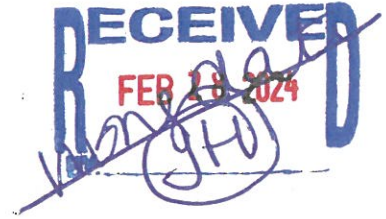


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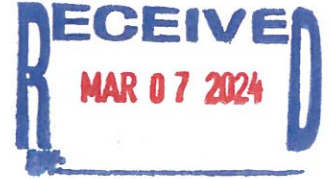
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March 1, 2024

Ms. Jessica Harmon  
Planning Board, Borough of Midland Park  
280 Godwin Avenue  
Midland Park, New Jersey 07432



RE: Ridgewood Water Capital Project  
PFAS Treatment Project  
Location: 32 Birch Street, Block 32, Lot 4

Dear Ms. Harmon:

As you may be aware, I represent Ridgewood Water in regard to the above listed application that is being filed with the Township of Wyckoff Planning Board. The Application is attached to this letter for filing.

This application is filed as a capital project mandated by the New Jersey Department of Environmental Protection (hereinafter "NJDEP") to treat water within the Ridgewood Water system that exceeds the permitted maximum contaminant levels (hereinafter "MCL") established by the NJDEP of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS). This particular point of entry is one of the identified "points of entry" for water that has levels of exceedance of PFOA and PFOS and treatment has been deemed necessary.

Please be advised that this application is filed pursuant to N.J.S.A. 40:55D-31 as Ridgewood Water is a public regional water utility and qualifies as a public entity pursuant to the Municipal Land Use Law. In this regard, this application is subject to the exemptions provided therein for review and recommendations of its capital projects.

The NJDEP mandates the treatment of the water to gain compliance with the MCL for potable water. This mandate supersedes and preempts local zoning regulations as it is expressly mandated by NJDEP regulations which are specifically established for safety and health reasons. There are numerous Appellate Division and New Jersey Supreme Court opinions recognizing the

preemption of local zoning when the State statute or regulation expressly proscribes the requirement. We would be willing to share the list of cases in which these Courts have held such preemption.

It should be noted that N.J.S.A. 40:55-31 does not require notices to property owners within 200 feet pursuant to N.J.S.A. 40:55D-10 be sent. However, Ridgewood Water will be notifying the property owners within 200 feet in accordance with the requirements of the MLUL. The statute further exempts the public utility from having to provide the site plan check list and identify waivers that are customarily listed in full site plan applications.

Kindly confirm that this application will be heard on April 15, 2024, or provide the date on which you believe this application will be scheduled for a hearing. That would be a great help for the Notices to property owners and the newspaper.

Thank you in advance for your attention in this regard.

Very truly yours,

LAW OFFICES OF MATTHEW S. ROGERS, LLC



By:

\_\_\_\_\_  
MATTHEW S. ROGERS

MSR/lpr

cc: Client