

**Public Comments Received on the Highlands Water Protection and Planning Council Draft Consistency Determination and Staff Recommendation Report for the Proposed 700 Bartley Chester Road, L.L.C Highlands Redevelopment Area Designation, Mount Olive Block 6800 Lot 10 (Comment Period of October 1 - October 15, 2012):**

Written comments regarding the proposed Highlands Redevelopment Area Designation for the 700 Bartley Chester Road, L.L.C Highlands Redevelopment Area Designation were accepted by the Highlands Council through the close of the Public Comment period on October 15, 2012. Comments were provided by :

Erica Van Auken, on behalf of the Highlands Coalition.

The comments are summarized below with Highlands Council responses provided.

**PUBLIC COMMENT/RESPONSE SUMMARY**

**Comment:** The New Jersey Highlands Coalition notes that while they support appropriate redevelopment opportunities in the Highlands Region, they believe that the proposed project is not a redevelopment project consistent with the Regional Master Plan (RMP). They acknowledge that the property meets the 70% existing impervious cover goal for a redevelopment site as outlined in the RMP, but believes it does not meet the other RMP standards. Believes that this proposal should be considered an expansion, not a redevelopment. States that the RMP encourages redevelopment on brownfields and grayfields and that this parcel is neither. States that in the RMP, “grayfields are sites usually containing industrial or commercial facilities exhibiting signs of abandonment or underutilization in areas with existing infrastructure, but are generally not known to be contaminated (page 107).” Notes that this site is neither abandoned nor underutilized – it is currently in operation for warehousing and transportation. Feels that developing an additional 26,737 square feet to the existing parking lot to accommodate tractor trailer parking is not redevelopment.

**Response:** The applicant notes that while the building has been adequately converted to warehousing use (from office/manufacturing use), the parking lot was not designed or intended for tractor trailer parking. According to the applicant, the proposal for the redevelopment of the parking lot configuration 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 RMP (page 195) states that 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. The RMP (page 326) also states that “Redevelopment is a tool that will help achieve residential, retail, service, office, and industrial needs and achieve general economic sustainability in the Region. Redevelopment in the Highlands is a process used to rebuild, restore, or enhance a previously developed area (emphasis added) that is

appropriate for economic investment and community development in accordance with smart growth policies of the RMP. Redevelopment activities may include the removal and replacement, adaptive reuse or infill of structures within areas which are surrounded by development or substantially developed, or conversion of similar sites to open space uses where appropriate. Redevelopment activities may take place in previously developed areas (emphasis added), brownfields, and grayfields.” Policy 6J1 of the RMP states: “To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.” Policy 6K1 of the RMP states “To promote redevelopment of brownfields, grayfields, and other previously developed areas in a manner consistent with the goals and requirements of the Plan.”

**Comment:** The Highlands Coalition identified three editorial inaccuracies in the Consistency Determination.

**Response:** These were corrected in the final Consistency Determination document in track changes mode. The final Consistency Determination and Staff Recommendation Report were posted on the Highlands Council website on October 16, 2012.

**Comment:** The Highlands Coalition states that the subject parcel is in the Protection Zone of the Preservation Area and is constrained by a number of environmental resources, including a Flood Prone Area, Wildlife Corridor, and a Tier II Wellhead Protection Area – none of which make this parcel appropriate for development or redevelopment. The Highlands Coalition states recognition of the need to maintain economic vitality among communities within the Region, but doing so at the expense of the most sensitive lands counters the intent and purpose of the RMP.

**Response:** The Highlands Council GIS data indicate the presence of riparian features (flood prone areas and wildlife corridor) on the parcel however, the area where these features are mapped is currently maintained lawn adjacent to existing developed areas. A wetland delineation (report and map provided to the Highlands Council) was conducted to verify field conditions which indicated no Highlands Open Waters buffers are present on the parcel. The proposed redevelopment would entail encroachment into a Tier II Wellhead Protection Area. However, the proposed parking lot configuration 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.

**Comment:** The Highlands Coalition would like to see redevelopment in places that are considered brown- and grayfields (such as the abandoned Shop Rite in Warren County), not just parcels that meet the 70% existing impervious cover. Feels that expanding impervious cover for tractor trailer parking is not an innovative or sustainable application of the redevelopment standards

in the RMP. Believes that the RMP standards are being put to use as an excuse for an expansion in the Preservation Area – and that is not something we can support.

**Response:** The comment is acknowledged.