



State of New Jersey

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Highlands Council Staff ~~Draft~~Final Recommendation Report Proposed Highlands Redevelopment Area Designation Block 15901 Lot 1, West Milford

Date: ~~April 17~~May 12, 2009

Re:	Application Type:	<i>Proposed Highlands Redevelopment Area Designation</i>
	Name:	<i>Block 15901 Lot 1, Township of West Milford</i>
	Municipality:	<i>Township of West Milford</i>
	County:	<i>Passaic</i>
	Highlands Act Area:	<i>Preservation Area</i>
	LUCM Location:	<i>Existing Community Zone</i>
	Property:	<i>Block 15901 Lot 1</i>
	Proposed Use:	<i>Existing industrial facility with parking lot expansion</i>

1.0 PROJECT DESCRIPTION

The applicant owns a parcel at 209 Oak Ridge Road in West Milford (Block 15901 Lot 1). The parcel is located in the Existing Community Zone of the Preservation Area. Most of the site is disturbed and features existing buildings and parking areas (both paved and gravel). The eastern portion of the site features lawn and some ornamental trees. The applicant proposes to construct an approximately 20,000-square foot parking lot in the eastern portion of the site, as the current parking is considered inadequate for the size of the existing buildings and has resulted in the loss of tenants for this reason. Access would be from the existing parking area near the rear of the main building. Almost half of the parcel (the northern half) is within a Highlands Open Waters buffer (for a wetland across the street from the parcel); no Highlands Open Waters exist on the site. Nearly all of the HOW buffer, and all of the area proposed for the parking lot, is currently disturbed, with buildings, lawn and gravel areas. The Highlands Council GIS data indicate that there is a narrow strip along the southern boundary of the parcel that features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area. However, review of aerial photography indicates that this area of the parcel is not forested (the adjacent lot contains the forested area) and consists of paved parking area and maintained lawn. No change is proposed to this area. No additional buildings or building expansions are proposed.

2.0 ADMINISTRATIVE PROCESS

With respect to administrative process and history, the applicant first informally consulted with Highlands Council staff in December 2007. One of the applicant's tenants at that time had expressed need for an additional parking area. The applicant wished to explore potential options with Council staff, understanding that the parcel is located in the Highlands Preservation Area. Council staff explained both Exemption #4 (125% exemption) and the Highlands Preservation Area Approval (HPAA) with redevelopment waiver process, though staff explained that at that time (December 2007), the Regional Master Plan had yet to be adopted, nor had the Highlands Council Procedures for Highlands Redevelopment Area Designations been adopted by the Highlands Council. The Council staff also explained that the municipality had conducted a pilot (MP3) redevelopment study and that they had identified his parcel as being part of a "potential redevelopment" area. It was agreed that an appropriate next step at that time would be for the applicant to consult with the municipal planning department.

In late 2008, the applicant again met informally with Council staff (which constituted the "Redevelopment Area Designation Inquiry Meeting", as described in the Procedures for Highlands Redevelopment Area Designations, October 2008). The applicant informed the staff of a continued desire to pursue construction of a new parking lot to address the needs of tenants. He had determined that the 125% exemption would not facilitate his parking needs due to the one-quarter acre limitation (approximately 11,000 square feet) and he wanted to further explore the Highlands Redevelopment Area designation process. Council staff provided the applicant the Council-adopted *Procedures for Highlands Redevelopment Area Designations* (October 2008) and explained the procedures. The applicant subsequently submitted the required application materials for a Petition for Highlands Redevelopment Area Designation and requested a Pre-application Meeting to the Highlands Council staff on December 16, 2008. The Council staff determined that the application was administratively complete for such a meeting. The Pre-application Meeting was held between the staff and the applicant on January 7, 2009; no other parties were involved. A summary of the issues discussed during the Pre-application Meeting is attached to this staff recommendation report.

On February 6, 2009, the applicant submitted a revised site plan in electronic format (revised to reflect Council staff instructions, as described in the attached meeting report). The Council staff determined that the application was administratively complete (i.e., it met the submittal requirements outlined in the Procedures for Highlands Redevelopment Area Designations, October 2008) and sufficient for the staff to commence a technical review. As is the case for all Highlands Council staff project reviews, members of the public are invited to make an appointment with Council staff to review project files and all application materials.

Prior to completing the draft Consistency Determination and this draft Staff Recommendation Report, Highlands Council staff contacted Mayor Bettina Bieri of West Milford to describe the proposed project and to invite comments. The service list for the project (i.e., a listing of interested parties) includes the Mayor and Township Administrator, the Passaic County Director of Planning and the County Engineer, the NJDEP, the applicant and the applicant's consultant. All were notified of the Highlands Council meeting to initially discuss the project and all were notified when the draft Consistency Determination and this draft Staff Recommendation Report were posted on the Highlands Council website for public comment (on April 17, 2008). The public comment period

closed on May 8, 2009, with one comment received. A summary of public comments and staff responses is provided as a separate document.

3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Given that redevelopment is one of the major opportunities for sustainable economic development and smart growth in the Highlands Region, the proposed redevelopment project was reviewed for policies and objectives relevant to smart growth and sustainable economic development. The RMP calls for economic development that is “sustainable over time,” and not dependent on “development of undeveloped lands.” The proposed redevelopment seeks to expand the parking surface to accommodate future tenants who would not be adequately served by the existing parking lot. The achievement of the smart growth goal must look beyond the immediate need for additional parking and respond to the future impacts of that increased parking. Specifically the applicant must address stormwater collection and recharge. The “Conceptual Plan” indicates that there are currently oak trees located where the new parking lot will be placed, but the “Conceptual Parking Layout” does not indicate any new plantings or landscape beds that may be able to capture stormwater. Future detailed drawings should include low impact development techniques, such as bioretention beds, to capture and recharge stormwater. Additionally, construction activities should be managed to minimize impacts to the surrounding environment.

Economic development policies advocate the creation and maintenance of jobs to benefit the local community and/or the region. The applicant has explained that a tenant was lost due to inadequate parking, resulting in a conclusion that the proposed additional parking facility will support future tenant operations and an improved economic situation.

The support and active participation of local governing bodies is encouraged for redevelopment projects. Such support is not a mandatory component of redevelopment designation. Although the Township of West Milford identified the subject parcel as part of a potential redevelopment area in their MP3 report, “Identification of Redevelopment Potential,” the applicant has not submitted any formal endorsement or support from the local governing body. Input from the Township of West Milford is being sought through this public comment period.

4.0 FINDINGS AND RECOMMENDATIONS

Council staff reviewed the complete application package. Council staff analyzed + The electronic site plan was analyzed to verify the reported sizes of the proposed Highlands Redevelopment Area and the areas of impervious surface. Findings include:

- **Impervious Surface Requirement:** The calculations were verified and the proposed Highlands Redevelopment Area was found to contain at least 70 percent impervious surface.
 - Existing Impervious Surface = 94,933 square feet (sq ft)
 - Allowable Highlands Redevelopment Area = 135,618 sq ft
 - Proposed Highlands Redevelopment Area = 135, 208 sq ft
- **Resource Assessment:** Based upon a review of the site plan and Highlands Council GIS data layers, approximately half of the proposed parking lot would encroach upon a portion of an existing disturbed Highlands Open Waters buffer (for a wetland across the street and upgradient from the parcel. The site of the proposed parking lot is approximately 200 feet

from the wetland across the street). The proposed project (i.e., parking lot construction for existing commercial building) does not require additional potable water and would not generate any additional wastewater, as no building expansion is proposed. Thus, it would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters.

- Smart Growth and Sustainable Economic Development:** The current application represents a fairly simple redevelopment project. Expansion of the parking area for the existing commercial building has been proposed to accommodate commercial tenants. The expansion should be designed to incorporate low impact development stormwater management techniques, including vegetated areas to control runoff and assist recharge. Any demolition and construction activities should be managed to minimize impacts to the surrounding environment.

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 that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). It is the opinion of the Council staff that the proposed project meets these 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 waters;	The proposed project does not require additional potable water and would not generate any additional wastewater.
2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	The project would not encroach into the narrow strip <u>of land that is adjacent to the parcel to the south along the southern boundary of the site</u> that features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area.
3) will result in minimum feasible alteration or impairment of the aquatic ecosystem;	The Highlands Open Water is across a street <u>and upgradient</u> from the property, and the HOW buffer is currently disturbed. Stormwater regulations must be followed in the project design upon permitting (see response to #7).
4) will not jeopardize the continued existence of endangered animal or plant species;	See response to #2
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 site is located in the Existing Community Zone; it is the policy of the RMP to promote compatible development and redevelopment within the Existing Community Zone.
6) would result in minimal practicable degradation	No resources of this type are known to be

Requirement	Staff Analysis
of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and	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 HPAAs with redevelopment waiver permit process.

It is the Council staff's draft recommendation that the Council approve the proposed Highlands Redevelopment Area designation with the conditions that the disturbance of the Highlands Open Water buffer be minimized to only affect the area necessary for the new parking lot, that the new parking lot be located such that it minimizes the creation of impervious surface within the Highlands Open Water Buffer, that the remainder of the property outside of the proposed Redevelopment Area be deed restricted, and that the stormwater regulations must be followed in the project design upon HPAAs with redevelopment permitting, as part of the NJDEP permitting process. The Highlands Council ~~anticipates~~ expects that under the NJDEP waiver, 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.

Attachments

- Pre-application meeting notes
- Consistency Determination
- Maps

Redevelopment Area Designation Pre-application Meeting

Date: January 7, 2009
Time: 11:00 am
Location: Highlands Council Office in Chester, NJ
Re: Application for Redevelopment Area Designation – West Milford Block 12901 Lot 1

Attendees:

Highlands Council Staff	Applicant
Dan Van Abs Chris Ross	Bud Schwartz

Introduction

The applicant owns a parcel at 209 Oak Ridge Road in West Milford (Block 15901 Lot 1). The parcel is located in the Existing Community Zone of the Preservation Area. Much of the site is disturbed and features existing buildings and parking areas. The eastern portion of the site features lawn and some ornamental trees. The applicant proposes to construct a parking lot in the eastern portion of the site (he had determined that the 125% exemption – Exemption #4 – would not facilitate his parking needs). Almost half the site (the northern half) is within a Highlands Open Waters buffer (for a wetland across the street from the parcel); no Highlands Open Water exists on the site. A narrow strip along the southern boundary of the site features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area.

On December 16, 2008, the applicant submitted to Highlands Council staff an application for a proposed Redevelopment Area Designation. The Council staff deemed the application to be administratively complete, but identified issues with the submitted site plan. Council staff called to notify the applicant of the issues with the site plan. The applicant requested a meeting with the staff to resolve those issues and it was agreed that this meeting would serve as the project pre-application meeting.

Summary of Meeting

The applicant and Council staff reviewed the submitted site plan. The staff noted the following issues:

- calculations of impervious surface (to contribute to the required 70% impervious of the Redevelopment Area) included relatively small areas of impervious surface located outside of the proposed Redevelopment Area. The staff instructed the applicant to have these areas excluded from the calculations
- the proposed Redevelopment Area line tightly hugged the footprint of some of the existing buildings. The staff recommended that since the area outside of the proposed Redevelopment Area line will be deed restricted, that the applicant should include some minor space between the building and the line to give the applicant the ability in the future to conduct work on the buildings
- the existing septic fields were not included in the proposed Redevelopment Area. The staff instructed the applicant to include the existing septic fields in the proposed Redevelopment Area, as the applicant will need to retain the ability to conduct routine maintenance on the septic system (noting that the area outside of the Redevelopment Area will be deed restricted).