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JLO 04-0073A

State of New Jersey

Department of Environmental Protection

Bradley M. Campbell
Commissioner

Richard J. Codey
Acting Governor

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

Michael L. Francis, Ph.D.
Maser Consulting, P.A.
4621 Nottingham Way
Suite 8
Hamilton Square, NJ 08690

MAR 14 2005

RE: Freshwater Wetlands Letter of Interpretation/Line Verification
Program Interest No.: 1104-04-0002.1
Activity No.: FWW-FWLI4-040001
Applicant: John Wolfington, Greystone Capitol Partners, LLC
Block: 21 Lots: 1-14 & 26
Block: 30 Lots: 1-7 & 10-13
Hightstown Borough, Mercer County

Dear Dr. Francis:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the 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 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 on January 19, 2005, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: "ALTA/ACSM LAND TITLE SURVEY FOR GREYSTONE CAPITOL PARTNERS, LLC, LOTS 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, & 13, BLOCK 30, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, & 26, BLOCK 21, SITUATE IN BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY", dated September 22, 2004, last revised, December 21, 2004, and prepared by Maser Consulting P.A., is accurate as shown.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area. will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B -1 *et seq.* and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 *et seq*), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

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 LURP file number and the following note:

“Freshwater Wetlands/Waters Boundary Line as verified by NJDEP PI No. 1104-04-0002.1”

In addition, the Department has identified State Open Waters on the property, they are noted on the referenced plan: WL OW1 – WL OW 8, WL OW9 – WL OW20, WL OW104 – WL OW100. It should be noted that a buffer is not required adjacent to State Open Waters under the Freshwater Wetlands Protection Act, but a 25-foot buffer is required under the Flood Hazard Control Act. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5), and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et seq*) and implementing rules for additional information.

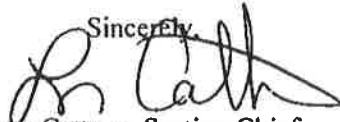
It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

This letter in no way legalizes any fill, which may have been placed, or other regulated activities, which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal 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 Courtney Levering of our staff at (609) 777-0454, should you have any questions regarding this letter. Be sure to indicate the Program's interest number in all communication.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lou Cattuna', written over the word 'Sincerely,'.

Lou Cattuna, Section Chief
Bureau of Inland Regulation

c: Hightstown Borough Environmental Commission
Hightstown Borough Municipal Clerk
Hightstown Borough Municipal Construction Official