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**To:** John Orrico  
**From:** Mike Nevins, PWS *MN*  
Gerard Fitamant, PE *JF*  
**Info:** Jerry Bermingham  
**Date:** 5 November 2014  
**Re:** Environmental Impact Report  
Village 35, LP  
Middletown, NJ  
Langan Project No.: 100430101

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With regard to the Environmental Impact Report EIR (copy attached) prepared by Donald A. DiMarzio, M.S, P.P. dated January 2014, please recognize that we have reviewed the report and find it to be accurate and consistent with our knowledge of the site and project area.

The environmental inventory of the air, water, hydrology, geology, soils, topography, sewer systems, vegetation, wildlife habitat, aquatic organisms, noise, demography, land use, aesthetics, history and archeology were independently verified and our findings are consistent with the EIR.

The anticipated permitting requirements from the Federal, State, County, Municipal and Utility Authorities is also an accurate listing as detailed in Section 5 of the attached EIR. Based on our meetings with the DEP, the isolated wetlands permitting process allows for the proposed wetlands modifications.

The probable environmental impacts of the proposed development regarding air, water, hydrology, geology, soils, topography, sewer systems, vegetation, wildlife habitat, aquatic organisms, noise, demography, land use, aesthetics, history and archeology are accurately described and are all expected to have no significant or long-term adverse impacts.

Finally, we agree that there will be temporary unavoidable adverse impacts during construction and that there are steps to mitigate or minimize those impacts. The planning and permitting process will identify the details of those mitigation efforts as the project is refined and construction documents are developed.



ENVIRONMENTAL IMPACT REPORT  
FOR  
MIDDLETOWN PLANNED DEVELOPMENT

BLOCK 825, LOTS 53-57,  
BLOCK 825, LOTS 59-69  
BLOCK 825, LOTS 72-79 & 81

TOWNSHIP OF MIDDLETOWN, MONMOUTH COUNTY  
NEW JERSEY

80-03

Prepared For:  
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January 2014

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## **1.0 PURPOSE AND SCOPE**

This environmental impact report (EIR) has been prepared in accordance with the Township of Middletown Zoning Ordinance, Article 6, Section 16-6.15.

The purpose of the EIR is to characterize existing onsite environmental conditions, and predict likely impacts on those conditions resulting from the proposed site development. Existing conditions were determined by field inspection and review of published environmental data. Predictions of likely environmental impacts were based on a review of the General Development Plan for the Middletown Planned Development dated January 30, 2014, prepared by Kennedy Consulting Engineers, L.L.C., for the applicant, Toll Brothers, Inc., NJ Suburban Division, 670 Spotswood/Englishtown Road, Monroe Township, New Jersey 08831.

## **2.0 SITE DESCRIPTION**

The project site encompasses LOTS 53-57, 59-69, 72-79 & 81 in Block 825, and Lot 7.01 in Block 871, in the Township of Middletown, Monmouth County. The 118 acre site is situated between Kanes Lane to the south, State Highway Route 35 to the west, Kings Highway East to the north, and single-family residences to the east. Its location is shown on the USGS Location Map and municipal Tax Map provided in Appendix A.

The eastern portion of the site contains cleared agricultural fields, a single family residence with various outbuildings, and upland woodlands. Additional upland woodlands are found west of the agricultural fields. Wetlands, including three isolated wetlands within the northwest portion of the site, and non-isolated wetlands at the southeastern corner of the site, have been delineated by others. The extent and classification of these wetland areas have been verified by the New Jersey Department of Environmental Protection (NJDEP).

Commercial development is located to the west of the site, along Route 35, and to the south of the site, along Kanes Lane. Single family residences are found to the north of the site along Kings Highway East, south of the site along Kanes Lane, and east of the site along Carriage Drive and West Farm Road.

The site is located within a Planned Development Zone (PD), as described in the Middletown Township Zoning Ordinance.

A detailed inventory of existing environmental conditions is presented in a following section of this report. Photographs showing existing site conditions are provided in Appendix B.

### **3.0 PROJECT DESCRIPTION**

The proposed project consists of both commercial and residential development.

The commercial portion of the overall project will contain a mixed construction of retail and service type development, parking and landscaping within the western portion of the site near Route 35. Although the layout and component structures may change as the development advances to site plan approval, the commercial portion of the site will occupy the westerly portion of the tract, fronting on New Jersey State Highway Route 35. The commercial portion is visually and physically separated from the remainder residential development both through strategic layout of on-site roadways and through the use of topography and buffering. Access driveways will be provided from Kings Highway East, Kanes Lane, and Route 35, as well as from a proposed connector road between Kings Highway East and Kanes Lane.

Residential development will consist of three multi-story buildings (providing 75 low-income apartment units, along with a clubhouse facility) within the north-central portion of the site, near Kings Highway East. In addition, sixty-four, three to five unit townhome buildings of less than four stories in height, along with a clubhouse, are proposed within the eastern half of the site. A total of 350 dwelling units are proposed, including 70 low income units and 280 market rate units. Access driveways to residential areas will be provided from Kings Highway East and from the above-mentioned proposed connector road; internal collector roadways are proposed throughout the sixty-four residential buildings within the eastern half of the site. Parking and landscaping will be provided around all residential buildings.

The project includes a number of stormwater management facilities, including stormwater management basins and wet ponds within both residential and commercial portions of the project. In addition, best management practices will be utilized within the residential portion of the project. In both the residential and commercial portions of the project, stormwater conveyance, treatment, and management systems will be placed so as to meet the requirements of the Township ordinance and NJDEP Stormwater Management rules.

The total area of proposed impervious surfaces, including rooftops, roadways and driveways, will conform with the municipal zoning requirements. Stormwater generated by these surfaces will be treated so as to remove 80% Total Suspended Solids (TSS) as well as control the rate of stormwater flowing from the site.

Public utilities such as potable water, sanitary sewer, cable, telephone, electric and natural gas are available to the project from the surrounding public right of ways of

Kanes Lane, Route 35 and Kings Highway East.

## **4.0 INVENTORY OF EXISTING ENVIRONMENTAL CONDITIONS**

### **4.1 Air Quality**

The New Jersey Department of Environmental Protection (NJDEP)'s 2011 Air Quality Report indicates the site to be within the Region 6 Northern Coastal Pollutant Standards Index (PSI) reporting region. The nearest air quality monitoring station is located at Monmouth University, where ozone levels are monitored.

The 2011 Report indicates generally good to moderate air quality throughout the reporting region and throughout the State. Statewide, there were 166 days of good air quality, 153 days of moderate air quality, 44 days of unhealthy air quality for sensitive groups, and 2 days of unhealthy air quality, during the 2010 monitoring year. Unhealthful air quality, as reflected in pollutant levels in excess of ambient air quality standards, is seldom experienced.

### **4.2 Water Supply**

Water for both potable use and fire protection is available to the site from existing water mains within Kanes Lane, Route 35, and Kings Highway East. Water service to the site will be provided by New Jersey American Water Company.

### **4.3 Hydrology**

The USGS Sandy Hook topographic quadrangle map shows most of the site to be free of surface waters, such as streams, lakes, ponds or intermittent stream corridors. The quadrangle map shows a tributary of McClees Creek, a Category One (C-1) waterway, located within wetlands at the southeast end of the site. An erosional ditch, located within a cleared agricultural field in the east-central portion of the site, conveys overland flow to this tributary. Tributaries to C-1 waterways have, by regulation, 300 foot riparian zones, pursuant to DEP's Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. The New Jersey Department of Environmental Protection (NJDEP), however, has issued a Flood Hazard Area Applicability Determination which states that Flood Hazard Area Control Act regulation applies only to the tributary, and not to the upgradient erosional ditch. A copy of the Applicability Determination is provided in Appendix C

The site is located within a Flood Hazard Zone "X", as shown on the Federal Emergency Management Agency's National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Community Panel Nos. 34025C0063F and 34025C0064F, dated September 25, 2009. Zone "X" is a flood insurance rate zone for property that may be outside of a 100-year flood plain, be subject to 100-year

sheet flow flooding less than one foot in depth, be within a 100-year stream flooding where the stream's drainage area is less than one square mile, or be within a levee. Copies of the FIRMs are provided in Appendix A.

#### **4.4 Geology**

Standard geologic reference texts, including NJDEP's NJGeoWeb website, indicate that the site is within the northeastern reaches of the Atlantic Coastal Plain Physiographic Province. The Coastal Plain is comprised of unconsolidated sands, silts, clays and marls of late Cretaceous to Tertiary origin. The site itself is underlain by the Mount Laurel Sands Formation. This formation is not considered by NJDEP to be an acid-producing geologic formation.

#### **4.5 Soils and Properties Thereof**

The New Jersey Department of Environmental Protection (NJDEP)'s NJGeoWeb GIS website indicates that Adelphia, Freehold, Tinton and Shrewsbury soils are present within the site. These soils are generally described as follows:

*Adelphia loam, 0-2% slope (AdnA)* is nearly level to gently sloping, moderately well drained to somewhat poorly drained soil of depressions, swales and low divides. A typical profile includes an 8 inch thick surface layer of very dark grayish brown loam; a 30 inch thick subsoil including 23 inches of strong brown sandy clay loam underlain by 7 inches of mottled strong brown sandy loam; and a mottled strong brown sandy loam substratum to a depth of 60+ inches. It is characterized by moderately slow to moderately rapid permeability and high available water capacity. Runoff is slow and erosion is a slight hazard. Organic matter content is moderate. An apparent seasonal high water table is found at depths of 1.5 to 4 feet from January to April. Development of this soil may be limited by seasonal high water table, cutbanks caving, frost action potential and shrink-swell potential.

*Freehold loamy sand, 0-5% slopes (FrkB), and Freehold loamy sand 5-10% slopes, (FrkC), and Freehold sandy loam 10-15% slopes (FrkD),* are sloping, well drained soils of divides. A typical profile includes a 9 inch thick layer of dark yellowish brown sandy loam; a 26 inch thick subsoil, including 16 inches of dark brown sandy loam and sandy clay loam underlain by 10 inches of brown sandy loam; and a substratum of yellowish brown loamy sand to a depth of 60+ inches. It is characterized by moderate to moderately rapid permeability; high available water capacity; medium slow runoff; and slight erosion hazard. Organic matter content is moderate. The seasonal high water table is at a depth of greater than 6 feet. Development of this soil may be limited by slow percolation, cutbanks caving, frost action, and slope.

*Tinton loamy sand, 0 – 5% slope (ThgB)* consists of nearly level to moderately

sloping, well drained loamy sands, interspersed with developed lands. A typical Tinton soil profile contains a 7 inch thick surface layer of brown loamy sand; a 25 inch thick subsurface layer of yellowish brown loamy sand; a 14 inch thick substratum layer of dark yellowish brown sandy clay loam; and a substratum of dark yellowish brown loamy sand to a depth of 60 or more inches. This soil is characterized by moderate to moderately rapid permeability and moderate available water capacity. The seasonal high water table is encountered at a depth of more than 6 feet. Development of this soil may be limited by cutbanks caving.

*Tinton-Urban Land complex, 0-5% slopes (Thhb)* are soils similar to those described above, which in addition have significant impervious surface coverage.

*Shrewsbury sandy loam, 0-2% slopes, (ShrA)* consist of nearly level, poorly drained soils in depressions, drainage ways and broad flats. A typical Shrewsbury soil profile consists of a 9 inch thick surface layer, including a dark reddish brown matted, partly decomposed organic material and roots underlain by black sandy loam; a 4 inch thick subsurface layer of mottled dark gray sandy loam; an 18 inch thick subsoil layer, including mottled grayish brown sandy clay loam underlain by mottled olive gray sandy clay loam; and a substratum of mottled dark greenish gray loamy sand to a depth of 60 or more inches. This soil is characterized by moderately slow to rapid permeability and high available water capacity. Runoff is slow; water ponds at the surface; and erosion hazard is slight. The apparent seasonal high water table is between the surface and a depth of 1 foot from October to June. Development of this soil may be limited by the seasonal high water table, slow percolation rate, cutbanks caving, and frost action.

A copy of the NJGeoWeb soil map is provided in Appendix A.

#### **4.6 Sewerage Systems**

Sanitary sewerage service is available to the site from existing sanitary sewer mains in Kanes Lane, Route 35, and Kings Highway East. The sewerage system is provided and maintained by the Township of Middletown Sewerage Authority (TOMSA). Preliminary studies by TOMSA have indicated sufficient capacity within both the downstream conveyance systems and treatment system for the additional sanitary sewerage to be generated by this project.

Single-family residences within the site appear to be served by individual septic systems. These systems will be properly abandoned as part of the proposed project.

#### **4.7 Topography and Slope**

The USGS topographic map indicates that the property generally slopes to the south and southeast. The topographic map indicates that elevations within the site range

from approximately 145 feet above sea level, along Kings Highway East, to approximately 45 feet above sea level, along Kanes Lane.

Areas of steep slopes greater than fifteen percent are found within the southeast end of the site, near Kanes Lane; within the west and northwest portions of the site; and at the extreme northeast corner of the site, near Kings Highway East. These areas will generally not be disturbed. Disturbance of steep slopes will likely occur, however, for grading around the perimeter of the site and for construction of a stormwater outfall. The amount of steep slope disturbance will be determined when a grading plan is prepared.

#### **4.8 Vegetation**

The site contains successional upland forest, cleared agricultural fields, and freshwater wetlands. Successional upland forest habitat is generally found within the western and southern portions of the site. This habitat is dominated by black cherry, black locust, and Norway maple, with a shrub layer of multiflora rose, foxgrape, and saplings of the above tree species. No specimen trees (defined by NJDEP to be the largest individual of its species in the state) were observed on the site. No threatened or endangered plant species were observed on the project site. The DEP Natural Heritage Program and US Fish and Wildlife Service were contacted regarding records of threatened or endangered species on or in the vicinity of the project site. Neither agency has any records of threatened or endangered plant species on or in the immediate vicinity of the site.

Wetland habitat within the site includes three pockets of isolated wetlands, within the west/northwest portion of the site; and non-isolated wetlands at the southeastcorner of the site, near Kanes Lane. Wetlands habitat is dominated by pin oak, redmaple, box elder and sweetgum, with an understory of arrowwood, spicebush and pepperbush.

Wetlands within the site were delineated by others. A letter of interpretation (LOI) was issued by DEP in November 2000; it was re-issued in 2005, and is valid to 2015 pursuant to the Permit Extension Act. The LOI classified most of the site's wetlands as intermediate resource value, requiring a 50-foot wide transition area; it also classified various features as ditches or swales having no transition area. A copy of the LOI is provided in Appendix D.

Portions of the agricultural fields existing on the project site are fallow. Others appeared to be planted in corn during an August 2013 site inspection.

#### **4.9 Wildlife Habitat**

The site woodlands furnish habitat for typical suburban wildlife species such as gray

squirrel, chipmunk, raccoon, opossum, and white tail deer. Woodlands and woodland edges provide habitat for blue jay, mockingbird, chickadee, mourning dove, and other perching birds, as well as for the occasional raptor such as sparrow hawk, kestrel and red tailed hawk.

The site does not furnish exceptional or critical wildlife habitat. A database report obtained from the DEP's Office of Natural Lands Management, Natural Heritage Program, yielded no records of rare plants/ecological communities, or Natural Heritage Priority sites, on or near the site.

The Natural Heritage Program report states that foraging habitat for black-crowned night heron is present on the site. This habitat, however, would be associated with the site's lowest elevations, within the wetlands at the southeast end of the site. These wetlands, and the associated heron foraging habitat, will not be disturbed.

The Natural Heritage Program report also states that potential vernal pool habitat is present on the site. NJGeoWeb maps this habitat within the wetlands at the southeast end of the site. Neither these wetlands, nor the associated potential vernal pool habitat, will be disturbed. NJGeoWeb also indicates a potential vernal pool habitat extending into the northwest corner of the site; however, this is appears to be related to a pond northwest of the site across Route 35, and does not indicate the presence of a significant environmental feature within this portion of the site.

The wetlands LOI classified the site's wetlands as either ordinary or intermediate resource value, reflecting a lack of threatened/endangered wildlife habitat on the site.

A copy of the threatened/endangered database report is provided in Appendix E.

#### **4.10 Aquatic Organisms**

There are no permanent or intermittent water bodies within the site. No aquatic organisms are present.

#### **4.11 Noise Characteristics and Levels**

The site's surroundings are generally suburban or semi-rural in nature, with no significant sources of impulsive noise. Route 35 conveys large trucks and delivery vehicles, in addition to significant automobile traffic. Kings Highway East and Kanes Lane convey similar vehicular traffic, although in far less volume. It is noted that Kanes Lane is the location of a significant bus depot, an emergency services building, as well as the Township of Middletown's Department of Public Works and recycling center. In general, however, the site and its surroundings appear to be characterized by relatively low ambient noise levels.

## **4.12 Demography**

The 2010 United States Census reports that the total population of Middletown is approximately 66,522, or 1,623 inhabitants per square mile. 24,959 Housing units exist within the Township at a density of approximately 608.9 per square mile. There were 23,962 households of which 34.5% had children under the age of 18 living with them, 63.5% were married couples living together, 9.3% had a female householder with no husband present, and 23.9% were non-families. 20.3% of all households were made up of individuals and 10.5% had someone living alone who was 65 years of age or older. The average household size was 2.77 and the average family size was 3.22. Median household income was reported to be \$96,190 per year (with a margin of error of +/- \$2,818) and the median family income was \$110,944 (+/- \$3,794). Males had a median income of \$78,739 (+/- \$3,585) versus \$52,752 (+/- \$2,573) for females. The per capita income for the township was \$42,792 (+/- \$1,706). About 1.7% of families and 3.0% of the population were below the poverty line, including 2.9% of those under age 18 and 5.1% of those age 65 or over.

## **4.13 Land Use**

The site is situated within a Planned Development (PD) zone, as described in the Township of Middletown Zoning Ordinance. The General Development Plan proposes an array of uses the density and layout of which will conform to the PD Zone requirements. Although subject to change during the site plan application, no variances are currently proposed to develop the subject site in conformity with the ordinance. Nearby land uses include residential, municipal, and commercial development.

## **4.14 Aesthetics**

The site contains no unique or noteworthy scenic vistas or other aesthetic attributes. The overall aesthetic value of the tract is considered to be low.

## **4.15 History and Archaeology**

No evidence of apparent historically significant structures was noted on the site during several inspections. NJGeoWeb indicates that the site contains no historic properties, is not part of a historic district, and is not within a historic/archaeological site grid. There are no known archaeological resources within the boundaries of the project area.

## **5.0 LIST OF REQUIRED LICENSES, PERMITS AND APPROVALS**

All required permitting will be undertaken at the time of site plan. The following is a preliminary listing of required permits but is subject to change as development plans are finalized during the site plan review process.

### **5.1 FEDERAL APPROVALS**

- None Required

### **5.2 ANTICIPATED STATE APPROVALS**

- NJDEP Freshwater Wetlands Letter of Interpretation (valid through June 30, 2015, per the Permit Extension Act)
- NJDEP Freshwater Wetlands General Permit No. 6
- NJDEP Freshwater Wetlands Transition Area Waiver
- NJDEP Flood Hazard Area Permit
- NJDEP Treatment Works Approval (Sanitary Sewer Extension)
- Soil Erosion and Sediment Control Plan Certification
- NJDEP Stormwater Construction Permit Request for Authorization (RFA)
- NJDOT Major Access Permit

### **5.3 COUNTY APPROVALS**

- Monmouth County Planning Board Site Plan and Subdivision approval

### **5.4 MUNICIPAL APPROVALS**

- Township of Middletown General Development Plan Approval
- Township of Middletown Preliminary & Final Major Site Plan Approval
- Township of Middletown Minor Subdivision Approval
- Township of Middletown Road Opening Permit
- Township of Middletown Lot Grading Plan Approval

### **5.5 UTILITY AUTHORITIES**

- Township of Middletown Sewerage Authority
- New Jersey American Water Company
- New Jersey Natural Gas, JCP&L, Comcast Cable, Verizon Telephone per BPU tariff agreements

## **6.0 PROBABLE ENVIRONMENTAL IMPACT OF PROPOSED DEVELOPMENT**

The following is a discussion of the project's likely environmental impacts relative to the existing environmental resources discussed earlier:

### **6.1 Air Quality**

Residential buildings' heating systems and residents' vehicles will generate typical air pollutants (sulfur dioxide, nitrous oxide, carbon monoxide, et al) via combustion of fossil fuels. During construction, dust levels may increase during working hours. It is expected, however, that the quantity of air pollutants generated under proposed conditions will not significantly impact local air quality.

### **6.2 Water Supply**

An application will be submitted to the New Jersey American Water Company, to provide water service to the project.

### **6.3 Hydrology**

There will be no direct impacts to surface waters, as none exist within the project site. Incident precipitation – both during and after construction – will, however, certainly increase the amount of sediments, other solids, and organic matter in generated runoff, especially during heavy precipitation events. The early installation and continued maintenance of stormwater management basins, and adherence to an approved soil erosion/ sediment control plan, will insure that water quality impacts are minimized during the construction and life of the project. As required by both Township ordinance and State Stormwater Management standards, surface runoff will be treated to remove total suspended solids. In addition, existing surface water flow paths and discharge points will be maintained to the greatest extent possible. Low impact development techniques will be utilized to minimize adverse impacts of construction, such as excessive compaction, loss of vegetative cover, and loss of top soil. Stormwater runoff will be controlled on-site in accordance with applicable regulations, thereby minimizing the impacts of runoff from the proposed development.

### **6.4 Geology**

No significant impacts are anticipated. Site regrading and construction of roads and foundations will generally require relatively shallow excavations.

### **6.5 Soils and Properties Thereof**

Construction of the proposed project will require regrading of the site. All site work will be in accordance with the Standards for Soil Erosion and Sediment Control in

New Jersey. The standards require the use of specific measures to minimize the generation and transport of sediment, including installation of silt fencing along the lower limits of disturbance; temporary seeding of exposed soils; and installation of gravel construction entrances. The stormwater management basins will be installed early in the construction process, to collect and detain runoff and thereby prevent offsite sediment transport. Low impact development techniques will be utilized to minimize adverse impacts of construction, such as excessive compaction, loss of temporary vegetative cover, and loss of top soil.

## **6.6 Sewerage Systems**

An application will be submitted to the Township of Middletown Sewerage Authority (TOMSA) to provide sewerage service to the project. Initial capacity studies by TOMSA indicates that the project can be accommodated given the existing conveyance and treatment facilities.

## **6.7 Topography and Slope**

Regrading of the site is necessary to allow construction of the proposed roadways and buildings, and to collect and contain stormwater. Regrading will result in disturbance throughout the site; however, all disturbed areas will be stabilized in accordance with Township requirements and with the Standards for Soil Erosion and Sediment Control in New Jersey. Areas of steep slopes will generally remain undisturbed.

## **6.8 Vegetation**

Construction of the project will require removal of an area of upland woodland vegetation. The non-isolated wetlands and its associated wetlands and riparian buffer will remain largely undisturbed. Up to one acre of isolated wetlands will be filled pursuant to the requirements of the NJDEP. General Permit approval from NJDEP will be required for this activity.

## **6.9 Wildlife Habitat**

No threatened/endangered species habitat, or other critical natural areas, will be impacted by the project. Local wildlife may be temporarily displaced during construction, but can be expected to make use of the completed project's lawns, landscaping and open space. Many of the small mammals such as the eastern gray squirrel will readily adapt to the proposed conditions and utilize the lawn and landscaped areas of the site in addition to the open space areas that are to remain undisturbed. The common songbirds that currently utilize the site will likely continue to utilize the proposed lawn and landscaped areas and the wooded open space areas within the project site that are to remain undisturbed.

## **6.10 Aquatic Organisms**

The site has no aquatic habitat

## **6.11 Noise Characteristics**

Local noise levels will increase during construction of the project. To minimize noise generation, site work will take place in accordance with the regulations adopted by both the Township and the State of New Jersey. It is expected that construction vehicles will be properly maintained and equipped with mufflers and other noise suppression technology. It is anticipated that noise levels under proposed conditions will not vary significantly from those under existing conditions, given that the proposed range of uses is largely representative of the uses within the general area.

## **6.12 Demography**

The project will enhance housing opportunities within Middletown Township, for both market rate and affordable housing units. The project will generate significant increases in employment and the commercial and residential tax base within the Township.

## **6.13 Land Use**

The project will conform to the use and bulk requirements of the Planned Development zoning district.

## **6.14 Aesthetics**

The project will thus be aesthetically consistent with surrounding residential development. Buffering, both vegetative and topographic in nature, between incompatible land uses will provide an aesthetic benefit to the end users of the projects.

## **6.15 History and Archaeology**

No impacts to historic or archaeological resources will occur.

## **7.0 UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS**

The project will cause temporary increases in noise, dust and airborne pollutant levels during construction. Once construction is complete, and the proposed residences and commercial buildings are occupied, minor increases in airborne pollutants from heating systems and vehicles are to be expected.

Site clearing and regrading will result in the loss of existing woodland and farmland. Runoff from proposed impervious surfaces will contain organic matter and particulate matter, in amounts exceeding current conditions.

## **8.0 STEPS TO BE TAKEN TO AVOID OR MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS**

Site regrading and improvement will be undertaken in accordance with an approved site plan reflecting best engineering design and practice. All work will be certified by the Freehold Soil Conservation District in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey: the project will thus generate insignificant levels of dust or off-site sediment transport during construction.

The proposed stormwater management basins will be installed early in the construction process, thus assuring that runoff is collected and treated as soon as practicable.

The woodlands to be lost are of relatively low ecological value: they generally consist of volunteer species, reflecting past site disturbance. Proposed landscaping, protection of most of the on-site wetlands, and landscaping and open space areas, will provide a measure of ecological compensation.

Any increases in noise, dust, or airborne pollutants from construction vehicles will be temporary in duration and will be confined to normal working hours.

## **9.0 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES**

Irreversible or irretrievable commitment of resources include a loss of isolated wetlands, loss of low-ecological value forest vegetation, and a loss of open space.

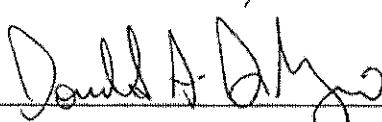
## **10.0 ALTERNATIVES TO THE PROPOSED PROJECT**

The proposed project will conform to the requirements of the Township's Planned Development (PD) zone. Most of the site's natural features, including wetlands, wetlands transition areas, steep slopes, and riparian buffers will remain undisturbed. The project can be constructed with little disturbance of significant environmental features.

The "no action" alternative would maintain the site in its present undeveloped condition. However, the desirability of this planned development project, consistent with zoning and environmental requirements, exceeds the relatively low ecological and aesthetic value of existing site conditions. The project will provide significant housing and economic benefit, with low environmental cost. The "no action" alternative would therefore preclude the reasonable and desirable improvement of the site.

## **11.0 CONCLUSION**

Based on a review of both the site plan and existing environmental conditions, it appears that development of the site can be accomplished with no significant or long-term adverse impact to local or regional environmental resources.



Donald A. DiMarzio, M.S., P.P.

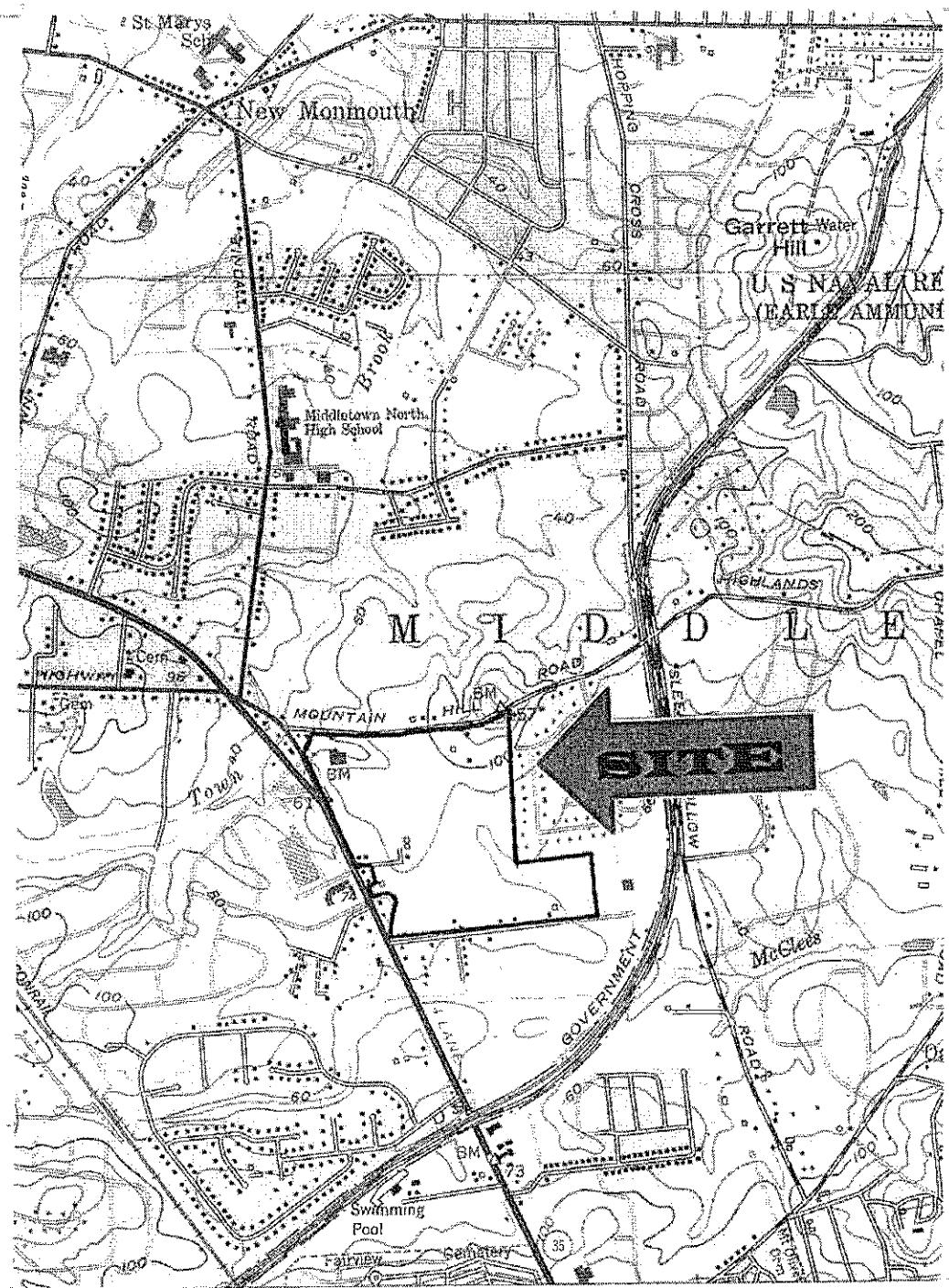
## **12.0 REFERENCES**

The following documents and maps were reviewed during the preparation of this environmental impact report:

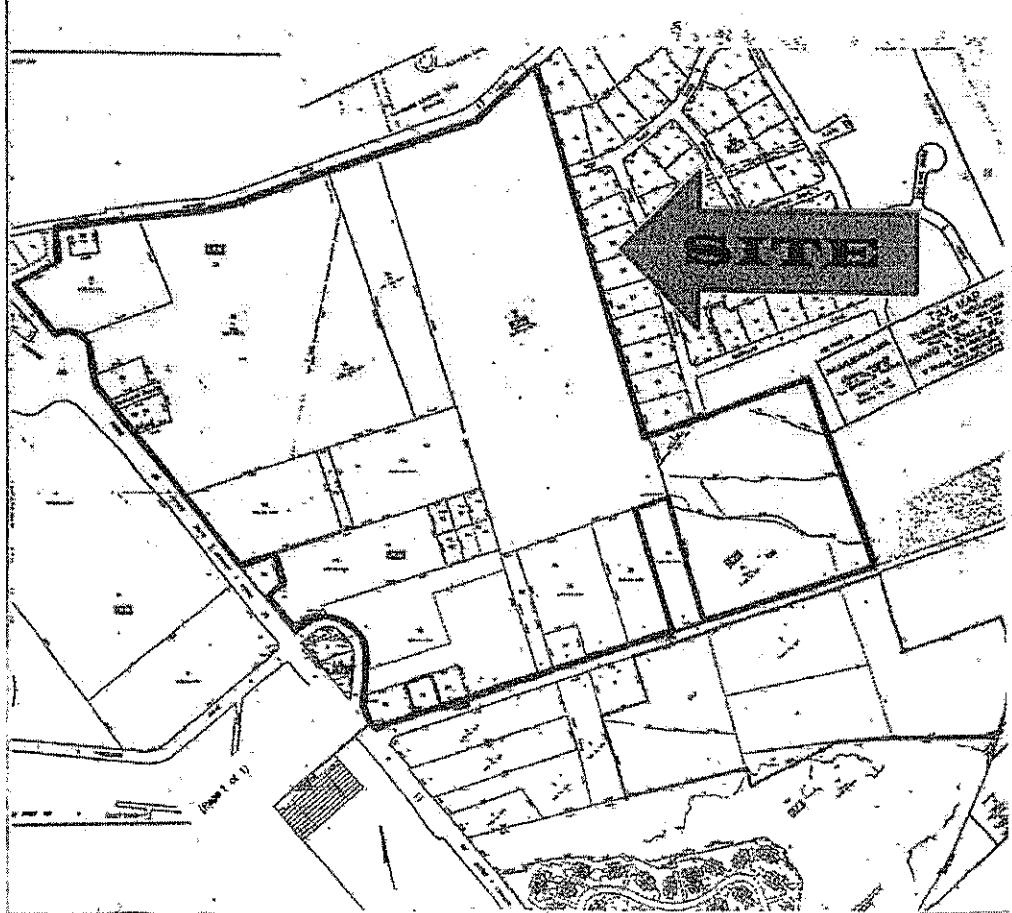
- 1) Kennedy Consulting Engineers, LLC. General Development Plan, Middletown Planned Development.
- 2) Tedrow, J. C. F., 1986. Soils of New Jersey. Robert Krieger Publishing Company.
- 3) State of New Jersey. Department of Environmental Protection. NJGeoWeb Statewide Geographic Information System, various environmental data layers.
- 4) U. S. Department of Agriculture - Soil Conservation Service. Soil Survey of Monmouth County, New Jersey.
- 5) U. S. Department of Agriculture/New Jersey Department of Environmental Protection. 1980. Endangered and Threatened Species of New Jersey.
- 6) U. S. Department of the Interior, Geological Survey. Sandy Hook 7.5 Minute Series Topographic Maps.
- 7) Zoning Ordinance of the Township of Middletown, Monmouth County, New Jersey.

## **APPENDIX A**

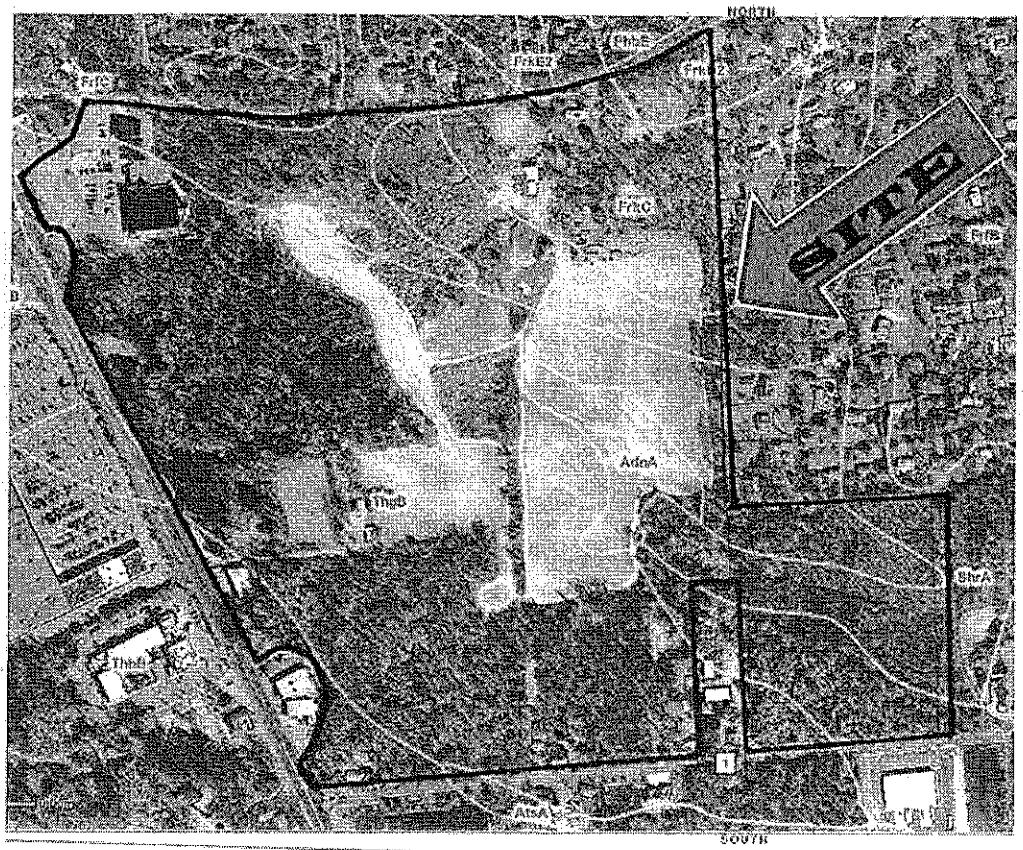
### **SITE MAPPING**



**USGS MAP**  
**SANDY HOOK QUADRANGLE**



MUNICIPAL TAX MAP



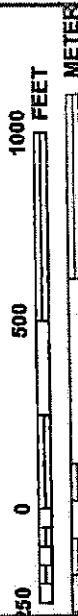
### NJ-GeoWeb SOILS MAP

AdnA = Adelphia   FrfB/FrfC/FrfD = Freehold   ThgB = Tinton

ThhB = Tinton/Urban Land   ShrA = Shrewsbury



MAP SCALE 1" = 500'



PANEL 0063F

**FIRM**  
FLOOD INSURANCE RATE MAP

MONMOUTH COUNTY,  
NEW JERSEY  
(ALL JURISDICTIONS)

PANEL 63 OF 457

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY NUMBER PANEL SUFFIX  
MIDDLETOWN, TOWNSHIP OF 240313 0063 F

NOTICE TO USER: The Panel Number shown below should be used, when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

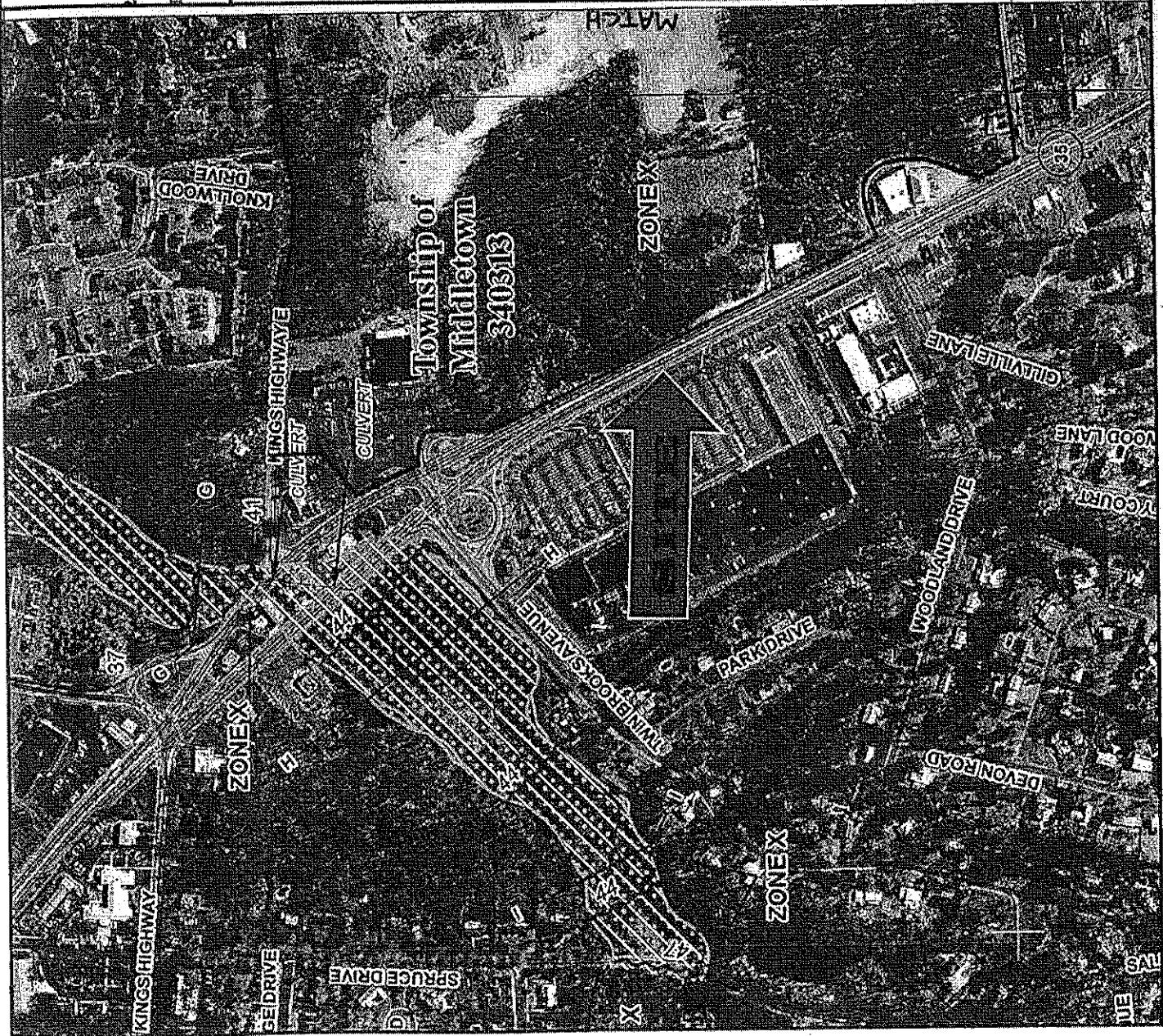
MAP NUMBER  
34025C0063F

EFFECTIVE DATE  
SEPTEMBER 25, 2009



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on this block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at [www.fema.gov](http://www.fema.gov).



340313

JOINS PANEL 0063

MATCH

KINGS LANDING  
ROADMICHIGAN  
HIGHWAY

WEAR ROAD

RENTAGE DRIVE

CHAGGE DRIVE

EAV

C

SHERHARD DANE

VERRAZANO  
DRIVE

RESERVATION BOUNDARY

U.S. NAVAL RESERVATION  
(EARL B. AMMUNITION DEPOT)ZONE  
EX

ZONE AE

MAP SCALE 1" = 500'

  
 50  
 0  
 500  
 1000  
 FEET  
 METER

PANEL 0064F

**FIRM****FLOOD INSURANCE RATE MAP**
**MONMOUTH COUNTY,  
NEW JERSEY  
(ALL JURISDICTIONS)**
**PANEL 64 OF 457**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

 CONTAINS  
 COMMUNITY  
 NUMBER  
 MIDDLE TOWNSHIP OF 340313

 PANEL 0064  
 SHEET F

NOTICE TO USER: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER

34025C0064F

EFFECTIVE DATE

SEPTEMBER 25, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. The map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at [www.msco.fema.gov](http://www.msco.fema.gov).

**APPENDIX B**

**SITE PHOTOGRAPHS SHOWING EXISTING CONDITIONS**



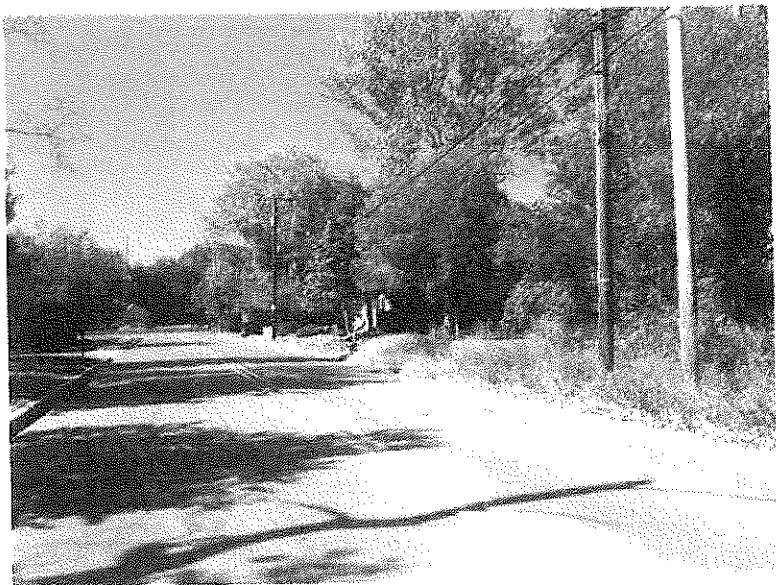


PHOTO #1



PHOTO #2

**SITE PHOTOGRAPHS – SEE PLANS FOR LOCATIONS**



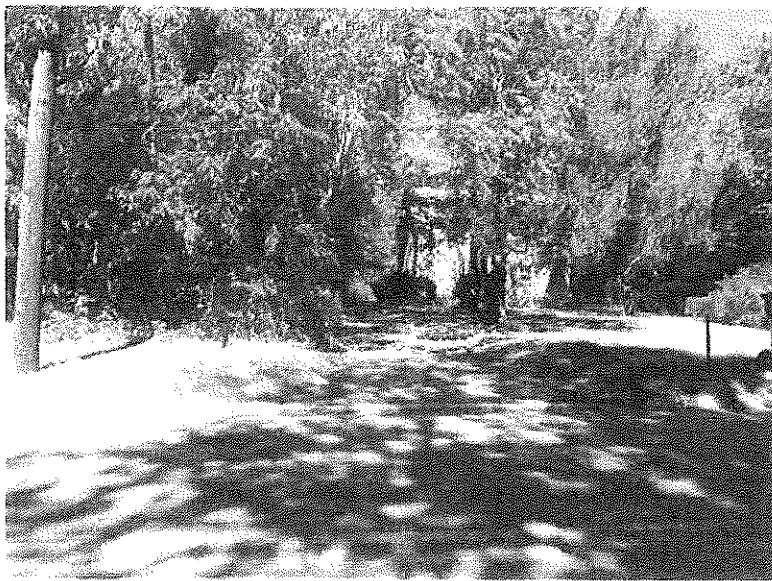


PHOTO #3

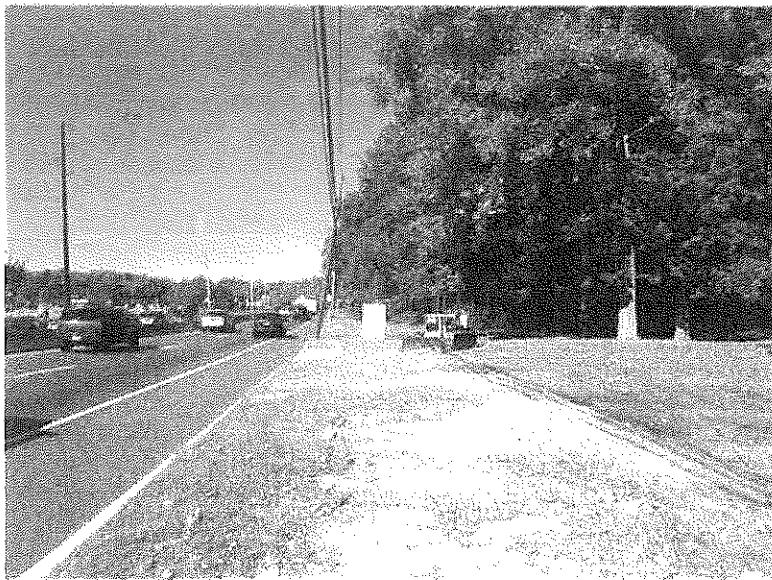


PHOTO #4

**SITE PHOTOGRAPHS – SEE PLANS FOR LOCATIONS**





PHOTO #5



PHOTO #6

SITE PHOTOGRAPHS – SEE PLANS FOR LOCATIONS





PHOTO #7

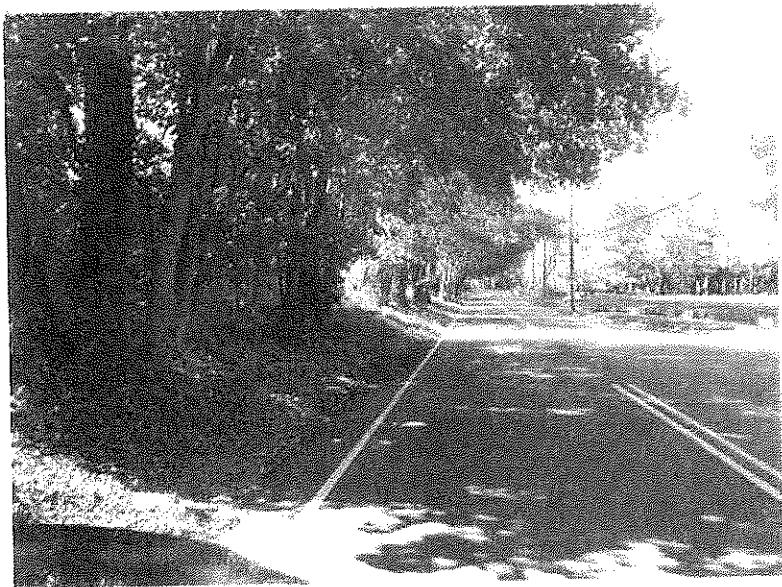


PHOTO #8

**SITE PHOTOGRAPHS – SEE PLANS FOR LOCATIONS**





PHOTO #9

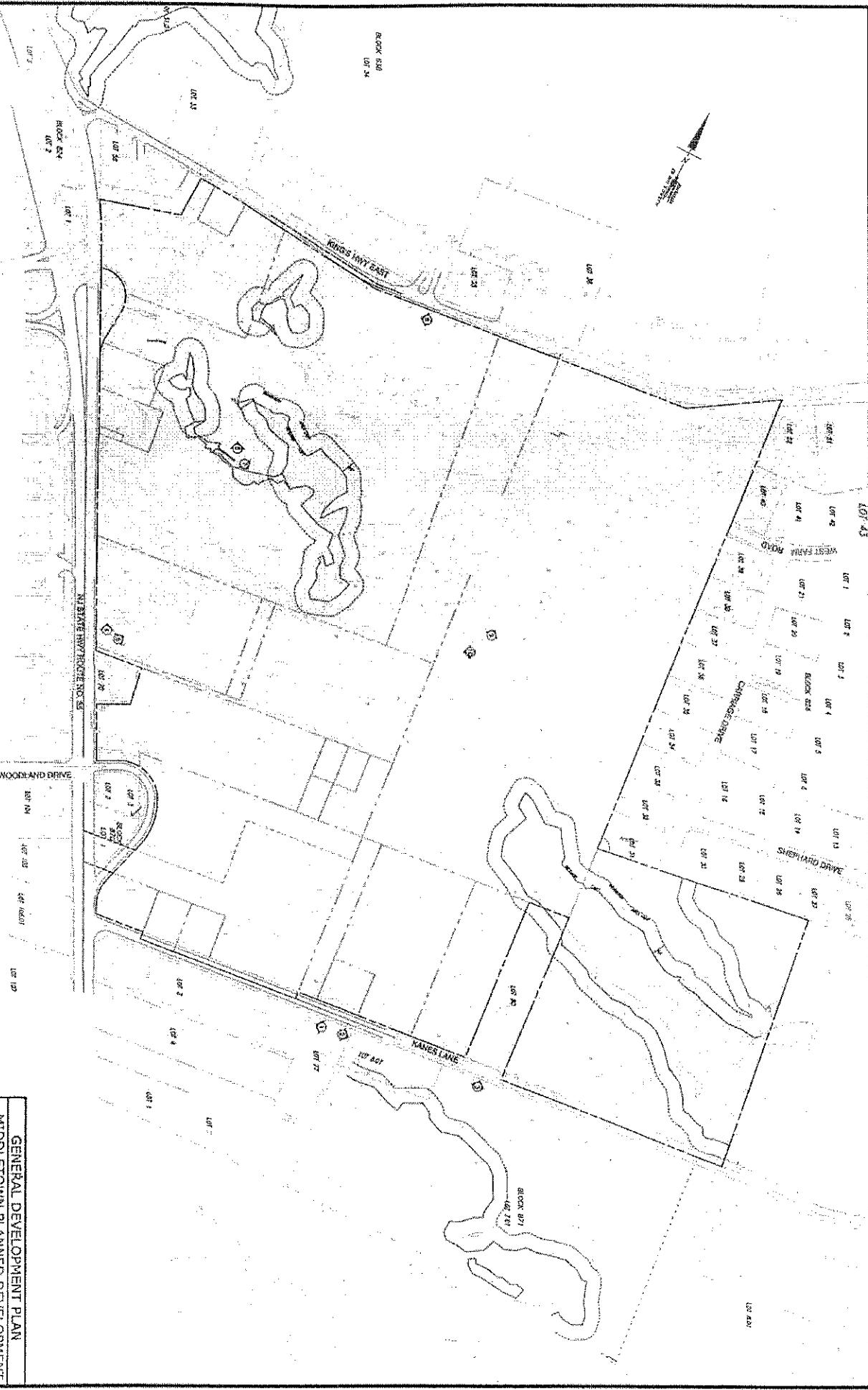


PHOTO #10

**SITE PHOTOGRAPHS – SEE PLANS FOR LOCATIONS**



EXCEPT AS REQUESTED OTHERWISE, EXCLUDED, AND ALL RIGHTS RESERVED.  
THE CONTENTS OF THIS DOCUMENT, OR PORTIONS THEREOF, MAY EXCEED THE USEFUL LIFE OF  
THE PUBLICATIONS IN WHICH THE SYSTEM PERFORMANCE OF CERTAIN COMPUTER PROGRAMS SUCH AS FINGERPRINTS.



GENERAL DEVELOPMENT PLAN

MIDDLETOWN PLANNED DEVELOPMENT



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## **APPENDIX C**

### **FLOOD HAZARD AREA APPLICABILITY DETERMINATION**



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420

Fax # (609) 777-3656

[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

### FLOOD HAZARD APPLICABILITY DETERMINATION FLOOD HAZARD AREA CONTROL ACT NJAC 7:13 et. Seq

Toll Bros., Inc.  
NJ Suburban Division  
670 Spotswood/Englishtown Road  
Monroe Township, NJ 08831

AUG 22 2013

Attention: Kevin Kernahan

Re: 1331-05-0022.3 APD130001

Dear Mr. Kernahan:

This is in response to your request concerning the applicability of the flood hazard regulations to a feature located within Lot 53, Block 825, in the Township of Middletown, County of Monmouth.

#### DECISION

A site visit by the members of the Division of Land Use Regulation, as well as a review of the submitted information including photos, and the following plan:

"MIDDLETOWN PLANNED DEVELOPMENT LOT 53, BLOCK 825, TOWNSHIP OF MIDDLETOWN MONMOUTH COUNTY- NEW JERSEY APPLICABILITY DETERMINATION MAP", Sheet AD-1, dated July 23, 2013, unrevised,

has determined that the feature at this location is not subject to the Flood Hazard Area Control Act Regulations (N.J.A.C. 7:13).

#### REASON

Said feature is considered a farm swale with a drainage area of less than 50 acres, at the above-mentioned location.

This letter does not relieve the applicant of the responsibility of obtaining any other required State including Freshwater Wetlands, Federal or local permits and approvals as required by law and is based on a review of information submitted in accordance with the existing regulations. This determination shall be considered null and void if the submitted information is determined to be incorrect or site conditions change. This letter is valid for five (5) years from the date of issuance.

Should you have any questions regarding this determination, please contact Michael Alemzadeh at (609) 633-2289.

Sincerely,

A handwritten signature in black ink, appearing to read "K P STAMPFEL".

Keith P. Stampfel, PE  
Supervisor  
Bureau of Coastal Regulation

CC: Municipal Engineer and Construction Official  
Agent

## **APPENDIX D**

### **FRESHWATER WETLANDS LETTER OF INTERPRETATION**

7-1764



State of New Jersey

Richard J. Codey  
Acting Governor

Department of Environmental Protection

Bradley M. Campbell  
Commissioner

Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax #(609) 292-8115  
Fax #(609) 777-3636  
[www.state.nj.us/landuse](http://www.state.nj.us/landuse)

OCT 21 2005

Thomas S. Brodde  
Amy S. Greene Environmental Consultants, Inc.  
4 Walter E. Foran Boulevard, Suite 209  
Flemington, New Jersey 08822

RECEIVED

11/08/2005

RE: Application for a Letter of Interpretation - Reissuance AMY S. GREENE  
File # 1334-05-01CL1 SWWGSU001 ENR 11/08/2005 11:15  
Applicant: Mountain Hill, LLC  
Block(s): 825; 871  
Lot(s): 53-57, 59-69, 01 (formerly 69 & 71), 72, 73, 75-79 & 81;  
7.02 (formerly 7.01)  
Middletown Township, Monmouth County

Dear Mr. Brodde:

The New Jersey Department of Environmental Protection issued a Letter of Interpretation for the referenced site on November 22, 2000. You have requested that the Letter of Interpretation be reissued in accordance with the requirements at N.J.A.C. 7:7A-8.7.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE 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, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled "WETLANDS DELINEATION PLAN FOR PROJECT 2000 (LOTS 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 75, 76, 77, 78, 79, 81, BLOCK 825, LOT 7.01, BLOCK 871) SITUATED IN TOWNSHIP OF MIDDLETOWN MONMOUTH COUNTY NEW JERSEY", prepared by Leonardo E. Ponzio of Maser Consulting, dated April 24, 2000 and last revised 11/6/00, is accurate as shown. Therefore, the terms of the original Letter of Interpretation is hereby extended to November 22, 2010, which is five years from the expiration of the original Letter of Interpretation.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 *et seq.*, and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

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 LURP file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

In addition, the Department has determined that the wetlands on the subject property have the following resource values. The wetlands demarcated by flags A-4 through A-8, B-9 through B-12, flags B-1 through B-7, flags E-36 through E-45, flags Y-1 through Y-19 and flags Z-1 through Z-20 are all ditches and swales that do not have a transition area or buffer. All other site related freshwater wetlands are intermediate resource value wetlands with a standard transition area or buffer of 50 feet. Further, wetlands delineated by the "A", "B", "E", "F", "Y", "Z" lines and the "D" line in the northwest corner of the property are isolated, that is, and are not connected to a surface water tributary system. These classifications may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-3), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et seq.*) and implementing rules for additional information.

It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

This letter in no way legalizes any fill, which may have been placed, or other regulated activities that may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, PO 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact Vivian M. Fanelli of our staff at (609) 984-0288 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,

  
Andrew Heyl  
Supervisor  
Bureau of Coastal Regulation

C: Township Clerk  
Township Construction Official  
Enforcement, Toms River  
Township Planning Board

**APPENDIX E**  
**CORRESPONDENCE REGARDING THREATENED**  
**AND ENDANGERED SPECIES**



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Forestry Services  
Mail Code 501-04  
ONLM -Natural Heritage Program  
P.O. Box 420  
Trenton, NJ 08625-0420  
Tel. #609-984-1339  
Fax. #609-984-1427

BOB MARTIN  
*Commissioner*

October 15, 2013

Donald A. DiMarzio, P.P.  
P.O. Box 1172  
Island Heights, NJ 08732

Re: Middletown Planned Development

Dear Mr. DiMarzio:

Thank you for your data request regarding rare species information for the above referenced project site in Middletown Township, Monmouth County.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.1) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Request for Data into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1 and 2 (attached) to determine if any priority sites are located on or in the vicinity of the site.

A list of rare plant species and ecological communities that have been documented from Monmouth County can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from [http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpCodes\\_2010.pdf](http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpCodes_2010.pdf).

If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive NJ-GeoWeb website at the following URL, <http://www.state.nj.us/dep/gis/geowebSplash.htm> or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Cartica".

Robert J. Cartica  
Administrator

c: NHP File No. 13-4007348-3766

**Table 1: On Site Data Request Search Results (7 Possible Reports)**

Rare Plants/Ecological Communities Possibly On Site:	No
Rare Plants/Ecological Communities On Site/Immediate Vicinity:	No
Natural Heritage Priority Sites On Site:	No
Landscape 3.1 Species Based Patches On Site:	Yes
Landscape 3.1 Vernal Pool Habitat On Site:	Yes
Landscape 3.1 Stream/Mussel Habitat On Site:	No
Other Animals Tracked by ENSP On Site:	No

**Rare Wildlife Species or Wildlife Habitat on the Project  
Site Based on Search of  
Landscape Project 3.1 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection	State Protection	Grank	Srank
<i>Aves</i>								
	Black-crowned Night-heron	<i>Nycticorax nycticorax</i>	Foraging	3	NA	State Threatened	G5	S2B,S3N

**Vernal Pool Habitat on the  
Project Site Based on Search of  
Landscape Project 3.1**

**Vernal Pool Habitat Type**

Potential vernal habitat area 1935

Total number of records: 1

**Vernal Pool Habitat ID**

**Table 2: Vicinity Data Request Search Results (6 possible reports)**

Rare Plants/Ecological Communities within the Vicinity:	No
Natural Heritage Priority Sites within the Vicinity:	No
Landscape 3.1 Species Based Patches within the Vicinity:	Yes
Landscape 3.1 Vernal Pool Habitat within the Vicinity:	Yes
Landscape 3.1 Stream/Mussel Habitat within the Vicinity:	No
Other Animals Tracked by ENSP within the Vicinity:	No

**Rare Wildlife Species or Wildlife Habitat Within the  
Immediate Vicinity of the Project Site Based on Search of  
Landscape Project 3.1 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection	State Protection	Grank	Strank
<i>Aves</i>								
	Black-crowned Night-heron	<i>Nycticorax nycticorax</i>	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Common Tern	<i>Sterna hirundo</i>	Foraging	2.	NA	Special Concern	G5	S3B,S4N

**Vernal Pool Habitat  
In the Immediate Vicinity of Project Site  
Based on Search of  
Landscape Project 3.1**

<b>Vernal Pool Habitat Type</b>	<b>Vernal Pool Habitat ID</b>
Potential vernal habitat area	1935
Potential vernal habitat area	1939
Potential vernal habitat area	1953
Total number of records:	3

