



State of New Jersey

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Highlands Council Staff Recommendation Report Proposed Highlands Redevelopment Area Designation Bloomsbury Redevelopment Block 32, Lot 1.01

Date: February 13, 2017

Re: Application Type:	<i>Proposed Highlands Redevelopment Area Designation</i>
Name:	<i>Bloomsbury Redevelopment Block 32, Lot 1.01</i>
Municipality:	<i>Bloomsbury Borough</i>
County:	<i>Hunterdon</i>
Highlands Act Area:	<i>Preservation Area</i>
LUCM Location:	<i>Existing Community Zone</i>
Property:	<i>Block 32 Lot 1.01</i>
Proposed Use:	<i>Proposed drive-in restaurant with associated parking</i>

PROJECT DESCRIPTION

The subject property, which encompasses approximately 4.5 acres, is currently developed with a Citgo gas and fuel service center and deli/convenience store. The applicant is proposing to add a 3,000 square foot drive-in restaurant with associated parking. The area of the proposed expansion is currently part of a larger cornfield.

2.0 ADMINISTRATIVE PROCESS

On August 8, 2016, the applicant submitted application materials for the requisite Highlands Redevelopment Area Designation pre-application meeting. 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 September 8, 2016. A summary of the issues discussed during the pre-application meeting is attached to this Staff Recommendation Report. In response to the comments received from Highlands Council staff, the applicant provided revised plans and technical documents. The Highlands Council staff advised the applicant to submit its application for Petition for Highlands Redevelopment Area Designation. On December 20, 2016, the applicant submitted its Petition. 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.

The Highlands Council review of the proposed Highlands Redevelopment Area Designation was provided to the project Service List and was posted on the Highlands Council website on January 26, 2017. The public comment period will end on February 10, 2017.

3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Redevelopment opportunities are a major vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment policies and objectives within the Highlands Regional Master Plan (RMP) envision the conversion of underutilized, previously disturbed lands into new economic contributors to the region's fiscal health. As stated in the RMP, "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." These formerly developed sites provide the base where economic activity may continue to flourish and regional growth needs may be accommodated.

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 Highlands Act calls for the RMP to "promote compatible...uses and opportunities within the framework of protecting the Highlands environment."

The subject proposal entails the expansion of existing development on the parcel (a gas and fuel service center and deli/convenience store) to include a drive-in restaurant with associated parking. The proposed Highlands Redevelopment Area has greater than 70% impervious cover. Designation of the proposed Highlands Redevelopment Area provides for beneficial use of the site. By reusing and redeveloping previously disturbed areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed building expansion does not create a substantial change to the existing development pattern of this area.

4.0 FINDINGS AND RECOMMENDATIONS

Council staff reviewed the complete application package. The 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 70.1% impervious surface, in slight excess of Highlands Act requirements for at least 70 percent impervious surface.
 - Existing Impervious Surface = 58,883 sq ft
 - Allowable Highlands Redevelopment Area = 84,119 sq ft
 - Proposed Highlands Redevelopment Area = 83,995sq ft
- **Resource Assessment:** Based upon a review of the site plan and Highlands Council GIS data layers, the proposed project does not encroach upon, and would not affect, Forests, Highlands Open Waters and Buffers, Riparian Areas, Steep Slopes, Critical Habitat, Lake Management Areas, and Historic and Scenic Resources. The project site is located within a Carbonate Rock Area and a Tier 1 Wellhead Protection Area and the proposed project activities encroach into a Prime Ground Water Recharge Area. With respect to the Carbonate Rock Area, as a condition of approval of this Highlands Redevelopment Area Designation, the Highlands Council will require the applicant to conduct a multi-phased geotechnical investigation. It is required that the geotechnical report include a detailed evaluation and recommendations regarding development and construction measures. The municipal engineer's review and approval of these measures prior to any construction being

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performed will be a condition of any Highlands Council approval. Regarding the Wellhead Protection Area, the proposed drive-in restaurant with associated parking does not pose significant potential to result in the discharge of pathogens to ground water or to the land surface.

In regards to the Prime Ground Water Recharge Area, in consideration of the low infiltration rates of the soils in that area of the parcel where the majority of the proposed activities would occur (data provided by the applicant), and the fact that Highlands Council will require enhanced ground water recharge through the site's stormwater management (using Stormwater Best Management Practices) or other on-site mitigation, it is anticipated that the proposed project would not cause or contribute to a significant degradation of ground water. It is recommended by Highlands Council staff that the Council waive the Highlands Regional Master Plan's provision regarding proposed development in a mapped Prime Ground Water Recharge Area.

- Smart Growth and Sustainable Economic Development:** The proposal is consistent with the RMP regarding smart growth and sustainable economic development as the proposed commercial expansion would benefit the local economy; however, details should be provided as part of the NJDEP HPAA permitting process to demonstrate the implementation of low-impact development techniques as addressed in the Low-Impact Development Program of the RMP. Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project shall be designed to incorporate low-impact development techniques where feasible, including stormwater management. Any disturbance and construction activities must 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 by NJDEP that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). To assist NJDEP, the Council staff concludes that the proposed project meets the waiver 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;	No expansion of a public water supply system is proposed, and no expansion of the existing septic system is proposed. Stormwater regulations shall be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. 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.
2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	The proposed project does <u>not</u> encroach upon, and would not affect forests or critical habitat.
3) will result in minimum feasible alteration or impairment of the aquatic ecosystem;	There are no Highlands Open Waters present on the project site, nor does the site fall within a Highlands Open Waters Buffer or Riparian Area. The proposed project would not impact Highlands Open Waters and Riparian Areas. Stormwater regulations must be followed in the

Requirement	Staff Analysis
	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 proposed development is located in the Existing Community Zone, consistent with the policy of the RMP to promote compatible development and redevelopment within the Existing Community Zone.
6) would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and	No resources of this type are known to be 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 HPAA with redevelopment waiver permit process.

It is the Highlands Council staff's recommendation that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with the conditions that:

1. Carbonate Rock Area Geotechnical Investigation: As a condition of approval of this Highlands Redevelopment Area Designation, the Highlands Council will require the applicant to conduct a multi-phased geotechnical investigation. It is required that the geotechnical report include a detailed evaluation and recommendations regarding development and construction measures. The municipal engineer's review and approval of these measures prior to any construction being performed will be a condition of any Highlands Council approval.
2. Prime Ground Water Recharge Area: A Highlands Redevelopment Area Designation waiver will be required from the Highlands Council for the Prime Ground Water Recharge Area provisions of the Regional Master Plan. Further, the applicant commits to ensuring that the proposed use of Block 32 Lot 1.01 provides on-site enhanced ground water recharge. It is recognized that concentrated infiltration of water on sites that are underlain by Carbonate Rock (potential karst geology) must be carefully assessed because infiltrated water may erode the limestone and create more karst conditions. However, low-impact development/best management practices ("green infrastructure") must be investigated and utilized to the maximum extent feasible in order for the project to be found consistent with the RMP. Another potential mitigation measure (which will be evaluated through the HPAA with redevelopment waiver permit process, through Highlands Council staff coordination with NJDEP staff) would be to revegetate the remaining, rear portion of the parcel that will not be developed (currently cornfield.)
3. Consumptive Water Use in Deficit HUC-14 Subwatershed: The applicant commits to ensuring that the proposed use of Block 32 Lot 1.01 provides mitigation of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met.
4. Stormwater Management: The stormwater regulations must be followed in the project design through the HPAA with redevelopment waiver, as part of the NJDEP permitting process. The

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Highlands Council 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.

5. N.J.A.C. 7:38 Rules - Three Percent Impervious Surface: 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.
6. Conservation Restriction: The remainder of the undeveloped portion of the property (Block 32 Lot 1.01) outside of the proposed 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 the existing septic system and drainage basins that may periodically need maintenance or replacement.
7. Highlands Referral Ordinance: Notwithstanding the HPAA with Redevelopment Waiver to be issued by the NJDEP, Bloomsbury Borough has adopted the Highlands Referral Ordinance that will require the municipal application for development for this project to be submitted to the Highlands Council for a consistency determination. At that time Highlands Council staff will review the project to confirm the consistency of the application with this redevelopment designation.

Attachments

- Pre-Application Meeting notes
- Consistency Determination

Highlands Redevelopment Area Designation Pre-Application Meeting

Date: September 8, 2016
 Time: 1:30 am
 Location: Highlands Council Office in Chester, NJ
 Re: Application for Highlands Redevelopment Area Designation
 Bloomsbury Block 32 Lot 1.01

Attendees:

Highlands Council Staff	Applicant Representatives
Margaret Nordstrom	J.D. Stem
James Humphries	Guliet Hirsch
Judy Thornton	Greg Ploussas
Maryjude Haddock-Weiler	
Jim Hutzelmann	
Chris Ross	
Keri Green	
Kelley Curran	

Introduction

The subject property, which encompasses approximately 4.5 acres, is currently developed with a Citgo gas and fuel service center and deli/convenience store. The applicant is proposing to add a 3,000 square foot drive-in restaurant with associated parking. The area of the proposed expansion is currently part of a larger cornfield. The applicant is seeking a Highlands Redevelopment Area Designation from the Highlands Council, and will then apply for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.

On August 8, 2016, the applicant submitted application materials for the requisite Highlands Redevelopment Area Designation Pre-Application meeting. The Council staff deemed the application to be administratively complete and a Pre-Application meeting date was mutually agreed upon for September 8, 2016 at the Highlands Council office.

Summary of Meeting

Highlands Council staff used the Highlands Interactive Mapping tool to present the project location on-screen and to assess Highlands resources. The applicant presented the site plan and briefly described the proposed project. The following issues were discussed:

- Proposed project activities would encroach into Highlands Council mapped Prime Ground Water Recharge Area. The applicant indicated that site-specific soils data could be provided that would show there is low permeability/recharge on-site. Potential mitigation opportunities were discussed. Also discussed was the Highlands Council consideration of waiving the Prime Ground Water Recharge Area provision of the Regional Master Plan (as the application is for a Highlands Redevelopment Area Designation with Redevelopment Waiver).

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- The entire parcel is in a Carbonate Rock Area. Highlands Council staff inquired if a geotechnical study had been conducted for the existing development. The applicant indicated that the existing development had received prior municipal approvals in 1997 but was not aware of a geotechnical study being conducted (though the applicant indicated that the detention basin on the parcel that serves the existing development was designed and constructed with a lining, in apparent recognition of carbonate rock geological conditions.) Highlands Council staff noted that as a condition of approval of this Highlands Redevelopment Area Designation, the Highlands Council would require the applicant to conduct a phased geotechnical investigation for review by the Borough engineer to confirm that no karst features exist in the area of the proposed project.
- At the time of the meeting, the existing Highlands Council GIS data regarding Critical Wildlife Habitat identified mapped habitat for Cooper's Hawk, a threatened species in New Jersey. The Highlands Council staff requested that the applicant provide a written assessment of the potential impact of the proposed project on Cooper's Hawk (the applicant subsequently submitted that written assessment however, the most recent updated data layer no longer shows mapped Critical Habitat for any species.)
- The applicant indicated that the new facility would be served by an existing on-site well and septic system and that there was adequate capacity. The applicant inquired if the existing septic disposal field and detention basins could be counted as impervious surface when calculating the 70% impervious surface requirement. Highlands Council staff replied that these facilities cannot be considered impervious surface.
- The use of Low Impact Development/Best Management Practices was discussed.
- Next steps were discussed. The applicant indicated that the Highlands Redevelopment Area Plan would be refined based on the meeting discussion, that a written assessment of on-site Cooper's Hawk habitat would be provided, and that site-specific soils data regarding on-site recharge would be provided. Subsequent to the Highlands Council staff review of these materials, the applicant will submit a Petition for a Highlands Redevelopment Area Designation.