

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES MANAGEMENT (WRM) COORDINATION**

**Adopted Amendment to the Upper Raritan Water Quality Management Plan**

**Public Notice:**

**Royce Brook Center**

**Take notice** that on **JAN 15 2016**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Statewide Water Quality Management Planning (WQMP) rules (N.J.A.C. 7:15-3.4) and Public Law (P.L.) 2011, c.203, as amended and supplemented by P.L. 2013, c.188, an amendment to the Upper Raritan Water Quality Management (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment (Program Interest No.: 435434; Activity No.: AMD150006), submitted on behalf of Royce Brook Golf Course, LLC, expands the sewer service area (SSA) of the Somerset Raritan Valley Sewerage Authority (SRVSA) Sewage Treatment Plant (STP) (NJ0024864) to include approximately 97.5 acres within the Royce Brook Golf Club property located on Block 183, Lot 38.01 and Block 183.01, Lot 1, in the Township of Hillsborough, Somerset County.

Currently, the Royce Brook Golf Club property is the site of a 36-hole golf course with a club house and maintenance support facilities. The combined acreage of the two parcels which make up the golf club (Block 183, Lot 38.01 and Block 183.01, Lot 1) is approximately 435 acres. Block 183, Lot 38.01 is approximately 338 acres and Block 183.01, Lot 1 is approximately 97 acres. As identified on the approved Somerset County Future Wastewater Service Areas Map, the Royce Brook Golf Club is currently served by a Department permitted on-site discharge to ground water (DGW) wastewater treatment facility (NJ0105562). At this time, only approximately 26 acres of land surrounding the club house and golf club maintenance facility on Block 183, Lot 38.01 are identified as SSA for the "Royce Brook Golf Club DGW Facility." The remaining area on this property is not designated as SSA. In addition, this location is currently zoned as commercial development zone (CDZ) and office/research zone (O5). The existing golf

course is listed as a conditional use within the CDZ and is a continued existing use within the O5 zone.

The submitted application for this amendment provided no specific proposed development plans for the 97.5 acre area proposed as SSA. The application did indicate that the site would be utilized for the continuous use of an 18-hole golf course and potential commercial/mix use development within the proposed new SSA consistent with the existing CDZ and O5 zoning. This amendment was reviewed in accordance with the WQMP rules at N.J.A.C. 7:15 as modified by P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188. This proposal qualifies as a site specific amendment pursuant to Section 6 of P.L. 2013, c.188 and is in compliance with the regulatory criteria established at N.J.A.C. 7:15-5.24 and 5.25.

In accordance with N.J.A.C. 7:15-5.24 environmentally sensitive areas (ESAs) are assessed to determine what areas of the property are appropriate for inclusion in the SSA. ESAs are defined based on a composite geographic information systems (GIS) analysis, as any contiguous area of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. ESAs are required to be excluded from the SSA except as provided in accordance with N.J.A.C. 7:15-5.24(e)-(h).

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Landscape Project version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-5.24(e)-(h). A review of the Landscape Project

Maps determined that no threatened or endangered species habitat or other priority species habitats were identified on the property.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e)-(h). A site review of the property determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, special water resource protection areas along Category One (C1) waters and their tributaries established under the Stormwater Management rules, N.J.A.C. 7:8, are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e)-(h). The Department determined that no classified C1 water bodies exist on or near the property.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e)-(h). In accordance with N.J.A.C. 7:15-5.24(e)2, a Letter of Interpretation (LOI) file No. 1810-06-0006.1 issued on December 13, 2006 and Transition Area Waiver-Averaging Plan issued December 18, 2008 (FWW-08000) verified the presence and extent of the regulated wetlands and associated transitional area (buffer) located within Block 183, Lot 38.01 and Block 183.01, Lot 1 and those wetland areas which are subject to N.J.A.C. 7:15-5.24 are not included in the SSA. As a result of this finding, the Department determined that the requirements at N.J.A.C. 7:15-5.24(e) have been satisfied.

All other ESAs as defined at N.J.A.C. 7:15-5.24(c)1-3; lands within certain coastal planning areas (Coastal Fringe, Coastal Rural, and Coastal Environmentally Sensitive Planning Areas) are not applicable to this proposed amendment location nor are any special restricted areas as defined at N.J.A.C. 7:15-5.24(d)1-4; beaches, costal high hazards area or dunes as defined under N.J.A.C.7:7E or areas with Federal 201 grant limitations which provide for restriction of sewer service in defined environmentally sensitive areas.

In accordance with P.L. 2011, c.203, as amended and supplemented by P.L. 2013, c.188, the Department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a SSA notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification. Therefore, amendments to modify a SSA may be approved if such actions are compliant with the applicable sections of the WQMP rule at N.J.A.C. 7:15 regardless of whether capacity has been fully assessed. Therefore, a projected wastewater flow from the project has not been evaluated.

In accordance with N.J.A.C. 7:15-5.25(h)3, the Department evaluated the water supply availability for the proposed project. Potable water to the proposed development is to be supplied by the New Jersey American Water, Raritan System (PWSID# 2004002) which has an identified available surplus capacity of approximately 979 million gallons per month. Therefore, due to this surplus volume, the Department determined that there would be sufficient water supply available within the existing water allocation permit to serve any proposed new on-site development.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater impact must be evaluated. However, P.L. 2011, c.203 as amended by P.L. 2013, c.188 directs that there is a presumption that an engineered subdivision or site plan is not required. Compliance with this standard shall be demonstrated by submission of an adopted stormwater management plan and ordinance that conform with the requirements of N.J.A.C. 7:8. The project is in compliance with this standard, as the Township of Hillsborough, Somerset County, New Jersey contains stormwater control and design measures at Chapter 262 subsection 6 (§262- 6), which complies with the performance standards of the Stormwater Management rules at N.J.A.C. 7:8. The County and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Consequently, the requirements of N.J.A.C. 7:15-5.25(h)4 for stormwater control have been satisfied.

In accordance with N.J.A.C. 7:15-5.25(h)5i, disturbance within riparian zones should be avoided. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the WQMP rules. There are classified FW-2 NT (non-trout) riparian zones within the Royce Brook Golf Club property. However, as part of this amendment, no riparian zone is within 100 feet of the expanded SSA. Consequently, the requirements established at N.J.A.C. 7:15-25(h)5 have been satisfied.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope equal to or greater than 20 percent. There are no steep slopes on the project site.

This amendment was noticed in the Department Bulletin, Volume 39; Issue 18, on September 16, 2015 and statements not consenting to the amendment were received from the Somerset County Planning Board and Hillsborough Township during the comment period.

On October 27, 2015, Hillsborough Township Council adopted the following: "Resolution Supporting Somerset County Planning Board's Non-Consent to the Proposed Water Quality Management (WQM) Plan Amendment Entitled Royce Brook Center." This resolution supported a letter dated October 20, 2015 from the Somerset County Planning Board to the Department which stated that the County was not in a position to consent to the proposed amendment. The comments below are the specific reasons opposing the proposed amendment identified within the Somerset County Planning Board letter and the Department's response:

**Comment:** The Somerset County Planning Board stated that the proposed SSA within the golf course is not consistent with elements of the Somerset County Master Plan and the County Investment Framework as the subject property and adjacent parcels are identified

as “Priority Preservation Investment Areas” (PPIA) on the Somerset County Investment Framework Map adopted in April 2014. The County asserted that the Somerset County Master Plan and the County Investment Framework identifying the parcels as a PPIA have been deemed consistent with the State Development and Redevelopment Plan by the State Planning Commission through the Cross Acceptance Process. PPIAs are areas where land preservation, environment protection and stewardship are preferred and where investments that support these activities are encouraged. This designation was developed in collaboration with Hillsborough Township in order to reflect local land use priorities. The County Investment Framework also supports growth within existing centers, commercial corridors and employment nodes where existing infrastructure and community facilities are already concentrated and has identified these areas as “Priority Growth Investment Areas” (PGIA). This site did not meet these criteria and was not identified as a PGIA in consultation with Hillsborough Township.

**Response:** There are inconsistencies between the Master Plans for the Township of Hillsborough and Somerset County. The Somerset County Master Plan is a general guidance document that provides a broad county-wide assessment and is not a legal document upon which to base a development proposal. Thus, the PPIA and PGIA areas are planning goals and not yet memorialized within Hillsborough Township’s zoning code. The approved zoning for the subject amendment parcels allows for further development. The WQMP rules, as modified by P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188, provide a means to add areas to SSA that are in accordance with the requirements at N.J.A.C. 7:15-5.24 and 5.25. The amendment site has not included any ESAs or lands with any other constraints regulated by the WQMP rules. Therefore, the return of 97 acres of land within Block 183, Lot 38.01 and Block 183.01, Lot 1, to SSA is consistent with the intent of the relevant statute and this amendment has been approved.

Nonetheless, the adoption of this amendment should not be construed as a position on or an endorsement of any future development within the Royce Brook Golf Course property.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



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Department of Environmental Protection

1-15-16

Date

