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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

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LISA P. JACKSON  
Commissioner

April 7, 2006

John De Simone, Inc.  
106 Old Denville Road  
Boonton, NJ 07005

Attn: Mr. John De Simone

Re: Pending Stream Encroachment Application

File Number: 0702-04-0002.1 FHA050002

Applicant: John De Simone, Inc.

Lots: 130, 131 and 132

Block: 792, Township of Bloomfield, Essex County

Dear Mr. De Simone:

The Land Use Regulation Program is in receipt of your application requesting a Stream Encroachment Permit to construct a 38 townhouses residential development, along the Third River and Spring Brook, at a location immediately southeasterly of Lion Gate Drive crossing of Spring Brook, within Lot Nos. 130, 131 & 132 of Block No. 792, in the Township of Bloomfield, Essex County, New Jersey. In order for the Program to authorize the proposed activities, the activities must first meet the specific requirements of the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-1.1 et seq. The Department has reviewed the application and found that the proposed project does not meet the specific requirements as outlined below, and is herein denied.

As noted above, the applicant proposes to construct thirty-eight (38) townhouses within the flood plain of Spring Brook and the Third River. Based upon a review of topography for an adjoining site <sup>1</sup>, and the State flood delineation for the Third River (River) <sup>2</sup>, the Department has determined that under existing conditions a significant volume of floodwaters are able to leave the channel of the River and flow northwesterly across the adjoining site during the flood hazard design flood. Eventually the floodwaters would enter the applicant's property at and southeasterly of Lion Gate Drive cul-de-sac. Once entering the applicant's property, a significant amount of the floodwaters would flow

<sup>1</sup> Plan prepared by RCC Design, Inc. entitled: "SITE PLAN PREPARED FOR FAIRWAYS AT BROOKDALE LOT 55 & 102 BLOCK 871 TOWNSHIP OF BLOOMFIELD ESSEX COUNTY NEW JERSEY", undated, last revised November 11, 2005, sheet 3 of 11.

<sup>2</sup> STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES DELINEATION OF FLOODWAY AND FLOOD HAZARD AREA THIRD RIVER STA. 319+00 TO STA.380+00 BLOOMFIELD TOWN ESSEX COUNTY, NEWJERSEY JUNE 1980 PLATE NO. T-6