

Public Comments Received on the Highlands Water Protection and Planning Council Draft Consistency Determination and Staff Recommendation Report for the Township of Mount Olive Budd Lake/Rt 46 Proposed Highlands Redevelopment Area Designation, (Comment Period of August 26 – September 10, 2013):

Written comments regarding the Township of Mount Olive Budd Lake/Rt 46 Proposed Highlands Redevelopment Area Designation were accepted by the Highlands Council through the close of the Public Comment period on September 10, 2013. Comments were provided by the following individuals/entities:

1. David Peifer, Association of New Jersey Environmental Commissions (ANJEC)

Comment: ANJEC believes that approved Highlands Redevelopment Area Designations should be on the Highlands Interactive Map.

Response: The Highlands Council acknowledges the suggestion and will take it into consideration.

Comment: Notes that Mt. Olive has received several redevelopment area designations from the Highlands Council, two of which are located slightly west of the proposed site. Both are located along Rt. 46 and reinforce an auto-dependent sprawl pattern of land use. Believes that applicant submissions should show the Highlands context as a “key map”.

Response: The Highlands Council acknowledges the comment.

Comment: Requests that available water capacity and sewer capacity be established prior to designation. Also notes that, based on the Highlands Interactive map, certain parcels in the proposed redevelopment area either do not have sewer service or water service.

Response: The Consistency Determination conducted by the Highlands Council evaluated the utility capacity and net water availability conditions of the proposed redevelopment area and examined the potential for this area to serve as a redevelopment area in the context of the municipality’s exiting infrastructure. The enhanced planning enabled by the Highlands Redevelopment Area Designation requires that the municipality, in accordance with the RMP and NJDEP Water Quality Management Plan (WQMP) rules, incorporate a complete analysis of water and sewerage demands at a parcel level and a determination as to the utility infrastructure to properly support them. These analyses will be incorporated into a comprehensive Wastewater Management Plan for approval by the NJDEP as well as support development of a comprehensive mitigation strategy for the required Water Use and Conservation Management Plan.

Comment: Notes that there are three public non-community wells in the area, two of which are within the existing water service area. A condition should be added that existing wells, particularly those within the water service area, should be properly closed and that water supply should be provided by the public system, but only if there is sufficient capacity. Fire service should also be provided from the public system. Expresses similar concerns regarding existing septic systems. All development in the redevelopment area should use the existing public system, provided there is sufficient capacity. Existing septic systems should be properly decommissioned.

Response: The Highlands Council acknowledges the comment. As noted above, the enhanced planning enabled by the Highlands Redevelopment Area Designation will require and incorporate a complete analysis of water and sewerage demands and a determination as to facilities needed – and feasible – to properly support them.

Comment: Recognizes that the staff has recommended low impact development (LID) stormwater techniques for the redevelopment area. ANJEC strongly supports the use of “green infrastructure” for stormwater control. Believes that specific techniques should be named for evaluation for inclusion in the stormwater plan and facilitated by resulting local ordinances. These would include, but not be necessarily limited to, those described in the NJDEP Stormwater BMP Manual: Chapters 2 and 9. Believes that the Council should provide or require that information on soils, geology and topography, at the proper level of resolution, be generated as part of the process because the application of different stormwater management techniques is dependent on these conditions.

Response: The Highlands Council concurs that detailed site conditions data (including data on soils, geology, and topography) are necessary in order to properly design a stormwater management plan for a specific site and will, in fact, require the use of that data in the design of specific stormwater plans, in coordination with the staffs of the Highlands Council and the NJDEP.

The Highlands Regional Master Plan (RMP) (starting on page 242) includes a detailed Low Impact Development Program, which will guide and facilitate planning in the proposed Highlands Redevelopment Area. With regard specifically to stormwater management, the Low Impact Development Program states: “Stormwater management shall be designed to employ a “design with nature” approach, as defined in the New Jersey Stormwater Best Management Practices Manual, prepared by the NJDEP – Division of Watershed Management. Stormwater shall be managed in a decentralized manner and shall utilize low impact mechanisms wherever feasible.” Further, the RMP’s Low Impact Development Program presents and discusses a suite of LID techniques that will guide planning efforts.

Comment: Agrees that water quality impacts, particularly from total suspended solids (TSS), nutrients, thermal loads and pathogens, are a matter of serious concern both for the lake and the upper reaches of the South Branch. Believes that LID stormwater treatment options should be

selected to address any total maximum daily loads (TMDLs) developed by the NJ Department of Environmental Protection (NJDEP) for the South Branch of the Raritan and Budd Lake.

Response: The Highlands Council concurs with the comment. A fundamental purpose of the proposed Highlands Redevelopment Area Designation is to facilitate comprehensive regional planning with the design to protect, restore, and enhance the function and value of Budd Lake as well as its buffer and riparian areas. This is consistent with the overarching tenant of the Highlands Act and the RMP to “protect, restore, and enhance.”

Comment: ANJEC is pleased to note that the proposal anticipates interagency cooperation between the Council, the municipality, NJDEP, and NJDOT. Notes that the latter is of vital concern since Rt. 46, a State highway, contributes or channels a large portion of the surface water run-off reaching the lake and the river. Consultations with the NJDOT should address stormwater concerns and develop a retrofit strategy to replace existing conveyance systems with a combination of porous paving and infiltration devices. Rutgers Cooperative Extension Water Resources Section can provide general and site specific guidance on the selection and installation of LID stormwater controls.

Response: The Highlands Council acknowledges the comment.

2. Erica Van Auken, New Jersey Highlands Coalition

Comment: The New Jersey Highlands Coalition supports the proposed redevelopment plan for the Budd Lake/Route 46 area in Mount Olive Township. In general, we support redevelopment and encourage townships and applicants to use sites with existing impervious cover rather than green sites with high environmental value.

Response: The Highlands Council acknowledges the comment.

Comment: The Coalition’s primary concern with the proposal is the water availability deficit, reported as -0.36 MGD. We recognize that approval of this proposal has been conditioned with the requirement that the Township develop a Water Use and Conservation Management (WUCM) Plan to address the deficit, but we would be remiss if we did not mention that our support of all redevelopment projects is contingent upon the availability of resources.

Response: The Highlands Council acknowledges the comment. As previously mentioned, it is important to note that detailed site plans for specific areas within the proposed Highlands Redevelopment Area remain to be developed in coordination with Highlands Council staff. As the Coalition notes, a condition of Highlands Council approval of the proposed Highlands

Redevelopment Area Designation (Condition #2, as listed in the Consistency Determination and Staff Recommendation Report) is: “The Township will be required [emphasis added] to commit to the development of a Water Use and Conservation Management Plan and/or mitigation of any proposed consumptive or depletive uses within the same HUC14. Further, the Township will be required to work with the Highlands Council to ensure that proposed new uses in the proposed Highlands Redevelopment Area are consistent with all the goals, policies, and objectives regarding water resources availability.” Incorporation of Highlands Redevelopment Area-specific provisions within the Township’s Water Use and Conservation Management Plan will provide an opportunity for enhanced water resource protections and conservation measures to improve recharge and help mitigate the water deficit situation that exists in the source HUC14 subwatershed.

Comment: States that without having seen WUCM Plans for any other municipalities, we are cautious to assume that Mount Olive’s WUCM Plan will address all concerns associated with water deficits in the Township. Further, the Recommendation Report and Consistency Determination each mention a “not yet determined” total new water demand associated with the project. Without that information, we do not see how a comprehensive WUCM Plan could be developed. We hope that plans will not be finalized until after this crucial information is ascertained and until the public has had a chance to participate in the planned stakeholder meetings.

Response: The Highlands Council acknowledges the comment. As previously described, the enhanced planning associated with the proposed Redevelopment Area will include a parcel-level analysis of utility and net water availability conditions. These details will inform development of the Water Use and Conservation Management Plan and/or mitigation of any proposed consumptive or depletive uses within the same HUC14 associated with the proposed area. The Township proposal for the study of the area includes visioning sessions with the public.

Comment: Notes that the Consistency Determination repeatedly refers to “low impact development techniques” and “best management practices” as a means to address various elements of the proposal (e.g. water deficit, site recharge, etc.). Because this project falls within the Open Water Protection Area of Budd Lake, as well as a Wellhead Protection Area, the Coalition urges a more detailed description of these development techniques and BMPs before plans are finalized.

Response: See response above regarding the Highlands RMP Low Impact Development Program.

Comment: The Coalition supports the Highlands Council’s Redevelopment Area Designation for Budd Lake along Route 46, provided the water availability deficit is addressed and the low impact techniques and BMPs are detailed. Overall, this project is a good example of an appropriate redevelopment project in the Highlands.

Response: The Highlands Council acknowledges the comment.

3. Wilma Frey, New Jersey Conservation Foundation (NJCF)

Comment: NJCF notes that the redevelopment area should be viewed in conjunction with other proposed or pending redevelopment areas in Mt. Olive. Requests that in the spirit of regional/municipal planning, exhibit maps associated with the proposal should show all the redevelopment areas and their relationship to each other. Further, notes that while the exhibit maps are clear, it is requested that additional exhibits be presented that identify additional resources including existing or proposed open space lands, groundwater deficit areas, slopes, geology or soils, parcels served or not served by public or community water or sewer, forest integrity value, riparian corridor integrity value, critical wildlife corridors, or flood prone areas. Notes that while much of this information is contained within the “Draft Highlands RMP Consistency Determination Review” document, it could in many cases be more easily comprehended in mapped form, which better displays the spatial relationship of attributes to each other. Therefore, we urge the Council to prepare additional exhibit maps that would assist Council members and the public in a better understanding of the redevelopment proposal and its context.

Response: Regarding the request that exhibit maps for a specific Highlands Redevelopment Area Designation identify all other redevelopment areas in the vicinity, the Highlands Council acknowledges the comment and will take it into consideration. Regarding the request that additional exhibits be presented that show other resources, be advised that the Highlands Council staff carefully selects the graphics that assist in highlighting key details of the project that may be helpful for public review. An interested member of the public can readily review all available Highlands resources data with the Highlands Interactive Mapping tool.

Comment: NJCF notes that lands adjacent to the proposed redevelopment area, as well as substantial acreage of lands surrounding Budd Lake, are in public ownership, and are designated on the Highlands Interactive Map as “Significant Natural Areas,” and/or “Critical Wildlife Corridors,” which contain Rare, Threatened and Endangered species. Exhibit maps should show the relationship of these important natural areas to the redevelopment area, as the design and proposed uses of the redevelopment area should minimize impacts of the redevelopment on these nearby critical resources. Of particular concern is the Budd Lake Bog Preserve, owned by the New Jersey Natural Lands Trust (NJNLT), which lies directly across the outflow of the South Branch River from the proposed Highlands Redevelopment Area. A second parcel located across the lake on its north side is the Budd Lake Wildlife Management Area, which encompasses 252 acres and supports a rare New Jersey wetland habitat. Cites Highlands Regional Master Plan (RMP) Objective 1F6b regarding the prohibition of indirect impacts that are off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or

adverse modification of Critical Habitat. Believes that this policy objective applies to this proposed redevelopment project and its potential to impact the Budd Lake Bog NJNLT Preserve.

Response: The Highlands Council acknowledges the request that Significant Natural Areas and Critical Habitat Areas within the vicinity of a proposed Highlands Redevelopment Area be shown on exhibits, and this request will be taken into consideration. It should be noted that the mapping of these resources is readily available using the Highlands Council Interactive Mapping Tool. Please be advised that the Highlands Council requires that the design and proposed uses of the proposed Redevelopment Area must minimize impacts of the redevelopment on these nearby critical resources, and Highlands Council review of individual site plans would ensure this protection. Please note that with respect to the Budd Lake Bog Preserve (also known as the “Budd Lake Outlet”), this resource is noted in the Critical Habitat section of the RMP Consistency Determination. In fact, in the Funding section of the Staff Recommendation Report, it is noted that one purpose of the proposed Highlands Redevelopment Area Designation is to “restore degraded environmental conditions along the Budd Lake Outlet (a Natural Heritage Priority Site within the New Jersey Natural Heritage Program).”

Comment: References comments submitted by Dave Peifer of ANJEC regarding water and sewer availability, stormwater, water quality, and interagency cooperation. NJCF supports those comments regarding these points.

Response: See response to the ANJEC comments above.