



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHIL MURPHY
Governor
SHEILA OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

January 9, 2020

Elizabeth Realty Partners, LLC
Attn: John Kainer
16 Lehigh Drive
Kendall Park, NJ 08824

Re: Flood Hazard Area Verification Approval
File No.: 1808-19-0009.1 LUP190001
Applicant: Elizabeth Realty Partners, LLC
Block: 507.14; Lots: 61 & 62
Township of Franklin; County of Somerset

Dear John Kainer:

This letter is in response to your request for a flood hazard area verification along a tributary to the Raritan River at the above-referenced site. The Department has reviewed your application and hereby verifies the flood hazard area elevation and limits, floodway limits, and riparian zone limits on this site, as depicted on the approved plans described below.

The flood hazard area and floodway was established using Method 6 (calculation method) as described at N.J.A.C. 7:13-3.6, which is based on hydrologic and hydraulic calculations provided by the applicant.

The riparian zone extends 50 feet from the top of bank along both sides of each regulated water on this site. If a discernible bank is not present along a regulated water, the top of bank shall be established per the definition cited in N.J.A.C. 7:13-1.2.

Please note that altering land cover or topography in a flood hazard area is regulated by the Flood Hazard Area Control Act rules, and may be prohibited or restricted in some cases. A flood hazard area permit is required prior to undertaking any regulated activity within a flood hazard area described at N.J.A.C. 7:13-2.4. Some projects may qualify for a permit-by-rule at N.J.A.C. 7:13-7. All other projects must receive a general permit-by certification under N.J.A.C. 7:13-8, general permit under N.J.A.C. 7:13-9 or an individual permit under N.J.A.C. 7:13-10. Projects situated entirely outside both the flood hazard area and riparian zone do not require a flood hazard area approval.

This verification is based on the best information presently available to the Department and is subject to change if this information is no longer accurate or if additional information is made available to the Department including, but not limited to, information supplied by the applicant.

The drawing hereby approved was prepared by MASER CONSULTING P.A., dated September 30, 2019, last revised December 30, 2019, and entitled:

"NJDEP FLOOD HAZARD AREA VERIFICATION PLAN FOR ELIZABETH REALTY PARTNERS LLC BLOCK 507.14 LOTS 61 & 62 FRANKLIN TOWNSHIP SOMERSET COUNTY, NJ" sheet no. 1 of 4.

Within 90 calendar days of the date of this letter, the applicant shall submit the following information to the clerk of each county in which the site is located, and shall send proof to the Department that this information is recorded on the deed of each lot referenced in the verification:

1. The Department file number for the verification;
2. The approval and expiration dates of the verification;
3. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;
4. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification;
5. The width and location of any riparian zone approved under the verification; and
6. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area and/or riparian zone. Certain activities in flood hazard areas and riparian zones are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a flood hazard area permit. Contact the Division of Land Use Regulation at (609) 292-0060 or www.nj.gov/dep/landuse for more information prior to any construction onsite."

Failure to have this information recorded in the deed of each lot and/or to submit proof of recording to the Department constitutes a violation of the Flood Hazard Area Control Act rules and may result in suspension or termination of the verification and/or subject the applicant to enforcement action pursuant to N.J.A.C. 7:13-24.

A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Division's public records. Please note that this letter in no way legalizes any fill that may have been previously placed onsite, or any other regulated activities that may have previously occurred. Also, this determination does not affect the applicant's responsibility to obtain any local, State or Federal permits that may be required, such as local building permits or freshwater wetlands approvals.

This verification is valid for five years from its issuance date. A verification shall be extended, modified and/or transferred pursuant to N.J.A.C. 7:13-22. Pursuant to N.J.A.C. 7:13-5.3(c), if the Department issues a verification for a site, and within five years issues a permit for a regulated activity that relies upon the verification at that site, the Department shall automatically reissue the verification upon approval of the permit or authorization so that the verification and permit or authorization have the same expiration date. This automatic reissuance shall occur only once per verification and there is no fee for this reissuance. The reissued verification shall reflect any alterations to the flood hazard area design flood elevation, flood hazard area limit and/or floodway limit that will result from the regulated activities authorized under the permit authorization. All pre-construction and post-construction elevations and limits shall be demarcated on drawings approved under the reissued verification.

In accordance with N.J.A.C. 7:13-23, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, 401 East State Street P.O. Box 402, 7th Floor Trenton, NJ 08625-0402 and submit a copy of the hearing request to the Director of the Division of Land Use Regulation, at the address set forth at N.J.A.C. 7:13-1.3. This request must include the information listed at N.J.A.C. 7:13-23.1(c) on a adjudicatory hearing request form, available from the Department, at the address set forth

at N.J.A.C. 7:13-1.3. The DEP Bulletin is available through the Department's website at www.nj.gov/dep and the Checklist is available through the Division's website at www.nj.gov/dep/landuse/forms/.html.

Please contact Damian Friebe, P.E. of my staff at damian.friebe@dep.nj.gov or by telephone at (609) 633-6563 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Contois".

Dennis Contois
Supervising Environmental Engineer
Bureau of Inland Regulation

- c. Agent
Municipal Clerk

