

ENVIRONMENTAL IMPACT STATEMENT

For:

TABATCHNICK FINE FOODS, INC. **New Food Processing & Freezer Facility**

BLOCK 92, LOTS 5-48
1230 HAMILTON STREET
TOWNSHIP OF FRANKLIN
SOMERSET COUNTY
NEW JERSEY

AUGUST 2015

Revised January 2016

Prepared For:

Tabatchnick Fine Foods, Inc.
1230 Hamilton Street
Franklin, New Jersey 08873

Prepared By:

 **The Reynolds
Group Inc.**

626 North Thompson Street
Raritan, New Jersey 08869
908-722-1500
TRG Proj. No. 97-021-6

TABLE OF CONTENTS

- I. INTRODUCTION
 - A. Project Location
 - B. Project Description/Site Plan
Map Figures

 - II. EXISTING ENVIRONMENTAL FEATURES
 - A. Geology/Soils
 - B. Topography
 - C. Surface and Subsurface Hydrology
 - D. Vegetation
 - E. Wildlife
 - F. Land Use

 - III. ASSESSMENT OF ENVIRONMENTAL IMPACT
 - A. Water Quality
 - B. Air Quality
 - C. Noise
 - D. Vegetation and Wildlife
 - E. Traffic Impacts
 - F. Undesirable Land Use Patterns
 - G. Aesthetic Values
 - H. Destruction of Natural Resources
 - I. Displacement of People/Business
 - J. Displacement of Viable Farms
 - K. Employment and Property Tax
 - L. Destruction of Man-made Resources
 - M. Disruption of Desirable Community and Regional Growth
 - N. Health, Safety, and Well-being of the Public

 - IV. PROJECT ALTERNATIVES

 - V. METHODS TO MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS
- APPENDIX
- LOI Summary
 - Copies of various Letters of Interpretation

SECTION I

INTRODUCTION

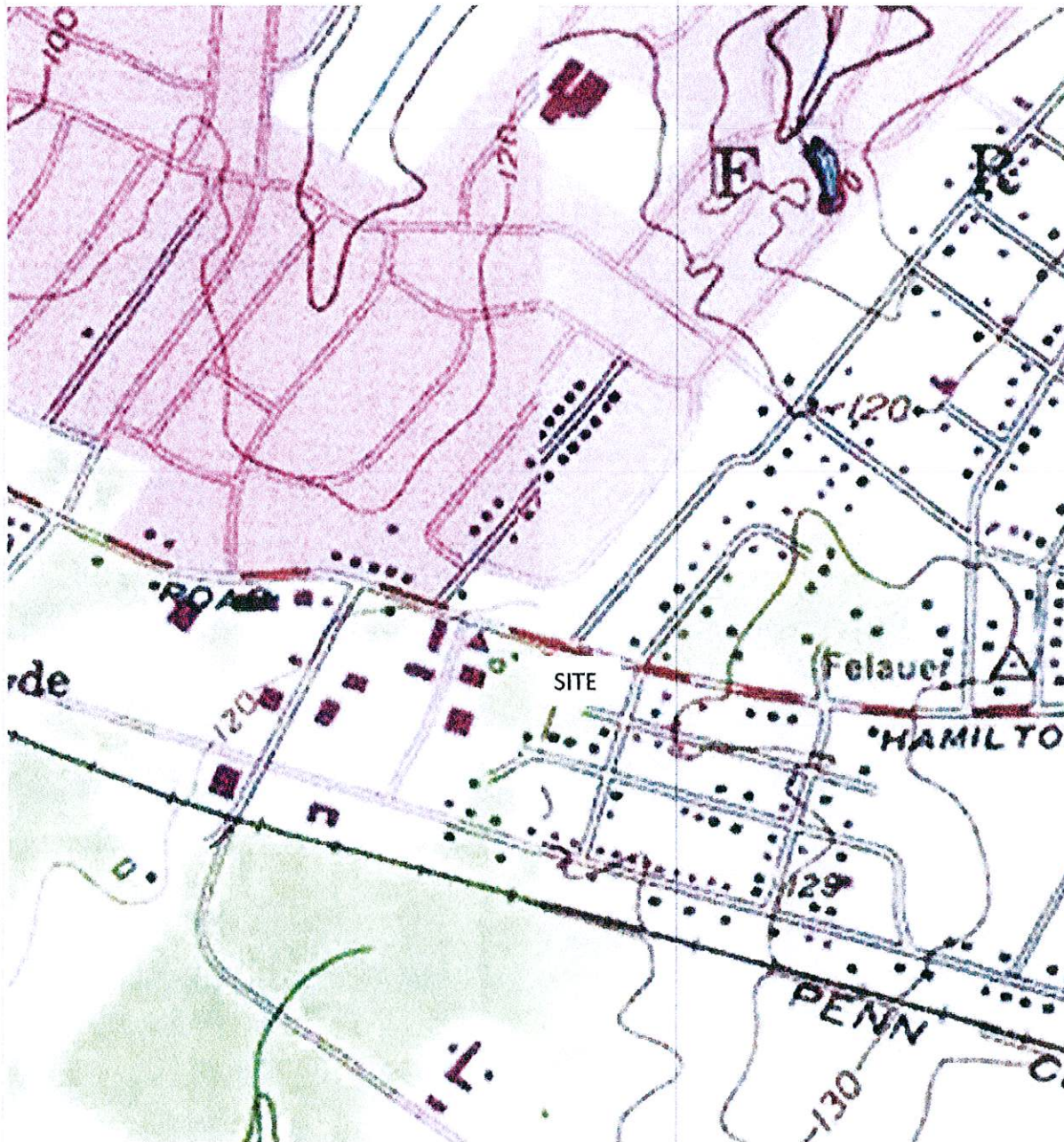
I. INTRODUCTION

A. Project Location

The subject of this assessment is Block 92, Lots 5 through 48, located at 1230 Hamilton Street in Franklin Township, Somerset County, New Jersey. The subject property is approximately 2.8 acres in size. The location and approximate boundaries of the site are shown on the location map (Figure 1) and tax map (Figure 2).

B. Project Description/Site Plan

Tabatchnick Fine Foods, Inc. presently operates a facility at this site, which is used for the production of both dry and frozen food products. The proposed project consists of a 28,405 square-foot, 2-story addition to the existing 28,022 square-foot building, reconstructed and expanded courtyard loading and parking area, and new parking area to the west of the building addition, as well as associated lighting, landscaping and utility improvements. A new access point to Hamilton Street will be required for the additional parking area. The proposed site improvements will result in 44,454 square feet of additional impervious area. Refer to Site Plan for Tabatchnick Fine Foods, Inc. New Food Processing & Freezer Facility, dated last revised January 11, 2016, for details.



LOCATION MAP

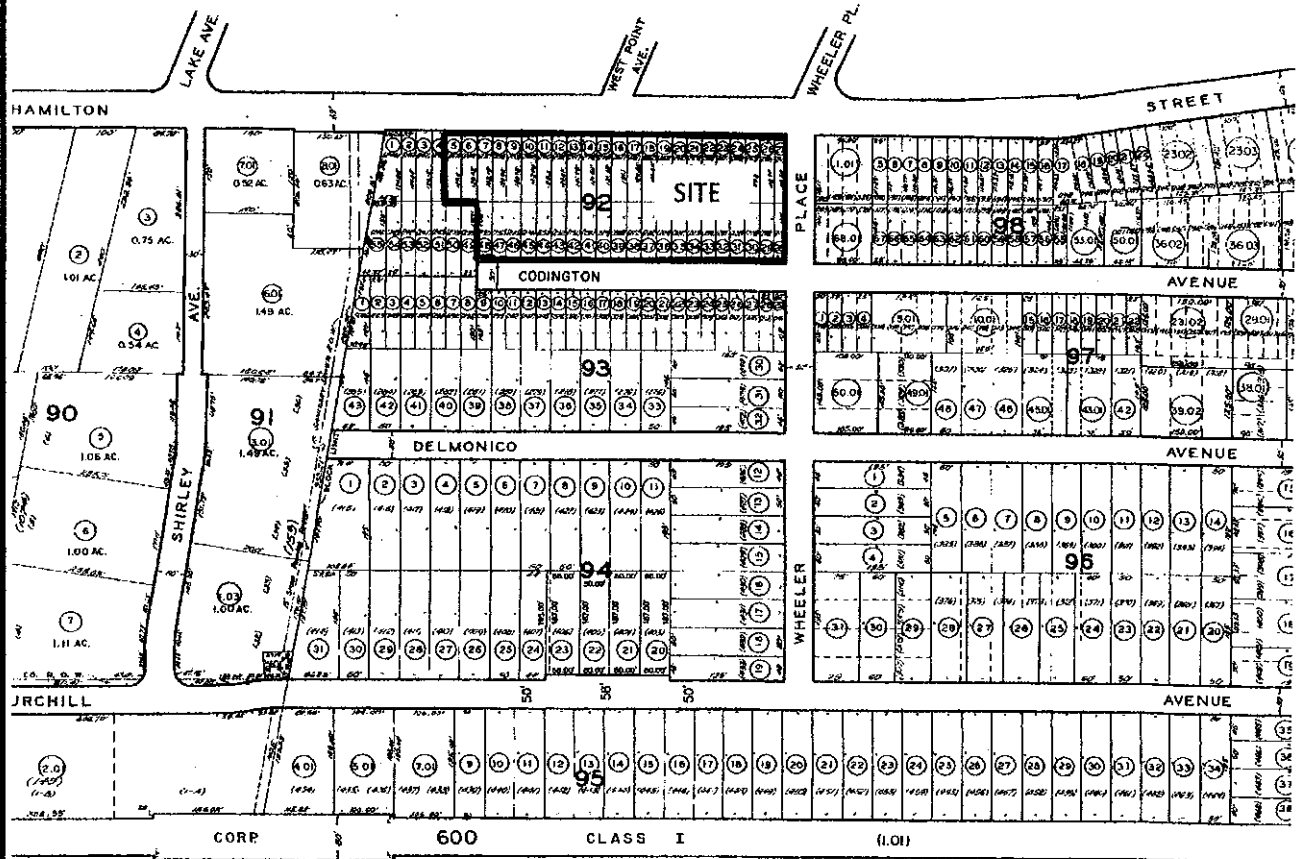
SITE:
TABATCHNICK FINE FOODS, INC.
BLOCK 92, LOTS 5-48

FRANKLIN TOWNSHIP
SOMERSET COUNTY, NEW JERSEY

SOURCE:
 USGS TOPOGRAPHIC MAP
 MONMOUTH JUNCTION QUAD
 SCALE: NTS

FIGURE: 1

NEW BRUNSWICK FARMS NO. 20



TAX MAP

SITE:
 TABATCHNICK FINE FOODS, INC.
 BLK 92, LOTS 5-48

FRANKLIN TOWNSHIP
 SOMERSET COUNTY, NEW JERSEY

SOURCE:
 Township of Franklin

FIGURE: 2

SECTION II

**EXISTING ENVIRONMENTAL
FEATURES**

II. EXISTING ENVIRONMENTAL FEATURES

A. GEOLOGY/SOILS

The project site is located in the Piedmont physiographic province of New Jersey, near its dividing line with the Atlantic Coastal Plain province. Underlying geology consists predominantly of siltstone, shale, sandstone, and conglomerate formed during the Triassic period of the Mesozoic era, approximately 200 million years ago. According to the United States Department of Agriculture (USDA) Soil Conservation Services (SCS) Soil Survey of Somerset County, the depth to bedrock underlying the site is greater than 3.5 feet.

According to the USDA and SCS Soil Survey for Somerset County the following soil types underlie the project site:

LbA – Lansdowne silt loam, 0 to 2 percent slopes;
RyB – Royce silt loam, 2 to 6 percent slopes.

The following is a description of each of the above-listed soil types:

Lansdowne soils consist of deep, moderately well-drained to somewhat poorly-drained soils, nearly level to gently sloping soils found on broad uplands, low-lying flats, in depressions, and along drainage ways. Permeability is moderate in the surface layer and slow in the subsoil. The available water capacity is moderate. Depth to bedrock is greater than 3.0 feet and the depth to the seasonal high water table is between 1.0 and 1.5 feet.

Royce soils consist of deep, well-drained soils. These gently sloping soils are found on high positions in the landscape on undulating and rolling uplands. Permeability is moderately slow and the available water capacity is high. Depth to bedrock is between 3.5 and 6.0 feet. Depth to the seasonal high water table is greater than 5.0 feet.

According to the US Department of Agriculture, Soil Conservation Service's June 1991 revised publication *Hydric Soils of the United States*, none of the soils underlying the project site are hydric, however the Lansdowne series contains unnamed poorly drained hydric inclusions found in depressions.

B. TOPOGRAPHY

The site generally slopes from the east side of the property towards the southwest property corner. The highest elevations are located at the southeastern property corner at the intersection of Wheeler Place and Codington Avenue. Lowest elevations are located at the western property edge. The developed portion of the site is approximately three to four feet higher in elevation than the undeveloped portion, separated by a variable slope located along the western edge of the existing paved and gravel area. Average on-site slope for the developed portion of the site is approximately 3.5 percent; for the undeveloped portion, the average slope is less than 2 percent.

C. SURFACE AND SUBSURFACE HYDROLOGY

1. Surface Water Resources

Surface waters are not located on or adjacent to the site. The property drains towards an unnamed tributary to Sixmile Run, located approximately 1,800 feet southwest of the site. Sixmile Run is a tributary to the Millstone River. That portion of the Millstone River into which the unnamed tributary flows is classified as a freshwater, non-trout waterway by the NJDEP Bureau of Environmental Analysis, Restoration and Standards.

Refer to the *Stormwater Impact Report* prepared by The Reynolds Group, Inc. for this project for details concerning site drainage and stormwater quality/quantity control.

The property has been subject to review by the NJDEP for wetlands presence/absence determination. The present site, Lots 12-43, received a Letter of Interpretation dated April 23, 2014 from the Land Use Regulation Program indicating that no freshwater wetlands were found to be present on the property. Lots 7-48, which were part of a previous site plan application for Anthony's Plumbing, received a Letter of Interpretation from NJDEP dated September 20, 2004 which also noted the absence of wetlands. Finally, a November 11, 2007 NJDEP Letter of Interpretation stated that no wetlands exist on Lots 5 & 6. A copy of each of the NJDEP LOI's is located in the Appendix of this report. The last two LOI's noted are still valid based upon the permit extension act.

a. Floodplains

According to the Federal Emergency Management Agencies (FEMA) Flood Insurance Rate Maps (FIRMs) for the Township of Franklin (Community Panel Nos. 340434 0005-0020) the project site is not located within a floodplain.

b. Sewerage

The existing facility is serviced by a connection to the Township sewerage system, located within Hamilton Street. The service for the proposed building addition will be connected to the existing Township sewer line in Codington Avenue right-of-way.

c. Stormwater Runoff

Currently, runoff from existing impervious surfaces drains into either the existing drainage collection system located in Hamilton Street or sheet flows west into the undeveloped portion of the site.

2. Groundwater Resources

Investigation of groundwater resources underlying the project site determined that the project site is located above the US Environmental Protection Agency (USEPA) designated Northwest New Jersey 15 Basin sole source aquifer system. Refer to the following Fact Sheet for detailed documentation regarding this aquifer system.

a. Water Supply

The existing facility is serviced by a connection to the Township water system, located within Hamilton Street. In addition, there is a well located on-site which is used during production processes to supplement the public water supply.

b. Aquifer Recharge Areas

Due to amount of existing impervious surface located on-site, aquifer recharge areas are limited to the undeveloped forested areas located on the western side of the site, as well as undeveloped areas located to the west and north (opposite side of Hamilton Street).

D. VEGETATION

Vegetation communities on-site consist of the landscape/developed areas associated with the existing facility and the forested area located west of the existing facility. The landscaped area proximate to the existing facility is characterized by maintained (mowed lawn) and ornamental trees and shrubs consisting of yews, maples, and oaks. The forested area located adjacent to Hamilton Street is comprised of red oak, black cherry, Virginia creeper, and poison ivy. Red maple, southern arrowwood, pale touch-me-not, and poison ivy are dominant within the remaining forested area.

E. WILDLIFE

Due to the amount of existing development, both on and proximate to the project site, wildlife species consist of those common species adapted to co-existing with human development and disturbance. Existing on-site development and activity limits most species to the forested area located on the western side of the site. Noise and activity associated with traffic on Hamilton Street results in the majority of species inhabiting the southern portion of the forested area.

Species inhabiting the site include, or could include, common avian species consisting of house sparrows, starlings, house finches, robins, common warblers and woodpeckers, black-capped chickadees, and tufted titmice. Mammals could include eastern chipmunk, eastern gray squirrel, cottontail rabbit, opossum, skunk, and white-tailed deer.

F. LAND USE

As previously stated the site is used for the manufacture of food products including frozen soups and side dishes, and as such, is commercial in nature. Land use adjacent to the project site is primarily residential with single-family residences located to the east, southeast and west. Land to the north of the site (on the opposite side of Hamilton Street) is currently vacant, as are properties located off the site's southwestern property corner.

SECTION III

ASSESSMENT OF
ENVIRONMENTAL IMPACT

III. ASSESSMENT OF ENVIRONMENTAL IMPACT

A. WATER QUALITY

Impacts to water quality as the result of construction of the proposed project consist of temporary and permanent impacts. Temporary impacts are those that occur during construction and include soil erosion and sedimentation/siltation. Permanent impacts include runoff generated from impervious surfaces constructed as part of any proposed development.

During construction of the proposed project, measures would be undertaken, such as the installation of silt fencing and/or staked hay-bales, around the limits of construction to preclude the off-site transport of soil by stormwater runoff into the adjacent wetland and its associated transition area. These measures would be implemented as part of the Soil Erosion and Sediment Control (SESC) Plan. The SESC Plan for this proposal is subject to review and approval by the Somerset/Union Soil Conservation District.

As part of the proposal, extensive stormwater management measures will be installed to mitigate the impacts of the additional runoff created by the increase in impervious area. These mitigating measures include provisions for the treatment of the runoff to meet state and local water quality standards. Refer to the Stormwater Impact Report prepared for this project for specific information pertaining to the proposed surface water quality measures associated with this proposal.

B. AIR QUALITY

Impacts to air quality as the result of construction of any proposed projects can consist of temporary and permanent impacts. Temporary impacts are those that occur during construction and include increased particulates (dust). Permanent impacts include increases of particulates and emissions generated from daily operations of a proposed project.

During construction of the proposed project, an increase of dust may result, however any increase would be temporary and dust levels would recede to normal upon completion of construction.

As previously explained, the site consists of a food manufacturing and storage facility. Impacts to air quality generated by the project once the proposed addition/improvements are constructed will remain consistent with those associated with the existing facility and primarily include those emissions generated by vehicular traffic. Because the proposed improvements will not result in significant increases in traffic volumes, adverse impacts to air quality will also be insignificant.

C. NOISE

Impacts to the noise environment as a result of construction of any proposed projects can consist of temporary and permanent impacts. Temporary impacts are those that occur during construction and include increased noise associated with the operation of construction machinery.

Permanent impacts include an overall increase in ambient noise over existing as a result of daily operations of a proposed project.

Increases in noise would be experienced during construction of this proposed project, however these increases would be temporary and would revert to normal upon completion of construction.

Because the project consists of an addition to an existing facility, noise generated by daily operations will be consistent with that which already exists and will not result in the generation of new noise

sources (i.e. consistent operation of heavy machinery). Furthermore, the building addition is proposed to surround the truck loading area; therefore any noise generated in this area will be screened from adjoining residences.

D. VEGETATION AND WILDLIFE

Improvements associated with the proposed project will result in the loss of forested vegetation as a result of the development of the western end of the property. During construction, wildlife populations inhabiting the site will likely be displaced as a result of increased activity and noise. Upon completion of construction, some these species may return to the site to utilize the existing and proposed vegetation along the perimeter of the site. It should be noted that a significant contribution will be made for replacement trees.

E. TRAFFIC IMPACTS

1. On-site Vehicular Capacity and Movement

The existing site consists of 17 automobile parking spaces (1 of which is handicap accessible) and 3 loading dock spaces. The proposed facility expansion will include an additional 23 parking spaces (2 are HC) and 3 loading dock spaces. All truck traffic will be contained within the courtyard area between the existing building and the proposed addition. The parking spaces in this area will be utilized by manufacturing/warehouse employees. The additional loading docks in this area will facilitate the flow of truck traffic for the site. Other Tabatchnick employees and visitors will utilize the new parking area to the west of the proposed building addition, thus minimizing the truck and automobile traffic interaction.

2. Off-Site Impact

Refer to the Traffic Report, prepared by Dolan & Dean for information regarding off-site traffic-related impacts.

F. UNDESIRABLE LAND USE PATTERNS

The proposed project will not result in the introduction of undesirable land use patterns to Franklin Township or project environs as the proposed project consists of additions and improvements to an existing facility. This plan is both an operational and aesthetic upgrade to the site.

G. AESTHETIC VALUES

The proposed expansion will result in an up-to-date, more attractive facility which will provide an aesthetic benefit to the surrounding community.

H. DESTRUCTION OF NATURAL RESOURCES

Majority of the total project area is already developed and the remaining undeveloped area contains few natural resources that benefit the surrounding area. As such, the impact of the development on natural resources is minimal.

I. DISPLACEMENT OF PEOPLE/BUSINESS

Because the project consists of the expansion of an existing facility, it will not result in the displacement of people or other business within the vicinity of the site or within Franklin Township.

J. DISPLACEMENT OF VIABLE FARMS

There are no farms within the vicinity of the proposed project and the project is not located within areas classified as prime agricultural soils (Comprehensive Plan), therefore the proposed project will not result in adverse impacts to farms and/or farmland.

K. EMPLOYMENT AND PROPERTY TAX

The expansion of the existing Tabatchnick facility will provide some additional employment opportunities for the community and added tax revenue for the Township.

L. DESTRUCTION OF MAN-MADE RESOURCES

Elements of the proposed project (building addition, parking areas, drainage improvements) are located on areas currently consisting of paved/graveled parking areas associated with the existing facility or on open space contained within the limits of the lot. As such, no man-made resources will be adversely impacted.

M. DISRUPTION OF DESIRABLE COMMUNITY AND REGIONAL GROWTH

Additions and improvements proposed as part of this project will not result in the disruption of desirable community and regional growth as they are associated with an existing use. In addition, the proposed project will not result in a major change in operation or employment at the facility, thus neither existing utilities (i.e. water, sewer) nor existing traffic volumes/patterns will be adversely impacted.

N. HEALTH, SAFETY, AND WELL-BEING OF THE PUBLIC

Health, safety and well-being of the public will not be adversely impacted as a result of the proposed project. The nature of the proposed project (additions/improvements to an existing facility) will not introduce a use non-typical to the area. During construction, safety measures will be implemented (i.e. orange plastic safety fence) to ensure safety of both employees and passers-by.

SECTION IV

PROJECT ALTERNATIVES

IV. PROJECT ALTERNATIVES

The following alternatives to the proposed project were analyzed:

No-Build Alternative – This alternative consists of leaving the existing facility as its current state of development. If this alternative was implemented, the Tabatchnick Fine Foods facility would not meet current and future demands, therefore, this alternative was rejected.

Reduction in Scope of Proposed Project – The proposed additions/improvements to the existing facility are the minimum necessary to achieve the needs of Tabatchnick Fine Foods, Inc., therefore, this alternative was rejected.

It should be noted that a site plan approval was previously granted for a commercial use (Anthony's Plumbing, Heating & Cooling, Inc.) on this site. The extent of the site disturbance, traffic and utility demand would be similar to that proposed project.

SECTION V

METHODS to MINIMIZE ADVERSE
ENVIRONMENTAL IMPACTS

V. METHODS TO MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS

Methods to minimize adverse impacts pertain to both temporary (construction) and permanent impacts. Methods employed to minimize adverse impacts include but are not limited to the following:

WATER QUALITY

Implementation of the Soil Erosion and Sediment Control Plan will reduce impacts to adjacent properties and tributary waterways. This includes the installation of silt fencing and/or staked hay-bales around the limits of construction.

Potential contamination of groundwater could possibly occur as a result of leaking construction equipment and/or accidental spills. Proper maintenance procedures on the construction site would avoid most leaks and mishaps. Any spills (oil, gasoline, brake fluid, transmission fluid, etc.) would be contained immediately and disposed of properly, off-site, in accordance with State (NJDEP) and Federal (USEPA) protocol.

AIR QUALITY

The application of various control measures during construction activities would be employed in order to minimize the amount of construction dust generated. These measures would include applying water or other suitable moisture-retaining agents on areas of exposed soils, covering haul trucks carrying loose material, or treating materials likely to become airborne and contribute to air pollution if left untreated.

To minimize the amount of emissions generated, maintenance and protection of traffic patterns would be implemented during construction to limit disruption of traffic and to ensure that adequate roadway capacity is available to general traffic during peak periods.

NOISE

Methods to control the temporary increase in ambient noise generated during construction includes ensuring that construction equipment and motor vehicles meet specified noise emissions standards, construction activities be limited to times permitted by Township ordinance, and that construction material be handled and transported in such a manner as to not create unnecessary noise.

TRAFFIC

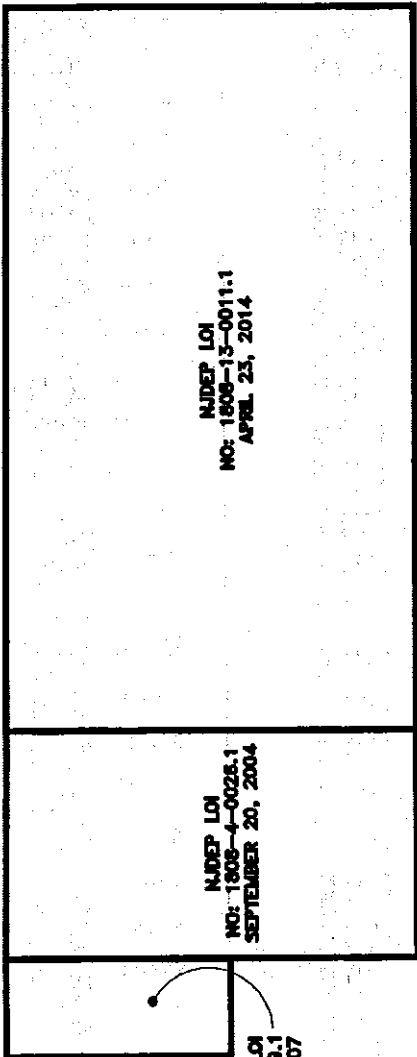
To avoid unnecessary construction-related traffic within the project area, construction vehicles would be limited to designated routes and would be kept in the designated staging area.

VISUAL

Construction machinery and materials would be temporary and confined to the site, thereby reducing the unsightliness of these objects within the surrounding area.

APPENDIX

LETTERS OF INTERPRETATION
AND SUMMARY MAP

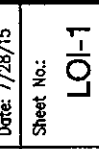


NJDEP LOI
NO: 1808-13-0011.1
APRIL 23, 2014

NJDEP LOI
NO: 1808-4-0026.1
SEPTEMBER 20, 2004

NJDEP LOI
NO: 1808-07-0008.1
NOVEMBER 14, 2007

LOI SUMMARY

SCALE: N.T.S.	TRG Job No.: 97-021-6	Date: 7/28/15
 <p>The Reynolds Group, Inc. <small>1000 Park Avenue, Suite 200 Newark, NJ 07102 Tel: 973-261-1000 Fax: 973-261-1001 www.reynoldsgroup.com</small></p>		Project: TABATCHNICK FINE FOODS, INC. BLOCK 86 LOT 2-10 TOWNSHIP OF CARLISLE HUNTERDON COUNTY, NJ
Project: TABATCHNICK FINE FOODS, INC. BLOCK 86 LOT 2-10 TOWNSHIP OF CARLISLE HUNTERDON COUNTY, NJ		Sheet No.: LOI-1



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

APR 23 2014

Ben Tabatchnick
Tabatchnick Realty Group LLC.
1230 Hamilton Street
Somerset, NJ 08873

RE: Letter of Interpretation: Presence/Absence Determination
File No.: 1808-13-0011.1
Activity Number: FWW130001
Applicant: Tabatchnick Realty Group, LLC
Block: 92, Lots: 12 through 43
Franklin Township, Somerset County

Dear Mr. Tabatchnick:

This letter is in response to your request for a Letter of Interpretation from the Division of Land Use Regulation indicating the presence or absence of freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by the staff of the Department on March 21, 2014, the Division of Land Use Regulation has determined that **freshwater wetlands and waters are not present** on the referenced property. In addition, the Department has determined **that no part of the above referenced property occurs within a transition area or buffer** as designated in N.J.A.C. 7:7A-2.5(d) and (e).

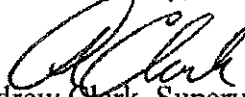
Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. This letter in no way legalizes any fill which may have been placed, or other

regulated activities which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist which can be downloaded at www.state.nj.us/dep/landuse/forms. The DEP bulletin is available through the Department's website at www.state.nj.us/dep/bulletin.

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

Sincerely,



Andrew Clark, Supervisor
Division of Land Use Regulation

c: Township Clerk
Township Construction Official
Agent



State of New Jersey

Department of Environmental Protection
Land Use Regulation Program

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

Fax # (609) 777-3656

www.state.nj.us/dep/landuse

Bradley M. Campbell
Commissioner

James E. McGreevey
Governor

SEP 20 2004

Jeff Magdon
Brennan Environmental, Inc.
8D Great Meadow Lane
East Hanover, New Jersey 07936

RE: Letter of Interpretation; Presence/Absence determination
File No.: 1808-04-0026.1FWW040001
Applicant: Gino Gonzales
Block: 92; Lot: 7-11, 44-48
Franklin Township, Somerset County

Dear Mr. Magdon:

This letter is in response to your request for a Letter of Interpretation from the Land Use Regulation Program indicating the presence or absence of freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency; the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

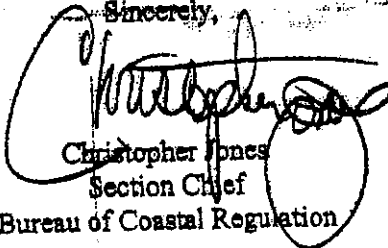
Based upon the information submitted, and upon a site inspection conducted by the staff of the Program on September 2, 2004, the Land Use Regulation Program has determined that freshwater wetlands and waters are not present on the referenced property. In addition, the Department has determined that no part of the above referenced property occurs within a transition area or buffer as designated in N.J.A.C. 7:7A-2.7(a) and (b).

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, PO Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact Susan Butler of our staff at (609) 633-6754 or by e-mail at Susan.Butler@dep.state.nj.us should you have any questions regarding this letter. Be sure to include the Program's file number in all communication.

Sincerely,



Christopher Jones
Section Chief
Bureau of Coastal Regulation

c: Franklin Township Municipal Clerk
Franklin Township Municipal Construction Official



05-081
E07-008

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

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

LISA P. JACKSON
Commissioner

Ms. Kathy Goudarzi
Amertech Environmental Consultants
757 Ridgewood Ave.
North Brunswick, NJ 08902



RE: Letter of Interpretation;
Presence/Absence Determination
File No.: 1808-07-0009.1FWW070001
Applicant: Anthony's Plumbing
Block: 92; Lots: 5 & 6
Franklin Twp., Somerset County

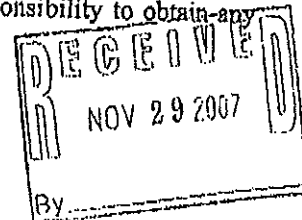
Dear Ms. Goudarzi:

This letter is in response to your request for a Letter of Interpretation from the Division of Land Use Regulation indicating the presence or absence of freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USBPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by the staff of the Division on October 12, 2007, the Division of Land Use Regulation has determined that freshwater wetlands and waters are not present on the referenced property. In addition, the Department has determined that no part of the above referenced property occurs within a transition area or buffer as designated in N.J.A.C. 7:7A-2.7

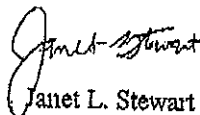
Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal permits which may be required.



In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Allison Giehl of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Janet L. Stewart
Acting Supervisor

Bureau of Urban Growth & Redevelopment

c: Franklin Twp, Construction Official