



PHIL D. MURPHY  
Governor

**STATE OF NEW JERSEY**  
WATERSHED PROPERTY REVIEW BOARD

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Lt. Governor

SHAWN M. LaTOURETTE  
Commissioner  
Department of Environmental  
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CHRISTINE GUHL-SADOVY  
President  
Board of Public Utilities

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Commissioner  
Department of Community  
Affairs

WATERSHED PROPERTY REVIEW BOARD	)	ORDER
REQUEST O/B/O THE COUNTY OF BERGEN	)	GRANTING
FOR APPROVAL OF MORATORIUM EXEMPTION FOR	)	EXEMPTION
SCHRAALENBURGH ROAD OVER DWARS KILL BROOK	)	
BRIDGE REPLACEMENT PROJECT	)	
BOROUGH OF CLOSTER AND HARRINGTON PARK,	)	
BERGEN COUNTY	)	

(SERVICE LIST ATTACHED)

BY THE WATERSHED PROPERTY REVIEW BOARD:

**BACKGROUND/PROCEDURAL HISTORY**

On March 21, 2025, Veolia Water New Jersey, Inc. ("Veolia"), a public utility regulated by the New Jersey Board of Public Utilities, filed an application with the Watershed Property Review Board ("Board"), on behalf of the County of Bergen ("County"), for an exemption to the prohibition from conveying watershed property under the Watershed Protection and Moratorium Act, P.L. 1988, c. 163, as amended by P.L. 1990, c. 19 ("Act"). Specifically, Veolia seeks an exemption to convey permanent easements to the County, Public Service Electric and Gas Company ("PSE&G") and Orange & Rockland Utilities, Inc. ("O&R") on portions of its watershed properties located in the Boroughs of Closter and Harrington Park, Bergen County to facilitate the County's Schraalenburgh Road over Dwars Kill Brook Bridge Replacement Project ("Project"). Without the exemption, the conveyance of any property interest is prohibited by the Act. This order adopts Board Staff's recommendation to grant the requested exemption in accordance with the conditions outlined below.

As mentioned above, on March 21, 2025, Veolia filed an application with the Board for an exemption from the Act to grant various permanent easements on portions of the following parcels ("Properties") to support the construction of the Project:

Borough of Closter, Bergen County – Block 402, Lot 5  
Borough of Closter, Bergen County – Block 403, Lot 38  
Borough of Closter, Bergen County – Block 403, Lot 39  
Borough of Harrington Park, Bergen County – Block 1207, Lot 1  
Borough of Harrington Park, Bergen County – Block 1209, Lot 1<sup>1</sup>

The Properties are owned by Veolia and are located directly adjacent to the Oradell Reservoir. The Oradell Reservoir is a water supply source for the residents of Bergen and Hudson Counties. The Dwars Kill (FW2-NTC<sup>12</sup>), which is a tributary to the reservoir, flows through the Properties, under Schraalenburgh Road and directly into the upper reaches of the Oradell Reservoir.

The Properties are all vacant, densely wooded and/or consist of open water, and act as watershed buffer land for the purpose of protecting a surface water supply source. Therefore, the Properties fall within the Act's moratorium on the conveyance of watershed property. The Properties are also subject to a State of New Jersey, Department of Environmental Protection (NJDEP) held Conservation Easement originally created as part of the 2009 United Water settlement with the Board. Veolia will need to obtain a separate approval from NJDEP under the New Jersey Conservation Restriction and Historic Preservation Restriction Act (N.J.S.A. 13:8B-1 et seq.) for any release of the easement required by the Project.

The Project involves an in-kind replacement of the existing bridge carrying Schraalenburgh Road over the Oradell Reservoir/Dwars Kill Brook (FW2-NTC1) in the Boroughs of Closter and Harrington Park, Bergen County. The existing 60-foot-wide structure was built in 1979 and is described as a single span, simply supported, prestressed concrete adjacent box beam structure. The existing bridge structure supports gas and water mains as well as utility poles with aerial facilities. The existing water main is a 16-inch-diameter ductile iron pipe owned by Veolia and is attached to the west side of the bridge. The existing gas main is a 12-inch-diameter steel pipe owned by PSE&G and is attached to the east side of the bridge. The utility poles, which are owned by O&R, carry cable and telephone lines in addition to electrical lines on the west side of the bridge.

According to Bridge Re-evaluation Survey Reports ("Reports") prepared for the bridge on April 09, 2020 and April 07, 2022, the bridge structure is classified as functionally obsolete and was recommended for replacement. The Reports further indicate the overall condition of the structure is critical due to the low inventory ratings. The Reports indicated the bridge superstructure is in satisfactory condition due to hairline and fine cracks in most beams,

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<sup>1</sup> An aerial map illustrating the Properties is attached as Exhibit 1.

<sup>2</sup> According to the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B, the Dwars Kill is classified as a FW2-NTC1 waterbody. FW2 is a classification given to fresh waters that are not designated as FW1 or Pinelands Waters. NT means non trout production waters. C1 represents Category One waterways. C1 waters are protected from any measurable change to existing water quality because of their exceptional ecological, recreational, fisheries or water supply significance.



among other deficiencies. Therefore, Veolia and the County assert that this Project is imperative for public and environmental safety and presents a compelling public need.

The proposed bridge will be constructed within the existing road right-of-way ("ROW") and, therefore, no roadway widening will be required. The end of the proposed guide rails attached to the parapet walls of the new bridge, however, will extend beyond the existing ROW onto Veolia's property and the installation of the east and northwest guide rails will require relocation of existing fencing. To allow for temporary access to Veolia's property in support of the proposed in-kind bridge replacement construction activities, including the construction of guide rails on Veolia property, and to allow for future access to the bridge and maintenance of the guide rails, Veolia seeks to convey to the County a permanent construction and maintenance easement over four watershed properties as follows (as depicted in Exhibit 2):

<b>Block/Lot Municipality</b>	<b>Total Lot Acreage</b>	<b>Construction &amp; Maintenance Easement (square feet)</b>
402/5 Closter	2.204	1,764.9
403/39 Closter	23.868	2,018.2
1207/1 Harrington Park	1.44	1,550.7
1209/1 Harrington Park	20.24	1,236.9
	<b>TOTAL</b>	<b>6,570.7 or +/- 0.15 acre</b>

To comply with current design and safety standards, the PSE&G gas main attached above ground on the east side of the existing bridge and the existing Veolia water main attached above ground on the west side of the bridge will need to be relocated off the new bridge and onto the Properties. Both mains will be relocated completely underground by horizontal directional drilling procedure in order to limit impact to the Properties. The 8-foot by 8-foot excavation pit and 3-foot by 3-foot exit pit proposed at the north and south ends of the proposed relocated facilities will be within the existing roadway pavement to further limit impact to the watershed property.

Veolia may maintain and/or relocate its existing 16-inch diameter water main without the need for an exemption from the Act given that it will not be conveying any property interest in order to do so. The proposed 12-inch diameter steel gas main relocation, however, will require Veolia to convey a 22,189.83 square feet (0.51-acre) permanent utility easement to PSE&G on the following three watershed properties (as depicted on Exhibit 2):

<b>Block/Lot Municipality</b>	<b>Total Lot Acreage</b>	<b>Permanent Utility Easement (square feet)</b>
403/38 Closter	4.9	596.13
403/39 Closter	23.868	10,861.5
1209/1 Harrington Park	20.24	10,732.2
	<b>TOTAL</b>	<b>22,189.83 or +/- 0.51 acre</b>

Two utility poles and overhead wires along the west side of Schraalenburgh Road will need to be moved approximately 20 feet west from their current location. A utility pole on the east side of the road and the overhead wire attached to the pole will be removed. In order to support the relocation of these poles and overhead lines, Veolia seeks to convey a 8,415.66 square feet (0.19-acre) permanent aerial easement to O&R on the following two watershed properties (as depicted in Exhibit 2):

<b>Block/Lot Municipality</b>	<b>Total Lot Acreage</b>	<b>Permanent Utility Easement (square feet)</b>
402/5 Closter	2.204	4,309.05
1207/1 Harrington Park	1.44	4,106.61
	<b>TOTAL</b>	<b>8,415.66 or +/- 0.19 acre</b>

The Project will result in a total of 42 trees, greater than six inches in diameter at breast height, to be removed from watershed lands throughout the Project area. Fifteen trees will need to be removed within the proposed permanent bridge construction and maintenance easement. No tree removal or ground clearing will be necessary for the horizontal directional drilling operations but given that PSE&G selected an easement without future restrictions, 23 trees within the proposed PSE&G easement may be subject to tree removal in the future and are being mitigated for at this time. An additional four trees will need to be removed within the proposed O&R permanent aerial easement.

To compensate for the removal of these 42 trees, Veolia proposes to plant 94 trees at an offsite location on Columbus Avenue (Block 1404, Lot 1 – 1.42 acres) in the Borough of Harrington Park. This parcel is currently an open maintained lawn area adjacent to the Oradell Reservoir/Dwars Kill Brook, which is regulated watershed property and land subject to the NJDEP-held Conservation Easement. An aerial map of the mitigation parcel in relation to the Properties is attached as Exhibit 1.

The Project may require NJDEP Division of Land Resource Protection (“DLRP”) Flood Hazard Area and Freshwater Wetlands Permits for the Project. The County is also required to submit to the Bergen County Soil Conservation District for Soil Erosion and Sediment Control plan certification. These applications will be filed shortly.

Board Staff conducted a site visit of the Project area as well as the proposed tree mitigation parcel on April 30, 2025. A 30-day written public comment period on the application was held from April 7 through May 6, 2025. Board Staff did not receive any public comment on this application.

## **DISCUSSION**

The Act prohibits any “municipality, municipal utility authority, or public utility” from conveying “any land utilized for the purpose of the protection of a public water supply.” Section 1 of P.L. 1988, c. 163. In other words, the Act places a moratorium on all



conveyances of watershed property by these entities. The Act authorizes the Board to grant an exemption from the moratorium under three circumstances. Section 2(a) of P.L. 1988, c. 163. The Board may permit the conveyance of the watershed property if it finds: "(1) that there is a compelling public need for the conveyance of the property, (2) the denial of the exemption would result in extraordinary hardship, or (3) the sale or development of the watershed property is otherwise consistent with the purposes of the act" (which are generally to protect water quality and encourage open space preservation). Any person applying for an exemption must submit to the Board appropriate documentation addressing any potential impacts on watershed buffer areas and must propose mitigation to address those impacts.

In the matter at hand, Veolia is seeking an exemption which would allow it to convey permanent construction/maintenance and utility easements over portions of the Properties. Veolia represents it maintains the Properties for the purpose of protecting its Oradell Reservoir lands. Hence, the Act's moratorium is applicable and prohibits Veolia from conveying any interest in the Properties to the County, PSE&G and/or O&R unless this Board finds one of the three exemptions applies.

Veolia and the County state that there is a compelling public need for the Project since it will improve the safety of the roadway. Based on the April 30, 2025 site visit and its review of the information provided by Veolia, Board Staff agrees that there is a compelling public need for the Project. In addition, Board Staff is satisfied that Veolia's current tree mitigation plan, which includes offsite planting of 94 trees within the Oradell Reservoir watershed, is protective of the watershed.

On this basis, Board Staff recommends that this Board approve the request for an exemption subject to the following conditions:

1. The County, PSE&G and O&R shall provide Veolia with notice prior to any construction activity on the Properties;
2. The County, PSE&G and O&R shall work in good faith with Veolia to determine the most beneficial on-going maintenance plan for the Project improvements that will limit the impact upon water quality of Veolia's Properties;
3. The County, PSE&G and O&R shall provide Veolia with the opportunity to have its representatives present to observe and comment on any actions taken by the County, PSE&G and O&R on the Properties; and
4. The County, PSE&G and O&R shall comply with any and all federal, state and local regulations and permit conditions.
5. Before Veolia grants any permanent easements on the Properties to the County, PSE&G and/or O&R, Veolia must obtain a partial release of the Conservation Easement from the NJDEP Commissioner in accordance with the New Jersey Conservation Restriction and Historic Preservation Restriction Act at N.J.S.A. 13:8B-1 et seq.

## **CONCLUSION**

Based on the foregoing discussion, the Board **HEREBY FINDS** that the conveyance of permanent construction/maintenance and utility easements by Veolia to the County, PSE&G and/or O&R is consistent with the purposes of the Act. The Board **FINDS** that there is a compelling public need for the Project and the conveyance of temporary and permanent easements from Veolia to County, PSE&G and O&R. This finding is the result of the thorough and complete review of the record in this proceeding and it is limited to the facts of this Project and shall not be construed as a determination by this Board with regard to any other conveyance of properties for which a future application may now be pending or may be brought in the future. As with all determinations by this Board, any future determination will be made on a case-by-case basis giving due regard to the information presented within each such application. Further, the Board is satisfied that the mitigation plan for this Project is appropriate and protective of the watershed.

This application including the plans and the conditions included above set forth standards by which the County, PSE&G and O&R shall conduct itself. After consideration of the entire application, the Board **HEREBY GRANTS** an exemption under the Act from the moratorium of conveying watershed property, limited to the purposes set forth in this application. As stated above, the Board **FINDS** that there is a compelling public need for this Project.

Therefore, the Board **HEREBY ORDERS** that the application for an exemption, pursuant to Section 2(a) of P.L. 1988, c. 163, as amended, shall be and hereby is **APPROVED** subject to the conditions recited above.

This Order confirms the vote on this matter taken at the duly noticed open public meeting of the Watershed Property Review Board on May 20, 2025.

DATED:

5/20/25

WATERSHED PROPERTY REVIEW BOARD

BY:



CHRISTINE GUHL-SADOVY  
President  
Board of Public Utilities



JUDITH YEANY  
Assistant Director, Office of Transactions and Public Land Administration  
Department of Environmental Protection  
Pursuant to delegation order dated February 5, 2024.



DONALD PALOMBI  
Chief Regulatory Officer  
Department of Community Affairs  
Pursuant to delegation order dated March 18, 2024



WATERSHED PROPERTY REVIEW BOARD  
REQUEST O/B/O THE COUNTY OF BERGEN FOR APPROVAL OF MORATORIUM  
EXEMPTION FOR SCHRAALENBURGH ROAD OVER DWARS KILL  
BROOK BRIDGE RELACEMENT PROJECT  
BOROUGH OF CLOSTER AND HARRINGTON PARK, BERGEN COUNTY

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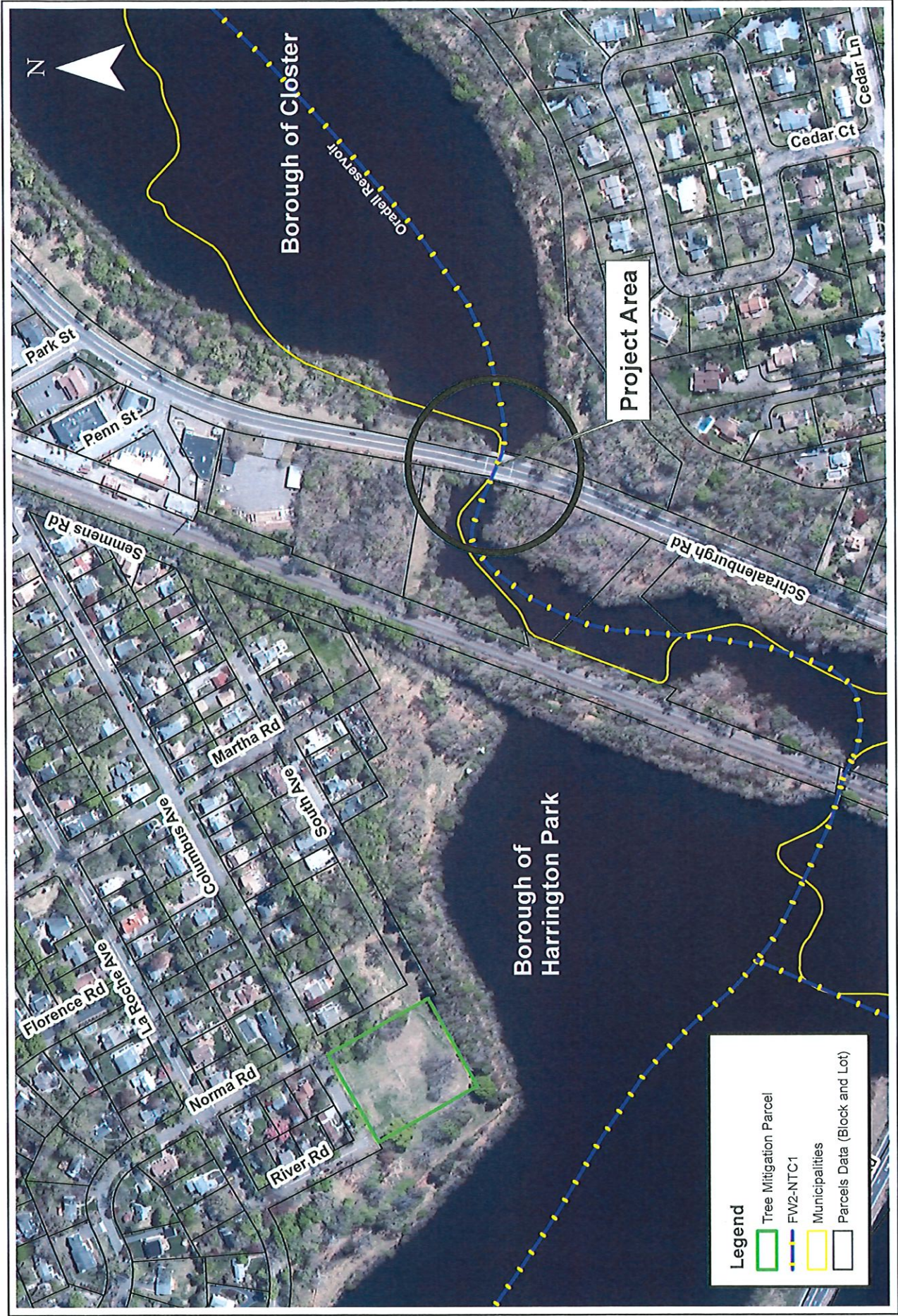
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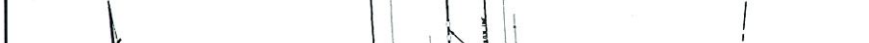


Exhibit 1 - Aerial Map of the Properties





## Borough of Closter



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