



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND RESOURCE PROTECTION
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.		Approval Date 09/21/2020
		Expiration Date 09/20/2025
Permit Number(s): 0722-05-0004.1 LUP 190001	Type of Approval(s): Flood Hazard Area Verification Flood Hazard Area Individual Permit Freshwater Wetlands General Permit No. 10A Freshwater Wetlands General Permit No. 11 Special Activity Transition Area Waiver - Redevelopment	Governing Rule(s): N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
Permittee: Redwood LLC. c/o Robert M. Pagano Pagano Real Estate, Inc. 420 Boulevard, Suite 201 Mountain Lakes, NJ 07046		Site Location: Block(s) & Lot(s): [151, 33] Municipality: West Orange Township County: Essex
Description of Authorized Activities: This document verifies the limit of the flood hazard area of the Peckman River on site, as depicted on the approved drawings, and authorizes the reconstruction of an existing bridge over the Peckman River, utility crossings and grading within the flood hazard area of the Peckman River, in association with the redevelopment of an existing site on the parcels referenced above, in the Township of West Orange, Essex County, New Jersey.		
Prepared by: Valda Opara		Received and/or Recorded by County Clerk:
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-2.1; N.J.A.C. 7:7A-2.1.

FWW GP10A Very Minor Road Crossings	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
State open waters	0.044	0

FWW GP11 Outfalls/Intake Structures	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.021	0
Transition areas	0.022	0

TAW - Special Activity Redevelopment	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Transition areas	0.125	0.402

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.091
Temporary Disturbed	0.297

PRE-CONSTRUCTION CONDITIONS:

1. Within 90 days of the permit issuance and/or prior to construction (whichever occurs first), the permittee/property owner shall sign a Department-approved conservation restriction for the modified transition area on the subject parcel(s) in accordance with N.J.A.C. 7:7A-8.1(e) and N.J.A.C. 7:7A-8.3(f)4. The conservation restriction shall apply to the remaining and enhanced transition areas on the site and shall preclude future transition area disturbance, unless said activity is permissible pursuant to the language of the deed restriction. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages), in the county wherein the lands included in the waiver are located. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetland and transition area boundaries. Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act. The conservation restriction should conform to the format and content of the model conservation restriction entitled "GRANT OF CONSERVATION RESTRICTION (TRANSITION AREA WAIVER)" which can be found online at https://www.nj.gov/dep/landuse/download/lur_035.pdf. A copy of the recorded conservation restriction shall be forwarded to the Division's project manager via email at Chivon.Kisic@dep.nj.gov before beginning regulated activities.

SPECIAL CONDITIONS:

1. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
2. The applicant shall adhere to the maintenance plan for the stormwater management measures incorporated into the design of the major development in accordance with N.J.A.C. 7:8-5.8 and the guidelines of the New Jersey Stormwater Best Management Practices Manual.
3. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
4. Prior to commencing any activity such as clearing, grading or construction onsite, the permittee shall obtain all necessary approvals from the local Soil Conservation District (SCD) or its designee and the Natural Resource Conservation Service (NRCS). If neither SCD nor NRCS approval is required, the permittee shall implement soil erosion control measures such as, but not limited to, standards specified in N.J.A.C. 7:13-12.1(e).
5. In order to protect general game fishery resources within the Peckman River, any activity within the 50-ft. riparian zone or within the flood hazard area which would likely introduce sediment into the watercourse and/or increase turbidity is prohibited from **May 1st through July 31st** of each year. The Division reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
6. Disturbance within 50 feet of the top of the bank is only permitted in the areas specifically shown on the approved drawings. No other disturbance within 50 feet of the top of the stream bank is permitted. This condition applies to all channels in the project areas regardless of the contributory drainage area.
7. The riprap proposed within the channel shall be carefully imbedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap shall be filled with native substrate from the channel.
8. Construction may only be performed only under conditions where the stream area is dry or de-watered. No work may be performed where the stream channel is wet.
9. De-watering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain freeflow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.

FRESHWATER WETLANDS SPECIAL CONDITIONS:

1. This authorization to conduct regulated activities in State open waters and freshwater wetlands includes the issuance of a Water Quality Certificate.
2. Any pipes laid through wetlands, transition areas, or State open water must be properly sealed so as to prevent leaking or infiltration. Pipes and backfilled materials must be placed entirely beneath the pre-existing ground elevation.
3. The excavation within the wetlands and transition area must be backfilled with the original soil material or suitable material to within 18 inches of the surface. The upper 18 inches must be backfilled with the original topsoil material to the preexisting elevation and replanted with indigenous species.
4. The permittee shall be responsible for ensuring that the back-filling activities do not interfere with the natural hydraulic characteristics of the wetland, such as flow characteristics of groundwater on the site.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Division of Land Resource Protection by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:

- i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action; and
 - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken.

Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.

15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the

recorded permit shall be forwarded to the Division of Land Resource Protection at the address listed on page one of this permit.

APPROVED PLANS:

The drawings hereby approved consist of eleven (11) sheets prepared by Petry Engineering, LLC., dated February 28, 2020, last revised September 21, 2020, unless otherwise noted, and entitled:

“PRELIMINARY AND FINAL SITE PLAN APPLICATION PREPARED FOR REDWOOD, L.L.C. 200 PLEASANT VALLEY WAY BLOCK 151 LOT 33 TOWNSHIP OF WEST ORANGE ESSEX COUNTY NEW JERSEY”

- “NJDEP PERMITTING PLAN”, sheet no. DEP-0,
- “NJDEP PERMITTING PLAN”, sheet nos. DEP-1, dated September 15, 2017,
- “NJDEP PERMITTING PLAN (CLOSE UP)”, sheet no. DEP-1A, DATED June 24, 2020,
- “NJDEP PERMITTING SECTIONS (NET FILL CALCULATIONS), sheet nos. DEP-2 and DEP-3, dated July 21, 2017, last revised May 8, 2020
- “GRADING AND DRAINAGE PLAN”, sheet no. SP-3, dated December 12, 2016, last revised May 8, 2020
- “DRIVEWAY & STORM SEWER PROFILES”, sheet no. SP-5, dated September 18, 2017, last revised May 8, 2020
- “SOIL EROSION & SEDIMENT CONTROL PLAN FOR BRIDGE CONSTRUCTION”, sheet no. SP-12, dated September 20, 2017, last revised May 8, 2020,
- “CONSTRUCTION DETAILS”, sheet nos. SP- 13, & 14, dated December 12, 2016, last revised May 8, 2020
- “CONSTRUCTION DETAILS”, sheet nos. SP-15, dated December 12, 2016.

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP 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. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Resource Protection at the address listed on page one of this permit. 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 www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Resource Protection’s Technical Support Call Center at (609) 777-0454.

Approved By:



Dennis Contois, Supervisor
Division of Land Resource Protection

- c: West Orange Township Municipal Clerk
West Orange Township Municipal Construction Official
Agent (original) – Edward Kuc