



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

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

0216-03-0001

Mr. Ken Conrow
NJ Department of Transportation
Division of Project Management
1035 Parkway Avenue
Trenton, NJ 08625-0600

RE: **Authorization for Transition Area Waiver for Linear Development**
LURP File No.: **0216-03-0001.1 FWW 030001 FWTW4L**
Applicant: NJ Department of Transportation
Project: Improvements to Route 9W, Section 1J 15
Location: Route 9W, MP 1.2 to 2.6
Borough of Englewood Cliffs
Watershed 5 Hackensack, Pascack, Hudson
Sylvan Brook, Bergen County

Dear Mr. Conrow:

The Land Use Regulation Program has reviewed the referenced application for a special activity transition area waiver authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by the Transition Area Waiver for Linear Development which authorize certain activities in transition areas associated with linear development.

Limit of Authorized Disturbance

The Transition Area Waiver for Linear Development authorizes certain activities that include the expansion, widening, or upgrading of one or more existing paved or unpaved roads, including attendant features such as shoulders and embankments. Based on the plans entitled "Route 9W, Section 1J", six (6) sheets prepared and signed by Leonard J. Markowski, P.E. and further defined as:

- Sheet TS-1 (dated 7/8/97), entitled, "Typical Sections,"
- Sheets C-9 to C-12 (dated 7/8/97), entitled, "Construction Plan,"
- Sheet 1 of 1 (dated 5/97), entitled, "Wetlands Delineation Map,"

the authorized activities include 0.45 acres of wetland transition area impact as a result of pavement widening, drainage improvements, and shoulder work. The stated impacts are the minimum necessary to provide for the safe management of traffic along Route 9W from Milepost 1.2 to 2.6. The need for a dedicated center-turning lane requires widening of the cartway to meet safety standards with widening to the wetland side because of socio-economic impacts associated with alternative widening to the non-wetland side. This widening is to occur primarily along a grassed transition section located along the

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roadway. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Land Use Regulation Program prior to the start of the disturbance.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et seq.*).

Special Conditions

1. The total amount of disturbance associated with this authorization shall not exceed 0.45 acres of wetland transition area as a result of the proposed pavement widening, drainage, and shoulder work.
2. Soil erosion and sediment controls will be installed prior to the commencement of any major soil disturbances.
3. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill materials;

In addition to the above and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to, in any way, affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.

8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area

The wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to them is 50 feet. In addition, regulated activities conducted within the other standard transition areas noted on the previously referenced plans are hereby approved under this special activity transition area waiver for linear activities. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Appeal of Decision

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, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, at the address listed above, or by email William.McLaughlin@dep.state.nj.us. Please reference the above file number in all correspondence.

Sincerely,

Robert N. Cubberley
~~Supervising~~ Scientist 1
Bureau of Inland Regulation

WMcL

- c. Bureau of Enforcement
Borough of Englewood Cliffs Municipal Clerk
Borough of Englewood Cliffs Municipal Construction Official

Env.

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Transition Area

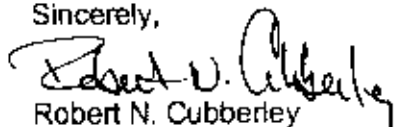
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Robert N. Cubberley
Environmental Scientist 1
Bureau of Inland Regulation

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