

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 20, 2023 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Upper Raritan Water Quality Management Plan

Take notice that on September 22, 2023, 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 Upper Raritan Water Quality Management (WQM) Plan. The amendment, identified as “Chester Borough Center” (aka Mill Ridge Lane and Turkey Farm) (Program Interest No. 435434, Activity No. AMD220001), establishes a new discharge to groundwater (DGW) sewer service area (SSA) of 15.2 acres on Block 101, Lots 12.07, 12.08, 13, 14, 15, and 16 in Chester Borough, Morris County to accommodate a multi-use development consisting of twenty 3-bedroom townhouses, eight 1-bedroom apartments, twenty-two 2-bedroom apartments, seven 3-bedroom apartments, 40,000 square feet of office and retail space for a medical building, drug store, and office building, and a 225-seat restaurant. The project will generate a projected wastewater flow of 26,125 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3 to be treated by a proposed new on-site wastewater treatment facility.

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Preliminary notice was published in the New Jersey Register on May 1, 2023, at 55 N.J.R.

973(b). No comments were received during the comment period. This notice represents the Department's determination that the amendment is compliant with the 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 Chester Borough, Morris County Board of County Commissioners, and the New Jersey Highlands Council. Chester Borough adopted Resolution #R2023-59 on April 18, 2023, consenting to the amendment. Morris County, in an email dated May 31, 2023, stated they took no position on the amendment. In lieu of passing a resolution, the New Jersey Highlands Council, in an email dated May 31, 2023, reaffirmed the position in their November 9, 2020 letter that the project is consistent with the Highlands Regional Master Plan.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSAs 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 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 new SSA but would generate 20,000 gpd or more of wastewater flow. However, since the wastewater is to be treated by a proposed new on-site wastewater treatment facility specifically for this project, a wastewater treatment capacity analysis is not required.

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The project is located in the Highlands Region, as defined in the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-7.a. Chester Borough is located entirely in the planning area of the Highlands region and is a fully conforming municipality. For fully conforming municipalities in the planning area, sewer service eligibility is determined by N.J.A.C. 7:15-4.4(c)2. On January 16, 2020, the Highlands Council approved an amended petition for Plan Conformance for Chester Borough that incorporated a Highlands Center designation for all of Chester Borough. Additionally, 308 acres of Chester Borough were delineated as Highlands Environmental Resource Zones (HERZ) due to the presence of environmentally sensitive resources. The delineated HERZ on the project site has been excluded from the new SSA. The project is located in a HUC-14 subwatershed that is in deficit of Net Water Availability. The water supply for the project is also located in a HUC-14 subwatershed that is in deficit of Net Water Availability. However, Chester Borough completed a Scope of Work and signed a Tri-Party Agreement for development of a municipal-wide Water Use and Conservation Management Plan which will address water uses and implement water conservation measures to address Net Water Availability deficits within Chester Borough. In a letter dated November 9, 2020, the Highlands Council found the project consistent with the Highlands Regional Master Plan and Executive Order No. 114 (2008), and on May 31, 2023, reaffirmed the position.

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. In a letter dated December 30, 2022, Chester Borough stated that the project is consistent with the municipal zoning and master plan. Morris County took no position on the project.

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Sewer service is not guaranteed by the 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.

9/22/2023

Date



Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection