

ENVIRONMENTAL IMPACT REPORT

Proposed Preliminary & Final Major Site Plan Stone Rise

BLOCK 111, LOTS 4, 10, 11, 12, & 13
137 TEXAS ROAD
TOWNSHIP OF MARLBORO
MONMOUTH COUNTY, NJ

SPG Marlboro, LLC
94 Green Street
Woodbridge, NJ 07095

December 18, 2020
InSite Project No. 20-1417-01

A handwritten signature in black ink, appearing to read 'Maeve Desmond', written over a horizontal line.

Maeve E. Desmond
Senior Project Manager

InSite Engineering, LLC

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I. INTRODUCTION

This Environmental Impact Report has been prepared in accordance with the requirements detailed at Marlboro Township Land Use and Development Ordinance Section 220-159.

The Applicant, SPG Marlboro, LLC, is proposing to construct a multi-family residential development, known as Marlboro Residential (Project) at the subject property known as Lots 4, 10, 11, 12, and 13 in Block 111, also known as 137 Texas Road (Property), in Marlboro Township, Monmouth County, New Jersey. As detailed in this Environmental Impact Report, the Project is not anticipated to result in significant adverse environmental impacts that would outweigh the benefit of the Project.

The Project is detailed on the submitted plans entitled *Preliminary and Final Major Site Plan for Marlboro Residential, Block 111, Lots 4, 10, 11, 12, & 13, Tax Map Sheet #4, 137 Texas Road, Marlboro Township, Monmouth County, New Jersey* prepared by InSite Engineering, LLC (Site Plans).

II. SITE LOCATION AND DESCRIPTION

The Property is located at the southeast side of Texas Road, just northeast of its intersection with Greenwood Road. A portion of the Property is currently occupied by a vehicle salvage yard. The remainder of the Property is undeveloped with the exception of a former homestead, the remains of which are present on the Property. Wetlands are present at the eastern portion of the Property and are associated with Birch Swamp Brook, a tributary to Matawan Creek. The limits of wetlands and transition areas on Lots 4, 12, and 13 were confirmed by the New Jersey Department of Environmental Protection (NJDEP) through a Letter of Interpretation (LOI). The Applicant submitted an application to NJDEP to verify the limits of wetlands and transition areas on the remainder of the Property and will be submitting an application to verify the limits of flood hazard area and riparian zone associated with Birch Swamp Brook.

III. PROJECT DESCRIPTION

The Project is a residential development consisting of 21 garden apartment buildings with a total of 280 units. As detailed on the enclosed Site Plans, the Project includes a mix of unit sizes. Parking will be provided in garage spaces located below the apartment buildings and in surface parking lots located throughout the development. The proposed parking meets the requirements of the Residential Site Improvement Standards, N.J.A.C. 5:21.

The Project will result in more than $\frac{1}{4}$ acre of new impervious and more than one (1) acre of site disturbance and therefore meets the definition of Major Development per the NJ Stormwater Management Rules, N.J.A.C. 7:8. The Project will comply with the Stormwater Management Rules through design measures aimed at minimizing stormwater runoff, reducing soil erosion, and maintaining groundwater recharge.

IV. ENVIRONMENTAL IMPACT ANALYSIS

The following environmental impact analysis has been prepared for the Project per the requirements of Section 220-159.B(2).

a. Air Quality

According to air quality data published by the NJDEP Division of Air Quality for its Monmouth University Station (<https://www.njaqinow.net/>), the air quality in the vicinity was within the “Good” range as of October 5, 2020. The Project is not anticipated to result in adverse impacts to air quality. The project is not industrial in nature and will not result in emissions associated with industrial use.

b. Water Quality

The NJDEP’s publicly available GIS known as NJ-Geoweb identifies a stream along the eastern property line as Birch Swamp Brook, a tributary to Matawan Creek. The surface water quality classification for Birch Swamp Brook is identified as FW2-NT/SE1, or freshwater with no trout. No direct impacts are proposed to Birch Swamp Brook that would adversely impact water quality.

c. Water Supply

The source of potable water for the Project is the Marlboro Township Water Utility Division. A will-serve letter has been requested to confirm that service is available for the Project.

d. Soils

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the Property is mapped with the following soil types:

- AtsA--Atsion sand, 0 to 2% slopes, Northern Coastal Plain, hydric soil
- EkaAr--Elkton loam, 0 to 2% slopes, rarely flooded, hydric soil
- EveB--Evesboro sand, 0 to 5% slopes
- EveC--Evesboro sand, 5 to 10% slopes
- HumAt--Humaquepts, 0 to 3% slopes, frequently flooded, hydric soil
- KkgkB--Klej loamy sand, clayey substratum, 0 to 5 % slopes

Based on field investigation, the extent of hydric (wetland) soils is not as extensive as the Web Soil Survey mapping indicates. Significant upland areas with well drained Evesboro soils are present in the areas of the Property on which development is proposed.

e. Geology

According to NJ-GeoWeb, the Property is located within the Englishtown Formation. This geologic formation consists of quartz sand, fine- to coarse-grained, locally interbedded with thin- to thick beds of clay. There do not appear to be any unique or significant geological features that would be adversely impacted by the Project.

f. Topography

Based on the topographical survey completed for the Property, the highest elevation on the Property is approximately 132-feet above sea level and the lowest point is approximately 74-feet. Grading and construction of retaining walls have been incorporated into the Project design for stabilization on areas with slopes. The Project will comply with state and local requirements pertaining to soil erosion control.

g. Vegetation

The undeveloped portions of the Property are occupied by deciduous and pine upland woods and hardwood swamp wetlands. Uplands are typically dominated by post oak (*Quercus stellata*), white oak (*Quercus alba*), black oak (*Quercus velutina*), pitch pine (*Pinus rigida*), eastern redcedar (*Juniperus virginiana*) red maple (*Acer rubrum*), and black cherry (*Prunus serotina*). The hardwood swamp wetlands are dominated by red maple (*A. Rubrum*), blackgum (*Nyssa sylvatica*) and sweetgum (*Liquidambar styraciflua*) with an understory of sweet pepperbush (*Clethra alnifolia*), highbush blueberry (*Vaccinium corymbosum*), and cinnamon fern (*Osmunda cinnamomea*). Unique or irreplaceable plant communities or vegetative species do not appear to be present on the Property.

h. Animal Life

A letter issued by the New Jersey Natural Heritage Program dated September 15, 2020 identifies mapped potential habitat for two (2) bird species on the Property: black-crowned night-heron (State threatened) and wood thrush (special concern). While wood thrush could potentially be present, this species is not threatened or endangered. The wetlands on the Property do not appear to meet the habitat requirements for the state threatened black-crowned night heron. This is supported by the intermediate resource value wetlands classification that was issued by the NJDEP pursuant to Letter of Interpretation File No. 1328-17-0007.1. If suitable threatened or endangered species habitat had been discovered, the wetlands would have been classified as exceptional resource value. As such, the Project is not anticipated to impact threatened and endangered species habitat. Further, the extensive area of forested wetlands and a 50-foot transition area will remain on the Property post-development so that animal species that currently occupy the Property may continue to do so.

i. Land Use

The Project is in the R-60 and Texas Road Multi-family Overlay Zone. Garden apartments are a permitted use in this zone. The Project complies with all bulk zoning requirements and variances are not being requested. The Project is an appropriate land use for the Property and is in character with development in the vicinity.

j. Aesthetics

The aesthetics of the Project will be attractive and consistent with similar multi-family residential developments in the region. The Project will enhance the appearance of the Property and surroundings.

k. Historic and Archaeological Resources

The Property is not included on the New Jersey State and National Register of Historic Places. Further, NJ-Geoweb does not identify the Property as a historic property or archaeological site. The Project is not anticipated to impact historic or archaeological resources.

l. Public Costs

The public benefit of the Project, which aids in providing a mix of housing types within the municipality, is anticipated to outweigh public costs.

V. REQUIRED APPROVALS

The following approvals from outside agencies will be requested:

Agency	Approval	Status
Freehold Soil Conservation District	Soil Erosion and Sediment Control Certification	To be submitted
Monmouth County Planning Board	Exemption	To be submitted
NJDEP	Letter of Interpretation (Lots 4, 12, 13)	Approved
NJDEP	Letter of Interpretation (Lots 10, 11)	Pending
NJDEP	Transition Area Waiver	Pending
NJDEP	Flood Hazard Area Verification	To be submitted

VI. UNAVOIDABLE ADVERSE IMPACTS

The Project will result in tree clearing and disturbance to the Property and generation of stormwater from creation impervious surfaces. However, the Project has been designed in compliance with the Stormwater Management Rules so that adverse impacts from the increase in impervious surfaces will be mitigated.

VII. ALTERNATIVES ANALYSIS

Numerous layouts were considered for the Project as well as the “no-build” alternative. The proposed layout of the Project was selected as the best alternative as it avoids impacts to environmentally sensitive areas that include wetlands and flood hazard area. The “no-build” alternative was rejected as this would not meet the project purpose of providing housing in the municipality.

VIII. MINIMIZATION OF IMPACTS

The Project will be constructed on uplands suitable for development. The Project design avoids impacts to wetlands, flood hazard area, and riparian zone. The only proposed impact to wetlands transition area will be in an area that is significantly disturbed and not currently functioning as a transition area. Impacts from stormwater runoff will be mitigated through design strategies to

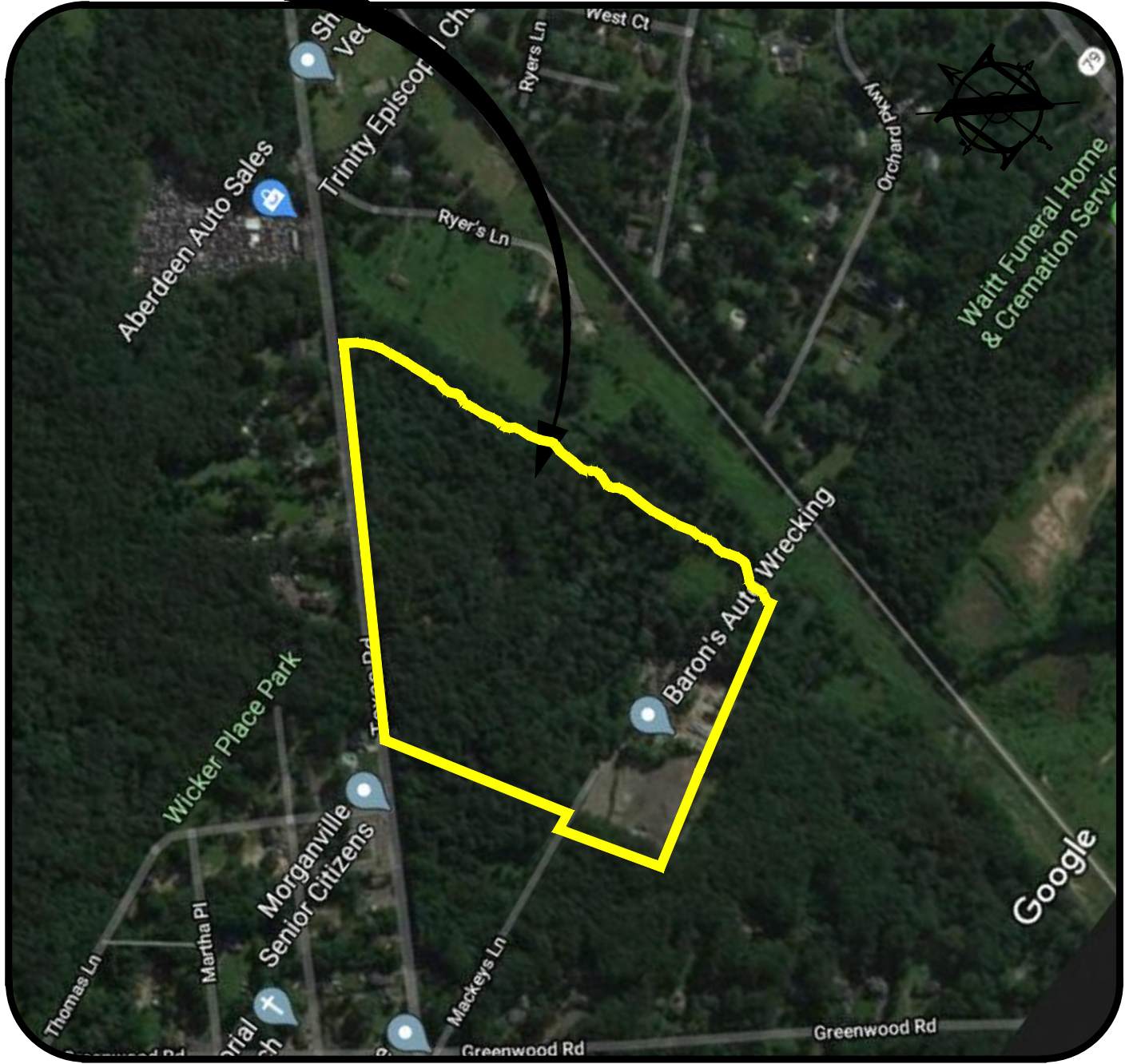
minimize stormwater runoff, reduce erosion, reduce energy of stormwater runoff, remove suspended solids from runoff, and maintain aquifer recharge.

IX. CONCLUSION

As detailed in this Environmental Impact Report, the Project consists of a residential development that will enable a mix of housing types to be provided within the municipality. Impacts to environmentally sensitive areas have been avoided as the development is located on uplands. The Project will comply with the NJ Stormwater Management Rules, thereby minimizing and mitigating environmental impacts from stormwater runoff. All required and appropriate approvals from outside agencies will be secured prior to construction. The Project is not anticipated to result in significant adverse environmental impacts.

APPENDIX I

SITE

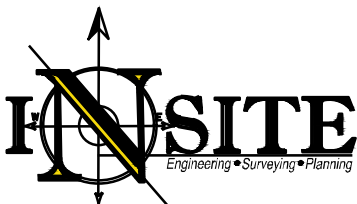


PLAN



Scale 1"=500'

AERIAL MAP



InSite Engineering, LLC
 CERTIFICATE OF AUTHORIZATION:
 24GA28083200
 1955 ROUTE 34, SUITE 1A
 WALL, NJ 07719
 732-531-7100 (Ph)
 732-531-7344 (Fax)
 InSite@InSiteEng.net www.InSiteEng.net

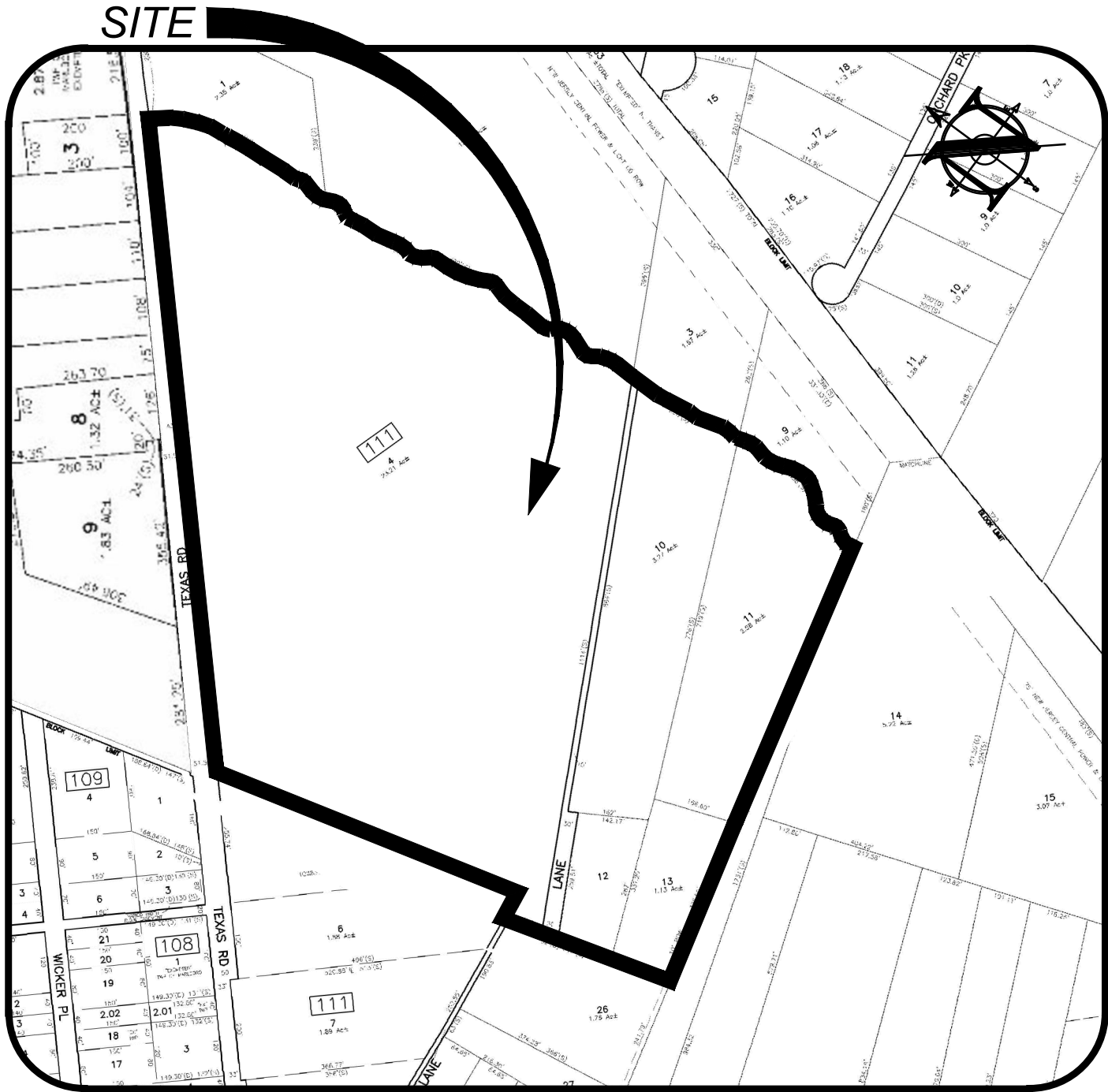
Site Location:
 137 TEXAS ROAD
 TOWNSHIP OF MARLBORO
 MONMOUTH COUNTY, NJ

InSite Project No.
 20-1417-01
 Drawing No.
 20-1417-01r0
 Date
 JULY 14, 2020

Reference:
 MAP DATA ©2020 GOOGLE

Revisions

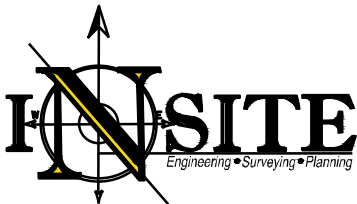
SITE



PLAN



TAX MAP



InSite Engineering, LLC
 CERTIFICATE OF AUTHORIZATION:
 24GA28083200
 1955 ROUTE 34, SUITE 1A
 WALL, NJ 07719
 732-531-7100 (Ph)
 732-531-7344 (Fax)
 InSite@InSiteEng.net www.InSiteEng.net

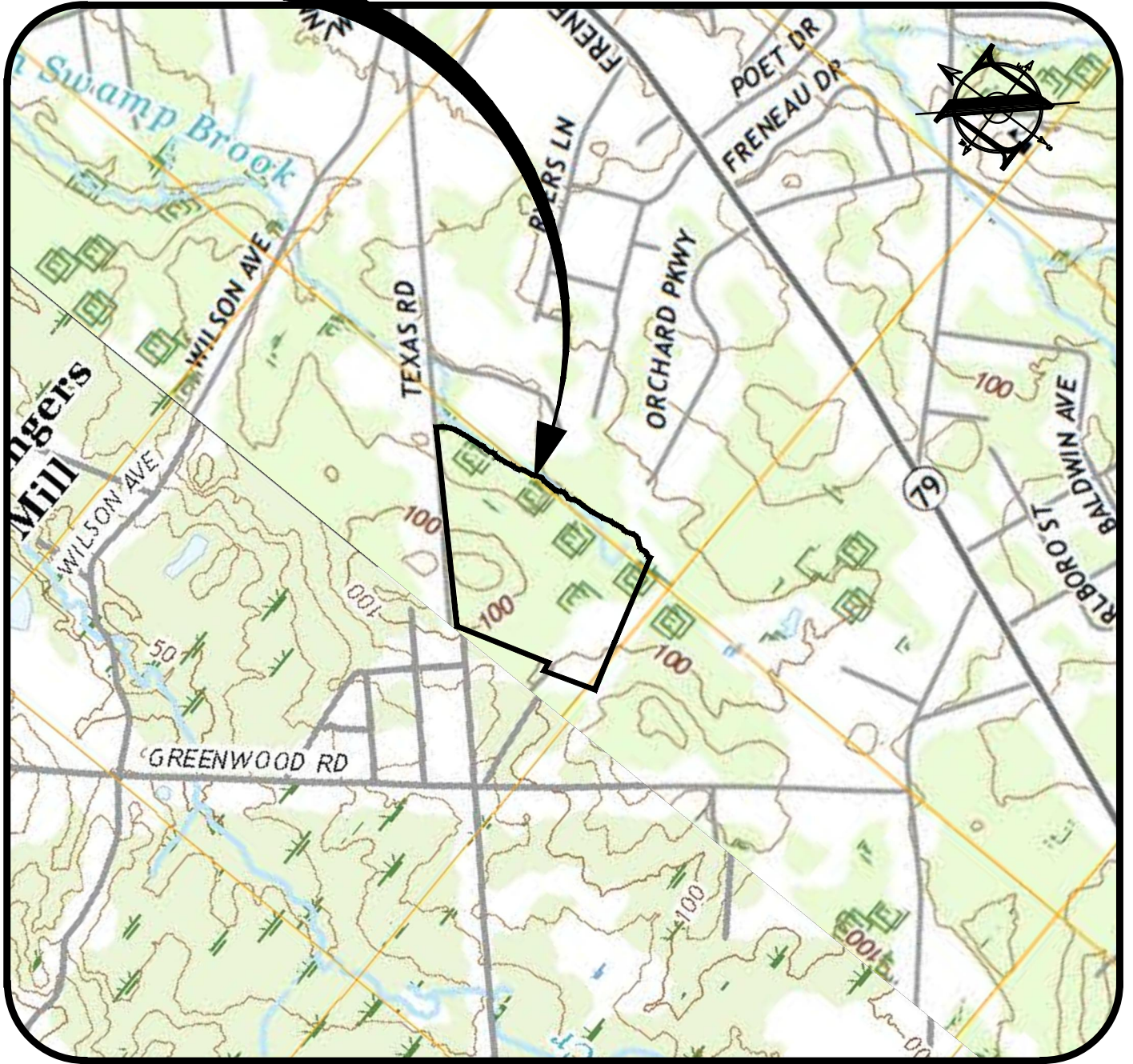
Site Location:
 137 TEXAS ROAD
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 MONMOUTH COUNTY, NJ

InSite Project No.
 20-1417-01
Drawing No.
 20-1417-01r0
Date
 JULY 14, 2020

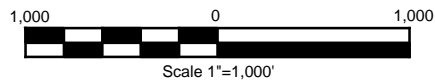
Reference:
 DIVISION OF TAXATION PROPERTY ADMINISTRATION
 CONDITIONS AS OF JULY 2008
 TAX MAP SHEET 29
 CITY OF LONG BRANCH, NJ
 NJPROPERTYFAX.COM

Revisions

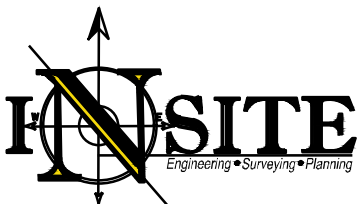
SITE



PLAN



USGS MAP



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Site Location:
 137 TEXAS ROAD
 TOWNSHIP OF MARLBORO
 MONMOUTH COUNTY, NJ

Reference:
 UNITED STATES GEOLOGICAL SURVEY
 QUADRANGLE
 NEW JERSEY - MONMOUTH COUNTY
 7.5 MINUTE SERIES

InSite Project No.
 20-1417-01
 Drawing No.
 20-1417-01r0
 Date
 JULY 14, 2020

Revisions

SITE



ABERDEEN
OF MARLBORO

TEXAS ROAD

ZONE X

GREENWOOD
ROAD

EX

LIMIT OF
DETAILED STUDY



PLAN



Scale 1"=300'

FEMA FIRM MAP



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MONMOUTH COUNTY, NJ

InSite Project No.
20-1417-01
Drawing No.
20-1417-01r0
Date
JULY 14, 2020

Reference:
NATIONAL FLOOD INSURANCE PROGRAM
FIRM PANEL 0038F
MAP NUMBER 34025C0038F
EFFECTIVE DATE SEPTEMBER 25, 2009
FEDERAL EMERGENCY MANAGEMENT AGENCY
MSC.FEMA.GOV

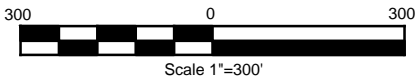
Revisions

SITE

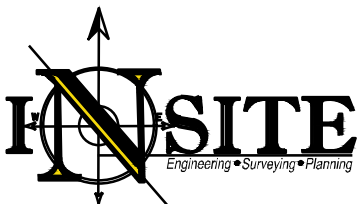


Kkg&B - KLEJ LOAMY SAND CLAYEY SUBSTRATUM 0-5% SLOPES	HSG: A/D
AtsA - ATSION SAND 0-2% SLOPES	HSG: A/D
EveB - EVESBORO SAND 0-5% SLOPES	HSG: A
EkaAr - ELKTON LOAM 0-2% SLOPES	HSG: C/D
HumAt - HUMAQUEPTS 0-3% SLOPES	HSG: A/D
EvEC - EVESBORO SAND 0-5% SLOPES	HSG: A

PLAN



SOILS MAP



InSite Engineering, LLC
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 MONMOUTH COUNTY, NJ

InSite Project No.
 20-1417-01
Drawing No.
 20-1417-01r0
Date
 JULY 14, 2020

Reference:
 UNITED STATES DEPARTMENT OF AGRICULTURE
 NATURAL RESOURCES CONSERVATION SERVICE
 NATIONAL COOPERATIVE SOIL SURVEY
 WEBSOILSURVEY.NRCS.USDA.GOV

Revisions

APPENDIX II

Mail Code 501-04
 Department of Environmental Protection
 New Jersey Forest Service
 Office of Natural Lands Management
 P.O. Box 420 Trenton, New Jersey 08625-0420
 Tel. (609) 984-1339 Fax. (609) 984-1427

Invoice

	Date	Invoice #
	9/15/2020	19852

Bill to: InSite Engineering, LLC 1955 Route 34, Suite 1A Wall, NJ 07719	Make check payable to: DEP - Office of Natural Lands Management Forward with a copy of this statement to: Mail Code 501-04 Office of Natural Lands Management P.O. Box 420 Trenton, New Jersey 08625-0420
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Quantity (hrs.)	Description	Rate (per hr.)	Amount
1	Natural Heritage Database search for locational information of rare species and ecological communities. Project: 20-4007442-19852	\$ 70.00	\$ 70.00
Kevin Hayes Project Name: Marlboro Residential		Total	\$ 70.00



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

September 15, 2020

InSite Engineering, LLC
1955 Route 34, Suite 1A
Wall, NJ 07719

Re: Marlboro Residential
Block(s) - 111
Lot(s) - 4, 10, 11, 12 and 13
Marlboro Township, Monmouth County

Dear Mr. Hayes:

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 in order to make a riparian zone width determination 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 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.

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. 20-4007442-19852

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

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
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	No	0 pages 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	G-rank	S-rank
Aves	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

**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	G Rank	S Rank
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Invertebrate Animals

Apamea apamiformis	A Noctuid Moth		G4		S2S4
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Total number of records: 1

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
Aves	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

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

Vernal Pool Habitat Type

Vernal Pool Habitat ID

Vernal habitat area

2863

Total number of records: 1

**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
-----------------	-------------	---------------------------	-------------------------	-------	-------

Invertebrate Animals

Apamea apamiformis	A Noctuid Moth		G4		S2S4
--------------------	----------------	--	----	--	------

Total number of records: 1

**Table 3: Within 1 Mile for Riparian Zone Width Determination
(6 possible reports)**

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences for Riparian Zone Width Determination (Flood Hazard Area Control Act Rule Application) - Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites for Riparian Zone Width Determination - Within One Mile of the Project Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat for Riparian Zone Width Determination - Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat for Riparian Zone Width Determination - 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 for Riparian Zone Width Determination - 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 for Riparian Zone Width Determination - 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 for Riparian Zone Width Determination
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
Aves	Barred Owl	Strix varia	Breeding Sighting	3	NA	State Threatened	G5	S2B,S2N
	Black-billed Cuckoo	Coccyzus erythrophthalmus	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

**Vernal Pool Habitat for Riparian Zone Width Determination
Within One Mile of the Project Site
Based on Search of Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
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Vernal habitat area	2863
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Vernal habitat area	2864
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Total number of records: 2

**Other Animal Species for Riparian Zone Width Determination
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
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Invertebrate Animals

Apamea apamiformis	A Noctuid Moth		G4		S2S4
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Total number of records: 1



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

HBR, LLC
c/o Peter Mercahl
116 East 11th Ave
Roselle, NJ 07203

APR 10 2018

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1328-17-0007.1
Activity Number: FWW170001
Applicant: HBR, LLC.
Block(s) and Lot(s): [111, 12] [111, 13] [111, 4]
Marlboro Township, Monmouth County

Dear Mr. Mercahl:

This letter is in response to your request for a Letter of Interpretation to have the Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the NJDEP is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain 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 Division staff on February 6, 2018, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: **“WETLAND DELINEATION PLAN, TEXAS ROAD, LOTS 4, 12, 13, BLOCK 111, TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY”**, consisting of one sheet, dated May 1, 2017, last revised March 22, 2018, and prepared by Harbor Consultants Inc., is accurate as shown.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above file number and the following note:

“Freshwater Wetlands/Waters Boundary Line as verified by NJDEP”

Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Intermediate: All flag points on site. [50 foot wetland buffer]

RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-9 and 10), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-5 and 7) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-8). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Division. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.3 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.4. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Division can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Recording

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 Division that this information is recorded on the deed of each lot referenced in the letter of interpretation:

1. The Department file number for the letter of interpretation;
2. The approval and expiration date of the letter of interpretation;

3. A metes and bounds description of the wetland boundary approved under the letter of interpretation;
4. The width and location of any transition area approved under the letter of interpretation; and
5. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a freshwater wetland and/or transition area. Certain activities in wetlands and transition areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a freshwater wetland permit. Contact the Division of Land Use Regulation at (609) 292-0060 or <http://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 Division constitutes a violation of the Freshwater Wetlands Protection Act rules and may result in suspension or termination of the letter of interpretation and/or subject the applicant to enforcement action pursuant to N.J.A.C. 7:7A-22.

Appeal Process

In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date 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, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information on this process.

Please contact Iman Olguin-Lira of our staff by e-mail at iman.olguin-lira@dep.nj.gov or by phone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Robert B. Kozachek
Environmental Specialist 3
Division of Land Use Regulation

APR 10 2018

c: Municipal Clerk
Municipal Construction Official
Agent (original)