

Rockefeller



## State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

November 26, 2019

RG Middlesex LLC  
Attn: Michael Leondi  
92 Headquarters Plaza, 9th Floor  
Morristown, NJ 07960

RE: Deficiency Letter: FHA Verification and FHA IP  
File and Activity No.: 1200-14-0004.3 LUP190001  
Applicant: RG Middlesex LLC  
Project: Middlesex Borough Warehouse Project  
Block(s) and Lot(s): [353, 1.01] [353, 1.02]  
Municipality: Middlesex Borough County: Middlesex

Dear Michael Leondi:

The Division of Land Use Regulation (Division) has received the above-referenced application for the construction of a warehouse development. Based upon the materials submitted, the following additional information and revisions to the corresponding site plans are required for Division staff to deem the application administratively and technically complete:

1. The floodway for the Raritan River, referenced on the FEMA effective FIRM map, extends onto this site. Per N.J.A.C. 7:13-3.2(c)1., the highest flood hazard area design flood elevation and widest floodway limits shall be selected between the Department delineation and all available FEMA flood mapping. Therefore, the flood hazard area design flood elevation shall be based on the Department delineation and the floodway limits shall be based on the effective FEMA flood mapping. Please revise all affected plan sheets;
2. The development plan includes fill and above ground structures within the floodway of the Raritan River. N.J.A.C. 7:13-11.3(b) prohibits the Department from issuing an individual permit for these activities. Therefore, this application must be revised to demonstrate compliance with the applicable requirements within N.J.A.C. 7:13, the Flood Hazard Area Control Act rules; and
3. Our records indicate that a different property owner owns this property than the one listed on the LURP form. Please provide legal documentation supporting that the property owner is indeed RG Middlesex LLC or submit written and signed consent from the property owner.

In addition to the above, the following items must be addressed before the Division can approve this project:

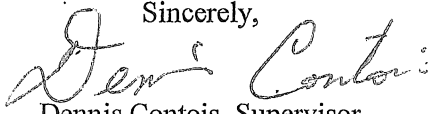
1. The applicant shall remove all exfiltration accounted for within the two, 10, and 100-year storm event routings of each proposed bio-retention basin when demonstrating compliance with the specific runoff quantity standards listed at N.J.A.C. 7:8-5.4(a)3;

2. The applicant shall provide 80 percent (%) total suspended solids (TSS) removal for all new pavement areas and 50% TSS removal for all redeveloped pavement areas. To meet this requirement, the applicant is proposing to construct two bio-retention basins credited with providing 90% TSS removal. However, the bio-retention basins are designed to achieve 80% TSS removal. Please note, only a bio-retention basin designed with a soil planting bed of at least 24 inches and planted with terrestrial forested vegetation will achieve 90% TSS removal. Therefore, the applicant shall revise the proposed bio-retention detail or provide additional water quality measures to meet the requirement;
3. The applicant shall verify that the time of concentration calculations have been prepared via the velocity method as specified in the May 2010 update of Chapter 15 of the National Engineering Handbook. This includes utilizing a maximum sheet flow length based on the McCuen-Spiess criteria listed therein as wells as utilizing a revised velocity calculation for shallow concentrated flow;  
<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=27002.wba>
4. As per 7:8-5.3 Nonstructural stormwater management strategies, all lawn areas should be planted to the maximum extent feasible with low-maintenance, native trees and shrubs. Where this is not feasible, these areas should be planted with a low-maintenance, native seed mix of grass/herbaceous/wildflower species appropriate for the area (examples milkweed, native asters, oxeye daisy, mountain mint, patridge pea, etc).  
Low-maintenance plants  
Black eyed Susans (*Rudbeckia hirta*)  
Eastern purple coneflowers (*Echinacea purpurea*)  
Eastern red cedar (*Juniperus virginiana*)  
Northern Red Oak (*Quercus rubra*)  
Eastern White pine (*Pinus strobus*)
5. Our records indicate that a different property owner owns this property than the one listed on the LURP form. Please provide legal documentation supporting that the property owner is indeed RG Middlesex LLC or submit written and signed consent from the property owner.

Following the above, please submit five copies of the revised site plans within **thirty days** receipt of this letter. All site plans must be signed and sealed by a licensed professional engineer, architect, or land surveyor, as appropriate, and include a revision date.

If you have any questions regarding this letter, please contact Damian Friebe by email at [Damian.Friebe@dep.nj.gov](mailto:Damian.Friebe@dep.nj.gov) or by phone at (609)633-6563. Please reference the Division's file number in all communication.

Sincerely,

  
Dennis Contois, Supervisor  
Division of Land Use Regulation

c: Municipal Clerk  
Municipal Construction Official  
Agent (original) – Richard Burrow, P.E.