this notice alerts you that the status of the shipment listed below has changed.

## Shipment Detail

---

<b>Tracking Number:</b>	<b><u>1ZA9R3890393975779</u></b>
<b>Ship To:</b>	Alison Carlisle, Township Clerk Township of Toms River 33 WASHINGTON ST TOMS RIVER, NJ 08754 US
<b>UPS Service:</b>	UPS GROUND
<b>Number of Packages:</b>	1
<b>Weight:</b>	1.0 LBS
<b>Delivery Location:</b>	INSIDE DELIVERY KNEMOLLAR
<b>Transaction Reference Number:</b>	21886.004 (WFH)
<b>Transaction Reference Number:</b>	Shipment Reference #2



**GENOVA  
BURNS**  
ATTORNEYS-AT-LAW

Genova Burns LLC  
494 Broad Street, Newark, NJ 07102  
Tel: 973.533.0777 Fax: 973.533.1112  
Web: www.genovaburns.com

William F. Harrison, Esq.  
Partner  
Member of NJ Bar  
[wharrison@genovaburns.com](mailto:wharrison@genovaburns.com)  
Direct: 973-535-4430

January 25, 2018

VIA CERTIFIED MAIL

Manchester Township  
Clerk's Office  
1 Colonial Drive  
Manchester, New Jersey 08759

Re: Application for CAFRA Individual Permit  
Application for Transition Area Waiver  
Proposed Retail Development  
Township of Toms River: Block 505, Lots 14 and 15  
Township of Manchester: Block 44, Lots 2, 3, 4, 5 and 9;  
Block 75.01, Lot 3  
  
Ocean County  
DEP File No. 1500-04-0001.3-CAF160001

Dear Sir/Madam:

This letter is to provide you with legal notification that an individual CAFRA permit application and a transition area waiver application will be submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed plan. A complete copy of the CAFRA application and Transition Area Waiver application is enclosed and includes the following:

- *CAFRA Individual Permit Application* prepared by Bohler Engineering, dated December 2017;
- *Barred Owl* letter prepared by EcolSciences, Inc. dated January 12, 2018;
- *Freshwater Wetland Transition Area Waiver Averaging Plan* prepared by Bohler Engineering, dated December 2017;
- *Stormwater Management Facility Operations and Maintenance Manual* prepared by Bohler Engineering, dated November 2017;
- *Stormwater Management Report* prepared by Bohler Engineering, dated November 2017;



Manchester Township  
Clerk's Office  
January 25, 2018  
Page 2

- *Boundary & Wetland Location Survey*, prepared by Control Point Associates, Inc., dated August 6, 2015, last revised November 20, 2017;
- *ALTA/ASCM Land Title Survey*, prepared by Control Point Associates, Inc., dated April 21, 2004, last revised November 29, 2017;
- *Preliminary & Final Site Plan for Grunin Properties*, dated November 30, 2017; and,
- Compact Disc containing the contents of the previous submission, Permit No. 1500-04-001.1, APL080001, SWW090001.

A brief description of the proposed development follows:

The proposed development includes one (1) 111,186-SF retail building, three (3) 4,800-SF restaurants and one (1) 9,322-SF retail building. Also included is the associated parking, circulation, utilities, stormwater management, landscaping and lighting associated with these uses. Five hundred and sixty-seven (567) parking spaces are proposed for the entire development. A stormwater management system that utilizes three above-ground basins has been designed to accommodate the development.

The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of receiving this letter to:

New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420 , Code 501-02A  
Trenton, New Jersey 08625  
Attn: Toms River Bureau Chief or  
Manchester Bureau Chief

If you have any questions regarding this notice, please feel free to contact me.

Very truly yours,

**GENOVA BURNS LLC**





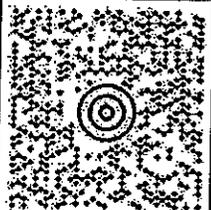
ROCHELLE WILSON  
973-533-0777  
GENOVA BURNS LLC  
494 BROAD STREET  
NEWARK NJ 07102

1 LBS

1 OF 1

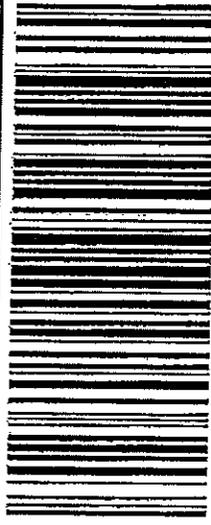
SHIP TO:  
CLERK'S OFFICE  
555-555-5555  
MANCHESTER TOWNSHIP CLERK  
1 COLONIAL DRIVE  
MANCHESTER NJ 08759

NJ 087 1-02



UPS GROUND

TRACKING #: 1Z A9R 389 03 9155 4389



BILLING: P/P

TM  
Tax Ref No.: 21886.004 (WFH)  
Tax Ref No.: Shipment Reference #2  
NOV 18 09:25  
NOV 19 09:06:09/2018



THE SHIPPING COMPANY THAT WORKS FOR YOU®

Please fold or cut in half

Print at 100% size and do NOT photocopy. Using a photocopy could delay the delivery of your package and may result in additional shipping charges.



THE SHIPPING COMPANY THAT WORKS FOR YOU®

Thank you for shipping with Unishippers.

UPS standard terms and conditions apply.

Rate Estimate: 8.04 USD  
Protection: 0.00 USD

Weight (lbs): 1  
Dimensions: 0x0x0  
Ship Ref: 21886.004 (WFH)  
Service Level: UPS Ground  
Special Svc:

Shipment Date: 2018-01-25  
Bill Shipment To: Bill My Account  
Bill To Acct: A9R389

Description:

# RECEIPT

Waybill #: 1ZA9R3890391554389

To (Company):

MANCHESTER TOWNSHIP

1 COLONIAL DRIVE

MANCHESTER, NJ, 08759  
UNITED STATES

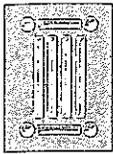
Attention To:

CLERK'S OFFICE  
555-555-5555

Sent By:

Rochelle Wilson  
973-533-0777





**GENOVA  
BURNS**  
ATTORNEYS-AT-LAW

Genova Burns LLC  
494 Broad Street, Newark, NJ 07102  
Tel: 973.533.0777 Fax: 973.533.1112  
Web: www.genovaburns.com

William F. Harrison, Esq.  
Partner  
Member of NJ Bar  
[wharrison@genovaburns.com](mailto:wharrison@genovaburns.com)  
Direct: 973-535-4430

January 25, 2018

NJ Department of Environmental Protection  
Division of Land Use Regulation  
501 East State Street  
Station Plaza 5, 2nd Floor  
Trenton, New Jersey 08609

JAN 26 '18 AM 10:31  
LAND USE REGULATION

Attn.: Eric Virostek, Application Support

**Re: Application for CAFRA Individual Permit  
Application for Transition Area Waiver: Averaging Plan Transition Area  
Waiver**  
**Property: Block 505 lots 14 and 15  
Township of Toms River  
Block 44, Lots 2, 3, 4, 5 and 9  
Block 75.01, Lot 3  
Township of Manchester**  
**Applicant: Jaylin Holdings, LLC**

Dear Mr. Virostek

Applicant is submitting the above-referenced application for a Coastal Area Facility Review Act ("CAFRA") Individual Permit and a Transition Area Waiver, specifically an averaging plan transition area waiver, to construct one 111,186 square foot retail building, three 4,800 square foot restaurants and one 9,322 square foot retail building, and includes associated parking, circulation, utilities, stormwater management, landscaping and lighting associated with these uses. Five hundred and sixty-seven (567) parking spaces are proposed for the entire development. A stormwater management system that utilizes three above-ground basins has also been designed to accommodate this development.

As you may recall, Applicant initially submitted the CAFRA application to the New Jersey Department of Environmental Protection ("DEP") on November 8, 2004. The initial project consisted of a 203,091 square foot store, 19,884 square foot garden center and two outparcels, and 1,049 parking spaces with 23.47 acres of impervious coverage. DEP determined the project complied with the impervious coverage limit since it was located within

NJ Department of Environmental Protection

January 25, 2018

Page 3

Evaluation Method. By permanently protecting Lot 9, more than twenty-nine acres of contiguous land was protected, further protecting the pine snakes in the immediate area of the property as well as the overall local population. The Pine Barren tree frogs also benefitted as DEP identified Pine Barren tree frog habitat on Lot 9 that will now be permanently protected.

Due to a change in potential tenants and the discovery of a barred owl on a nearby parcel, Applicant has further reduced the development footprint from a 193,497 square foot retail store, including a 5,703 square foot seasonal garden center, and a 774 vehicle parking lot to one 111,186 square foot retail building, three 4,800 square foot restaurants and one 9,322 square foot retail building. No development will occur in wetlands, eliminating the need to create the wetlands mitigation area which was proposed within the area being deed restricted as pine snake habitat. This change will further enhance the value of the preserved lands on the development parcel as pine snake habitat. While no tree frogs were found in the wetlands on-site, these wetlands will also now be protected rather than filled. In addition to protecting pine snake habitat, the preservation of the on-site and off-site lands will permanently protect large areas of barred owl habitat.

Over the course of this application process, Applicant has reduced the impervious coverage by more than half, Applicant now proposing only 10.89 acres whereas Applicant initially proposed 23.47 acres and proposed 14.1076 acres in the application that CAFRA first approved-a reduction of more than 3 acres. This application continues to comply fully with the provisions of N.J.A.C. 7:7, et al. Except as otherwise provided in the application, Applicant continues to rely on approval of all other aspects of the previous CAFRA individual permits and is including the environmental information that was submitted with the 2016 application on the CD enclosed in this Application.

In accordance with the submission requirements, enclosed please find the following:

- *CAFRA Individual Permit Application* prepared by Bohler Engineering, dated December 2017;
- *Barred Owl* letter prepared by EcolSciences, Inc. dated January 12, 2018;
- *Freshwater Wetland Transition Area Waiver Averaging Plan* prepared by Bohler Engineering, dated December 2017;
- *Stormwater Management Facility Operations and Maintenance Manual* prepared by Bohler Engineering, dated November 2017;
- *Stormwater Management Report* prepared by Bohler Engineering, dated November 2017;



NJ Department of Environmental Protection

January 25, 2018

Page 4

- *Boundary & Wetland Location Survey*, prepared by Control Point Associates, Inc., dated August 6, 2015, last revised November 20, 2017;
- *ALTA/ASCM Land Title Survey*, prepared by Control Point Associates, Inc., dated April 21, 2004, last revised November 29, 2017;
- *Preliminary & Final Site Plan for Grunin Properties*, dated November 30, 2017; and,
- Compact Disc containing the contents of the previous submission, Permit No. 1500-04-001.1, APL080001, SWW090001.

Very truly yours,

GENOVA BURNS LLC

A handwritten signature in cursive script that reads "William F. Harrison".

WILLIAM F. HARRISON

WFH/KEB  
Enclosures





# EcolSciences, Inc.

Environmental Management & Regulatory Compliance

January 12, 2018

Greg DiBona, L.L.A.  
Bohler Engineering  
305 Fellowship Road, Suite 210  
Mount Laurel, NJ 08054

Re: Barred Owl  
Block 505, Lots 14 and 15  
Toms River Township  
Block 44, Lots 2, 3, 4, 5 and 9  
Manchester Township  
Ocean County, New Jersey

Dear Mr. DiBona:

EcolSciences has conducted a habitat impact assessment for the State-threatened Barred Owl (*Strix varia*) on the above-referenced site (Figure 1). NJDEP has recently concluded the wetlands of the site provide "suitable breeding, resting, and/or feeding habitat for Barred Owl" based on a June 2016 sighting of this species within 1/4 mile south of the site. As such, a wetlands transition area of 150 feet, indicating wetlands of exceptional resource value, will be observed for the entire site. Additionally, NJDEP asserts the forested uplands of the site also have value as Barred Owl habitat.

This letter addresses the potential impact of a mixed use retail development proposed for the site upon Barred Owl habitat. It is also a supplement to the Coastal Area Facilities Review Act (CAFRA) Statement of Compliance prepared for the proposed development, addressing policies regarding endangered or threatened wildlife or plant species habitats pursuant to the Coastal Zone Management Rules at N.J.A.C. 7:7-9.36.

The most recent NJDEP Landscape Project critical wildlife habitat map (Version 3.3, released in May 2017) has not incorporated the June 2016 Barred Owl sighting, as, according to the map, the site is not valued as Barred Owl habitat. Present mapping (Figure 2) indicates Barred Owl habitat occurs just opposite the Conrail Railroad immediately south of the site. The nearby mapped Barred Owl habitat consists of nearly 16 square miles of contiguous forest bound by Conrail to the north, County Route 2 (Manchester Boulevard) to the west, County Route 530 (Pinewald-Keswick Road) to the south, and the Garden State Parkway to the east (Figure 3). The habitat is valued by three Barred Owl records, most recently documented in 2012.

The site, though it has suitable forested land covers valued by Barred Owl according to Landscape Project methodology, had not been mapped as habitat for this species as 1) there had been no nearby records prior to 2016 and 2) the railroad effectively separated the on-site forest from the mapped forest just to the south. Landscape Project applies a buffer, or occurrence area, of one kilometer radius to Barred Owl records, valuing all intersecting contiguous forested habitats. The on-site forest habitats are less than one kilometer from the June 2016 record, and as such, would now be valued as Barred Owl habitat.

Daniel Brill of EcolSciences conducted a field assessment of the approximately 74-acre site and surrounding area in November 2017. Approximately 67 acres (90%) of the site is forested. The proposed development would occur in the eastern portion of the site along State Highway 37 (Block 44, Lots 3, 4, and 5 and a portion of Lot 2) and Northampton Boulevard (Block 505, Lots 14 and 15), an area mostly

Greg DiBona, L.L.A.  
January 12, 2018  
Page 2 of 2

occupied by coniferous-dominant forest. Approximately 19 acres of the on-site forest would be cleared to accommodate the proposed development, leaving  $\pm 48$  acres or over 70% of the on-site forest preserved post-development. In addition to coniferous forest the site also has deciduous and mixed wooded wetlands, pitch pine lowlands, and Atlantic white cedar wetlands.

Although the on-site forested habitats are essentially connected to a vast area valued by Barred Owl, the site is of limited breeding and foraging utility to this species based on its position in the landscape and forest structure. The site occupies an outer corner of potential Barred Owl habitat bound on three sides by roads and existing development, providing no connectivity to additional forested areas. At about 67 acres, the on-site forest would only include a small fraction (under 10%) of the areal requirement for Barred Owl based on the occurrence area applied in Landscape Project. There is heavy off-road vehicle use in the immediate area. Nearby Conrail and powerline rights-of-way provide main conduits, and there are numerous trails in forested areas both on and off-site.

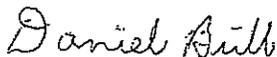
While the on-site forest could hypothetically host a foraging owl, it is of no discernable significance as potential breeding habitat. Barred Owl is a cavity nester. No cavities were identified on-site that could accommodate Barred Owl. Some maples associated with deciduous wooded wetlands along the Sunken Branch tributary in Block 44, Lot 9 were the only identified hardwoods of significant girth on-site. There are no hardwoods of substantial diameter within the on-site uplands, including the coniferous-dominant forest community making up the majority of the area of proposed development.

In conclusion, the proposed development will not negatively affect Barred Owl nor its habitat. The majority of the on-site forest habitat will be preserved and maintain connectivity to the massive area of Landscape Project-mapped Barred Owl habitat south of the site.

Please contact David Moskowitz or myself if you have any questions or need any further information.

Very truly yours,

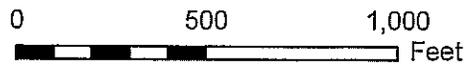
EcolSciences, Inc.



Daniel Brill  
Senior Environmental Scientist

enclosures

cc: William F. Harrison, Esq.  
David Moskowitz



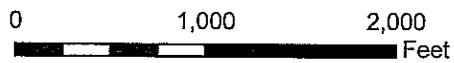
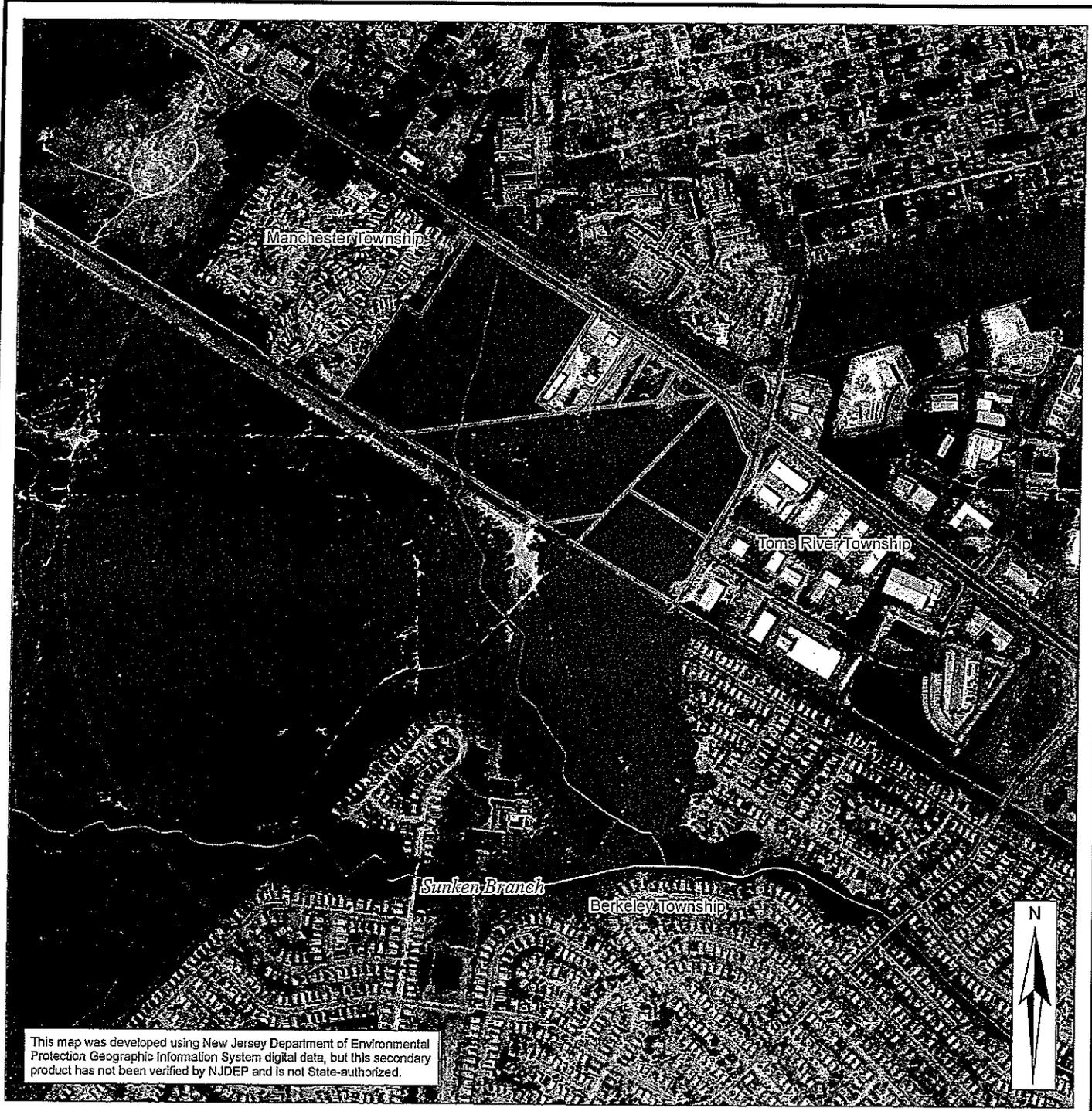
**FIGURE 1: 2015 AERIAL IMAGERY**

Block 505, Lots 14 and 15  
 Toms River Township  
 Block 44, Lots 2, 3, 4, 5 and 9  
 Manchester Township  
 Ocean County, New Jersey

Source: NJGIT, OGIS. 2016. NJ 2015 High Resolution Orthophotography.

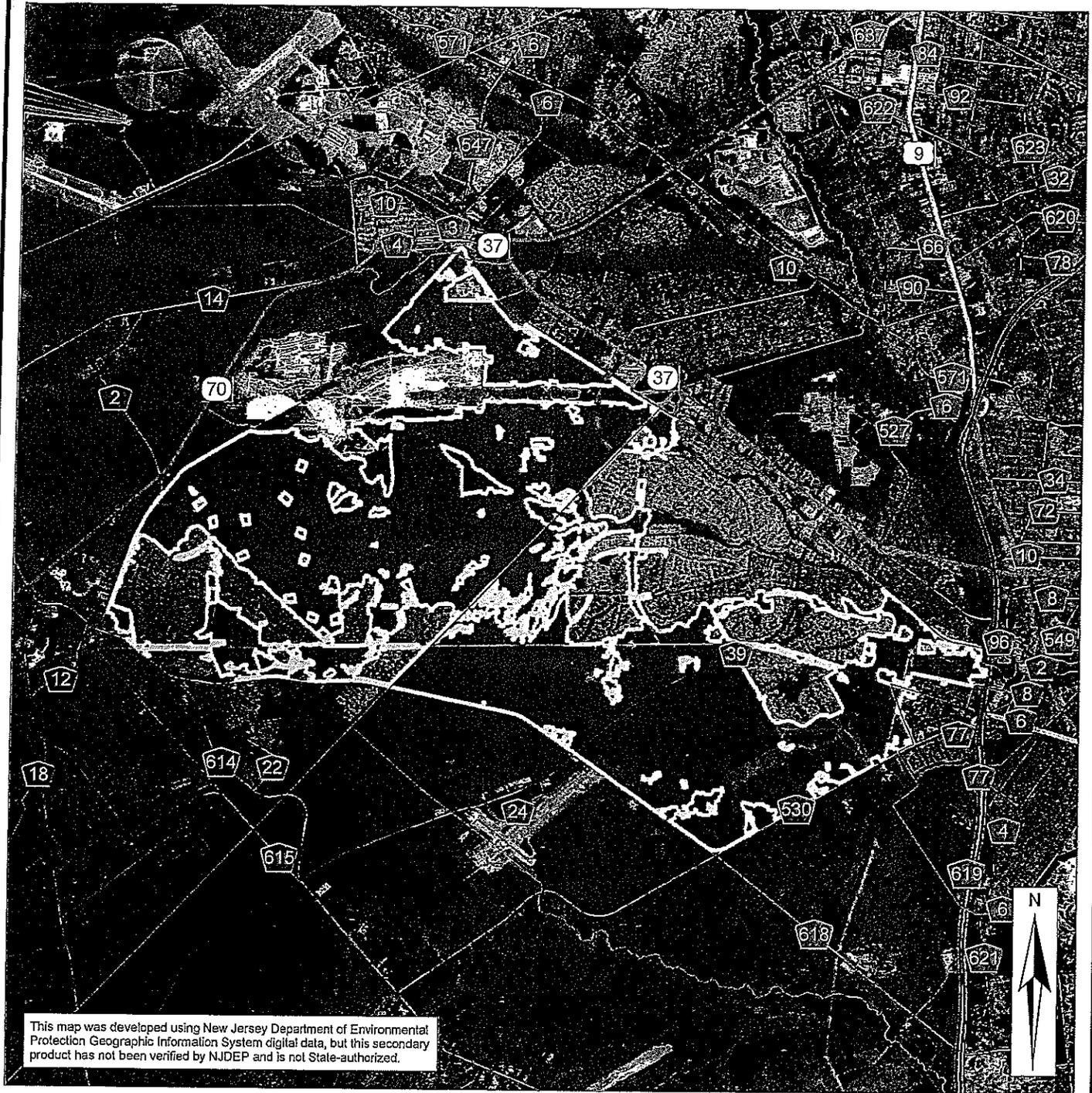
**EcoSciences, Inc.**  
 Environmental Management & Regulatory Compliance

Date: 12/6/17  
 Scale 1:6,000

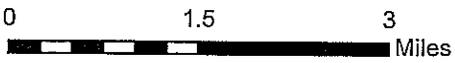


-  Approximate site boundary
-  Barred Owl habitat (Landscape Project 3.3)
-  Approximate June 2016 Barred Owl occurrence area

<b>FIGURE 2: BARRED OWL HABITAT</b>	
Block 505, Lots 14 and 15 Toms River Township Block 44, Lots 2, 3, 4, 5 and 9 Manchester Township Ocean County, New Jersey	
Sources:	
NJDEP, DFW, ENSP. 2017. New Jersey's Landscape Project (Version 3.3). NJOIT, OGIS. 2016. NJ 2015 High Resolution Orthophotography.	
<b>EcolSciences, Inc.</b>	Date: 12/6/17
Environmental Management & Regulatory Compliance	Scale 1:12,000



This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



-  Approximate site boundary
-  Approximate June 2016 Barred Owl occurrence area
-  Local Barred Owl habitat extent (±16 sq. miles)
-  Barred Owl habitat (Landscape Project 3.3)

<b>FIGURE 3: BARRED OWL HABITAT</b>	
Block 505, Lots 14 and 15 Toms River Township Block 44, Lots 2, 3, 4, 5 and 9 Manchester Township Ocean County, New Jersey	
Sources: NJDEP, DFW, ENSP. 2017. New Jersey's Landscape Project (Version 3.3). NJOIT, OGIS. 2016. NJ 2015 High Resolution Orthophotography.	
<b>EcolSciences, Inc.</b> Environmental Management & Regulatory Compliance	Date: 12/6/17 Scale 1:95,040







January 25, 2018  
Page 2

New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420 , Code 501-02A  
Trenton, New Jersey 08625  
Attn: Toms River Bureau Chief or  
Manchester Bureau Chief

If you have any questions regarding this notice, please feel free to contact me.

Very truly yours,

GENOVA BURNS LLC

*William F. Harrison /cm*  
WILLIAM F. HARRISON

WFH/KEB  
Enclosures

14228086 v1 (21886.004)





# STORMWATER MANAGEMENT REPORT

*For*

## PROPOSED RETAIL DEVELOPMENT

*Prepared for:*

### Grinin Properties

Block 44, Lots 2, 3, 4, 5 & 9  
Township of Manchester

*and*

Block 505, Lots 14 & 15  
Township of Toms River

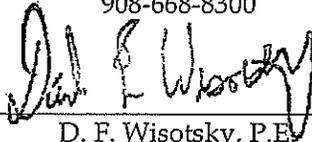
NJ State Highway Route 37 & Northampton Blvd.  
Ocean County, New Jersey

*Prepared by:*



**BOHLER**  
ENGINEERING

35 Technology Drive  
Warren, NJ 07059  
908-668-8300



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D. F. Wisotsky, P.E.

New Jersey Professional Engineer License No. 42951

November 2017

BENJ File No. JM170508



**Stormwater Management Report – NJDEP Index Page**

**Project Name:** Proposed Retail Development

**Project Location:** Manchester Township and Toms River Township, Ocean County, New Jersey

The following table summarizes typical additional information as requested by the New Jersey Department of Environmental Protection. Details can be found throughout this Stormwater Management Report, Appendices and Supplemental Reports as indicated.

NJDEP Information	Location of Information
Total Amount of Land Disturbed on Site – 27+/- acres	Page 5
Acreage of New Impervious Surfaces within project site – 9+/- acres	Page 5
Type of Basin Proposed (e.g., infiltration, detention)	Page 7
Proof that Groundwater Recharge Standards are met	Page 13
Recharge Worksheet	Appendix B
Proof that Runoff Quantity Standards are met	Page 11 ~12 and Appendix A
Proof that Water Quality Standards are met	Appendix A
Low Impact Development Checklist	Appendix B
USGS and HUC-14 Site Location Map	Appendix C
Copy of the State Study Plan and Profile (N/A)	Appendix (N/A)
Permeability Test Locations	Geotechnical Report (Separate Document)
Permeability Test Results	Geotechnical Report (Separate Document)
Boring data at the proposed basin locations (if applicable)	Geotechnical Report (Separate Document)
Location of proposed basin in relation to depth of the seasonal high groundwater table	Page 10
Operations and Maintenance Manual	Operations and Maintenance Manual (Separate Document)

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## Appendices

### **A. Pre-Development and Post-Development Hydrographs**

- ◆ Water Quality Storm Event
- ◆ 2-Year Storm Event
- ◆ 10-Year Storm Event
- ◆ 100-Year Storm Event

### **B. Design Calculations**

- ◆ Emergency Spillway Calculations
- ◆ Infiltration Rate and Basin Drain Time Calculations
- ◆ Recharge Calculations
- ◆ Storm Drain Sizing, Curb Cut Calculations
- ◆ Pipe Capacity Check for Underground Basin
- ◆ Scour Hole Design
- ◆ Township-Specific Requirements Evaluation
- ◆ Sediment Basin Design
- ◆ Low-Impact Development Checklist

### **C. Maps & Documentation**

- ◆ Location Map
- ◆ USGS & HUC14 Location Map
- ◆ Soil Map
- ◆ Drainage Area Maps
  - Existing Drainage Area Map
  - Proposed Drainage Area Map

## **1. Introduction**

The intention of this study is to analyze the stormwater drainage conditions that will occur as a result of the proposed retail development situated at the southwest corner of NJSH Route 37 and Northampton Boulevard within the townships of Manchester and Toms River, in Ocean County, New Jersey. The subject site is more specifically defined as Block 44, Lots 2, 3, 4, 5 & 9 in the Township of Manchester, and Block 505, Lots 14 and 15 in the Township of Toms River. Said lots shall be referenced herein as the Site, and are located on the USGS map and Site Location Map within the Appendix of this report. The Site consists of approximately 73+/- acres after dedication for off-site roadway improvements including NJDOT improvements. The Site is bordered to the northeast by NJSH Route 37 and a retail center with various businesses on the premises, a four-lane divided highway; to the southeast by Northampton Boulevard; to the southwest by a one-track railroad owned and operated by Conrail; and to the northwest by residential use.

The proposed development includes one (1) 111,186 SF retail building, three (3) 4,800 SF restaurants and one (1) 9,322 SF retail building. Additional improvements include parking and circulation areas, landscaping areas, stormwater management facilities, associated utilities, and related site improvements.

The scope of this study includes analysis of runoff generated by the proposed buildings, driveways, paved parking areas, and landscaped areas, as well as an analysis of the resulting stormwater collection system and the aboveground stormwater management basins as shown on the accompanying engineering drawings. The following items shall be addressed within this report:

- Narrative of pre- and post-development conditions with calculations to substantiate derived runoff coefficients and times of concentration.
- Analysis of pre-and post-development annual groundwater recharge.
- Calculations for water quality utilizing the NJDEP 1.25 inch/2-hour water quality design storm.
- Stormwater pollutant (TSS) removal.
- Calculations and comparisons of the peak runoff rates for the 2-, 10- and 100-year design storm events under pre- and post-development conditions.
- Calculations for the proposed aboveground infiltration basin system including inflow and outflow hydrographs, and a storage volume versus depth table.
- Calculations to substantiate capacity of the proposed stormwater conveyance system.

The primary design constraints for this project are based on the Township of Toms River and Township of Manchester Land Use Ordinances, the CAFRA Department of the New Jersey Department of Environmental Protection (NJDEP) rules and regulations, and Ocean County design standards, as follows:

Township of Toms River:

- NJDEP requirements must be met regarding water quantity (peak runoff rate reduction), water quality (TSS removal), and groundwater recharge.
- For detention facilities, the design frequency shall be a 24-hour storm with return period not less than 50 years for the tributary area not exceeding 50 acres.
- For retention facilities, the required capacity must be doubled.

Township of Manchester:

- NJDEP requirements must be met regarding water quantity (peak runoff rate reduction), water quality (TSS removal), and groundwater recharge.
- Only one half (0.5) of the area devoted to the detention or retention facilities shall be considered non-impervious.
- Retention facilities shall be required to provide one-hundred percent (100%) storage capacity for the 50-year storm.

NJDEP – CAFRA (based on NJDEP Stormwater Management Regulations):

- NJDEP requirements must be met regarding water quantity (peak runoff rate reduction), water quality (TSS removal), and groundwater recharge.
- 100% of infiltration basin bottom area to be considered as impervious area per NJDEP comment.

NJDOT:

- Same requirements as NJDEP.

Note: The design of the NJDOT improvements associated with this site improvement will be prepared by the Project Traffic Engineers.

Ocean County:

- Post-development peak runoff rates for the Site will be reduced to below the pre-development stormwater runoff rates for the 2-, 10- and 100-year storms.
- Provide water quality.

Ocean County Soil Conservation District:

- Post-development peak runoff rates for the site will be reduced to below the pre-development stormwater runoff rates and will be required to meet the percent reductions for the 2- and 10-year design storm frequencies of 50% and 25%, respectively.

The stormwater management system proposed on the Site has been designed using the above requirements. Calculations documenting the design of the stormwater management system as illustrated on the accompanying engineering drawings prepared by Bohler Engineering are included within the appendices attached hereto.

## **2. Pre-Development Conditions**

Under existing conditions, the property is primarily wooded with 2 +/- acres of impervious area along the Route 37 frontage that is being utilized by a gasoline service station facility.

### **2.1 Topography**

The topography for the majority of the Site can be described as gentle, with slopes in the range of 1 to 5 percent. A few small areas within the center and rear of the property have steeper slopes of approximately 10 percent.

### **2.2 Freshwater Wetlands**

Existing freshwater wetlands exist along the rear portion of the Site, with associated buffer as verified by the NJDEP (File No. 1500-04-0001.1, FWW 040001 and recently File No. 1500-04-0001.3 for Lot 9). The proposed development will fill a portion of the wetland buffer; however, additional wetland buffer will be provided on the same wetland to compensate the wetland buffer taken for the proposed development. The proposed wetland/buffer disturbance with associated compensation area will be submitted to NJDEP for approval.

### **2.3 100-Year Flood Elevation**

A portion of the site is within the 100-year floodplain along the south western property line, and a Stream Encroachment Permit / delineation was obtained from NJDEP (File No. 1500-04-0001.1, FHA 04.0001.1). The proposed development is located at the eastern portion of the property, more than 400 feet (approximately) away from the stream encroachment line. The finished floor elevation (FFE) is set greater than six (6) feet above the 100-year flood elevation.

## 2.4 Pine Snake Habitat

A portion of the site has been classified as pine snake habitat, and is protected under the proposed development. More specifically, the current site development plan is limited to a portion of the property in question, and proposes a greatly reduced footprint of disturbance when compared with the previous three (3) applications. Based on the current design drawings and several meetings with the NJDEP, it is our understanding that the NJDEP's intent to protect and preserve the pine snake habitat is achieved by the proposed development.

## 2.5 Drainage

Under existing conditions, the Site is divided into five (5) drainage areas defined as EDA-1, EDA-2, EDA-3, EDA-4 and EDA-5, more specifically described as follows:

- **EDA-1** (approximately 19.20 +/- acres) is located along the easterly side of the property and drains in a north to south direction. The majority of this drainage area is wooded with a very limited grass area. A portion of Northampton Boulevard is also included in the drainage area. The stormwater runoff from EDA-1 is tributary to the lower area at the southern corner of the property and eventually to the drainage ditch located near the southern property corner.
- **EDA-2** (approximately 3.74 +/- acres) is located along the northeast property line adjacent to NJSH Route 37. The stormwater runoff from EDA-2 is tributary to a local depression.
- **EDA-3** (approximately 4.85 +/- acres) is located at the northern property line along NJSH Route 37. The stormwater runoff from this drainage area is tributary to Block 44, Lot 7, of Manchester Township, and eventually to a stream located at the western side of the property.
- **EDA-4** (approximately 17.40 +/- acres) is located along the southwest property line and represents the area between the two on-site wetlands where no development is anticipated, except for portions of the snake barrier requested by the NJDEP. The stormwater runoff from this area drains in an east to west direction and is tributary to the southwest wetland area and stream mentioned above.
- **EDA-5** (approximately 29.30 +/- acres) is located along the western property line and encompasses a large wooded area with existing wetlands and stream where no development is anticipated. The stormwater runoff from this area drains in a north to south direction and is tributary to the southwest wetland area and stream mentioned above.

Per the USGS map, all drainage areas are tributary to the Sunken Branch, a tributary of Wrangle Brook, and eventually drain into the Toms River bay.

## 2.6 Site Soils

The northeasterly portion of the site along Route 37 is depicted by the Ocean County Soil Survey as Lakewood sand (LasB). The majority of the southern portion of the site is depicted as Lakehurst sand (LakB). Per *Urban Hydrology for Small Watersheds*, both soil series belong to hydrologic soil group "A". It should be noted that the entire proposed development is within the perimeter of these two soil series. For the remaining undeveloped portion of the Site, specifically in the area of the existing wetlands, the Ocean County Soil Survey depicts Atsion sand (AtsA) along the northwestern corner of the property, and Mullica sandy loam (MumA) at the southern portion of the property. Per *Urban Hydrology for Small Watersheds*, the Atsion series belongs to groups "A/D", while the Mullica sandy loam series belongs to group "D". Additional information on these soil types are contained in the Appendix of this report.

## 3. Post-Development Conditions

### 3.1 Post-Development Conditions

#### 3.1.1 Surface Cover / Development:

As previously mentioned, under proposed conditions, one (1) 111,186 SF retail building, three (3) 4,800 SF restaurants and one (1) 9,322 SF retail building together with parking fields, driveways, landscaped areas, stormwater management facilities, associated utilities and related site improvements will be constructed. The total proposed land disturbance on site is approximately 27 +/- acres with approximately 9 +/- acres of new impervious area within the project site. A proposed stormwater conveyance system will collect the runoff from the proposed building and pavement areas, and redirect the stormwater to the proposed basins.

#### 3.1.2 Drainage:

The stormwater management facilities for the proposed development have been designed to respect and maintain the natural, existing drainage patterns to the fullest extent possible, and to meet the governing agencies' requirements with respect to groundwater recharge, water quality, and peak flow reductions. Under post-development conditions, five major drainage areas are proposed as depicted on the accompanying engineering plans, as follows:

- **Drainage Area PDA-1** is further divided into five (5) sub-drainage areas, as follows:
  - **PDA-1A** – This area encompasses 11.35 +/- acres and includes the majority of the front parking field and with portion of Retail "A" roof area. The stormwater runoff from the

parking field and the roof area will be collected by a series of inlets and conveyance pipes, and discharged directly to the aboveground Basin #1.

- ♦ **PDA-1B** – This area encompasses 5.03+/- acres and includes driveway at the back of the proposed retail “A”, portion of retail “A” roof area, and portion of the Northampton Boulevard. The stormwater runoff from these areas will be collected by the proposed inlets, and discharge directly to the aboveground Basin #2. Any outflow from Basin #2 will discharge to the existing drainage ditch located near the southern property corner.
- ♦ **PDA-1C** – This area encompasses 0.43+/- acres and includes the area which is not tributary to proposed Basin #2 due to elevation. The land cover for this area is primarily grass, and stormwater runoff from this area will travel via overland flow to the existing ditch located near the southern property corner.
- ♦ **PDA-1D** – This area encompasses only 0.17+/- acres and includes the area which is not tributary to proposed Basin #1 due to elevation. The stormwater from this area will travel via overland flow to the wetland, and eventually to the existing ditch located near the southern property corner.
- ♦ **PDA-1E** – This area encompasses 0.20+/- acres and includes a small portion of the property that is graded to drain towards the right of way and a portion of the Northampton Boulevard. The stormwater from this area is not detained, but, eventually drains to the existing ditch located near the southern property corner.
- **Drainage Area PDA-2**
  - ♦ **PDA-2** – This area encompasses 3.77+/- acres and includes the existing local depression surrounded by the proposed snake barrier. Stormwater runoff from this area is expected to drain to this local depression and eventually infiltrate into the ground.
- **Drainage Area PDA-3** encompasses 6.84+/- acres and includes a portion of the proposed entrance road, proposed restaurant “C” and proposed Basin #3. The stormwater runoff from this area will drain to proposed Basin #3 and eventually infiltrate into the ground.
- **Drainage Area PDA-4** is the same as area EDA-4 under existing conditions, and will remain undeveloped except for a portion of the snake barrier requested by the NJDEP. The

stormwater runoff from this area is expected to maintain the same characteristics as under existing conditions.

- **Drainage Area PDA-5** is the same as area EDA-5 under existing conditions, and will remain undeveloped. The stormwater runoff from this area is expected to maintain the same characteristics as under existing conditions.

### **3.2 Non-Structural Stormwater Management Facilities**

All of the non-structural strategies have been considered in the design of the proposed development. By protecting the wetlands and associated buffers, land disturbance has been minimized. No disturbance, including clearing and grubbing, will take place in those areas which encompass over forty (40) acres of natural wooded area (a portion of which is classified as pine snake habitat by the NJDEP). An extensive landscaping plan has been incorporated which minimizes the use of lawn, fertilizers and pesticides. In addition, grass swales are proposed along the site access drive, which will convey stormwater runoff from portion of the pavement area via curb cut.

### **3.3 Structural Stormwater Management Facilities**

#### **3.3.1 Infiltration / Detention Basin**

Proposed Basin #1 is an infiltration/detention basin and consists of two portions. The aboveground portion is located to the west of the front parking field and has a six-inch (6") sand layer at the basin bottom. The underground portion include 24" RCP pipes under the front parking area with very flat slope. It has an outlet structure which discharges to proposed Basin #2. A valve is also proposed within this overflow structure so that the basin can be drained completely for maintenance purposes.

Proposed Basin #2 is an infiltration/detention basin similar to Basin #1, and has a six-inch (6") sand layer at the bottom. It has an outlet structure which discharges to the existing drainage ditch via an existing stormwater pipe located within Northampton Boulevard. A valve is proposed within this outlet structure as well so the basin can be drained completely for maintenance purposes.

Proposed Basin #3 is aboveground infiltration/detention basin, and similar to Basin #1 and #2, it has a six-inch (6") sand layer at the basin bottom as well. The stormwater collected by these basins is expected to infiltrate into the ground.

### **3.4 Soil Erosion and Sediment Control Design**

#### **3.4.1 Sediment Basin**

Two (2) temporary sediment basins are proposed during construction to prevent the sediment created during site construction from affecting downstream areas. Calculations for these sediment basins are included within Appendix B of this report.

Please note that in order to avoid sedimentation which may result in clogging and reduction of infiltration capacity, and to maintain maximum soil infiltration capacity during the course of construction, the use of heavy equipment will be minimized for the construction of the proposed detention/infiltration basins. In addition, a two-foot-thick natural soil buffer shall be maintained above the proposed basin bottom until the entire upstream area has been stabilized.

#### **3.4.2 Other Soil Erosion and Sediment Control Measures**

Other standard soil erosion and sediment control measures and BMPs will be employed during site construction such as silt fences, inlet protection, stabilized construction entrances, soil stockpiles, jute matting, temporary diversion berms, etc. These details are also included within the accompanying site plan set.

## **4. Methodology**

The stormwater management facilities have been designed in accordance with the local, county and state requirements mentioned above.

### **4.1 Calculation Software**

The calculations included within this report were performed using hydrologic software, HydroCAD (Version 9.00) by HydroCAD Software Solutions, LLC. The HydroCAD software was used to develop runoff hydrographs, outlet structure configurations, and basin routings using the SCS TR-20 methodology. Time of concentration calculations for the pre and post-development calculations were generated utilizing the SCS Method. All storm runoff data for this project were generated using the DelMarva unit hydrographs.

### **4.2 Runoff "CN" Values**

As described above, soil classifications for use with runoff curve numbers (CN) were taken from the Ocean County Soil Survey (see Appendix C). Evaluation of these maps indicates that soils within the

proposed disturbed areas consists of hydrologic soil groups A and D as defined within the United State Soil Conservation Service Manual, “*Urban Hydrology for Small Watersheds*”, v. 1986.

Runoff CN values for the soil groups were assigned to various surfaces as follows:

<u>Ground Cover</u>	<b>Soil Group:</b>	
	<b>A</b>	<b>D</b>
	<b>CN Values:</b>	
Wooded Areas (good condition)	30	77
Landscaped/Lawn (good condition)	39	80
Impervious/Building Areas	98	98

Please note, under pre-developed conditions, all pervious areas (dirt path and grass area) are considered wooded areas in good condition. Under post-development conditions, 100% of the infiltration basin bottom area is considered as impervious area per NJDEP. Runoff CN value calculations for pre- and post-developed conditions were generated using HydroCAD software and are included within the Appendix of this report.

#### 4.3 Time of Concentration

The time of concentration (Tc) and travel time calculations have been completed in accordance with Chapter 3 of the SCS Technical Release 55 Manual. As required by NJDEP, the stormwater runoff from impervious and pervious areas is calculated separately. When Tc for impervious areas is less than 10 minutes, 10 minutes is used. This is true for the Tc used for impervious areas under pre-developed conditions, and the Tc used for both pervious and impervious areas within the limit of disturbance under post-development conditions. Please refer to the Existing and Proposed Drainage Area maps for travel path information for times of concentration other than 10 minutes.

#### 4.4 Pipe Sizing

The majority of the stormwater pipes proposed under the main parking field are part of the detention facility, and the purpose of these pipes is more for storage than for conveyance. However, the pipe capacity is confirmed for the 100-year storm event to ensure that no ponding will occur on the pavement surface. In addition, inlet capacity is confirmed to ensure that no more than 4 cfs will be tributary to any of the proposed inlets, as per the ordinance of Toms River Township.

#### 4.5 Infiltration Rates

Infiltration rates were based on field tests conducted at the proposed development by Whitestone Associates, Inc. in the areas of the proposed detention/infiltration basins. Please see the following table for a summary of permeability rate data used in the design. Basin drain time is estimated for all proposed basins. For the detention/infiltration basins, a factor of safety of three (3) was used for each tested permeability rate in conjunction with the Darcy Equation,  $Q = KIA$ , as indicated in the New Jersey Stormwater Best Management Practices Manual. Please note infiltration rate is used for calculating basin drain down time only, and is not used in the basin routing. Please refer to Appendix B for basin drain time calculations.

Test Pit #	Permeability (in/hr)	Proposed Basin Number
SPP-1S	4.7	1
SPP-2S	9.4	1
SPP-3S	>20.0	2
SPP-4S	11.8	2
SPP-11S	>20.0	3
SPP-14	NT	3

#### 4.6 Seasonal Groundwater

The seasonal high groundwater table was based on field tests conducted at the site by Whitestone Associates, Inc., in the area of the proposed infiltration basins. A two-foot minimum clearance has been maintained between the seasonal high groundwater elevation and the bottom of the infiltration basins (bottom of the 6" sand layer). See summary table below:

Test Pit #	SHGW	Proposed Basin #	Proposed Basin Bottom (*)	Separation
SPP-1S	54.1	1	56.4	>2'
SPP-2S	54.4	1	56.4	=2'
SPP-3S	49.5	2	51.5	=2'
SPP-4S	48.2	2	51.5	>2'
SPP-11S	55.0	3	57.0	=2'
SPP-14	55.0	3	57.0	=2'

(\*) For infiltration basins, the basin bottom (for calculating the separation to seasonal high groundwater proposed) is calculated as the bottom of the 6-inch sand layer.

#### 4.7 Water Quality / TSS Removal

Water quality for the proposed development is achieved by storing and infiltrating the entire water quality design storm in the proposed detention/infiltration basins #1, #2, and #3. Per the New Jersey Stormwater Best Management Practices Manual, the adopted TSS removal rate for infiltration basins is 80%, and the total phosphorous and total nitrogen removal rate for the infiltration basin is 60% and 50%, respectively. As a result, the proposed stormwater management system for the proposed development meets the NJDEP requirement regarding water quality.

#### 4.8 Water Quantity

The quantity reduction for post-construction development as detailed in the NJDEP Stormwater Management Regulations includes a 50% reduction for the 2-year storm, a 25% reduction for the 10-year storm and 20% reduction for the 100-year storm per N.J.A.C. 7:8-5.4 (3)(iii).

The following tables show the comparison between the pre-development and the post-development stormwater runoff rates for various discharge points and demonstrate that the site design meets the quantity reduction (peak runoff rate reduction) requirement.

**To Existing Drainage Ditch Located Near the Southern Property Corner**  
**Pre-Development vs. Post-Development Peak Flow Rate Comparison**

NJDEP EDA-1 VS PDA-1 (PDA-1A + PDA-1B + PDA-1C + PDA-1D + PDA-1E )			
	2 YEAR	10 YEAR	100 YEAR
Pre-Development Flow Rate	1.31	2.09	3.59
NJDEP Reduction Rate	50%	25%	20%
Maximum Allowable Post-Development Flow Rate	0.66	1.57	2.87
Post-Development Flow Rate	0.41	1.11	2.46
NJDEP Reduction Rate Achieved?	YES	YES	YES

**To Existing Local Depression Area**

**Pre-Development vs. Post-Development Peak Flow Rate Comparison  
EDA-2 vs. PDA-2**

The local depression under existing conditions is large enough to hold the entire volume of the 100-year storm. Under proposed conditions, drainage PDA-2 will have similar drainage area as EDA-2 but with greatly reduced impervious area; therefore, the entire volume of the 100-year storm will be contained in the local depression as well. As a result, under both the pre- and post-development conditions, there is no increase in peak stormwater runoff rate in PDA-2 when compared with EDA-2.

**To Block 44, Lot 7**

**Pre-Development vs. Post-Development Flow Rate & Volume Comparison**

EDA-3 VS PDA-3			
	2 YEAR	10 YEAR	100 YEAR
Pre-Development Flow Rate	1.71	2.72	4.68
NJDEP Reduction Rate	50%	25%	20%
Maximum Allowable Post-Development Flow Rate	0.86	2.04	3.74
Post Development Flow Rate	0	0	1.37
NJDEP Reduction Rate Achieved?	YES	YES	YES

**To Existing Stream**

**EDA-4 vs. PDA-4**

Due to the fact that no development is proposed within PDA-4 except a portion of the snake barrier requested by the NJDEP, the drainage conditions will remain the same. There is no increase in the peak stormwater runoff rate in PDA-4 when compared with EDA-4.

**To Existing Stream**

**EDA-5 vs. PDA-5**

Due to the fact that no development is proposed within PDA-5, the drainage conditions will remain the same. There is no increase in the peak stormwater runoff rate in PDA-5 when compared with EDA-5.

#### 4.9 Groundwater Recharge

Per the New Jersey Stormwater Best Management Practices Manual, the proposed development shall comply with one of the following two groundwater recharge requirements:

Requirement 1: That 100 percent of the Site's average annual pre-developed groundwater recharge volume be maintained after development; or

Requirement 2: That 100 percent of the difference between the Site's pre- and post-development 2-year runoff volumes be infiltrated.

For this development, as illustrated in the calculations, Requirement #1 is met to satisfy the groundwater recharge requirement. Please refer to the Groundwater Recharge Analysis located in Appendix B of this report.

#### 5. Conclusions

In summary, the proposed stormwater management system illustrated on the drawings prepared by Bohler Engineering meets the requirements set forth by all reviewing jurisdictional agencies and the NJDEP Stormwater Regulations. Specifically, the design meets water quality, peak runoff rate reduction, and groundwater recharge requirements. In addition, the development proposes minimal disturbance to the wetland transition area and provides water quality for the stormwater runoff generated from a portion of Northampton Boulevard. No encroachment is proposed in the Flood Hazard Area, and it is anticipated that the pine snake habitat will be protected and preserved in accordance with NJDEP requirements. As a result, we would anticipate the proposed development will have no negative impact on the existing stormwater management system in the vicinity of the subject parcel.

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