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Date of Document 11/10/2020	Type of Document NJDEP Freshwater Wetlands Letter of Interpretation: Line Verification
First Party Name Ben Hur of Brunswick, LLC c/o Mr. Leon Harary 2400 Route 1 North Brunswick, NJ 08902	Second Party Name State of New Jersey Division of Land Resource Protection Mail Code 501-02A Trenton, NJ 08625-0420
Additional First Parties	Additional Second Parties

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY.

Block	Lot
Municipality	Consideration
Mailing Address of Grantee	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY.

Original Book	Original Page
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MIDDLESEX COUNTY, NEW JERSEY RECORDING DATA PAGE.

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"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) 777-0454 or <http://www.nj.gov/dep/landuse> for more information prior to any construction onsite."





State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

CATHERINE R. McCABE
Commissioner

November 10, 2020

Ben Hur of Brunswick, LLC
c/o Mr. Leon Harary
2400 Route 1
North Brunswick, NJ 08902

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1215-06-0003.1
Activity Number: FWW200001
Applicant: Ben Hur of Brunswick, LLC
Block and Lot: 148 and 5.03
Township of North Brunswick, Middlesex County

Dear Mr. Harary:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Resource Protection (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 (USACE) 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 USACE 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 August 18, 2020, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: "BOUNDARY & TOPOGRAPHIC SURVEY, BEN HUR GROUP & INVESTMENTS, BLOCK 148, LOT 5.03, U.S. HIGHWAY ROUTE 1 AND NORTH BRUNSWICK BOULEVARD, TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY", (Sheet 1 of 1), dated March 31, 2020, last revised on November 3, 2020, and prepared by Dynamic Survey, LLC, 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: A2 thru A39, and A41 thru A45. [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.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

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) 777-0454 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 Megan Fielding of our staff via e-mail at megan.fielding@dep.nj.gov should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Joslin C. Tamagno
Environmental Supervisor, ES4
Bureau of Urban Growth and Redevelopment
Division of Land Resource Protection

c: Ms. Amy Jones, DuBois & Associates, Agent
Township of North Brunswick Clerk
Township of North Brunswick Construction Official

December 16, 2020

WETLANDS AREA #1

Portion of Lot 5.03, Block 148
U.S. Highway Route 1 and North Brunswick Boulevard
Township of North Brunswick, Middlesex County, New Jersey

BEGINNING at a point on the division line between Tax Lots 5.04 and 5.03, Block 148, said point being the following two (2) courses from the intersection of the northeasterly sideline of North Brunswick Boulevard (50' ROW Width Per Tax Map – Unimproved) with the southeasterly sideline of U.S. Highway Route No. 1 (100' ROW Width Per Tax Map);

- A) Along said southeasterly sideline of U.S. Highway Route No. 1, North 53 degrees 06 minutes 00 seconds East a distance of 428.11 feet to a point in same, where it is intersected with said division line between Tax Lots 5.04 and 5.03, Block 148; thence
- B) Along said division line, South 87 degrees 41 minutes 53 seconds East, a distance of 210.39 feet to the point of BEGINNING and from said point running;
 1. Along said division line between Tax Lots 5.04 and 5.03, Block 148, South 87 degrees 41 minutes 53 seconds East, a distance of 19.30 feet to a point in same, thence;

Running along the Wetlands Line, passing through a portion of Lot 5.03, Block 148 the following two (2) courses;

2. South 72 degrees 40 minutes 03 seconds East, a distance of 48.43 feet to a point, thence;
3. North 26 degrees 33 minutes 17 seconds East, a distance of 13.77 feet to a point in said division line between Tax Lots 5.04 and 5.03, Block 148, thence;
4. Along said division line, South 87 degrees 41 minutes 53 seconds East, a distance of 21.62 feet to a monument found on the division line between Tax Lots 5.02 and 5.03, Block 148, thence;
5. South 36 degrees 53 minutes 48 seconds East, a distance of 325.06 feet to a point in same, thence;

Running along the Wetlands Line, passing through a portion of Lot 5.03, Block 148 the following twenty-two (22) courses;

6. South 61 degrees 29 minutes 11 seconds West, a distance of 30.18 feet to a point, thence;
7. North 72 degrees 21 minutes 11 seconds West, a distance of 53.84 feet to a point, thence;
8. South 80 degrees 18 minutes 00 seconds West, a distance of 62.89 feet to a point, thence;
9. North 73 degrees 15 minutes 18 seconds West, a distance of 52.14 feet to a point, thence;
10. South 75 degrees 13 minutes 03 seconds West, a distance of 80.19 feet to a point, thence;
11. South 51 degrees 57 minutes 24 seconds West, a distance of 58.51 feet to a point, thence;

12. North 86 degrees 34 minutes 05 seconds West, a distance of 63.77 feet to a point, thence;
13. South 73 degrees 05 minutes 40 seconds West, a distance of 88.44 feet to a point, thence;
14. South 67 degrees 53 minutes 52 seconds West, a distance of 42.24 feet to a point, thence;
15. South 73 degrees 30 minutes 39 seconds West, a distance of 70.36 feet to a point, thence;
16. South 66 degrees 50 minutes 44 seconds West, a distance of 50.88 feet to a point, thence;
17. North 43 degrees 01 minute 49 seconds West, a distance of 32.93 feet to a point, thence;
18. North 02 degrees 54 minutes 13 seconds East, a distance of 53.95 feet to a point, thence;
19. North 16 degrees 58 minutes 05 seconds East, a distance of 65.12 feet to a point, thence;
20. North 64 degrees 15 minutes 58 seconds East, a distance of 57.14 feet to a point, thence;
21. North 77 degrees 54 minutes 57 seconds East, a distance of 54.97 feet to a point, thence;
22. North 37 degrees 18 minutes 27 seconds East, a distance of 54.79 feet to a point, thence;
23. North 75 degrees 57 minutes 42 seconds East, a distance of 54.14 feet to a point, thence;
24. North 05 degrees 26 minutes 14 seconds West, a distance of 52.27 feet to a point, thence;
25. North 04 degrees 51 minutes 45 seconds East, a distance of 59.15 feet to a point, thence;
26. North 73 degrees 50 minutes 11 seconds East, a distance of 79.18 feet to a point, thence;
27. North 67 degrees 09 minutes 58 seconds East, a distance of 65.36 feet to the point and place of
BEGINNING

Containing 121,195 square feet, 2.782 acres

The above described tract is subject to the rights and restrictions of easements, if any, being within and/or crossing the bounds as described above.

WETLANDS AREA #2

Portion of Lot 5.03, Block 148

U.S. Highway Route 1 and North Brunswick Boulevard

Township of North Brunswick, Middlesex County, New Jersey

BEGINNING at a point on the division line between Tax Lots 5.02 and 5.03, Block 148, said point being the following three (3) courses from the intersection of the northeasterly sideline of North Brunswick Boulevard (50' ROW Width Per Tax Map – Unimproved) with the southeasterly sideline of U.S. Highway Route No. 1 (100' ROW Width Per Tax Map);

- A) Along said southeasterly sideline of U.S. Highway Route No. 1, North 53 degrees 06 minutes 00 seconds East a distance of 428.11 feet to a point in same, where it is intersected with said division line between Tax Lots 5.04 and 5.03, Block 148; thence
- B) Along said division line, South 87 degrees 41 minutes 53 seconds East, a distance of 303.74 feet to a monument found on the division line between Tax Lots 5.02 and 5.03; thence
- C) Along said division line, South 36 degrees 53 minutes 48 seconds East, a distance of 380.54 feet to the point of BEGINNING and from said point running;
 1. Still along said division line, South 36 degrees 53 minutes 48 seconds East, a distance of 268.83 feet to a point in same, thence;

Running along the Wetlands Line, passing through a portion of Lot 5.03, Block 148 the following six (6) courses;

2. South 78 degrees 00 minutes 03 seconds West, a distance of 17.74 feet to a point, thence;
3. North 82 degrees 49 minutes 32 seconds West, a distance of 50.57 feet to a point, thence;
4. North 27 degrees 01 minute 24 seconds West, a distance of 67.94 feet to a point, thence;
5. North 29 degrees 04 minutes 45 seconds West, a distance of 62.01 feet to a point, thence;
6. North 23 degrees 13 minutes 03 seconds West, a distance of 55.65 feet to a point, thence;
7. North 13 degrees 13 minutes 15 seconds West, a distance of 47.77 feet to the point and place of BEGINNING.

Containing 8,443 square feet, 0.194 acres

The above described tract is subject to the rights and restrictions of easements, if any, being within and/or crossing the bounds as described above.

WETLANDS AREA #3

Portion of Lot 5.03, Block 148

U.S. Highway Route 1 and North Brunswick Boulevard

Township of North Brunswick, Middlesex County, New Jersey

BEGINNING at a point on the division line between Tax Lots 5.02 and 5.03, Block 148, said point being the following three (3) courses from the intersection of the northeasterly sideline of North Brunswick Boulevard (50' ROW Width Per Tax Map – Unimproved) with the southeasterly sideline of U.S. Highway Route No. 1 (100' ROW Width Per Tax Map);

- A) Along said southeasterly sideline of U.S. Highway Route No. 1, North 53 degrees 06 minutes 00 seconds East a distance of 428.11 feet to a point in same, where it is intersected with said division line between Tax Lots 5.04 and 5.03, Block 148; thence
- B) Along said division line, South 87 degrees 41 minutes 53 seconds East, a distance of 303.74 feet to a monument found on the division line between Tax Lots 5.02 and 5.03; thence
- C) Along said division line, South 36 degrees 53 minutes 48 seconds East, a distance of 756.18 feet to the point of BEGINNING and from said point running;
 1. Still along said division line, South 36 degrees 53 minutes 48 seconds East, a distance of 48.78 feet to a point in same, thence;

Running along the Wetlands Line, passing through a portion of Lot 5.03, Block 148 the following four (4) courses;

2. North 77 degrees 00 minutes 15 seconds West, a distance of 5.35 feet to a point, thence;
3. South 73 degrees 08 minutes 22 seconds West, a distance of 41.75 feet to a point, thence;
4. North 20 degrees 26 minutes 04 seconds West, a distance of 30.75 feet to a point, thence;
5. North 51 degrees 35 minutes 37 seconds East, a distance of 33.97 feet to the point and place of BEGINNING.

Containing 1,482 square feet, 0.034 acres

The above described tract is subject to the rights and restrictions of easements, if any, being within and/or crossing the bounds as described above.

