



**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.nj.gov/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 2/11/19
		Expiration Date 2/10/24
<p>Permit Number(s): 1600-18-0002.1 FWW180001</p>	<p>Type of Approval(s): FWGP1 Maintenance & repair of exist feature Special Activity Linear Development Transition Area Waiver Water Quality Certificate</p>	<p>Enabling Statute(s): N.J.S.A. 13:9B-1 et seq. N.J.S.A. 58:10A-1 et seq.</p>
<p>Permittee: NJDOT P.O. Box 600 Trenton, NJ 08608</p>	<p>Site Location: Route 80 Eastbound repaving, Fairfield Road to Route 19 Blocks & Lots: NJDOT Right-of-Way Municipality: Wayne, Totowa, Woodland Park, Paterson County: Passaic</p>	
<p>Description of Authorized Activities:</p> <p>This permit authorizes the temporary disturbance of 0.057 acres of freshwater wetlands, permanent disturbance of 0.238 acres of freshwater wetlands transition area and temporary impact of 0.752 acres of freshwater wetlands transition area for the pavement resurfacing and other restoration of eastbound Route 80 between milepost 53.0 to milepost 58.2 under a Freshwater Wetlands General Permit as shown on the plans referenced on the last page of this permit. This authorization to conduct activities in freshwater wetlands includes the issuance of a Water Quality Certificate.</p> <p>The Division of Land Use Regulation has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-7. The activities allowed by this authorization shall comply with applicable conditions noted at N.J.A.C. 7:7-5.7, 7.1 and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. seq.).</p> <p>Any additional un-permitted disturbance of freshwater wetlands, State Open Waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.</p>		
<p>Prepared by: Jeff Thein</p>	<p>Received and/or Recorded by County Clerk:</p>	
<p>If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

FRESHWATER WETLAND SPECIAL CONDITIONS:

1. The total amount of disturbance associated with this authorization shall not exceed 0.057 acres (2,483 SF) of freshwater wetlands or 0.99 acres (43,124 SF) of transition area for the construction of restoration of Route 80 East from milepost 53.0 to milepost 58.2 under a Freshwater Wetlands General Permit No. 1 and a Special Activity Linear Development Transition Area Waiver.
2. The wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. This general permit includes a transition area waiver, which allows encroachment only in that portion of the transition area, which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules (N.J.A.C. 7:7A) for additional information. (delete if TA only)
3. This authorization for a General Permit 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.

STANDARD CONDITIONS:

1. The issuance of a 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 or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. 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. In addition, a permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. 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.

6. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any noncompliance within twelve hours of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware 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. The written notice shall include:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
8. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
9. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
10. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
11. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
12. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
13. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-20.5.
14. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A-20.8 and 20.9.

15. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
16. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
17. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
18. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
19. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.
20. Best management practices as defined at N.J.A.C. 7:7A-1.3, shall be followed whenever applicable.
21. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource and immediately notify the Department and proceed as directed.
22. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7A-1.4.

APPROVED PLANS:

The drawings hereby approved are twenty-two (22) sheets prepared by Eduardo L. Szmurlo, NJPE#24GE04424100, dated October 17, 2018, each entitled,

“New Jersey Department of Transportation, Environmental Plans, Route 80 EB Fairfield Road to Route 19, M.P. 53 to M.P. 58.2 Contract No. XXXXX”, and numbered from EP-1 to EP-22

APPEAL OF DECISION:

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.

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:


Suzanne Dietrick, Supervisor
Division of Land Use Regulation

2/14/19
Date

Original sent to Agent to record
c: Permittee
Construction Official

19-0402-2
HPO-A2019-179



State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

TRENTON, NJ 08625-0600

HISTORIC PRESERVATION

7 JAN 19

RC/PO

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

January 3, 2019

Ms. Katherine Marcopul
Deputy State Historic Preservation Officer
Mail Code 501-04B
State of New Jersey
Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

Route 15, Route 94 to Route 206/CR565
Resurfacing Project
M.P. 17.00 to M.P. 19.53
Lafayette and Frankford Townships
Sussex County
NJDOT Job #1922-504
Federal Project #STP-0015 (301)

Dear Ms. Marcopul:

The purpose of this letter is to initiate the Section 106 process per 36CFR800.3; establish an agreed upon Area of Potential Effects and identify historic properties per 36CFR800.4; propose participants of a public involvement plan per 36CFR800.2; and assess the effects of the proposed undertaking per 36CFR800.3 and .5.

SUMMARY: *The New Jersey Department of Transportation seeks your concurrence with our opinion that the Route 15, Route 94 to Route 206/CR565 Resurfacing Project, M.P. 17.00 to M.P. 19.53 in Lafayette and Frankford Townships, Sussex County will have No Adverse Effect to the Lafayette Village Historic District (NR: 12/31/2013) (SR: 10/21/2013) with the condition that the new ADA work will closely resemble the existing concrete in color and texture. NJDOT will consult with the SHPO regarding the color of the detectable warning surfaces for the ADA work as per #48 "activities which are not undertakings" list under the NJ Register of Historic Places Act.*

The New Jersey Department of Transportation (NJDOT) is proposing to resurface Route 15, from Route 94 to Route 206/CR565 from M.P. 17.00 to M.P. 19.53 in Lafayette and Frankford Townships, Sussex County.

The need for this resurfacing project is to extend functional life. ADA curb ramp and guiderail will be upgraded within project limits to current standards.

Based on the overall pavement condition, the goal of the project is to resurface the roadway within the limits of the project. Pedestrian curb ramps and features will be reconstructed to meet NJDOT and Americans with Disabilities Act (ADA) standards, at the signalized intersection of Route 15 and Meadows Road/Morris Farms Road (CR 659). Substandard guide rail will also be upgraded to meet current design standards. The proposed improvements will be designed to maintain the existing roadway footprint, and to limit environmental impacts.

Standing Structures: The architectural Area of Potential Effects (APE) will be the Lafayette Village Historic District (NR: 12/31/2013) (SR: 10/21/2013).

Due to the nature of the project (pavement resurfacing), the anticipated ROW impacts (Temporary Easement) are mainly caused by the reconstruction of curb ramps to bring them into compliance with ADA standards.

It is anticipated that duration of all temporary easements should not exceed one to two weeks period. All easements will be minor, limited to the areas needed for the ADA ramps (or their portions) residing beyond available ROW.

The project will impact following parcels:

Block 8 Lot 1, Township of Lafayette Parking 248 SF / 0.006 Acres Temporary Easement

Block 7 Lot 22, Tays Capriola, LLC Business 181 SF / 0.004 Acres Temporary Easement

Block 15 Lot 33.02 CCO Holdings, LLC Business 125 SF / 0.003 Acres Temporary Easement

Total Temporary Easements: 554 SF / 0.013 Acres

Block 8 Lot 1, Township of Lafayette Parking is depicted on NJDEP-GeoWeb as the former site of the Lafayette Foundry and Specialty Shop (Demolished, Non-Contributing). Currently a parking lot.

Block 7 Lot 22, is depicted on NJDEP-GeoWeb as the General Store/Post Office/dwelling at 103 Rt. 15 (Contributing).

Block 15 Lot 33.02 is depicted on NJDEP-GeoWeb as the General Store at 102 Rt. 15 (Contributing).

NJDEP-GeoWeb depicts the Route 15, Union Turnpike Roadbed (Contributing).

Archaeology: The archaeological Area of Potential Effects (APE) will be the area of ground disturbance. Minimal to no ground disturbance is expected to occur for the ADA improvements as there are existing cement sidewalks and curbing. No ground disturbance is anticipated for the road resurfacing.

Background research using NJDEP-GeoWeb was conducted. Although archaeological sites were depicted in the project area, this resurfacing project as proposed will not affect any known or unknown archaeological sites.

If there is a change in project scope, SHPO will be notified.

The following have been identified as consulting parties/potential signatories to a Memorandum of Agreement (MOA), if developed:

1. FHWA
2. SHPO
3. NJDOT
4. Lafayette Township
5. Frankford Township
6. Sussex County
7. Delaware Tribe
8. Delaware Nation
9. Stockbridge Munsee Community
10. Shawnee Tribe
11. Shawnee Tribe Absentee-Shawnee Tribe of Indians of Oklahoma

The following have been identified as those with an interest in history and historic preservation; these groups/people may wish to participate in the Section 106 process:

1. Sussex County Historical Society
82 Main Street
P.O. Box 913
Newton, New Jersey 07860
2. Sussex County Arts & Heritage Council
133 Spring Street
Newton, NJ 07860
3. Joan Smith, President
Lafayette Center Preservation Foundation
P.O. Box 702
Lafayette, NJ 07848

All cultural resources work was conducted in compliance with the requirements of Section 106 of the National Historic Preservation Act of 1966 (as amended), implemented by the regulations described in 36CFR800, and in accordance with the provisions of the Programmatic Agreement executed in November 1996.

Eligibility/Assessment of Effects

It is our opinion that the Route 15, Route 94 to Route 206/CR565 Resurfacing Project, M.P. 17.00 to M.P. 19.53 in Lafayette and Frankford Townships, Sussex County will have **No Adverse Effect to the Lafayette Village Historic District (NR: 12/31/2013) (SR: 10/21/2013) with the condition that the new ADA work will closely resemble the existing concrete in color and texture.**

Pavement resurfacing is #12 on the Section 106 No Effects List. Upgrading existing beam guiderail is #54 on the Section 106 No Effects List.

NJDOT staff acknowledges the applicability of the New Jersey Register review process under the New Jersey Register of Historic Places Act for this project. As the scope is limited to the "activities which are not undertakings" list, **provided that DOT consults with the SHPO regarding the color of the**

detectable warning surfaces (#48). Thus, an application for project authorization is not required and no application will be filed.

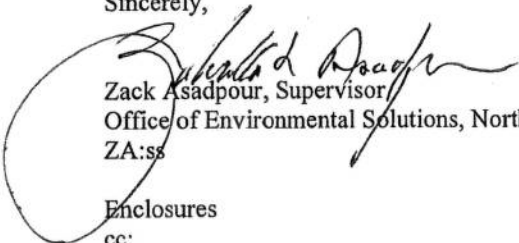
Please indicate your opinion regarding the proposed project on the line provided below within 30 days.

To the parties listed above, if you disagree with the findings and conclusions within this letter, please respond to the NJDOT with your comments in 30 days.

Zack Asadpour, Supervisor
Office of Environmental Solutions, Northern Region, Team 1
NJ Department of Transportation
P.O. Box 600
Trenton, NJ 08625
zakrollah.asadpour@dot.nj.gov

If you have any questions, please contact me at (609) 530-2727. Thank you.

Sincerely,



Zack Asadpour, Supervisor
Office of Environmental Solutions, Northern Region, Team 1
ZA:ss

Enclosures
cc:

- | | | |
|--|-------------------------------|----------------|
| Dinesh Shah | <i>Project Manager</i> | w/o enclosures |
| Paul Pospeich | <i>Landscape Architecture</i> | " |
| Mamun Rashid | <i>FHWA Area Engineer</i> | " |
| Joan Smith | | |
| Lafayette Center Preservation Foundation | <i>President</i> | |
| Sussex County Historical Society | <i>President</i> | " |
| Sussex County Arts and Heritage Council | <i>Chair</i> | " |

My opinion is that the Route 15, Route 94 to Route 206/CR565 Resurfacing Project, M.P. 17.00 to M.P. 19.53 in Lafayette and Frankford Townships, Sussex County will have **No Adverse Effect to the Lafayette Village Historic District (NR: 12/31/2013) (SR: 10/21/2013)** with the condition that the new ADA work will closely resemble the existing concrete in color and texture. It is my opinion that the project as proposed falls under "activities which are not undertakings" list under the New Jersey Register of Historic Places Act, provided that DOT consults with the SHPO regarding the color of the detectable warning surfaces (#48). Thus, an application for project authorization is not required and no application needs to be filed.

_____ My opinion differs from the above for the following reasons:

Signed Katherine J. Marcopul Date 1/22/2019
Katherine Marcopul
Deputy State Historic Preservation Officer