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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

OFFICE OF POLICY AND TECHNICAL DEVELOPMENT

Adopted Amendment to the Northeast Water Quality Management Plan

Take notice that on April 4, 2025, pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Northeast Water Quality Management (WQM) Plan. The amendment, identified as Frick Estates – Section IV (Program Interest No. 435442, Activity No. AMD190008), expands the sewer service area (SSA) of the Bergen County Utilities Authority Sewage Treatment Plant (BCUA STP) by 12.593 acres to serve a proposed residential development on Block 55, Lots 25.01 (portion), 26 (portion), and 27, 28, 29 (portion), and 30 in Alpine Borough, Bergen County. The proposed project consists of 1 one-bedroom units, 5 two-bedroom units, 2 three-bedroom units, 32 four-bedroom units and a 2,131 square foot clubhouse and swimming pool. The proposed project would generate a projected wastewater flow of 12,288 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3 to be received by the BCUA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0020028). As a result of Department permitting review subsequent to publication of the amendment proposal, very minor changes in the project were made; however, there are no changes in the footprint of the sewer

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service area or number of dwelling units and there was a slight reduction in projected flow. The amendment preliminary notice had stated that the proposed project had included 2 one-bedroom units, 4 two-bedroom units, 2 three-bedroom units, 32- four-bedroom units, a 3,570 sq. ft. clubhouse, and a projected wastewater flow of 12,357 gpd.

Preliminary notice was published in the New Jersey Register on July 1, 2024, at 56 N.J.R. 1201(a) and the Department received comments from a single commenter during the public comment period. The comments and the Department's responses are provided at the end of this notice. 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. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Alpine Borough, Demarest Borough, the Bergen County Utilities Authority (BCUA), and the Bergen County Board of County Commissioners. Alpine Borough adopted a resolution (unnumbered) on July 24, 2024, consenting to the proposed amendment. Demarest Borough and the BCUA declined to respond to the applicant's request for a statement of consent. The Bergen County Board of County Commissioners adopted Resolution 1201-24 on October 15, 2024, consenting to the proposed amendment.

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 that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of wastewater shall include a proposed modification to the wastewater treatment

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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 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 features, 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 does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4, or 5 on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on

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the “Landscape Project Data” Version 3.3 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(e)1.

- The Department determined that the expanded 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 there are C1 waters or 300-foot riparian zones along a C1 water or upstream tributaries within the same HUC-14 watershed of any C1 waters based on the “Surface Water Quality Standards” GIS data layer, in accordance with N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3. A portion of the Demerest Brook’s (FW2-NTC1) 300-foot riparian zone is located within Lot 29. A tributary to the Cresskill Brook (FW2-TPC1) and its 300 foot riparian zone are located within Lots 25.01 and 26. The Department’s review determined that these areas may be included in the sewer service area pursuant to N.J.A.C. 7:15-4.4(i), as the site is located within a Planning Area 1 as defined in the State Plan Policy Map in the State Development and Redevelopment Plan, there is no endangered or threatened wildlife species habitat within the expanded SSA, and that ESA’s included in the sewer service area remain subject to the Department’s regulatory permitting programs.
- The Department determined that there are wetlands located on the project site based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4. Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #0200-06-0003.8 FWW210001, confirming that non-isolated

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wetlands, greater than the 25-acre criteria threshold, do exist within the expanded SSA. The applicant has obtained Freshwater Wetlands General Permits 2, 6, 7, 10A and 11 as well as a Transition Area Waiver (TAW) Averaging Plan under File #0200-06-0003.9 LUP220001, File #0200-06-0003.10 LUP240001, and File #0200-06-0003.10 CRR250001, issued February 21, 2025, to fill the wetlands areas within the expanded SSA.

- The Department determined that the expanded 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 site 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).

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 and future land uses shown in adopted municipal or county master plans and other local land use objectives. The Alpine Borough mayor, in a letter dated April 26, 2023, stated that the proposed project will be consistent with the Borough’s land use regulations. On October 25, 2023, the Borough adopted Resolution #195:10’2023 authorizing execution of the litigation Settlement Agreement which involves adoption of a revised zoning ordinance, and on

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March 12, 2024, the NJ Superior Court approved the Settlement Agreement. The Bergen County Department of Planning and Engineering declined to respond to the applicant's request for a statement of consistency of the proposed project with the county master plan.

The following individual provided comments on this amendment during the comment period: Peter Kortright III, Principal Planner, Bergen County Department of Planning and Engineering. A summary of the comments and the Department responses follow.

COMMENT: In the DEP public notice the project layout is described as : "The proposed project consists of 2 one-bedroom units, 4 two-bedroom units, 2 three-bedroom units, 32 four - bedroom units and a 3,570 square foot clubhouse and swimming pool." Is this statement accurate? We have never encountered a project where the developer is building and distributing 80 percent of four-bedroom units in the development arrangement.

RESPONSE: The Department reviewed the site plan that the applicant had submitted with the amendment application and Land Use permit applications. As noted above, subsequent to proposal publication minor revisions were made to the number of one- and two-bedroom units. The 32 four-bedroom units will be market rate condominiums, and the remaining will be affordable housing units.

COMMENT: The DEP proposal notice states: "The Bergen County Department of Planning and Engineering informed the Department that it will not confirm or deny consistency of a proposed amendment with the County Master Plan as their existing master plan does not contain

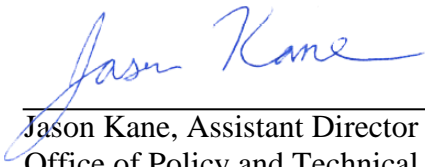
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sanitary sewer element and that it was last amended in 1966.” The County adopted a Comprehensive County Master Plan in 2023. The public notice should reflect this updated plan.

RESPONSE: The County subsequently clarified that the adopted 2023 County Master Plan does not specifically contain a sanitary sewer element, but the plan does speak to the County’s general goals and objectives regarding sewer expansion. In acknowledgment of the Comprehensive County Master Plan adopted in 2023, the above referenced “last amended in 1966” text that was in the Department’s preliminary amendment notice, has been removed.

Sewer service is not guaranteed by adoption of this amendment since 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.

4/4/2025
Date



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