



WHITMAN

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December 29, 2014

Constance A. Mahon, Administrator
Township of Middle
33 Mechanic Street
Cape May Court House, NJ 08210

RE: Review of CAFRA Individual Permit
NJDEP File #0506-09-000.1 (CAF130001)
8 Railroad Avenue
Township of Middle, Cape May County
Block 56.01, Lot 46
Whitman Project #14-12-02T

Dear Ms. Mahon:

Per your request, Whitman has reviewed the Coastal Area Facility Review Act, (CAFRA) Individual Permit Application for Conifer Village at Cape May Courthouse submitted by T&M Associates on behalf of Middle Township Housing Associates, LLC. The property is located at 8 Railroad Avenue, Township of Middle, Cape May County and identified as Block 56.01, Lot 46 on the Township of Middle tax map. The purpose of the Whitman review was to determine if the application meets the requirements of N.J.A.C. 7:7 (Coastal Permit Program Rules) and N.J.A.C. 7:7E (Coastal Zone Management Rules). In order to determine if the application meets the requirements, Whitman reviewed the following official correspondences between Middle Township Housing Associates (and/or their agents) and the New Jersey Department of Environmental Protection:

- August 15, 2013 – CAFRA Application prepared by T&M Associates, including:
 - CAFRA Individual Permit Application Checklist for Administrative Completeness;
 - Completed Land Use Regulation Program Application Form;
 - Permit Review Fee;
 - Photographs of Site;
 - Verification that three (3) copies of the application were submitted to the Middle Township Clerk including letter requesting that the clerk distribute one copy to the planning board and one copy to the environmental commission;
 - Verification that a certified mail notice , completed LURP form and site plan have been forwarded to the Cape May County Planning Board, Cape May County Environmental Commission and Municipal Construction Official;

Environmental and Engineering Excellence from Concept to Completion

- Fifteen (15) copies of site plans;
 - Fifteen copies of compliance statement per N.J.A.C. 7:7E;
 - One (1) copy of a Stormwater Management Report prepared by T&M Associates;
 - One (1) copy of the Traffic Engineering Assessment, prepared by Shropshire Associates, LLC, and
 - One (1) copy of a quad map with HUC-14 boundaries.
- September 20, 2013 – NJDEP 30-day Preliminary Review – Incompleteness letter
- December 18, 2013 – T&M Response letter to September 20, 2013 Incompleteness letter, including:
 - One (1) copy of response letter to NJDEP's September 20, 2013 letter;
 - One (1) copy of a letter outlining plan revisions in order to address the Department's comments;
 - One (1) copy of a letter outlining the Basin 1 modifications;
 - One (1) copy of the Nonstructural Strategies Points System (NSPS) spreadsheet, revised December 16, 2013;
 - One (1) copy of the Low Impact Development Checklist, revised December 16, 2013;
 - Five (5) copies of NJDEP CAFRA Individual Permit, revised December 16, 2013;
 - Five (5) copies of Endangered or Threatened Wildlife Species Habitat Evaluation & Project Impact Analysis, dated December 2, 2013; and
 - Five (5) copies of Operations and Maintenance Manual dated December 16, 2013.
- February 6, 2014 – NJDEP – Notice of Public Hearing
- March 13, 2014 – NJDEP Deficiency Letter & Information Request Letter
- March 25, 2014 – Response to Public Comments – CAFRA Public Hearing submitted by T&M Associates
- April 7, 2014 – Additional Information Letter – CAFRA Individual Permit Application (response to NJDEP March 13, 2014 Letter) prepared by T&M Associates.
- August 8, 2014 – Cope's Gray Treefrog Habitat Analysis Supplement prepared by DuBois Environmental Consultants, LLC

- August 27, 2014 – Memo from T&M Associates to NJDEP on Forest Conservation and Impervious Cover Areas; and
- August 27, 2014 – NJDEP CAFRA Individual Permit Approval.

As part of the review process, Whitman also reviewed numerous documents provided by other interested parties to the application. Based on the review, Whitman noted that the initial CAFRA application submitted on behalf of Middle Township Housing Associates, LLC, did not meet the requirements of N.J.A.C. 7:7 and N.J.A.C. 7:7E. However; after submittal of revisions to the site plans, revisions to the Individual Permit Compliance Statement, and several threatened and endangered species studies and habitat assessments, the CAFRA application was found to meet the requirements of N.J.A.C. 7:7 and N.J.A.C. 7:7E.

According to the information provided, additional threatened and endangered species habitat assessments were conducted to support the application and respond to the public comment participation that included objections to the CAFRA Application. More specifically, Dubois Environmental Consultants, LLC, investigated the southerly adjacent property on April 7, 2014 and August 8, 2014 and determined that vernal habit was not present on that property.

Per the NJDEP CAFRA IP Approval, the following pre-construction conditions must be met for the permit to become effective. These conditions are as follows:

- 1) Prior to site disturbance, a conservation restriction for forest and habitat preservation shall be recorded with the County Clerk. That conservation easement must include the 3.26 acres of endangered and threatened species habitat located on the rear of the lot.
- 2) Prior to site disturbance, the Middle Township Housing Associates, LLC shall submit, for review and approval, a proposal to preserve additional land for the purpose of ensuring the long term sustainability of the endangered and threatened species habitat located in the immediate vicinity of the subject property. The preserved area must contain a minimum of four (4) acres and must provide suitable dispersal, resting and foraging habitat for endangered and threatened species, specifically, Cope's Gray treefrog. The preserved land must be on a site in the immediate vicinity of this development site which is adjacent to the existing Wildlife Refuge property.
- 3) Prior to commencement of construction, a silt fence shall be erected along the limits of the disturbance of the development with a 10-foot return on each end. This fence must be maintained and remain in place until all construction and landscaping activities are completed.

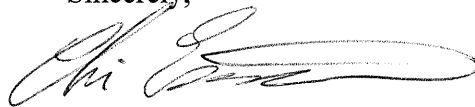
Constance A. Mahon, Administrator
Township of Middle
December 29, 2014
Page 4

Recent correspondence has been provided by Conifer Realty that addresses the conservation easement required in item 2 above (Item 3 in the Pre-construction Conditions identified in the permit). On December 9, 2014, a letter was sent to Madhu Garu of NJDEP on behalf of Middle Township Housing Associates, LLC, proposing the conservation of four acres on Block 56.01, Lot 45, which is adjacent to the Wildlife Refuge. The proposal was approved on December 9, 2014 by Madhu Garu of NJDEP via email. Once the conservation easement on this lot and the conservation easement on the rear portion of the subject property are recorded, conditions 1 and 2 above will be met.

To summarize, Whitman's analysis concludes that based on the documentation submitted to NJDEP in support of the CAFRA Individual Permit by Middle Township Housing Associates, for the development of 8 Railroad Ave, Middle Township, Cape May County, meets the requirements of N.J.A.C. 7:7 and N.J.A.C. 7:7E.

If you have any question or comments regarding this submittal, do not hesitate to contact our office at 732-390-5858.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Esposito", with a stylized flourish at the end.

Chris Esposito
Project Manager



WHITMAN