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STATE OF NEW JERSEY
WATERSHED PROPERTY REVIEW BOARD

SHAWN M. LATOURETTE
Acting 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 April 20, 2021, via teleconference call pursuant to the Board's public notice and posted agenda.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting on the WPRB, Department of Environmental Protection ("DEP") Green Acres Program, Department of Community Affairs ("DCA") and Board of Public Utilities ("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
Assistant Commissioner Ray Bukowski, DEP
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 on the WPRB, Green Acres Program, DCA and BPU websites. Notice was also delivered to the Department of State, the Bergen Record and the Star Ledger.

DAG Gersten took roll call and welcomed the members of the Board. Hearing no opening comments from the members of the Board, DAG Gersten began with the first item on the agenda.

II. Exemption Request by SUEZ Water New Jersey Inc. o/b/o the Boroughs of Closter and Norwood for the Blanch Avenue Bridge Replacement Project over Dwars Kill

SUEZ Water New Jersey Inc. ("SWNJ"), on behalf of the Boroughs of Closter and Norwood, Bergen County, filed an application with the Board for an exemption from the Act stating that there

is a compelling public need for the Blanch Avenue Bridge Replacement Project over Dwars Kill. Specifically, SWNJ seeks an exemption to grant the Boroughs both temporary access and permanent easements on portions of the following parcels (the "Properties") to support the construction of the Project:

- Borough of Closter, Bergen County – Block 1101, Lot 1
- Borough of Closter, Bergen County – Block 1102, Lot 1
- Borough of Norwood, Bergen County – Block 94, Lot 1
- Borough of Norwood, Bergen County – Block 95, Lot 1

The Dwars Kill (FW2-NTC1), which is a tributary to the Oradell reservoir, flows through the Properties, under Blanch Avenue and directly into the upper reaches of the reservoir. Blanch Avenue is a municipal roadway connecting the Boroughs of Closter and Norwood. It serves as one of the primary routes to the industrial area of Closter. The Blanch Avenue Bridge was built in 1910 and carries Blanch Avenue over the Dwars Kill through a culvert.

In August 2020, a sinkhole was observed in the northbound lane of Blanch Avenue adjacent to the north bridge abutment. Upon further investigation, it was determined that the northeast wing wall, which supports the bridge and the roadway, had collapsed, causing the sinkhole. Due to safety concerns, Blanch Avenue has been closed since the sinkhole was identified.

The Boroughs, as co-managers of the Project, seek to replace the bridge to promote improved safety and circulation and to provide safer transportation infrastructure. The Boroughs request two permanent roadway widening easements, totaling 1,521 square feet (0.035 acre), to create a uniform ROW width of 42 feet. The new bridge, along with minor road widening and relocated utilities, will be located within the new 42-foot ROW. Two permanent bridge maintenance easements, totaling 1,049 square feet (0.024 acre), are also requested for future maintenance and access to the bridge. To facilitate construction of the Project, the Boroughs are requesting temporary license areas on either side of the bridge, totaling 947 square feet (0.021 acre).

DAG Gersten asked if there were any comments, hearing none, asked for a motion on this item. President Fiordaliso motioned to approve this project given the public need and Chief Regulatory Officer Palombi seconded. All three members of the Board voted to approve the request.

III. Jurisdictional Determinations

SWNJ is seeking a determination by the Board whether the proposed sale of Block 2201, Lot 3 in the Borough of Paramus, Bergen County is subject to the Watershed Protection and Moratorium Act, P.L. 1988, c. 163, as amended by P.L. 1990, c. 19 ("Act"). DAG Gersten mentioned that Staff routinely reviews a series of jurisdictional determination requests each year. Typically, Staff makes a determination and provides the Board with prior notice of its determination before sending a final letter to the requester. However, in accordance with the Jurisdictional Determinations section of the 2009 Settlement Agreement between Bergen SWAN, the Hackensack Riverkeeper, the Board and SWNJ, Board action is required for any proposed sale of Block 2201, Lot 3 in the Borough of Paramus, Bergen County.

Block 2201, Lot 3, approximately 0.3 acre in size, is located along Dunkerhook Road. The parcel consists of forested land and there are no wetlands or surface water bodies located onsite. While the Saddle River (FW2-NT) is located within 200 feet of the property, the property is located approximately 0.75 mile downstream of the SWNJ Saddle River surfacewater intake. Based upon Staff's review of the property, it is Staff's position that the Board does not have jurisdiction over

this specific parcel, as it is not maintained for the purpose of protecting a public water supply. DAG Gersten indicated that Staff recommends a finding of no jurisdiction in this matter.

DAG Gersten asked if there were any comments, hearing none, asked for a motion on this item. President Fiordaliso motioned and Assistant Commissioner Bukowski seconded. All three members of the Board voted to approve the request.

DAG Gersten stated that Staff also conducted two jurisdictional determinations for New Jersey American Water Co. ("NJAWC") in the Borough of Runnemede and the Townships of Mt. Laurel and Moorestown. In both cases, Staff determined that the Board did not have jurisdiction over the properties. DAG Gersten asked if there were any comments, hearing none, asked for a motion on this item. President Fiordaliso motioned and Chief Regulatory Officer Palombi seconded. All three members of the Board voted to approve this agenda item.

IV. Update on the Activities of the WPRB Staff Since the Previous Board Meeting in April 2020

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in April 2020. Updates included a discussion of Staff completing three additional jurisdiction determinations for NJAWC in Mansfield Township, Jamesburg Borough and Kenilworth Borough as well as continuing discussions on the Boonton Reservoir trail proposal, Northern Valley Force Main project, Route 23 DOT project in West Milford, temporary access by Rockland Electric through SWNJ watershed property and an affordable housing project in Millburn. Staff will continue to work with these applicants.

There were no comments from the members of the Board on this agenda item.

V. Discussion of the Compelling Public Need Exemption under the Act

DAG Gersten indicated that Staff has been approached for various projects which applicants believe fall under the compelling public need exemption (i.e. road, bridge and public utility projects). Staff is prepared to meet with the WPRB in executive session or through separate briefs regarding this matter. There were no comments from the Board on this agenda item.

DAG Gersten asked if there were any final comments or question for Staff, hearing none, asked for a motion to adjourn the meeting. President Fiordaliso motioned and Chief Regulatory Officer Palombi seconded.

There being no further business before the Board, the meeting was adjourned at 1:27 pm.



Jessica Patterson, Board Staff

Dated: April 20, 2021