



State of New Jersey

Department of Environmental Protection

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Land Use Regulation Program  
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JAN 13 2004  
PROJECT MANAGEMENT  
RECEIVED

Paulina Knaster  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625

DEC 19 2003

**RE: Authorization for Freshwater Wetlands Statewide General Permit No. 10A and Transition Area Special Activities Waiver (Linear Development)**

LURP File No.:	0200-03-0002.1 030001 FWWGP10A, FWTW4L
Applicant:	Ms. Polina Knaster 1035 Parkway Avenue P.O. Box 600 Trenton, NJ 08625
Statute:	N.J.S.A. 13:9B-1 et seq.
Project:	Intersection Improvements on Route 9W
Location:	Boroughs of Tenafly and Alpine, Bergen County Hudson River

Dear Ms. Knaster:

The Land Use Regulation Program has reviewed the referenced application for Freshwater Wetlands Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Freshwater Wetlands Statewide General Permit No. 10A, which allows upgrading of existing roads and attendant features in freshwater wetlands where the activities are limited to 100 feet or less for each crossing of freshwater wetlands and/or State open waters; and the cumulative disturbance of freshwater wetlands, transition area, and State open waters onsite is limited to 0.25 acres or less. In addition, the proposed activities include those that are authorized by a Transition Area Waiver for Linear Development, which allows linear development such as roads, drives, stormwater management pipes, and other transmission lines not associated with road crossing activities authorized by the Freshwater Wetlands Statewide General Permit No. 10A.

**Limit of Authorized Disturbance**

Based on plans, twenty-six (26) sheets, entitled: "Environmental Plans Route U.S. 9W Section 2D, 3D Contract No. 005910246", dated 11/13/03 with revisions to sheets EP1, EP20, and EP21 dated 12/15/03 and signed by Patrice G. Malleus, P.E., the authorized activity involves permanent and temporary disturbances of wetlands and transition areas. The roadway work consists of minor widening of shoulders at five disjunct road areas described by the following:

**Segment 1** Route U.S. 9W at Montammy Drive - Route U.S. 9W Milepost 5.12 to 5.43. The existing roadway pavement will be widened on the southbound side (due to the constraint of the historic wall on the northbound side) to provide a 3.6m (11.81') wide and 49m (161') long left turn lane, two 3.6m (11.81') travel lanes, and two 3.0m (9.84') shoulders. The widening will result in the extension/relocation of an existing 24" diameter concrete culvert. A 20m (66') gabion wall is proposed at the northwest corner of the intersection to minimize disturbance to the wetlands and right of way acquisition.

**Segment 2** Route U.S. 9W at The Esplanade - Route U.S. 9W Milepost 5.95 to 6.18. A 49m (161') long and 3.6m (11.81') wide exclusive left turn lane will be added to the northbound roadway. Additionally, two 3.6m (11.81') travel lanes and two 3.0m (9.84') shoulders will be provided.

**Segment 3** Route U.S. 9W between Hillside Avenue and Closter Dock Road - Route U.S. 9W Milepost 6.71 to 7.29. The overall highway section will provide a 3.6m (11.81') wide left turn northbound lane at the Route U.S. 9W intersections with Hillside Avenue 49m long (161'), Glen Goin Drive 49m long (161') and Closter Dock Road 67 m long (220'). There will be a 3.6m (11.81') travel lane and 3.0m (9.84') shoulder in both the northbound and southbound directions along Route U.S. 9W. A 4.5m (14.76') wide exclusive right turn lane will be provided at the Closter Dock Road intersection for the southbound exiting traffic.

**Segment 4** Route U.S. 9W at Alpine Boy Scout Camp Road - Route U.S. 9W Milepost 9.62 to 9.90. A 49m (160') long and 3.6m (11.81') wide exclusive left turn lane will be provided to both the northbound and southbound directions of Route U.S. 9W. The southbound roadway, north of the intersection, will be widened to provide a 3.0m (9.84') wide shoulder for bicycle traffic. South of the intersection, the northbound roadway will be widened to provide a 3.0m (9.84') wide shoulder. The southbound roadway will have a varying shoulder from 0.9m at the existing pedestrian overpass to 2.4m where it meets the existing shoulder. The existing southbound bus stop will be relocated to the proposed southbound shoulder further north of the intersection. The northbound bus stop will also be relocated to the south to increase the intersection sight distance, which was reduced by a bus stopping at the existing location.

Cross road warning signs, W2-1, will be installed on the northbound and southbound approaches to the Boy Scout Camp Road intersection in the vicinity of a substandard vertical curve. Trees and shrubs will be removed along the northbound roadway, north of the intersection, and along the southbound roadway south of the proposed retaining wall to improve sight distance.

**Segment 5** Route U.S. 9W From Palisades Interstate Parkway Exit 4S to Exit 4N to the Lamont Geological Observatory Driveway - Route U.S. 9W Milepost 10.30 to 11.22. In the vicinity of the intersection with the P.I.P. Exit 4S, Route U.S. 9W will consist of a 3.6m (11.81') travel lane and a 2.4m (7.87') shoulder in the northbound direction, and a 3.6m (11.81') left turn lane and 4.5m (14.76') travel lane in the southbound direction. In order to avoid impacting parkland and an historic rock wall along the roadside, shoulder will not be provided for the southbound roadway.

North of the intersection, a 2.4m (7.87') shoulder will be provided in the northbound direction in order to improve the sight distance along the curved roadway. This northbound shoulder will not be continued, under the PIP overpass, due to the presence of the existing abutment. The northbound roadway will consist of a 4.5m (14.76') travel lane and a 3.6m (11.81') exclusive left turn lane. The southbound roadway, north of the intersection, will consist of a 3.6m (11.81') travel lane as well as a 3.6m (11.81') deceleration lane providing access to the northbound P.I.P.

The southbound roadway, south of the intersection, will consist of a 3.6m (11.81') and a 4.5m (14.76') travel lane. The two travel lanes will merge to one 4.5m (14.76') travel lane to meet the proposed highway section at the P.I.P. Interchange 4S. A 49m (161') long and 3.3m (10.82') wide exclusive left turn lane will be added to the southbound roadway. The intersection of the Lamont Observatory entrance with Route U.S. 9W will be relocated approximately 40m (130') south of the existing location. The southbound roadway will consist of a 3.6m (11.81') through lane with a varying right shoulder of 1.21m (4') min. to 3.0m (9.84') max. in width. In the vicinity of the Observatory entrance, the southbound 3.0m (9.84') right shoulder will be utilized as a bus stop. North of the entrance, the southbound roadway will consist of one 3.6m (11.81') through lane and a 3.6m (11.81') left turn lane. To avoid impacting the existing right of way, a retaining wall approximately 100m (320') long by 3m (9.84') high will be constructed along the southbound roadway. The northbound roadway will be widened in order to accommodate a through lane which varies from 4.5m (14.76') to 3.6m (11.81') in width. The right shoulder will vary in width from 3.0m (9.84') max. to 1.5m (4.92') min. The 3.0m (9.84') portion of the northbound right shoulder adjacent to the Observatory entrance will be utilized as a bus stop. The northbound roadway, south of the Observatory entrance will consist of a 4.5m (14.76') through lane. A right shoulder will not be provided in this area in order to avoid impacting the existing historic rock wall. Guide rail will be installed along the northbound roadway in areas where the historic rock wall is present. An existing 600mm box culvert and concrete headwall will be extended/relocated at the north end of the project. The Signal Ahead sign will be maintained. All roadside utilities effected by the roadway widening will be relocated accordingly.

**Stormwater runoff** will be treated by maintaining sheetflow through existing umbrella-type over-the-shoulder drainage and the installation of two in-line stormceptors to be located at the Route 9 interchange with the Palisades Interstate Parkway and at a location along Route 9 southbound at approximately 250 feet south of Glen Goin Drive.

Any additional disturbance of freshwater wetlands or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

#### **Permit Conditions**

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

#### **Freshwater Wetlands General Permit No. 10A**

- 1) The total amount of disturbance associated with this authorization shall not exceed 0.045 acres of permanent wetland disturbance. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area which has been determined by the Department to be necessary to accomplish the authorized activities. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
- 2) Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material.
- 3) Prior to construction, the project site must be surveyed for the presence of turtles and any turtles found must be removed from the project work area to a nearby safe area. Immediately following

the survey, the construction site must be encompassed by silt fence or other small-meshed fencing or cofferdam to prevent turtles from re-entering the construction area.

- 4) In order to protect the general fishery resources for the State open waters of the tributaries to the Hudson River, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **May 1 to June 30** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to this watercourse which could introduce sediment into said stream(s) or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

#### **Transition Area Special Activities Waiver for Linear Development**

The Transition Area Special Activities Waiver for Linear Development authorizes certain activities that include the expansion, widening, or upgrading of one or more existing paved or unpaved roads, including attendant features such as shoulders and embankments. The activities allowed by this authorization include minor widening to provide consistent shoulder widths along the aforementioned roadway and drainage improvements. These activities shall not exceed 0.478 acres of permanent wetland transition area disturbance and 0.624 acres of temporary transition area disturbance.

The stated impacts are the minimum necessary to provide for the safe management of traffic along Route 9, especially the provision of shoulder widths for disabled vehicles and pedestrian/bicycle use. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Land Use Regulation Program prior to the start of the disturbance.

In addition to the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

#### **General conditions:**

- 1) All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
- 2) This permit is revocable in accordance with NJDEP regulations and State law.
- 3) The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
- 4) The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
- 5) No change in plans or specifications shall be made except with the prior written permission of the Department.
- 6) The granting of this authorization shall not be construed in any way to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.

- 7) This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
- 8) A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
- 9) The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP (P.O. Box 401, 4<sup>th</sup> Floor, Trenton, NJ 08625-0401) with written notification 7 days prior to the start of the authorized work.
- 10) This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

**Water Quality Certificate:**

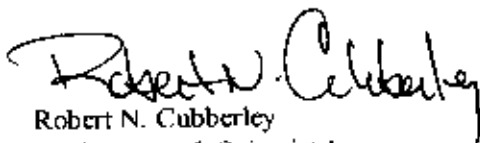
This letter of authorization to conduct a regulated activity in a wetland or open water includes the Program's approval of a Water Quality Certificate for these activities.

**Appeal of Decision**

Any interested party who considers himself or herself aggrieved by this permit decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection and Energy, P.O. Box 402, Trenton, NJ 08625-0402, Attention: Adjudicatory Hearing Requests.

If you have any questions regarding this Freshwater Wetlands Statewide General Permit authorization, please contact William McLaughlin of my staff at the address above, phone (609) 984-0195, or email (William.McLaughlin@dep.state.nj.us). Please reference the permit file number in any communication concerning this action.

Sincerely,



Robert N. Cubberley  
 Environmental Scientist I  
 Land Use Regulation Program

Attachment (approved plans)

WMcL

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|-----------|---|
| C:        | w/plans Borough of Tenafly Municipal Clerk<br>Borough of Alpine Municipal Clerk                       |
| W/o plans | Borough of Tenafly Planning Board<br>Borough of Alpine Planning Board<br>Bergen County Planning Board |