




**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.state.nj.us/dep/landuse



PERMIT

<p>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 limitations, terms and conditions 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.</p>		Approval Date AUG 26 2016
		Expiration Date AUG 25 2021
Permit Number(s): 1215-15-0002.1 FWW150001 FWW150002 FWW150003 FWW150004	Type of Approval(s): FWGP6 filling of NSWC FWGP7 Fill Manmade Ditch/Swale HW FWGP11 outfalls and intake structures FW FWTW4R transition SAW redevelopment	Enabling Statute(s): NJSA 13:9B FWPA
Permittee: M & M at North Brunswick, LLC 1260 Stelton Rd Piscataway, NJ 08864	Site Location: Block(s) & Lot(s): [140.01, 3.02] [140.01, 6.02] [140.01, 6.03] Municipality: North Brunswick Township County: Middlesex	
Description of Authorized Activities: <p>This permit authorizes the filling of 15,592 square feet (0.358 of an acre) of isolated freshwater wetlands under a General Permit No. 6, the filling of 4,389 square feet (0.111 of an acre) of a wetland ditch under a General Permit No. 7, and the filling of 122 square feet (0.003 of an acre) of a wetland ditch under a General Permit No. 11 for the construction of a commercial development consisting of warehouse, retail, restaurants, parking, stormwater facilities and associated grading. In addition, this permit authorizes the redevelopment of 1,550 square feet (0.0356 of an acre) of already disturbed transition area associated with offsite wetlands under Transition Area Redevelopment Waiver.</p> <p>This permit is authorized under, and in compliance with the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A and includes a water quality certificate. Any additional regulated activities conducted within the regulated areas on-site shall require a separate approval from the Division.</p>		
Prepared by:  Faraz Khan	Received and/or Recorded by County Clerk:	
THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.		
This permit is not valid unless authorizing signature appears on the last page.		

SPECIAL CONDITIONS:

1. The permittee shall obtain all necessary consent from affected off-site and easement property owners. No work is to occur without proper permissions.
2. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area.
3. The permittee shall be responsible for preserving and minimizing vegetation disturbances within the remaining wetland transition areas. All temporary disturbances around the proposed construction shall be replanted with native herbaceous and woody vegetation where applicable and not maintained as lawn or landscaped area.
4. 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.
5. 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.
6. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, and inlets, at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
7. This authorization for Freshwater Wetlands General Permits and Transition Area Waiver is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.
8. **Material Disposal:** All excavated material and dredge material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

STANDARD CONDITIONS:

1. **Responsibilities:**

- a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.
- b. A copy of this permit, other authorizing documents, records and information including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents upon request.

2. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.

3. **Duty to minimize environmental impacts:** 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. 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 this 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

4. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary.

5. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.

6. **Rights of the State:**

- a. This permit does not convey any property rights of any sort, or any exclusive privilege.
- b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.

- c. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.
7. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.
8. **Transfer of Permit:** This permit may not be transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
9. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.
10. **Noncompliance:**
 - a. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
 - b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 420, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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.
11. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must 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/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. 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 about this process.

APPROVED PLANS:

The drawings hereby approved are ten (10) sheets entitled, "MARKET PLACE AT NORTH BRUNSWICK FOR BLOCK 140.01, LOTS 3.02, 6.02 & 6.03, TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY" prepared by Bradford J. Aller, P.E. of EP Design Services, LLC, dated August 28, 2015, last revised July 14, 2016, unless otherwise noted:

“PROPOSED DRAINAGE PLAN”, sheet 3 of 3

“ENVIRONMENTAL PERMITTING PLAN”, sheet 5 of 29

“PROPOSED GRADING PLAN, sheet 9 of 29, last revised May 25, 2016

“PROPOSED DRAINAGE PLAN”, sheet 10 of 29

“SOIL EROSION CONTROL PLAN”, sheet 16 of 29, unrevised

“SOIL EROSION CONTROL NOTES & DETAILS I”, sheet 17 of 29, last revised May 25, 2016

“SOIL EROSION CONTROL NOTES & DETAILS II”, sheet 18 of 29

“SOIL EROSION CONTROL NOTES & DETAILS III”, sheet 19 of 29

“PROPOSED STORM & SEWER PROFILES I”, sheet 20 of 29, last revised May 25, 2016


“PROPOSED STORM SEWER PROFILES II”, sheet 21 of 29

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

Approved By:



Stacey MacEwan, Env. Specialist 3
Division of Land Use Regulation


Date

Original sent to Agent to record

c: Permittee
North Brunswick Municipal Clerk
North Brunswick Construction Official