



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

STATE OF NEW JERSEY
WATERSHED PROPERTY REVIEW BOARD

SHAWN M. LATOURETTE
Commissioner
Department of
Environmental Protection

JOSEPH L. FIORDALISO
President
Board of Public Utilities

SHEILA Y. OLIVER
Commissioner
Department of Community
Affairs

MINUTES OF REGULAR MEETING OF WATERSHED PROPERTY REVIEW BOARD

A regular meeting of the Watershed Property Review Board ("WPRB" or "Board") was held on February 24, 2022, via teleconference call pursuant to the Board's public notice and posted agenda.

Public notice was given pursuant to the Open Public Meetings Act ("OPMA") at N.J.S.A. 10:4-18 by posting notice of the meeting on the WPRB, Department of Environmental Protection ("DEP") Green Acres Program, Department of Community Affairs ("DCA") and Board of Public Utilities ("BPU") websites. Notice was also given in the DEP Bulletin and delivered to the Department of State and the following newspapers circulated in the State of New Jersey:

The Bergen Record
The Star Ledger

The following members of the Board were present:

President Joseph Fiordaliso, BPU
Deputy Commissioner Sean Moriarty, DEP
Chief Regulatory Officer, Donald Palombi, DCA

Deputy Attorney General ("DAG") Gersten opened the meeting with a reading of the OPMA statement indicating that adequate public notice of the meeting was given including posting notice on the WPRB, Green Acres Program, DCA and BPU websites. Notice was also posted in the DEP Bulletin and delivered to the Department of State, the Bergen Record and the Star Ledger.

DAG Gersten took roll call and welcomed the members of the Board. Hearing no opening comments from the members of the Board, DAG Gersten began with the first item on the agenda.

II. Exemption Request by SUEZ Water New Jersey Inc. o/b/o the County of Bergen and Public Service Electric and Gas Company for the Old Tappan Road Bridge Replacement Project, Borough of Old Tappan and the Township of River Vale, Bergen County

SUEZ Water New Jersey Inc. ("SWNJ"), on behalf of the County of Bergen and Public Service Electric and Gas Company ("PSE&G"), filed an application with the Board for an exemption from the Act stating that there is a compelling public need for the Old Tappan Road Bridge Replacement Project. Specifically, SWNJ seeks an exemption to grant both temporary access and permanent easements on portions of the following parcels (the "Properties") to support the construction of the Project:

Borough of Old Tappan, Bergen County – Block 2901, Lot 1
Township of River Vale, Bergen County – Block 1202, Lot 1

The County owns and has jurisdiction over the Old Tappan Road Bridge (Bergen County Bridge No. 020043A), which carries Old Tappan Road over the Hackensack River in the Borough of Old Tappan and the Township of River Vale. The existing single span bridge was constructed in 1900 and widened/rehabilitated in 1972. As a result of a 2016 bridge inspection, the County determined that the Old Tappan Road Bridge is in a severe state of deterioration. The County has decided to replace the existing bridge since it is structurally deficient due to the poor condition of the deck, superstructure, and substructure.

The demolition of the existing bridge, construction of the proposed prestressed concrete spread box beam superstructure and associated roadway improvements will result in a disturbance to approximately 0.2461 acres of land. The majority of this disturbance will occur within the limits of the existing County road right-of-way ("ROW"). While the County does not need the Board's approval to work in the existing ROW, which predates the Act, the County will need a temporary license (865 square feet (0.019 acre)) for access during construction, and a permanent easement (on same 865 square feet (0.019 acre)) on SWNJ's watershed property for future maintenance and access to the bridge. No improvements will be constructed on the Properties.

As part of the Project, the County decided to remove and relocate one utility pole located within SWNJ's property. The pole will be relocated 17ft from its existing location to the County ROW. Once the new pole is installed, relocation of the overhead electric lines will take place. This relocation will require a separate permanent construction and maintenance easement (3,871 square feet (0.088 acre)).

PSE&G and the County have identified seven trees, with a diameter at breast height (DBH) greater than six inches, which will be removed as a result of this project. Of these, four trees are deemed unsafe and in very poor condition. SWNJ has determined that these trees are to be removed and is not seeking mitigation for the removal of these trees given the poor health. PSE&G determined that the remaining three trees will require removal at the time of construction of the project due to their location within the permanent aerial easement. SWNJ will require mitigation for these three trees in accordance with its corporate tree mitigation schedule.

Approval would be subject to all other applicable permits and approvals, including, but not limited to, a Flood Hazard Area Individual Permit, as well as Freshwater Wetlands General Permits and a Water Quality Certificate. SWNJ must also obtain a partial release of the Conservation Easement from the DEP Commissioner in accordance with the New Jersey Conservation Restriction and Historic Preservation Restriction Act at N.J.S.A. 13:8B-1 et seq.

DAG Gersten asked if there were any comments, hearing none, asked for a motion on this item. President Fiordaliso moved to approve this project and Chief Regulatory Officer Palombi seconded. All three members of the Board voted to approve the request.

III. Jurisdictional Determinations

DAG Gersten stated that Staff conducted two jurisdictional determinations for New Jersey American Water Co. (“NJAWC”) in the City of Egg Harbor and City of Somers Point, Atlantic County. In both cases, Staff determined that the Board did not have jurisdiction over the properties since the properties were either subject to the Coastal Area Facility Review Act or the Pinelands Protection Act. Board members did not have any comments on this agenda item.

IV. Update on the Activities of the WPRB Staff Since the Previous Board Meeting in April 2021

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in April 2021. Updates included Staff continuing discussions on the Boonton Reservoir trail proposal, an affordable housing project in Millburn, construction of a DPW facility in Hillsdale, golf course improvements in Old Tappan, Route 23 DOT project in West Milford, long standing encroachments in River Vale and a possible land swap in Butler. Staff will continue to work with these applicants and will bring forth any requests it receives at the next Board meeting. There were no comments from the members of the Board on this agenda item.

DAG Gersten asked if there were any final comments or question for Staff, hearing none, asked for a motion to adjourn the meeting. President Fiordaliso moved and Chief Regulatory Officer Palombi seconded.

There being no further business before the Board, the meeting was adjourned at 11:50 am.

Jessica Patterson, Board Staff

Dated: February 24, 2022