



State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

FRANCIS K. O'CONNOR
Commissioner

TAHESHA L. WAY
Lt. Governor

May 9, 2025

Michael Drobný, PE, CME
Frensh & Parrello Associates
1085 Raymond Blvd., Suite 601
Newark, NJ 07102

RE: **Letter of No Interest**
2069 Highway 35
Route 35 SB, MP 48.82
Block 428, Lots 1,2 & 2.01
Borough of Sayreville, Middlesex County

Dear Mr. Drobný,

The Department has reviewed your February 10, 2025, and your E-mail dated April 2, 2025, with supporting materials requesting a Letter of No Interest for the above reference site.

The site is currently developed with 6,580.00 sf. Nursery (wholesale) and it is proposed to be replaced with a 6,580.00 sf. Automobile Care Center. Based on the submitted information, the change will not create a "significant increase in traffic" as defined in the New Jersey State Highway Access Management Code. Additionally, there are no plans to perform any construction work within NJDOT Right-of-Way or modification of the existing access points in any way, nor are there any plans to change the existing property lines. Accordingly, a new Major Access permit is not required for the proposed development. This is a non-conforming lot with the maximum allowable trips of 125 trips in all Peak Hours. therefore, a violation of this Letter of No Interest would occur if the expansion to the site or change in land use exceeds 125 trips during any Peak Hours. **This Letter of No Interest is being granted.**

Please note, as shown on the submitted plans that the site has one existing two-way driveway on Rt 35 is located on Lot 1 (to remain) and existing driveway on Lot 2.01 (a concrete barrier is located on the site prohibiting vehicular access to the site). **We recommend closing the curb opening and replacing the depressed curb to match the existing curb height.** Therefore, the applicant should apply for a Minor Permit from the Department's Office of Permits, Electrical and Claims. Please contact:

Shilp Shah (Shilp.Shah@dot.nj.gov)
Office of Permits, Electrical and Claims
New Jersey Department of Transportation
Engineering & Operations Building, First Floor
Trenton, NJ 08625

If in the future there is an additional expansion or new use on the site causing the Department to make a new determination on whether there is a significant increase in traffic during the peak hour trip generation, will require that a new access permit be applied for by the current owner(s) or future owner(s) of the property.

Please note that the above conclusions were based upon the information provided and any change to these plans, or the proposed size and type of development may change the conclusions reached by the Department.

Please be advised that any physical changes to any of the Route 9 driveway(s) may cause a new permit to be required despite that the proposed development does not constitute a significant increase in traffic.

The State Highway Access Management Act and the State Highway Access Management Code describe activities which require an access permit. N.J.S.A. 27:7-92(a) and N.J.A.C. 16:47-8.1(a). They also describe changes or expansions in use, which would require a new permit. N.J.S.A. 27:7-92(d) and 27:7-95(a); N.J.A.C. 16:47-4.3(a) and 16:47-2.1, "significant increase in traffic." Finally, they describe a category of permits that are "grandfathered." "Grandfathered" permits apply to all driveways and streets, which were in existence prior to September 21, 1992. N.J.S.A. 27:7-92(c) and N.J.A.C. 16:47-8.3. These citations may be helpful in understanding the conclusions that we reached.

I trust that this adequately responds to your request. If you have any questions concerning the above matters, please contact me at (609) 963-1207 or Pinakin.Tank@dot.nj.gov

Sincerely,



Pinakin Tank
Project Engineer
Office of Major Access Permits
New Jersey Department of Transportation