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Governor

STATE OF NEW JERSEY
WATERSHED PROPERTY REVIEW BOARD

SHEILA Y. OLIVER
Lt. Governor

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Commissioner
Department of
Environmental Protection

JOSEPH L. FIORDALISO
President, Board of Public
Utilities

SHEILA Y. OLIVER
Commissioner
Department of Community
Affairs

MINUTES OF REGULAR MEETING OF WATERSHED PROPERTY REVIEW BOARD

A regular meeting of the Watershed Property Review Board ("WPRB" or "Board") was held on October 15, 2019, at the New Jersey Board of Public Utilities ("BPU"), Conference Room 2W, 44 South Clinton Avenue, Trenton, New Jersey 08625.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Department of Environmental Protection's ("DEP") main office, on the DEP public participation calendar, in the DEP Bulletin and on the WPRB, Green Acres, Department of Community Affairs ("DCA") and BPU websites. Notice was also delivered to the Department of State and the following newspapers circulated in the State of New Jersey:

The Bergen Record
The Star Ledger

The following members of the Board were present:

President Joseph Fiordaliso, BPU
Chief Regulatory Officer, Donald Palombi, DCA

Deputy Attorney General ("DAG") Gersten opened the meeting with a reading of the Open Public Meetings Act ("OPMA") statement indicating that adequate public notice of the meeting was given including posting notice at the DEP's main office, on the DEP public participation calendar, in the DEP Bulletin and on the WPRB, Green Acres and BPU websites. Notice was also delivered to the Department of State, the Bergen Record and the Star Ledger.

DAG Gersten welcomed the members of the Board and indicated that while DEP Assistant Commissioner Ray Bukowski was not able to attend the meeting, two Board members represents a quorum and the meeting could proceed. President Fiordaliso and Chief Regulatory Officer Palombi approved the prior meeting minutes and stated that they had no additional opening remarks.

Watershed Property Review Board Request for an exemption by the City of Newark – The application of the City of Newark seeks an exemption to the Watershed Protection and Moratorium Act in connection with the proposed transfer of right-of-way and permanent

easements to the New Jersey Department of Transportation in support of the Route 23 Corridor Improvements in the Township of Hardyston, Sussex County

Newark seeks an exemption to convey additional rights-of-way ("ROW") and permanent easements, including slope, utility and construction and maintenance easements, to NJDOT on portions of its watershed properties located in the Township of Hardyston, Sussex County in connection with NJDOT's Route 23 Corridor Improvement Project ("Project"). The Project consists of safety and operational improvements in three separate sections, totaling 1.2 miles, of Route 23. These improvements involve safety and roadway operations within the section limits, including the offset of the intersection of Route 23 with Holland Mountain Road and Snufftown Road, as well as the segment of Route 23 between the intersection and the bridge over Lake Stockholm Brook. The proposed improvements, including intersection improvements, road widening, shoulder construction, the addition of turning lanes, and other related roadway improvement, within the Holland Mountain Road Section of the Project will impact a total of 0.984 acre on four Newark-Pequannock Watershed properties within the Township of Hardyston.

President Fiordaliso asked about the location and size of the mitigation area. DAG Gersten provided a map of the mitigation parcel and indicated that NJDOT purchased Block 36, Lot 55 to satisfy any permit-related mitigation requirements and to retain portions of property to construct the stormwater management basin. This parcel comprises approximately 4.609 acres and will be used to fulfill the following requirements: (1) As part of the State House Commission approval, Newark agreed to accept fee title to a 1.8-acre portion of the property and transfer a conservation easement to the NJDEP over this area so the property is restricted in a similar manner as other Newark-Pequannock Watershed lands; and (2) a portion of the remaining acreage will be used to mitigate for riparian zone impacts.

DAG Gersten indicated that Newark is requesting an exemption stating that there is a compelling public need for the project. President Fiordaliso noted that it is about time that the safety issues are rectified and he believes that the mitigation parcel is sufficient compensation.

DAG Gersten asked if there were any final comments and asked for a motion on this item. President Fiordaliso and Chief Regulatory Officer Palombi voted to approve the request.

Watershed Property Review Board Request for an exemption by New Jersey American Water Company, Inc. – The application of NJAW seeks an exemption to the Watershed Protection and Moratorium Act in connection with the proposed transfer of a permanent easement to the County of Monmouth in support of the Reconstruction of Bridge W-36 on Remsens Mill Road Over Shark River Project in the Township of Neptune, Monmouth County

New Jersey American Water Company, Inc. ("NJAWC") seeks to convey a permanent easement to Monmouth County ("County") on property owned by NJAWC in the Township of Neptune in connection with the reconstruction of Bridge W-36 on Remsen Mill Road over the Shark River ("Project"). The Project consists of a complete replacement of Bridge W-36 on Remsen Mill Road over the Shark River. The existing bridge is a two-span continuous timber and steel stringer type bridge that is in poor condition due to the condition of its substructure. The bridge is classified as structurally deficient and functionally obsolete due to insufficient curb to curb travel width, which is narrower than the approach roadways.

To support the Project, the County has requested a 2,889 square foot or 0.066-acre permanent easement on the Property to support the Project. The easement area will allow for milling and

paving of the existing road, installation of an improved storm water drainage inlet structure and the construction of a small riprap apron which will provide erosion control at a natural low point along the roadway. To mitigate for the possible removal of these trees, the County will either mitigate offsite by planting six trees on the adjacent County Shark River Park or onsite by planting six trees within an area preselected by NJAWC on the JBWPT Property.

DAG Gersten shared aerial photography and a site plan with Board members and indicated that NJAWC is requesting an exemption stating that there is a compelling public need for the project. Chief Regulatory Officer Palombi asked if the bridge would be replaced or repaired. President Fiordaliso asked for more information on the determination of obsolescence. Andres Osorio, Monmouth County Engineering, explained the process of the County's review and determination of bridge obsolescence and clarified that the bridge would be replaced. President Fiordaliso asked if there was an immediate public threat. Andres said while there was no immediate threat, within five to ten years it could be.

President Fiordaliso indicated that he is aware that closing the road to avoid impact to the watershed property is not an option. He asked if NJAWC has any concerns with the project. Stephen Bishop, Esq., representing NJAWC, indicated that the company is in favor of the project and will work with Monmouth County closely during the project construction period to ensure there are no further impacts to the watershed property.

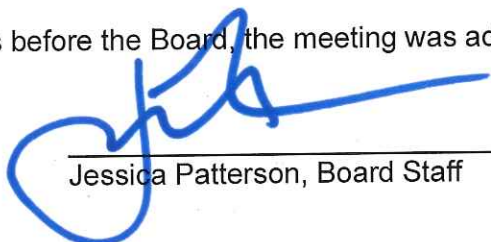
DAG Gersten asked if there were any final comments and asked for a motion on this item. President Fiordaliso and Chief Regulatory Officer Palombi voted to approve the request.

Update on the activities of the WPRB staff since previous Board meeting in April 2019

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in April 2019. Updates included Staff attending a quarterly meeting with SUEZ, discussions with NJAW regarding a possible sale in Milburn, and discussions with Jersey City regarding a plan to construct a walking trail around the Boonton Reservoir similar to Woodcliff Lake. DAG Gersten also indicated that there may be another section of the NJDOT Route 23 Project in West Milford coming before the Board in the future.

DAG Gersten mentioned Staff would reach out to each Board member after the meeting to solicit available meeting dates for 2020. Staff anticipates two meetings in 2020 – April and October. President Fiordaliso agreed on scheduling two meetings a year and asked about Division of Law ("DOL") changes and if this would affect the Board. DAG Gersten indicated that DOL is looking at the WPRB assignment and he anticipates a new DAG being assigned to the Board in the future.

There being no further business before the Board, the meeting was adjourned at 1:35 pm.



Jessica Patterson, Board Staff

Dated: October 15, 2019