

**Highlands Preservation Area Approval Application Checklist Items for  
HPAA with Redevelopment Waiver**

**Givaudan Fragrances Corporation - Block 402, Lot 5, Mount Olive**

See Highlands Council Review at: <http://www.highlands.state.nj.us/njhighlands/projectreview/>

**\*\*For advisory purposes only – please be advised that this checklist provides information to both the applicant and NJDEP from the analysis prepared by the Highlands Council. NJDEP may require additional information be required as part of the review of the HPAA application. \*\***

**August 2011**

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items Items in green, Givaudan needs to supply
1. A completed copy of the HPAA checklist	Applicant will submit	Applicant to provide.
2. A LURP-2 application form, completed in accordance with the directions on the form;	<b>ALREADY COMPLETED FOR HIGHLANDS COUNCIL PETITION</b>	Applicant already completed LURP-2 application as part of <i>Pre-Application Meeting Checklist</i> (also required for Highlands Council Redevelopment Area Designation Petition). Applicant to include copy in NJDEP submittal package.
3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at <a href="http://www.state.nj.us/dep/highlands">www.state.nj.us/dep/highlands</a>	Applicant will submit	Applicant to provide. The base fee for the review of a HPAA with a completed HRAD shall be \$2,500 plus \$50.00 per acre, or any fraction thereof of Highlands resource areas to be affected (Highlands Council contends that its Consistency Determination and Recommendation Report serve as functional equivalent for HRAD.) For all projects requiring review of stormwater calculations: \$2,000
4. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) Entire application must be sent to municipal clerk and Highlands Council. Notice letters to	Applicant will submit	Applicant to provide notice.

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environmental commission, municipal planning board and construction official, county planning board, county environmental commission, all landowners within 200 feet of boundary of site		
<b>5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle Map</b>	<b>ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION</b>	<b>Applicant to include copies in NJDEP submittal package.</b>
<b>6. Two copies of a recent county road map or local street map, with the site clearly marked</b>	<b>ALREADY SUBMITTED – IN HIGHLANDS COUNCIL FILE FROM PREVIOUS HAD APPLICATIONS TO NJDEP</b>	<b>Applicant to include copies in NJDEP submittal package.</b>
<b>7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and immediately surrounding areas, as well as the area of disturbance for the proposed activities. A minimum of ten photographs is required</b>	<b>ALREADY SUBMITTED – IN HIGHLANDS COUNCIL FILE FROM PREVIOUS HAD APPLICATIONS TO NJDEP</b> Note: The project site can be readily viewed and analyzed using the Highlands Council interactive mapping with <i>3-D Birds Eye View</i> at <a href="http://maps.njhighlands.us/hgis/">http://maps.njhighlands.us/hgis/</a>	<b>Applicant to include copies in NJDEP submittal package.</b>
<b>8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s)</b>	<b>ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION</b>	<b>Applicant to include copies in NJDEP submittal package.</b>
<b>9. A copy of the Highlands Applicability Determination issued by the Department, or, in the case where an applicant does not have an applicability determination because he or she stipulated under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, the information required at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)</b>	<b>ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION (ATTACHED TO SUBMITTAL LETTER). HAD (EXEMPTION #4) ISSUED FOR PHASE I AND II EXPANSIONS</b>	<b>Applicant to include a copy of the HAD issued by the NJDEP for Expansion I and II in the NJDEP submittal package.</b>
<b>10. If the proposed project or activity requires new or modified water supply allocation permits please visit the Highlands website for the checklists to apply for these permits</b>	N/A. No additional water supply demands.	
<b>11. Information and/or certifications regarding the presence or absence of rare, threatened or endangered species habitat, ecological communities, historic or archaeological resources, or other features on the site relevant to determining compliance with the requirements of this chapter. This information shall include but not be limited to a letter from</b>	See Highlands Council project review at: <a href="http://www.highlands.state.nj.us/njhighlands/projectreview/">http://www.highlands.state.nj.us/njhighlands/projectreview/</a> HRAD already issued for this site by NJDEP – dated February 2006. Further, the Highlands Council GIS data (same as Natural Heritage Data) indicate that the northwest corner of the parcel and the area adjacent to the parcel to the west are	<b>Applicant to include a copy of the HRAD issued by the NJDEP for this site in February 2006</b>

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the Natural Heritage Program indicating the presence or absence of any rare, threatened or endangered species or ecological communities listed in the Natural Heritage Database on or near the site	mapped as Critical Wildlife Habitat. No change is proposed to the area mapped as Critical Wildlife Habitat.	
12. When an applicant intends to rebut the presumption of rare, threatened or endangered species habitat on the applicant's site as set forth at N.J.A.C. 7:38-5.1(a), all habitat evaluation information pursuant to N.J.A.C. 7:38-5.1(b)	N/A	
13. Any other information not listed herein, that the applicant or the Department deems necessary to demonstrate compliance with this rule or the Federal rules governing the Department's assumption of the Federal 404 program. In addition, the Department may require any information necessary to clarify whether an application meets State and/or Federal standards	N/A. HRAD already issued for this site by NJDEP – dated February 2006 which shows wetlands boundary. Further, based upon a review of the site plan and Highlands Council GIS data layers, it was determined that the proposed construction activities (specifically Phase IIIA along the western edge of the existing building) would entail encroachment into Highlands Open Waters buffers for a wetland located in the northwest corner of the parcel. However, the buffer area to be encroached is currently disturbed (i.e., existing fire lane and maintained lawn with ornamental trees). As encroachment into the buffer is required for the project, a waiver of this requirement by NJDEP would be required and would be appropriate, as the buffer is in an existing disturbed condition.	Applicant to include a copy of the HRAD issued by the NJDEP for this site in February 2006
14. The following information on the location of special Highlands resources on the site: A. A Highlands Area Resource Determination (HRAD) if one has been issued for the site; or  B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification HRAD. A formal delineation report is not required. However, the application must include the data sheets and supporting	NJDEP has already issued HRAD for the site (dated February 2006. Further, Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	Applicant to include a copy of the HRAD issued by the NJDEP for this site in February 2006

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<p>information used to record the information on soils and vegetation which formed the basis for the boundary determination;</p> <p>C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the Department for the site under N.J.A.C. 7:7A-3, this may be submitted instead of an HRAD so long as the applicant also provides information regarding any additional HRAs not previously identified in the LOI;</p> <p>D. If no Freshwater wetlands LOI or HRAD has been issued and the site does not contain Highlands open waters, no delineation or other information is required;</p> <p>E. If no Freshwater or HRAD has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist</p>		
<p><b>15. Six copies of a detailed project description including:</b></p> <p>A. The purpose and intended use of the proposed project;</p> <p>B. A description of the regulated activities necessary to complete and operate or occupy the proposed project;</p> <p>C. A description of any structures to be erected, and how they will be used;</p> <p>D. A schedule for the progress and completion of the proposed project;</p> <p>E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any);</p> <p>F. The total area of upland forest area on the site and the total area of upland forest area that will be disturbed</p> <p>G. The amount of pre-development impervious coverage on the site and the total aggregate impervious coverage on the</p>	<p>The Highlands Council CD and Recommendation Report fulfill this requirement. See Highlands Council project review at: <a href="http://www.highlands.state.nj.us/njhighlands/projectreview/">http://www.highlands.state.nj.us/njhighlands/projectreview/</a></p> <p>The Highlands Council has provided copies to NJDEP.</p> <p>A. See Recommendation Report – Section 1. Project Description</p> <p>B. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment</p> <p>C. See Recommendation Report – Section 1. Project Description</p> <p>D. N/A – schedule to be determined</p> <p>E. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment and</p>	

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site following completion of the proposed project; H. A description of slopes between 10% and 20% and 20% or greater that are present on the site I. An evaluation of whether and how rare, threatened or endangered animals or plant species or ecological communities will be affected by the proposed activities; J. An architectural or Phase I archaeological survey for the applicants proposing work that will impact historic structures or archaeological resources K. A Phase II archaeological survey for applicants that discover archaeological features resources as a result of the Phase I archaeological survey L. The names, addresses and professional qualifications of those used to prepare the detailed project description M. If any or all of the proposed project or activity is in a flood hazard area N. Source of floodplain data	Consistency Determination – Comments for Part 1 Subpart B – Highlands Open Waters and Riparian Areas F. See Consistency Determination – Comments for Part 1 Subpart A – Forest Resources G. See Recommendation Report – Section 4. Findings and Recommendations – Impervious Surface Requirement H. See Consistency Determination – Comments for Part 1 Subpart C – Steep Slopes I. See Consistency Determination – Comments for Part 1 Subpart D – Critical Habitat J. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources K. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources L. See site plan M. No floodplain N. Highlands GIS data	
16. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following: A. All existing structures on the site and on all immediately adjacent lots; B. All proposed structures, disturbances, and activities; C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines; D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes 10% to 20% and slopes greater than 20%, HRAD issued by the Department that shows the Highlands open water boundary, forest	Applicant will submit	<b>Applicant to provide</b>

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<p>boundary slopes 10% to 20% and slopes greater than 20% may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines;</p> <p>E. A calculation of total existing and proposed percent impervious surface for the entire site</p> <p>F. The area which will be used for the proposed activity or discharge;</p> <p>G. The location of the site in relation to development in the region;</p> <p>H. The scale of the plan and a north arrow;</p> <p>I. Soil erosion/sediment control details;</p> <p>J. The name of all persons who prepared the plan and the date of preparation;</p> <p>K. The name of the applicant, and municipal lot(s) and block number(s) of the project site;</p> <p>L. For projects in a flood hazard area plans must also:</p> <ol style="list-style-type: none"> <li>1. Reference 1929 NGVD;</li> <li>2. Provide all cross sections, profiles and all relevant details referenced in the engineering report.</li> </ol>		
<p><b>17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted.</b></p>	<p>N/A – No direct disturbance to Highlands Open Waters proposed. Based upon a review of the site plan and Highlands Council GIS data layers, it was determined that the proposed construction activities would entail encroachment into Highlands Open Waters buffers for a wetland located in the northwest corner of the parcel. However, the buffer area to be encroached is currently disturbed (i.e., existing fire lane and maintained lawn with ornamental trees). As encroachment into the buffer is required for the project, a waiver of this requirement by NJDEP would be required and would be appropriate, as the buffer is in an existing disturbed condition. Mitigation deemed not necessary.</p>	

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18. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service	N/A	
19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments	Applicant will submit. <b>**Note – there should be a coordinated review of the stormwater plan between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council’s recommendation are met. Related to stormwater is the condition that 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.</b>	<b>Applicant will provide</b>
20. A copy of all past Department approvals for activities on the site;	Applicant will provide HAD, HRAD, and any other Department approvals	<b>Applicant will provide HAD, HRAD, and any other Department approvals</b>
<b>21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;</b>	<b>ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION</b>	<b>Applicant to include copies in NJDEP submittal package.</b>
Remainder of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13., and thus, NA	N/A	

## 7:38-9.6 ADDITIONAL APPLICATION REQUIREMENTS FOR A HIGHLANDS PRESERVATION AREA APPROVAL WITH WAIVER

An administratively complete application for an HPAA with waiver shall contain:

1. All of the information required in N.J.A.C. 7:38-9.5:

**Response:** See checklist items above

2. An analysis describing all alternatives to the proposed project which would reduce each impact of the project as listed in N.J.A.C. 7:38-6.2(a) and the reasons the applicant did not adopt that alternative

**Response:** The proposed project is the expansion of an existing building owned and operated by Givaudan Fragrances Corporation. The expansion would occur in two locations – along the western edge of the existing building – “Phase IIIA” (16,900 square feet [sq ft] for warehouse space), and along the southern edge of the building – “Phase IIIB” where there is currently a cut-out of the building (4,430 sq ft, also for warehouse space.) Based on the existing impervious surface of 306,236 sq ft, the maximum Highlands Redevelopment Area size is 437,480 sq ft. and Givaudan is seeking a Highlands Redevelopment Area of 427,948 sq ft. The locations of the proposed expansions are the only currently disturbed but vacant areas on the parcel; there are no alternative locations. The proposed expansions sizes and locations are required to accommodate the needs of the applicant. The applicant states that in order to consolidate all raw materials in the location of production, drive efficiency, and meet anticipated production needs through 2020, room for an additional 3,000 to 4,000 pallet positions is required. According to the applicant, the proposed expansion to accommodate the additional pallet positions will allow the facility to continue its 24-hour operation and have sufficient materials available to meet production and delivery demands. A reduction in expansion size is not a feasible alternative. A No Action Alternative is not feasible as the applicant has explained that the proposed expansion is critical to the continued operation of the facility in Mount Olive and in New Jersey. According to the applicant, failure to expand to accommodate market demands would require the company to transfer a substantial amount of its production facilities out of state, and cause the loss of between 75 and 130 jobs in New Jersey.

3. A description of the source of water or waste water disposal that would be used by development if the waiver is granted

**Response:** There would be no new water/wastewater requirements as these would be automated warehouses. No expansion of a public water supply system is proposed, and no expansion of the existing sewer service area is proposed.

4. A request for a specific waiver in accordance with N.J.A.C. 7:38-6.4(a)

**Response:** Consistent with N.J.A.C. 7:38-6.4(a), is seeking a waiver from the Department under N.J.A.C. 7:38-6.4(a)2 regarding impervious surface limits and Highlands Open Water buffers. Redevelopment in a previously developed area in the Preservation Area identified by the Highlands Council pursuant to N.J.S.A. 13:20-9b or N.J.S.A 13:20-11



5. A detailed explanation why the proposed activity meets the criteria for a waiver in N.J.A.C. 7:38-6.4(a);

**Response:** The Highlands Council has issued a Highlands Redevelopment Area Designation pursuant to N.J.S.A. 13:20-9b and N.J.S.A 13:20-11

6. A detailed description of the specific HPAA requirement for which a waiver is sought, and a comparison of the HPAA standard with the level of compliance the proposed development provides (for example, “N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage whereas the proposed project requires a total of four percent”);

**Response:** Two HPAA standards:

1. N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage. The site already has greater than 3 percent impervious surface and more is proposed for the proposed Redevelopment Area.
2. N.J.A.C. 7:38-3.6 states that there shall be a 300-foot buffer adjacent to Highlands open waters in which no disturbance is permitted, except as provided in this chapter. Based upon a review of the site plan and Highlands Council GIS data layers, it was determined that the proposed construction activities would entail encroachment into Highlands Open Waters buffers for a wetland located in the northwest corner of the parcel. However, the buffer area to be encroached is currently disturbed (i.e., existing fire lane and maintained lawn with ornamental trees). As encroachment into the buffer is required for the project, a waiver of this requirement by NJDEP would be required and would be appropriate, as the buffer is in an existing disturbed condition. No additional impact to the Highlands Open Water would occur.

7. An explanation how the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3

**Response:** The Highlands Council approval of this Highlands Redevelopment Area demonstrates that the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3. The Highlands Council approval process includes: 1) A pre-application and application to the Highlands Council; 2) A Consistency Determination, a Staff Recommendation Report, and Mapping of Highlands resources; 3) A Public Notice, public comment period, and a Comments Summary and Response document; 4) A Public meeting held by the Highlands Council with additional opportunity for public comment and a vote by Council on a Resolution. Given this extensive process, the NJDEP should be able to rely upon the analysis and conclusions of the Highlands Council in considering an HPAA application for a redevelopment area waiver in accordance with NJDEP’s Preservation Area rules at N.J.A.C. 7:38-1.1

8. A detailed explanation why the proposed activity satisfies the standards at N.J.A.C. 7:38-6.2(a);

**Response:** That explanation can be found in the Highlands Council Recommendation Report (table that begins on page 4).

9. Documents showing the conclusion of an applicant’s legal challenges, if any, to the Department’s decision on the application for an HPAA under the rules as strictly applied,

**Response:** N/A

**\*\*Note – there shall be a coordinated review of the HPAA with redevelopment waiver application between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council’s recommendation are met as follows:**

1. The site already has greater than 3 percent impervious surface. An HPAA redevelopment waiver will be required for impervious surface, based on approval of this Highlands Redevelopment Area;
2. The encroachment into a Highlands Open Waters buffer shall be entirely within a previous disturbed area, which would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;
3. The remainder of the property outside of the Highlands Redevelopment Area shall be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance, with recognition of any existing utility structures such as storm sewers and drainage basins that may periodically need maintenance or replacement. Givaudan may propose that the restricted area be delineated to allow for further expansion of the Highlands Redevelopment Area (upon approval of the Highlands Council) to the maximum allowable area of 437,480 sq ft; and
4. The stormwater regulations must be followed in the project design through the HPAA with redevelopment waiver, 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 and a construction implementation plan that minimizes disturbance during and after construction.