



# State of New Jersey

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## Highlands Council Staff Recommendation Report Proposed Highlands Redevelopment Area Designation 700 Bartley Chester Road, L.L.C Highlands Redevelopment Area Mount Olive Block 6800 Lot 10

Date: October 22, 2012

Re:	Application Type:	<i>Proposed Highlands Redevelopment Area Designation</i>
	Name:	<i>700 Bartley Chester Road, L.L.C Highlands Redevelopment Area</i>
	Municipality:	<i>Mount Olive</i>
	County:	<i>Morris</i>
	Highlands Act Area:	<i>Preservation Area</i>
	LUCM Location:	<i>Protection Zone and Existing Community Zone</i>
	Property:	<i>Block 6800 Lot 10</i>
	Proposed Use:	<i>The proposed redevelopment project is the construction of an approximate 26,737 square feet addition to an existing parking lot to accommodate tractor trailer parking for an existing warehouse.</i>

### 1.0 PROJECT DESCRIPTION

The proposed 700 Bartley Chester Road, L.L.C Highlands Redevelopment Area is located within the Preservation Area at Block 6800 Lot 10 in Mount Olive Township, Morris County. The property is currently developed with a 155,000 square foot (sq ft) commercial building with an attendant parking lot and maintained grass lawn. The property encompasses approximately 19.6 acres. The existing zoning for the property pursuant to the Mount Olive Township Zoning Ordinance is the "G-I: General Industrial District". The parcel is owned by 700 Bartley Chester Road, L.L.C, who leases the property to a company specializing in warehousing and transportation, known as Uncommon Carrier. Uncommon Carrier is a prime subcontractor of the Givaudan Company, providing warehousing and transportation services to Givaudan. The Givaudan Company is also located in Mount Olive Township (in the Mount Olive Foreign Trade Zone). The applicant notes that while the building has been adequately converted to warehousing use (from office/manufacturing use, as described below), the parking lot was never designed or intended for tractor trailer parking. The proposed redevelopment project is the construction of an approximate 26,737 sq ft addition to the existing parking lot to accommodate tractor trailer parking for the existing warehouse. The proposed parking lot expansion is in the easterly side of the property, which is currently maintained lawn. According to the applicant, the proposal is intended to provide for safe

and efficient parking and storage of tractor trailers to allow Uncommon Carrier to use the property for its business purposes.

The owner of the parcel, 700 Bartley Chester Road, L.L.C, is seeking a Highlands Redevelopment Area Designation from the Highlands Council. The proposed Highlands Redevelopment Area is 428,567 sq ft (approximately 9 acres), with an existing impervious surface of 299,997 sq ft (70% impervious surface). Approval of the applicant's request for a Highlands Redevelopment Area Designation is a prerequisite for an application for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.

## **2.0 ADMINISTRATIVE PROCESS**

Following is a brief history of the parcel (as provided by the applicant) and associated administrative process. The Lamtec Corporation originally purchased the property as vacant land and obtained site plan approval from the Township of Mount Olive to construct an 80,000 sq ft office and manufacturing facility. The corporation primarily manufactures reinforced vapor barrier for general use in the insulation industry. The original 80,000 sq ft building was built in 1981-1982. An amended site plan approval was obtained from Mount Olive in 1991 to construct a 75,000 sq ft addition to the building, together with a free-standing 3,000 pallet shed. Construction of the 75,000 sq ft addition and pallet shed was completed in 1992.

In 2006, the Lamtec Corporation applied again to the Mount Olive Township Planning Board to construct an 11,250 sq ft addition to the building. According to the applicant, the proposed expansion was designed in such a manner that there would be a net impervious surface increase of 7,125 sq ft. The Mount Olive Planning Board approved the amended site plan and the Lamtec Corporation then applied to NJDEP for a Highlands Applicability Determination (HAD) as an exempt project under Exemption #4 of the Highlands Act (i.e., the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more.) By letter dated February 27, 2007, NJDEP determined that the project was exempt under the Highlands Act. However, according to the applicant, the Lamtec Corporation ultimately determined not to construct the 11,250 sq ft addition when it realized that the site could not be expanded to meet its use. The applicant states that the Lamtec Corporation ultimately constructed an entirely new 262,000 sq ft facility in Upper Mount Bethel Township, Pennsylvania.

As previously noted, the property has now been leased to the Uncommon Carrier company who has stated the need to expand and reconfigure the parking areas on the easterly side of the property to provide for safe and efficient parking and storage of tractor trailers. On July 11, 2012, the Highlands Council received an application for a requisite Pre-Application meeting to discuss the proposed project. A Pre-Application Meeting was held at the Highlands Council office in Chester on August 15, 2012 (see meeting summary attached). On August 17, 2012, the Highlands Council received a formal petition for a Highlands Redevelopment Area Designation. The petition was deemed administratively complete (i.e., it met the submittal requirements outlined in the *Procedures for Highlands Redevelopment Area Designations, October 2008*) and the Highlands Council staff technical review commenced.

### 3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Redevelopment opportunities will be an important vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment policies and objectives within the Highlands Regional Master Plan (RMP) envision the conversion of underutilized, previously disturbed lands and infill properties into new economic contributors to the Region's fiscal health. As stated in the RMP, "Redevelopment will help to meet the Region's growth needs by optimizing the efficient use of previously settled areas with existing communities and available infrastructure, thus conserving natural resources."

Given that redevelopment is one of the major opportunities for sustainable economic development and smart growth in the Highlands Region, the proposed Highlands Redevelopment Area was reviewed for policies and objectives relevant to smart growth and sustainable economic development. The Highlands Act calls for the RMP to "promote compatible...uses and opportunities within the framework of protecting the Highlands environment."

As stated above, the proposed Highlands Redevelopment Area is a parcel located within the Preservation Area that is zoned as General Industrial District. The proposed Highlands Redevelopment Area is mostly developed as a manufacturing building with a parking lot and a maintained lawn. The proposed Highlands Redevelopment Area features 70% impervious cover. The proposed use for the parcel is the continued use as a warehouse facility and, with an approved Highlands Redevelopment Area designation, an expanded parking lot to accommodate tractor trailer parking.

Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project shall be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities must be managed to minimize impacts to the surrounding environment. Designation of the proposed Highlands Redevelopment Area provides for beneficial public use. By reusing and redeveloping previously disturbed and infill areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed expansion of the parking area at Block 6800 Lot 10 does not create a substantial change to the existing development pattern of this area, as the surrounding parcels are currently developed. This is also consistent with the Highlands Act goal to "encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way..."

### 4.0 FINDINGS AND RECOMMENDATIONS

Council staff reviewed the complete application package. Findings include:

- **Impervious Surface Requirement:** The calculations were verified and the proposed Highlands Redevelopment Area was found to contain 70% impervious surface, consistent with the Highlands Act requirement for at least 70% impervious surface.

- Existing Impervious Surface = 299,997 sq ft
  - Allowable Highlands Redevelopment Area = 428,567 sq ft
  - Proposed Highlands Redevelopment Area = 428,567 sq ft
- **Resource Assessment:** According to the Highlands Council GIS data, there is a mapped wetland on the eastern side of the subject parcel where there is maintained lawn and where the parking lot expansion is proposed. However, the applicant conducted a wetland delineation (report and map provided to the Highlands Council) and according to the report and mapping, there are no wetlands or Highlands Open Waters buffers on the parcel. Thus, there would be no encroachment of these resources with the proposed parking lot expansion. According to the Highlands Council GIS data, the subject parcel and a large area surrounding the parcel are located in a Carbonate Rock Area. During the Pre-Application Meeting, the engineer for the applicant indicated that borings conducted throughout the property over time indicate that there are no karst features on the property. According to the Highlands Council GIS data, the easterly portion of the property where the parking lot expansion is proposed lies within the 1,000 foot buffer of a vernal pool. In its assessment of potential impacts to vernal pool habitat, the Highlands Council staff notes that the area where the parking lot expansion is proposed is over 500 feet to the mapped vernal pool and does not function as core habitat for vernal pool species as it is disturbed/maintained lawn. In addition, the area separating the subject parcel and the mapped vernal pool is largely commercial development to the north and east which serves as a barrier to the migration of vernal pool wildlife species. The proposed development would entail encroachment into a Tier II Wellhead Protection Area (WHPA). However, the proposed parking lot does not pose significant potential to result in the discharge of persistent organic or toxic chemicals sources to ground water. Further, the Highlands Council staff notes that the applicant is proposing to install a bioretention facility which will serve to enhance water quality and recharge as compared to the existing stormwater system.
  - **Smart Growth and Sustainable Economic Development:** The proposal is consistent with the RMP regarding smart growth and sustainable economic development; however, details should be provided as part of the NJDEP HPAA permitting process to demonstrate the implementation of low impact development techniques as addressed in the Low Impact Development Program of the RMP. Designation of the proposed Highlands Redevelopment Area provides for beneficial public use. By reusing and redeveloping previously disturbed and infill areas, economic investment and community development are assured within the framework of smart growth. The project promotes smart growth policies by maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment.

The Highlands Act allows a waiver of any provision of a Highlands permitting review on a case-by-case basis for a redevelopment proposal, conditioned upon the finding by NJDEP that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). To assist NJDEP, the Council staff concludes that the proposed project meets the waiver criteria, which are addressed as follows:

Requirement	Staff Analysis
1) would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground	There would be no new water/wastewater requirements associated with the parking lot expansion. No expansion of a public

Requirement	Staff Analysis
waters;	water supply system is proposed, and no expansion of the existing sewer service area is proposed. Stormwater regulations shall be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. The applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.
2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	The proposed parking lot expansion into a maintained lawn would not adversely affect the natural functioning of animal, plant, and other natural resources.
3) will result in minimum feasible alteration or impairment of the aquatic ecosystem;	The proposed parking lot expansion will not result in the impairment or alteration of the aquatic ecosystem.
4) will not jeopardize the continued existence of endangered animal or plant species;	The proposed construction would not jeopardize the continued existence of endangered animal or plant species.
5) is located or constructed as to neither endanger human life or property nor otherwise impair public health, safety and welfare;	The proposed Highlands Redevelopment Area is compatible with existing municipal zoning. The construction of the expanded parking lot would not endanger human life or property nor otherwise impair public health, safety and welfare.
6) would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and	No resources of this type are known to be affected by the project.
7) meets all other applicable NJDEP standards, rules, and regulations and State laws.	Compliance with all remaining NJDEP standards will be addressed through the HPAA with redevelopment waiver permit process.

It is the Highlands Council staff's recommendation that the Highlands Council approve the proposed Highlands Redevelopment Area designation with the conditions that:

1. A waiver from NJDEP will be required for the project regarding the Preservation Area rules (N.J.A.C. 7:-38) regarding the maximum 3% impervious surface;
2. The Letter of Interpretation (LOI) from the NJDEP during the HPAA permitting process confirms the wetland boundaries identified by the applicant (LOIs are not issued by the NJDEP in the Highlands Region until the time of the HPAA permitting process); and
3. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that

incorporates low impact development techniques including a bioretention basin and a construction implementation plan that minimizes disturbance during and after construction.

4. The applicant must conduct a geotechnical investigation to confirm that no karst features exist in the area of the proposed project.

#### Attachments

- Pre-Application Meeting Summary
- Consistency Determination

## Redevelopment Area Designation Pre-Application Meeting Summary

Date: August 15, 2012  
 Time: 1:30 pm  
 Location: Highlands Council Office, Chester, NJ  
 Re: Potential Redevelopment Area Designation – 700 Bartley Chester Road, L.L.C,  
 Mount Olive, Block 6800 Lot 10

### Attendees:

Highlands Council Staff	Applicant
Gene Feyl	Richard Stein (Attorney)
Margaret Nordstrom	Mark Denisiuk (Engineer)
Chris Danis	
James Humphries	
Chris Ross	

The Pre-Application meeting began with introductions by all in attendance. Richard Stein presented a brief overview of the history of the parcel and the proposed redevelopment project. Chris Ross indicated that the Highlands Council GIS data layers identify wetlands on the property and Highlands Open Waters buffers, but she noted that the site plan indicates that a wetland delineation was conducted and that all wetlands/Highlands Open Waters are outside of the parcel. Mr. Denisiuk confirmed and noted that while there was no Letter of Interpretation (LOI) from the NJDEP at this time (that will come during the Highlands Preservation Area Approval process with NJDEP) that he could provide copies of the wetland delineation report and associated materials to the Council staff. Mr. Denisiuk provided an overview of the site plan including existing and proposed infrastructure/stormwater management planning, and a resource analysis summary.

With regards to next steps in the process, Ms. Ross explained that for the final petition submittal, the items in Appendix A of the Highlands procedure document were required, which are the requirements of an NJDEP Pre-Application meeting request (it was noted that these items would be required anyway when the applicant meets with NJDEP to commence the HPAA process.) It was discussed that the Highlands Council process is the first of two steps in the process – if the Highlands Council approves the proposed Highlands Redevelopment Area, then an application for a Highlands Preservation Area Approval (HPAA) with Redevelopment Waiver is submitted to the NJDEP for approval. Mr. Stein indicated that he would be providing the final petition submittal during the week of August 20, 2012 with the hopes that this could make the Council's September meeting agenda. The Highlands Council staff indicated that the review would be as expeditious as feasible.