



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

April 1, 2021

Active Acquisition OY, LLC
c/o Seth Gerszberg
5 Tenafly Road, Suite 416
Englewood, NJ 07631

Re: Flood Hazard Area Verification Approval
File No.: 0300-20-0002.1 LUP200001
Applicant: Active Acquisition OY, LLC
Project: Active Acquisitions Chesterfield
Block(s) and Lot(s): [701, 2.01] [1, 5.02]
Municipality: Chesterfield & Mansfield Township; County: Burlington

Dear Mr. Gerszberg:

This letter is in response to your request for a flood hazard area verification along Blacks Creek and an unnamed tributary to Blacks Creek 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 elevation(s) of Blacks Creek ranges from 28.6' NAVD to 30.5' NAVD along the project site. The flood hazard area elevation(s) of the unnamed tributary to Blacks Creek ranges from 28.8' NAVD to 58.9' NAVD, along the project site.

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 riparian zone is measured in accordance with the definition of the top of bank at N.J.A.C. 7:13-1.2.

Please note that altering land cover or topography in a flood hazard area, as well as clearing, cutting and/or removing vegetation within a riparian zone, 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 or riparian zone 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, a general permit by certification at N.J.A.C. 7:13-8, a general permit at N.J.A.C. 7:13-9, or an individual permit at 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 drawings hereby approved are six (6) sheets prepared by Maser Consulting, LLC, dated October 27, 2020, last revised March 19, 2021, and entitled:

“NJDEP FLOOD HAZARD, AREA VERIFICATION PLAN, FOR, ACTIVE ACQUISITIONS, 5 Tenafly Road, Ste 416, Englewood, NJ 07631, Phone: 848.333.0800, Email: Seth@activeacq.com, BLOCK 701 LOT 2.01, TOWNSHIP OF CHESTERFIELD, BLOCK 1 LOT 5.02, TOWNSHIP OF MANSFIELD, BURLINGTON COUNTY, NEW JERSEY”

“OVERALL PLAN,” sheet 1 of 17,

“VERIFICATION PLAN,” sheet 2 through 6 of 17.

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 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. Certain activities in flood hazard 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 permit. Contact the Division of Land Resource Protection at (609) 777-0454 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 and it can be transferred at the time of sale of a property to which the verification applies to a new owner pursuant to N.J.A.C. 7:13-22.4. Pursuant to N.J.A.C. 7:13-5.4(a), if the Department issues a verification for a site, and within five years issues a general permit authorization or an individual permit for a regulated activity that references or 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 individual permit or general 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. 7:13-23.1, 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, PO Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. This request shall include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/> and the Checklist is available through the Division's website at <http://www.nj.gov/dep/landuse/forms.html>.

Please contact Dominick Cardella at Dominick.Cardella@dep.nj.gov should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

Chingwah Liang, Environmental Engineer III
Coastal Bureau
Division of Land Resource Protection

- c. Applicant
- Municipal Clerk
- Municipal Construction Official
- Municipal Engineer