

RESOLUTION NO. 2024- 599

RESOLUTION AUTHORIZING THE RECORDING OF A DEED NOTICE PROVIDING RECORD NOTICE OF WETLANDS RESTRICTIONS COVERING 3530 D'IPPOLITO DRIVE AND 3500 D'IPPOLITO DRIVE.

WHEREAS, pursuant to Ordinance No. 2022-17 City Council authorized the transfer of 3530 D'Ippolito Drive and 3500 D'Ippolito Drive to the Vineland Industrial Commission for \$0.00 and the sale of said property by the Industrial Commission to 510 Investments, LLC.

WHEREAS, 510 Investments has obtained a Letter of Interpretation from the State of New Jersey verifying the boundary of the freshwater wetlands, transition areas, and/or State open waters on said property.

WHEREAS, the applicable Regulations require the property owner to record a Deed Notice with the County Clerk setting forth certain information relative to the Letter of Interpretation.

WHEREAS, the City of Vineland is the record owner of the property and is the appropriate party to record the Deed Notice.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vineland that the Mayor of the City of Vineland is hereby authorized to execute the Deed Notice in the form and substance of the Deed Notice attached hereto.

BE IT FURTHER RESOLVED, that the Solicitor's Office is authorized to record the Deed Notice with the Cumberland County Clerk's Office upon its execution by the Mayor.

Adopted: December 23, 2024

President of Council eaa

ATTEST:

Deputy City Clerk rgf

**METES AND BOUNDS DESCRIPTION FOR WETLANDS LINE
BLOCK 303, LOTS 46 & 47
CITY OF VINELAND
CUMBERLAND COUNTY, NEW JERSEY
FILE NO. F-24-384, 16 DECEMBER 2024**

WETLANDS LINE "A"

All that certain tract or parcel of land, situate in the City of Vineland, County of Cumberland, State of New Jersey and being further described and bounded as follows:

BEGINNING at wetlands flag WA-1, said point being South 25 degrees 36 minutes 42 seconds West 11.92 feet from a point in the division line between Lots 48.02 and 47 of Block 303 and said point in the division line between Lots 48.02 and 47 of Block 303 being North 64 degrees 23 minutes 18 seconds West 324.09 feet along said division line from the Northwesterly line of D'Ippolito Drive (60.00 feet wide), said wetlands flag more particularly shown on a certain plan entitled "Limited Boundary & Topography Survey, prepared for Fiveten Investments, LLC, Vineland City, Cumberland County, New Jersey, prepared by Fralinger Engineering, PA, dated 4/22/23. Herein described wetlands line was approved by the Department of Environmental Protection, Freshwater Letter of Interpretation File No. 0614-23-0003.1 – Activity Number LL1230001 dated 08/26/2024; thence

1. North 39 degrees 32 minutes 38 seconds East 48.78 feet to wetlands flag WA-2; thence
2. North 31 degrees 20 minutes 34 seconds East 48.22 feet to wetlands flag WA-3; thence
3. North 42 degrees 01 minutes 53 seconds East 59.67 feet to wetlands flag WA-4; thence
4. North 50 degrees 49 minutes 55 seconds East 50.17 feet to wetlands flag WA-5; thence
5. North 48 degrees 38 minutes 23 seconds East 37.09 feet to wetlands flag WA-5; thence
6. North 33 degrees 29 minutes 30 seconds East 36.82 feet to wetlands flag WA-7; thence
7. North 44 degrees 37 minutes 52 seconds East 87.87 feet to wetlands flag WA-8; thence
8. North 02 degrees 37 minutes 10 seconds East 24.51 feet to wetlands flag WA-9; thence
9. North 11 degrees 50 minutes 25 seconds East 69.50 feet to wetlands flag WA-10; thence
10. North 02 degrees 31 minutes 23 seconds East 59.52 feet to wetlands flag WA-11; thence
11. North 11 degrees 56 minutes 25 seconds East 42.97 feet to wetlands flag WA-12; thence
12. North 06 degrees 54 minutes 38 seconds East 60.00 feet to wetlands flag WA-13; thence
13. North 07 degrees 12 minutes 56 seconds East 61.14 feet to wetlands flag WA-14; thence
14. North 03 degrees 46 minutes 38 seconds West 68.16 feet to wetlands flag WA-15; thence

CONTINUED

15. North 08 degrees 32 minutes 20 seconds West 55.70 feet to wetlands flag WA-16; thence
16. North 58 degrees 29 minutes 26 seconds East 64.29 feet to wetlands flag WA-17; thence
17. North 68 degrees 14 minutes 07 seconds East 72.63 feet to wetlands flag WA-18; thence
18. South 44 degrees 23 minutes 13 seconds East 23.79 feet to wetlands flag WA-19; thence
19. North 53 degrees 18 minutes 28 seconds East 63.18 feet to wetlands flag WA-20; thence
20. North 59 degrees 43 minutes 41 seconds West 55.96 feet to wetlands flag WA-21; thence
21. North 57 degrees 12 minutes 45 seconds East 49.47 feet to wetlands flag WA-22, being the terminus of the herein described wetlands line "A".

WETLANDS LINE "B"

BEGINNING at wetlands flag WB-1, said point being North 63 degrees 28 minutes 04 seconds West 124.66 feet from a point in the division line between Lots 45 and 47 of Block 303 and said point in the division line between Lots 45 and 47 of Block 303 being North 26 degrees 31 minutes 56 seconds East 293.69 feet along said division line from the Northeasterly terminus of D'Ippolito Drive (60.00 feet wide), said wetlands flag more particularly shown on a certain plan entitled "Limited Boundary & Topography Survey, prepared for Fiveten Investments, LLC, Vineland City, Cumberland County, New Jersey, prepared by Fralinger Engineering, PA, dated 4/22/23. Herein described wetlands line was approved by the Department of Environmental Protection, Freshwater Letter of Interpretation File No. 0614-23-0003.1 – Activity Number LL1230001 dated 08/26/2024; thence

1. North 49 degrees 22 minutes 33 seconds West 75.63 feet to wetlands flag WB-13; thence
2. North 19 degrees 46 minutes 11 seconds West 42.22 feet to wetlands flag WB-12; thence
3. North 21 degrees 49 minutes 23 seconds West 59.13 feet to wetlands flag WB-11; thence
4. North 17 degrees 27 minutes 12 seconds West 52.61 feet to wetlands flag WB-10; thence
5. North 18 degrees 57 minutes 43 seconds East 75.31 feet to wetlands flag WB-9; thence
6. North 35 degrees 03 minutes 34 seconds East 73.93 feet to wetlands flag WB-8; thence
7. North 82 degrees 38 minutes 53 seconds East 69.24 feet to wetlands flag WB-7; thence
8. South 77 degrees 30 minutes 32 seconds East 80.68 feet to wetlands flag WB-6, being the terminus of the herein described wetlands line "B".


HOWARD A. TRANSUE
Professional Land Surveyor, NJ License No. 33541

DEED NOTICE
(Freshwater Wetlands Letter of Interpretation)

This Deed Notice is made this _____ day of _____, 2024, by the City of Vineland, owner of property located at Lots 46 and 47 in Block 303, in the City of Vineland, County of Cumberland and State of New Jersey (together with its successors and assigns.

In accordance with N.J.A.C. 7:7A-4.7, Freshwater Wetlands Protection Act Rules, the following DEED NOTICE shall be recorded in the Office of the Cumberland County Clerk. A Freshwater Wetlands Letter of Interpretation (attached) was issued by the New Jersey Department of Environmental Protection which establishes the jurisdictional boundaries of regulated wetlands and/or State open waters, and associated wetland transition areas.

The State of New Jersey has determined that all or a portion of these lots lies in a freshwater wetland, State open water, and/or transition area. Certain activities in wetlands, waters, and transition areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a freshwater wetland permit. Contact the Division of Land Use Regulation at (609) 777-0454 or <http://www.nj.gov/dep/landuse> for more information prior to any construction onsite.

IN WITNESS WHEREOF, the Owner has executed this Deed Notice as of the date written above.

Witnessed by:

CITY OF VINELAND

_____ (Seal)

By: Anthony Fanucci, Mayor

STATE OF NEW JERSEY)

SS.

COUNTY OF CUMBERLAND)

I CERTIFY that on the ___ day of _____, 202__, **Anthony Fanucci** personally came before me and acknowledged under oath, to my satisfaction, that:

(a) This person is the President of the Mayor of the City of Vineland, the municipal corporation named in this Deed Notice.

(b) This Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper Resolution of Vineland City Council;

(c) This person knows the proper seal of the corporation which was affixed to this Deed;

Notary



State of New Jersey

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Resource Protection
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.dep.nj.gov/wlm/lrp

SHAWN M. LATOURETTE
Commissioner

August 26, 2024

Anthony Gaetano
Fiveten Investments, LLC
930 MAIN ROAD
Vineland City, NJ 08360

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File and Activity No. 0614-23-0003.1 LLI230001
Applicant: Fiveten Investments, LLC
Block(s) and Lot(s): [303, 46] [303, 47]
Vineland City, Cumberland County
Watershed: Maurice, Salem, and Cohansey
Sub-watershed: Burnt Mill Branch/Hudson Branch

Dear Mr. Gaetano:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Resource Protection (Division) staff verify the boundary of the freshwater wetlands, transition areas, and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the NJDEP 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, and upon a site inspection conducted by Division staff on December 12, 2023, the Division has determined that the wetlands and waters boundary line(s) are accurate as shown on the survey plan entitled: "Limited Boundary & Topographical Survey Prepared For Fiveten Investments, LLC", consisting of one (1) sheet(s), dated April 21, 2023, unrevised, and prepared by William J. Olbrich, Jr., P.L.S.

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 File and Activity number and the following note:

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

Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Exceptional: WA15 through WA22 and WB7 through WB13. [150-foot transition area]

Intermediate: WA1 through WA15. [50-foot transition area]

State Open Water: Within wetlands [0-foot transition area]

The Division has determined that the wetlands identified above as exceptional resource value are due to the presence of documented and suitable habitat for endangered and/or threatened species.

The Division has determined that that the property subject to this letter is within an area designated as a priority wetland by the USEPA. This classification may affect the types of permits or transition area waivers available for the above referenced property.

The RVC and all other designations may affect requirements for wetland, State open water, and/or transition area permitting, such as the requirements for an Individual Wetlands Permit (N.J.A.C. 7:7A-9 and 10), the types of General Permits by Certification or General Permits (N.J.A.C. 7:7A-5, 6, and 7), and any modification available through a Transition Area Waiver (N.J.A.C. 7:7A-8). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et seq.*) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Division. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and/or endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a freshwater wetland, State open water, or transition area, as defined under N.J.A.C. 7:7A-2.2 and 2.3 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.4. The approved plan(s) and supporting jurisdictional limit information are now part of the Division's public records.

Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Department can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Recording

Within 90 calendar days of the date of this letter, the applicant shall submit the following information to the clerk of each county in which the site is located, and shall send proof to the Division that this information is recorded on the deed of each lot referenced in the letter of interpretation:

1. The Department File and Activity number for the letter of interpretation;
2. The approval and expiration date of the letter of interpretation;
3. A metes and bounds description of the wetland boundary approved under the letter of interpretation;
4. The width and location of any transition area approved under the letter of interpretation; and
5. The following statement: "The State of New Jersey has determined that all or a portion of this site lies in a freshwater wetland, State open water, and/or transition area. Certain activities within these areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a freshwater wetland permit. Contact the Division of Land Resource Protection at (609) 777-0454 or visit <https://dep.nj.gov/wlm/lrp> for more information prior to the commencement of any construction onsite."

Failure to have this information recorded in the deed of each lot and/or to submit proof of recording to the Division constitutes a violation of the Freshwater Wetlands Protection Act rules and may result in suspension or termination of the letter of interpretation and/or subject the applicant to enforcement action pursuant to N.J.A.C. 7:7A-22.

Appeal Process

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 Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, 401 E. State Street, Mail Code 401-07A, P.O. Box 420, Trenton, NJ 08625-0420. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.dep.nj.gov/wlm/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available at www.dep.nj.gov/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 visit the website www.nj.gov/dep/odr for more information on this process.

If you have any questions regarding this letter, please contact Maxwell Dolphin our staff by e-mail at or by phone at (609) 777-0454. Be sure to indicate the Department's file number in all communication.

Sincerely,

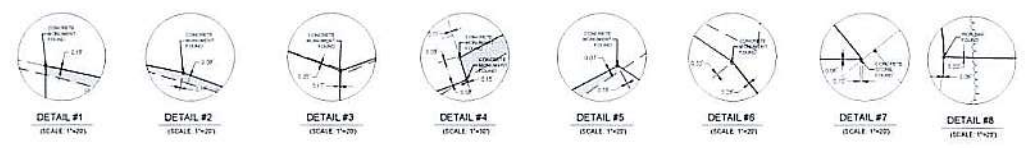


Digitally signed by
Ashleigh Windawi
Date: 2024.08.26
14:06:21-04'00'

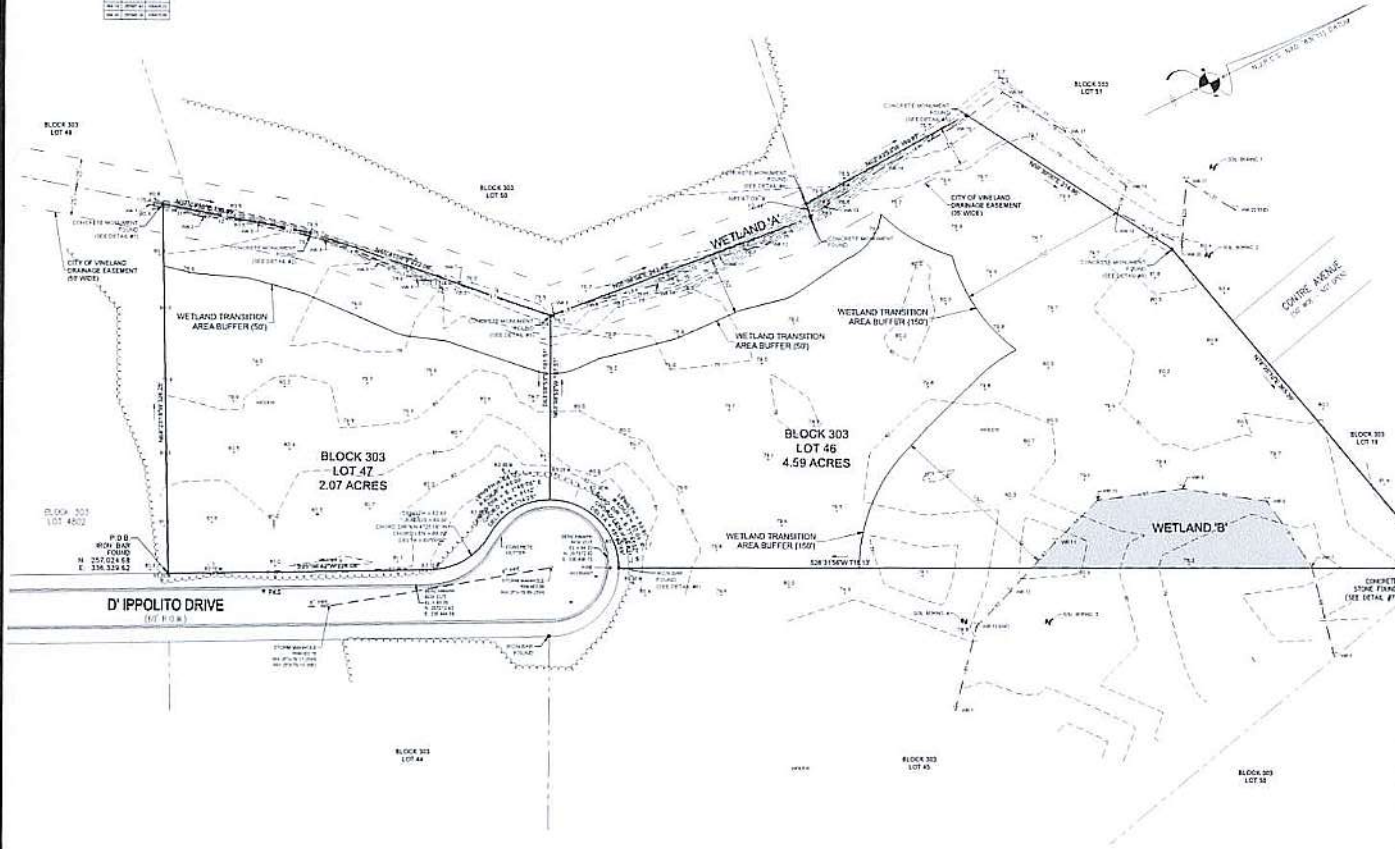
Ashleigh Windawi, Environmental Specialist III
Division of Land Resource Protection
Bureau of Freshwater Wetlands and Highlands Permitting

e-copy: Municipal Clerk
Agent

Lot No.	Area (Acres)	Permit No.
1	0.10	100001
2	0.10	100002
3	0.10	100003
4	0.10	100004
5	0.10	100005
6	0.10	100006
7	0.10	100007
8	0.10	100008
9	0.10	100009
10	0.10	100010
11	0.10	100011
12	0.10	100012
13	0.10	100013
14	0.10	100014
15	0.10	100015
16	0.10	100016
17	0.10	100017
18	0.10	100018
19	0.10	100019
20	0.10	100020
21	0.10	100021
22	0.10	100022
23	0.10	100023
24	0.10	100024
25	0.10	100025
26	0.10	100026
27	0.10	100027
28	0.10	100028
29	0.10	100029
30	0.10	100030
31	0.10	100031
32	0.10	100032
33	0.10	100033
34	0.10	100034
35	0.10	100035
36	0.10	100036
37	0.10	100037
38	0.10	100038
39	0.10	100039
40	0.10	100040
41	0.10	100041
42	0.10	100042
43	0.10	100043
44	0.10	100044
45	0.10	100045
46	0.10	100046
47	2.07	100047
48	0.10	100048
49	0.10	100049
50	0.10	100050
51	0.10	100051
52	0.10	100052
53	0.10	100053
54	0.10	100054
55	0.10	100055
56	0.10	100056
57	0.10	100057
58	0.10	100058
59	0.10	100059
60	0.10	100060
61	0.10	100061
62	0.10	100062
63	0.10	100063
64	0.10	100064
65	0.10	100065
66	0.10	100066
67	0.10	100067
68	0.10	100068
69	0.10	100069
70	0.10	100070
71	0.10	100071
72	0.10	100072
73	0.10	100073
74	0.10	100074
75	0.10	100075
76	0.10	100076
77	0.10	100077
78	0.10	100078
79	0.10	100079
80	0.10	100080
81	0.10	100081
82	0.10	100082
83	0.10	100083
84	0.10	100084
85	0.10	100085
86	0.10	100086
87	0.10	100087
88	0.10	100088
89	0.10	100089
90	0.10	100090
91	0.10	100091
92	0.10	100092
93	0.10	100093
94	0.10	100094
95	0.10	100095
96	0.10	100096
97	0.10	100097
98	0.10	100098
99	0.10	100099
100	0.10	100100



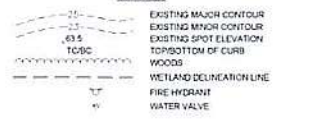
USGS TOPOGRAPHIC MAP
SCALE 1" = 2,000'
PART OF NEWFIELD, NJ QUADRANGLE



GENERAL NOTES

1. PLAN MAP REFERENCE: CITY OF VINELAND, SHEET 3, BLOCK 303, LOTS 46-47.
2. APPLICATIONER: FIVTEN INVESTMENTS, LLC, 650 BNA ROAD, VINELAND, NJ 08360.
3. TOTAL AREA: 260,126 SQ. FT. (6.94 ACRES).
4. LIMITED FIELD TOPOGRAPHY PERFORMED ON 03/15/2023 BY FRALINGER ENGINEERING, PA. (NJLJ 0623).
5. WETLANDS LOCATED BY FRALINGER ENGINEERING, PA. (NJLJ 0623).
6. VERTICAL DATUM IS BASED ON NAVD 83 (NAD 83).
7. HORIZONTAL DATUM IS BASED ON NEW JERSEY PLANE COORDINATE SYSTEM GRID VALUES IN U.S. SURVEY FEET, NAD 83.
8. PROJECT DATUMS WERE ESTABLISHED BY ADNET #16 GPS.
9. COORDINATE VALUES SHOWN ON THIS PLAN HAVE A 3" (11.4) MAND. ACCURACY PER STATE NETWORK ACCURACY OF 10' (3.0) HORIZONTAL AND AS OF VERTICAL LOCAL ACCURACY IS 15' (4.6) HORIZONTAL AND 3' (0.9) VERTICAL ZONES.
10. WETLANDS SHOWN AS APPROVED BY NJDEP UNDER FILE #1911-R-0029 (11/06/2003) DATED APRIL 15, 2014 (REF: 1014).
11. FLAGGING FOR WETLANDS VIA UTILITIES: PINK AND WHITE ARROWS. WETLANDS VIA DELINEATED BY BLUE AND ORANGE ARROWS FLAGGING.
12. PLAN REFERENCE: "WETLANDS & FINAL PLAN - MAJOR SUBDIVISION PREPARED FOR THE CITY OF VINELAND INDUSTRIAL PARK EXPANSION (D'IPPOLITO DRIVE)" PREPARED BY ALBERT A. FRALINGER, P.E. DATED 8-31-1994.

LEGEND



THIS PLAN AND SUBDIVISION WERE PREPARED BY FRALINGER ENGINEERING, PA. (NJLJ 0623) AND APPROVED BY THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ON 06/16/23. THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE DATA THEREON.

WILLIAM J. FRALINGER, P.E. & P.A.
FRALINGER ENGINEERING, PA.
1000 STATE STREET, SUITE 100
VINELAND, NJ 08360
TEL: 856-688-1100
WWW.FRALINGER.COM

NO.	DATE

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND MANAGEMENT
www.nj.gov/dep/dem
www.fralinger.com



LIMITED BOUNDARY & TOPOGRAPHIC SURVEY
FOR THE PROJECT
FIVTEN INVESTMENTS, LLC
650 BNA ROAD
VINELAND, NJ 08360
DATE: 06/16/23