Public Comments Received on the Highlands Water Protection and Planning Council Draft Consistency Determination and Staff Recommendation Report for the Goldmine Partners, L.L.C. - Mount Olive Block 4500, Lot 3 Proposed Highlands Redevelopment Area Designation (Comment Period of July 2 – July 26, 2010):

- David M. Scapicchio, Mayor of Mount Olive Township
- David Peifer, The Association of New Jersey Environmental Commissions (ANJEC)

Public Comments Summary

- The Mayor of Mount Olive Township expresses support for the proposed Highlands Redevelopment Area Designation.
- Notes that the Mount Olive Planning Board granted a combined Preliminary and Final Site Plan Approval to Goldmine Partners, LLC on March 20, 2008 to permit construction of two buildings on the parcel subject to conditions including approval by the Highlands Council and the NJDEP.
- States that the proposed development will restore this vacant parcel, previously disturbed through sand and gravel excavation, to productive use.
- Notes that the Township administration and the Planning Board identified this site along with adjacent properties situated on Gold Mine Road as one of several excellent candidates for a Highlands Redevelopment Area Designation.
- Comments from ANJEC state that it is unclear from the application what the nature of the use will be but there is a reference to "equipment maintenance." Feels that since the project is to be served by an individual on-site septic system, there may be some circumstances where toxic and persistent substances could enter the system, especially from washing and maintenance of construction equipment. Until the actual use and other design details are clarified, believes that the potential exists to release "persistent organic or toxic chemical" substances into the proposed septic system that would be located in a Tier 3 Wellhead Protection Area (WHPA). Believes that even if the proposed discharge was not in the WHPA, concerns would still exist with the discharge of vehicle/equipment wash water into a septic system. Feels that this is of particular concern due to the proximity of the existing well to the proposed septic system.
- With respect to potable water, recognizes the use projections but remains concerned with water quality due to the inactive status of the well (no construction details available) and the proximity of several large areas of ground water contamination (including Combe-Fill North and another site to the west) on Gold Mine Road.
- With respect to stormwater, feels that the proposed stormwater treatment approach is quite crude, relying primarily on an "end-of-pipe" infiltration basin that receives un-renovated wastewater from paved parking. Feels that use of Low Impact Development (LID) stormwater techniques should be required.

- Notes that the proposed location is aligned on an east west axis. Feels that solar potential is good due to orientation and lack of shading. Feels that a flat roofed configuration would produce the greatest available area but even a gabled roof would produce a considerable area of roof for solar installation and that the applicant should be advised of this opportunity. Notes that there are other substantial roof areas in the vicinity with excellent solar access.
- Suggests that a final grading plan should be produced. Notes the extremely steep slopes in the southern and southwestern portions of the tract that should be reduced to no greater than a 3:1 slope.
- Supports the re-vegetation of the site but is concerned about the lack of specificity in the proposed plans, the applicant's ability to complete the large project, and the lack of specificity concerning cover material, grading, and maintenance. The plans should show final grading contours, define cover material quality, specify erosion control practices to be employed, and describe a maintenance plan. Further, feels a performance bond should be required.
- States that only one sheet of the previously approved site plan (6/22/09) was available for review in the file at the Council. From that site plan, it appears that the proposed development was previously sited outside of the Highlands Open Waters buffer. Feels that due to the site's size and shape there may be other options to avoid the buffer and thus obviate the need for a waiver from the Highlands Open Waters buffers rules.
- Notes that the claim that the project will create a specific number of jobs should be carefully examined. Feels that if the applicant is currently in business in the Highlands Region, the "job creation" may simply be a relocation of existing jobs. Credit for job creation in the Highlands should only be given for new jobs created or imported from outside the region.
- Feels that re-use of this degraded site offers substantial opportunities for environmental improvement however, notes that the site must be carefully handled due to its degraded nature. Overall, supports the proposal; urges the Council to view redevelopment designations as a means of improving not only the specific property but the neighboring region as well.
- In addition to the project-specific comments stated above, ANJEC provided comments regarding general Highlands Council procedural matters. States that a complete review was not possible using the on-line data supplied by the Highlands Council. In particular, notes that the site plan was not available on-line and its review required a visit to the Highlands Council's office. Believes that members of the public should be provided with complete project information on-line in future applications.
- Expresses general concern regarding the interactions between applicants, Highlands Council staff, and the local planning board in cases such as this. States understanding that substantial revisions suggested by Council staff were made to the site plan previously approved by the municipality. Feels that these revisions will have to be reviewed and approved by the local planning board. Believes that any changes or additions required in the plan by the NJDEP

review process should be incorporated before final local review, in order to be properly approved by the municipality.

General Responses and Edits to the Consistency Determination and Staff Recommendation Report

As a general response, the Highlands Redevelopment Area designation is not a site plan review process, which will occur at the municipal level and as part of NJDEP's review of the Highlands Preservation Area Approval (HPAA) with redevelopment waiver. The Highlands Council approves a boundary for the Highlands Redevelopment Area, following which the regulatory agencies determine whether the specific development approval can be accommodated in conformance with all applicable ordinances and regulations. Accordingly, the detailed site plan issues will be addressed at a later date with an opportunity for public review and comment.

With respect to the comment that there may be options to avoid the Highlands Open Waters buffer and thus obviate the need for a waiver from the Highlands Open Waters buffers rules, it is noted that the buffer area that would be encroached upon is completely disturbed and comprised of impervious surface; it is a non-functioning buffer. Further, the applicant proposes ecological enhancement of the remaining area not used for construction by placing topsoil, a meadow seed mix, and tree plantings to replace areas of existing gravel and exposed bedrock, which could facilitate the restoration of the functional values of the buffer.

With respect to the comment that credit for job creation in the Highlands should only be given for new jobs created or imported from outside the region, the Highlands Council staff review did not suggest that this was an increase in regional employment; rather, the review simply states the intended on-site employment. Text in the Consistency Determination and Staff Recommendation Report has been modified to clarify the issue, stating that the proposed development will enhance the property owner's business capacity, thereby maintaining and potentially increasing jobs in the region. New text was also added to the Staff Recommendation Report (at the end of Section 2, Administrative Process), that noted the recognized value of staff working with the applicant and NJDEP staff to ensure that site plan revisions would continue to meet the applicant's needs and objectives, while also ensuring that the potential Highlands Redevelopment Area met the 70 percent impervious surface criterion, and that the Mayor had expressed written support for the proposed project during the public comment period.