

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE NORTHEAST WATER QUALITY MANAGEMENT
PLAN

Public Notice

Take notice that on OCT 08 2004, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Northeast Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Beacon Realty Associates, also amends the Oakland Borough Wastewater Management Plan (WMP).

This amendment allows for a 48,810 square foot commercial development located on 8.15 acres in Oakland Borough, Bergen County. The project site, which is located between Route 202, West Oakland Avenue and Route 208, currently contains an unoccupied house that was used for business and an unoccupied brick building that included a deli and nail salon, along with their associated parking areas. These buildings utilized septic systems, which have been abandoned. The existing buildings will be replaced with three commercial buildings and one office building on Lots 3, 4, 5 and 5.02 of Block 2303.01, and Lots 1, 2, 3 and an unnumbered parcel of Block 2404 on the tax map of Oakland Borough. A one-quarter acre detention pond to serve the site will be located on Lot 2 of Block 2316. The development will include a 30,200 square foot office building, a 2,930 square foot bank, a 10,880 square foot retail building (Retail "A"), which abuts Retail "B," which will include a 96 seat restaurant and a 32 seat coffee house.

Based on the projected flow criteria of N.J.A.C. 7:9A-7.4, the projected flow for this development is 9,707 gallons per day (gpd). This amendment allows for five

individual subsurface sewage disposal systems (ISSDS) to be identified as a discharge to groundwater service area. Presently, this area is located within the future sewer service area for the West Oakland Industrial Park Sewage Treatment Plant (STP); however there are no plans to sewer the location at this time. Once sewers are available to serve this development, the ISSDS will be abandoned and replaced by connection to the West Oakland Industrial Treatment Park STP sewer system.

This proposed amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. The Department has determined that no environmental analyses are required since the project generates less than 20,000 gpd and will disturb less than 100 acres.

This amendment proposal was noticed in the New Jersey Register on August 2, 2004 at N.J.R. 36 N.J.R. 2942(a). Comments on this amendment were received from Barbara Sachau of Florham Park, during the public comment period. These comments are summarized below with the Department's responses.

Comment: Four buildings are proposed. This is far too intensive a plan which covers the site so that water cannot recharge. A detention basin has been proposed. However, that is a negative because detention basins are not the best way for water to sink into an aquifer. 9,707 gpd is a lot of water to set aside from the public so that this developer profits. The water should be preserved for the general good of the general public.

Response: This project will allow four new buildings on a site that was previously developed. The Department does not anticipate that the impacts from the development will be significantly more than what currently exists. The use of on-site discharge to groundwater treatment systems will contribute to groundwater recharge. The development will be served by an existing public

water supply system that will not need to modify their existing water allocation permit to serve this proposed development.

Comment: ISSDS should not be utilized for this project; the development should wait until sewer service is available.

Response: Sewer service is not currently available for this development. As stated in the Oakland Borough WMP, once sewers are available, the ISSDS will be abandoned and replaced by connection to the West Oakland Industrial Park Sewage Treatment Park sewer system.

Comment: The disturbance of 100 acres is a substantial harm to New Jersey because of the dense population and the effect on wildlife.

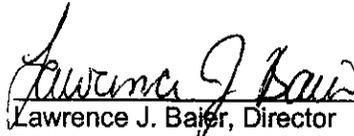
Response: The development that is the subject of this amendment will be constructed on an 8.15 acre site that is already disturbed.

Comment: The Department should conduct a public hearing on this amendment.

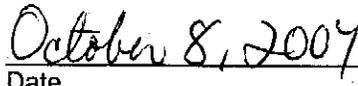
Response: The Department has determined that a public hearing on this amendment is not necessary. The Department does not believe that conducting a hearing on this amendment would likely result in the Department receiving comments relevant to the amendment that raise issues or provide new information, data or findings that were not previously raised or provided during the comment period.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: compliance with the stormwater regulations; antidegradation; effluent limitations;

water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.



Lawrence J. Baier, Director
Division of Watershed Management
Department of Environmental Protection



Date