

**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:

Sisters of Christian Charity

Take notice that on **JAN 06 2015**, 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 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 (PI# 435434; Activity #AMD150004) to the Upper Raritan Water Quality Management (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment modifies the Morris County Future Wastewater Service Area (FWSA) Map for that portion of the County within the Upper Raritan WQM Planning Area. This amendment provides for the potential development of a Provincial Center with 122 beds and a Chapel to include 80 seats on the site of the Sisters of Christian Charity located on Block 2301, Lots 13 and 13.01 in Mendham Borough, Morris County.

The Sisters of Christian Charity property consists of approximately 112 acres, comprising 44 acres within Lot 13 and 68 acres within Lot 13.01. Currently located on Block 2301, Lot 13.01 is a 165 bed Mother House, 52 bed Villa Pauline and three residential dwellings. Sanitary wastewater generated at this location is treated by six separate individual subsurface sewage disposal/septic systems regulated under a Department NJPDES T1 Permit (No. NJG0180157). As identified on the Morris County FWSA Map, adopted on April 25, 2013, approximately 63 acres on Lots 13

and 13.01 are designated as the “Sisters of Christian Charity” individual discharge to ground water (GWIND) sewer service area (SSA).

This amendment was noticed in the Department Bulletin, Volume 39; Issue 8, on April 15, 2015. The new development identified in this preliminary public notice, as provided in the proposed amendment application, consisted of a Provincial Center with 122 beds and a Chapel to include 80 seats. The preliminary notice stated that based on this new development the projected wastewater flow, calculated in accordance with N.J.A.C. 7:9A-7.4, was 16,880 gallons per day (gpd). In addition, the notice identified that any new wastewater generated by the new development would be treated by a proposed new on-site individual subsurface sewage disposal system and the current six septic systems serving the existing structures require a new Individual NJPDES DGW Permit regulating the entire site. Potable water for the existing and proposed development is to be provided by New Jersey American Water (NJAW).

The original notice identified that the total on-site design wastewater flow to be recognized by the new Individual NJPDES DGW Permit for both the existing and proposed new development on-site, calculated in accordance with N.J.A.C. 7:9A-7.4, was projected to be 46,290 gpd.

However, on September 14, 2015 Mendham Borough adopted a resolution amending the Land Use Plan Element of their 2006 Master Plan establishing a new land use category to be known as a Religious Campus (RC). The new zone encompasses 112 acres within the existing residential five acre (R-5) district. The new zone continues to permit single family residential use in accordance with the R-5 zoning standards and also permits a new RC use on a track of land not less than 80 contiguous acres,

under the ownership or control of a single entity containing living quarters of a religious order or congregation and associated administrative and spiritual facilities.

Furthermore, to accommodate land use categories that could occur within the RC, Section VI of the Land Use Plan Element amendment numerates the population density for the RC zone to include only members of the religious order and any support staff to be on the order of up to 2 persons per acre at a minimum of 80 acres, the area for the track defined for the RC zone.

Therefore, any expansion to the existing system to serve the new development would be required to be consistent with the indented uses of the RC zone as endorsed by the local planning and subsequent site plan approval process. Resultantly, the ultimate new projected wastewater flow from any proposed new development within this RC zone, to be calculated in accordance with N.J.A.C. 7:9A-7.4 at the time a NJPDES permit and/or Department treatment works approvals are sought cannot be determined as part of the amendment.

Additionally, as part of this amendment, the currently identified 63 acres of SSA for the Sisters of Christian Charity GWIND, as adopted on the Morris County FWSA Map was reduced by removing approximately 7 acres, and re-delineating 56 acres on the project property, encompassing both the existing development and the proposed development footprint for the Provincial Center and Chapel as depicted on plans submitted with the proposed amendment application.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15-5.24 and 5.25, as modified by P.L. 2011, c. 203, as amended and supplemented by P.L. 2013, c. 188. This notice represents the

Department's determination that this amendment complies with the regulatory criteria pursuant to 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 indicated that some of the approved SSA within the project location is identified as threatened and endangered species habitat for the federally listed Indiana Bat (IB). A portion of designated IB habitat, located on the southern portion Block 2301, Lot 13.01 adjacent to Bernardsville Road, is also within the 300 foot C1 riparian buffer associated with an on-site unnamed tributary to

McVickers Brook. As adopted on the Morris County FWSA Map this C1 riparian buffer is within approved SSA.

As part of this amendment, approximately 7 acres, or the entire portion of the 300 foot C1 riparian buffer identified as IB habitat located on the southern portion of Block 2301, Lot 13.01 was removed from the SSA. In addition, the remaining 56 acres of re-delineated SSA is to include only those portions of the site currently developed and the location of the proposed new development comprised of landscaped lawn area and small pockets of existing tree stands.

Based on the removal of critical ESAs from the SSA, the Department determined that pursuant to N.J.A.C. 7:15-5.24(g)2, the inclusion of non-critical habitat in the SSA for the development of the site will not adversely impact the nesting and breeding IB habitat nor decrease the likelihood of the survival and/or recovery of the species. As a result of this finding, the Department determined that the requirements at N.J.A.C. 7:15-5.24(g) has been satisfied

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 proposed 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, Category One (C1) special water resource protection areas are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e)-(h). No portion of the proposed development and associated SSA on site is within a special water resource protection area along C1 water. In addition, no portion of the proposed development on site is identified as within a riparian zone as established at N.J.A.C. 7:15-5.25(g)2-5.

In accordance with N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations prohibited from extension of sewers and excluded from the SSA are not applicable to this amendment.

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 amendment location nor are any ESAs as defined at N.J.A.C. 7:15-5.24(d)2-4; beaches, coastal high hazards area or dunes as defined under N.J.A.C.7:7E.

In accordance with N.J.A.C. 7:15-5.25(h)3, the Department evaluated the water supply availability for the proposed amendment. As discussed previously, the proposed development must be consistent within the newly created RC zone. Therefore, any associated potable water supply needs for this project location cannot be established at this time. Potable water to the existing and the proposed development is to be supplied by the NJAW, Short Hills, System (PWSID# 0712001). This system has an identified available surplus capacity of approximately 337 million gallons per month. Consequently, due to this surplus volume, the Department determined that there would be sufficient water supply available within the existing water allocation permit to serve the existing and any proposed new on-site development.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activities stormwater impact must be evaluated. The Borough of Mendham, has adopted a stormwater management ordinance (Ord. No. § 215-12.5.) that contains stormwater control and design measures. The Department has determined that this ordinance complies with the water quality and quantity standards in accordance with N.J.A.C. 7:8.

In accordance with N.J.A.C. 7:15-5.25(h)5, no portion of the proposed development on site is identified as within a riparian zone as established at N.J.A.C. 7:15-5.25(g)2-5 or within areas with a steep slope in accordance with N.J.A.C. 7:15-5.25(h)6.

This amendment proposal was noticed in the Department Bulletin and no comments were received during the comment period.


In accordance with N.J.A.C. 7:15-3.4(g)4, on June 11, 2015 the applicant submitted a letter to the Borough of Mendham requesting a written statement of consent to the proposed amendment in the form of an adopted resolution by the Borough. This letter specified that the adopted resolution be conditioned upon an alternative design flow projection. The applicant provided the Borough with a proposed revised design flow projection which indicated that the wastewater to be generated from the existing 165 bed Mother House would be limited to only 2,000 gpd. Nevertheless, neither specific details nor any description for the intended use of existing Mother House was offered.

The Borough of Mendham did not respond to the request for consent conditioned upon the alternative design flow projection. However, to address future development on the site, as previously discussed, on September 14, 2015, the Borough of Mendham adopted a resolution amending the Land Use Plan Element of their 2006 Master Plan.

As a result of the amended the Land Use Plan Element of the 2006 Master Plan, any future proposed new use for the Mother House and subsequent new development must be consistent with the RC zoning and land use density requirements contingent upon endorsement by the local planning and subsequent site plan approval process. Therefore, as indicated above, a total projected wastewater design flow for the project site cannot be established at this time as part of this amendment.

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.



Colleen Kokas, Director
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Department of Environmental Protection

1-6-16

Date