

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 2, 2025, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

OFFICE OF POLICY AND TECHNICAL DEVELOPMENT

Proposed Amendment to the Upper Raritan Water Quality Management Plan

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Raritan Water Quality Management (WQM) Plan in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as Haven at Princeton (Program Interest No. 435434, Activity No. AMD240001) would expand the sewer service area (SSA) of the Montgomery Township Stage II Wastewater Treatment Plant (WWTP) (New Jersey Pollutant Discharge Elimination System (NJPDES) No. NJ0026905) by 1.92 acres, to serve 30 three-bedroom townhouses located on a portion of Block 37003, Lot 7, in Montgomery Township, Somerset County. The remainder of the proposed development includes affordable housing consisting of 6 one-bedroom units, 20 two-bedroom units and 6 three-bedroom units, plus an additional 92 three-bedroom townhouses, which are located within 18.71 acres of the currently adopted SSA on a portion of the 74-acre site. This amendment also proposes to remove 8.86 acres from the currently adopted SSA. The portion of the project associated with this amendment will generate a projected wastewater flow of 9,000 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

This notice represents the Department's determination that the proposed amendment is compliant with the applicable regulatory criteria at N.J.A.C. 7:15, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSA needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2 requires

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that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of wastewater flow shall include a proposed modification to the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity. The proposed project involves less than 100 acres of proposed SSA and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive areas (ESAs) identified pursuant to N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following, alone, or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified at N.J.A.C. 7:15-4.4(f), and; ESAs subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the project site using a GIS shapefile provided by the applicant compared to the Department's GIS data layers available at <https://gisdata-njdep.opendata.arcgis.com> and/or other information as noted below, to determine the presence of any such areas in accordance with N.J.A.C. 7:15-4.4(e), (f), and (g) and made the following findings:

- The Department determined that the expanded SSA contains areas mapped as endangered or threatened wildlife species habitat for Red-headed Woodpecker (Rank 3) and Red-shouldered Hawk (Rank 4) on the Department's Landscape Maps of Habitat for Endangered, Threatened, or Other Priority Wildlife based on the "Landscape Project Data" Version 3.4 GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1. The Department determined that 1.92 acres of suitable habitat would be impacted by the project and that, in accordance with N.J.A.C. 7:15-4.4(k)3 and 4.7(e)1iii, implementation of conservation measures are necessary. The applicant submitted a Red-headed Woodpecker Survey Report dated June 18, 2017, prepared by DuBois Environmental Consultants, LLC, and Habitat Suitability Determination

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(HSD) and Habitat Impact Assessment (HIA) prepared by DuBois & Associates, pursuant to N.J.A.C. 7:15-4.7, dated May 29, 2024, and updated February 13, 2025. The Department determined that the implementation of the following conservation measures will minimize to the maximum extent practicable all adverse modification of suitable habitat and mitigate for any such adverse modification in a manner that provides for no net loss of habitat value to endangered or threatened species including the local population of that species.

- The applicant shall execute a grant of conservation restriction/easement establishing a permanent conservation easement on 51.2 acres of Block 37003, Lot 7. The conservation easement shall restrict development and use of the property as necessary to preserve the high quality Red-headed Woodpecker habitat, as well as Red-shouldered Hawk habitat, and shall run with the property and be binding on all successive owners, their agents and assigns. Ownership of the proposed mitigation site must be established; the deed restriction must be executed, filed and recorded with the Somerset County Clerk; and proof of ownership and recordation of the deed restriction must be provided to the Department prior to adoption of the proposed amendment, in accordance with N.J.A.C. 7:15-4.4(k)3.
- To minimize the potential take of the Red-headed Woodpecker and Red-shouldered Hawk, as well as the Indiana bat, Northern Long-eared bat and Tricolored bat, during the breeding season tree removal shall be restricted during the period of April 1st to September 30th in any given year.
- The Department determined that the proposed SSA does not contain any areas mapped as Natural Heritage Priority Sites based on the “Natural Heritage Priority Sites” GIS data layer, in accordance with N.J.A.C. 7:15-4.4(e)2.
- The Department determined that the proposed SSA does not contain any C1 waters or 300-foot riparian zones along any C1 waters or upstream tributaries within the same HUC-14 watershed of any C1 waters

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based on the “Surface Water Quality Standards” GIS data layer, in accordance with N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3.

- The Department determined that there are wetlands located on the project site based on the “Wetlands 2020” GIS data layer, in accordance with N.J.A.C. 7:15-4.4(e)4; however, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification Extension File # 1813-17-0006.1 Activity # FWW23001. The LOI determined that the project site contains state open waters, which require no buffers, intermediate wetlands, which include some isolated wetlands that require 50-foot buffers and exceptional wetlands, which require 150-foot buffers. The Department has determined that the wetlands classified as exceptional resource value are a documented and suitable habitat for a State threatened/endangered species. In order to obtain a Transition Area Waiver (TAW) for activity within the wetlands buffer, a grant of conservation restriction/easement for transition areas and adjacent wetlands, establishing a permanent conservation easement on the deed to the property will be established to protect both the wetlands and the above-mentioned threatened and endangered species habitat. The conservation restriction/easement discussed above for protection of the habitat encompasses the exceptional value wetlands riparian buffer areas.
- The Department determined that the proposed SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning Areas within the Coastal Area Facility Review Act (CAFRA) zone based on the “CAFRA (polygon)” GIS layer and the “State Plan Data” GIS layer, in accordance with N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency (USEPA) list of New Jersey Grantees with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2> in accordance with N.J.A.C. 7:15-4.4(g).

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Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in adopted zoning ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objectives. The proposed project received preliminary and final site plan as well as subdivision approval from the Montgomery Township Planning Board on September 20, 2021, as memorialized in Resolution PB-07-20. The Somerset County Planning Department issued a letter dated May 22, 2024, stating that the proposed project is inconsistent with the Somerset County Master Plan, since a portion of the property is located within the Priority Preservation Investment Area of the County Investment Framework. However, the Somerset County Planning Board supports the proposed amendment because the provision of affordable housing is consistent with the goals of the Somerset County Master Plan's Housing Element, it decreases the currently adopted SSA, and the undeveloped portion of the property will be dedicated to open space preservation.

This notice is to inform the public that a plan amendment has been proposed for the Upper Raritan WQM Plan. All information related to this plan and the proposed amendment is located at:

New Jersey Department of Environmental Protection

Watershed and Land Management

Office of Policy and Technical Development

Water Quality Management Planning Unit

PO Box 420, Mail Code 501-02A

501 East State Street

Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Office of Policy and Technical Development at (609) 633-7021.

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Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov. Comments should reference Program Interest No. 435434, Activity No. AMD240001 and must be submitted within 30 days of the date of this notice.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435434, Activity No. AMD24001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the public hearing. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted as it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, county or municipal review agency with jurisdiction over this project/activity.

4/21/2025

Date

Signed

Jason Kane, Assistant Director
Office of Policy and Technical Development
Watershed & Land Management
New Jersey Department of Environmental Protection