

Challenge to DEP permit for 800,000-square-foot Tewksbury office project moves forward in court



Neighboring Readington and environmental groups have gone to court to challenge a state sewage permit for an 800,00-square foot office development in Tewksbury for which there are no plans.(Photo: Courier News)

Story Highlights

- Suit says DEP did not follow state law in issuing permit
- Office development for site was approved, but never constructed

TEWKSBURY – Readington Township and environmental groups have gone to court to fight the state Department of Environmental Protection’s approval of a wastewater facility for an 800,000-square-foot office development that may never be built.

Readington, the New Jersey Highlands Coalition, the Raritan Headwaters Association and the New Jersey Sierra Club are fighting the permit, issued in July 2014, allowing Bellemead Development Corp. to discharge 100,000 gallons per day of treated sewage into the North Branch of the Rockaway Creek in the area south of the Route 523 and Route 78 interchange.

“It is beyond the pale that the DEP, contrary to its own regulations, contradicting municipal zoning and ignoring the consent of Highlands Council, has approved a sewerage discharge permit that defies all contemporary standards for land use in New Jersey,” said Elliot Ruga, senior policy analyst for the New Jersey Highlands Council. “Truly, we have no choice but to challenge the approval in court.”

In 1998 the DEP originally issued the permit to serve the proposed office development south of Interstate 78 in Tewksbury.

Despite the project obtaining state and local approvals, construction never began.

Eight years later, the DEP denied Bellemead's request for renewal of the permit. With changes in the economy, Bellemead had abandoned the office development proposal and instead wanted to use the permit for a residential development, Rockaway Village, that would have been built by K. Hovnanian.

But that proposal never came to fruition and in 2013, Bellemead again applied for the permit to serve the office development, though all other approvals for that project had lapsed.

The DEP approved the permit on July 1, 2014.

In their appeal of the DEP decision, filed with the Appellate Division of New Jersey Superior Court on April 9, Readington and the groups argue that the pollution resulting from the discharge will adversely affect the quality of drinking water in the N.J. Highlands area. The North Branch of Rockaway Creek eventually empties into the Raritan River, which provides the drinking water for most Central Jersey residents.

The brief also contends that the office development is no longer viable because its approvals have expired and Tewksbury has changed the area's zoning. Those factors do not allow the 1998 permit to be grandfathered.

No new plans for the site have been proposed.

In addition, the brief alleges that the DEP also failed to consult with the N.J. Highlands Council before issuing the permit as required by law.

"We are challenging the discharge permit because the DEP refused to recognize that the N.J. Highlands Act, the Regional Master Plan and Tewksbury's local rules changes have resulted in improved water quality protections since 2004," said Aaron Kleinbaum, of the Eastern Environment Law Center, who represents the Highlands Coalition and the other appellants.

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