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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



Carl J. Richko

Chairperson

BENJAMIN L. SPINELLI, ESQ.

Executive Director

FINAL DRAFT FOR HIGHLANDS COUNCIL REVIEW

Highlands Council Staff Recommendation Report Highlands Redevelopment Area Phillipsburg Mall – Lopatcong and Pohatcong Townships

Date: March 4, 2024

Application Type: Highlands Redevelopment Area Designation
Name: Phillipsburg Mall Highlands Redevelopment Area

Applicant: Lopatcong Township

Location: Lopatcong and Pohatcong Townships, Warren County

Properties: Block 102, Lots 9 and 9.01 (Lopatcong)

Block 1, Lots 1 and 1.01 (Pohatcong)

Highlands Act Area: Planning Area

LUCZ Designation: Existing Community Zone, Conservation Zone and Conservation

Environmentally Constrained Subzone

Proposed Use: Warehousing

Recommendation: Approve with Conditions

1. PROJECT DESCRIPTION

Lopatcong and Pohatcong Townships are conforming Highlands municipalities located at the southernmost end of Warren County. Each sought and received Highlands Council petition approval for Preservation and Planning Area lands, along with Highlands Center designations in the 2011-2012 timeframe. The area subject to this Highlands Redevelopment Area application was not included within the previously approved Highlands Centers. All the properties that are the subject of this Highlands Redevelopment Area are located in the Planning Area.

The proposed Highlands Redevelopment Area will include the existing Phillipsburg Mall site and two currently vacant lots situated directly behind the Phillipsburg Mall property. A concept plan of the proposed redevelopment is included as Appendix 2. The property details are as follows:

Phillipsburg Mall, Block 102, Lot 9.01 in Lopatcong (30.58 acres) and Block 1, Lot 1.01 in Pohatcong (44.08 acres): The mostly vacant 577,000 sq. ft. Phillipsburg Mall is to be redeveloped into an 833,000 square foot warehouse. The existing Kohl's on the southern end of the Mall and the

restaurant pad sites along Route 22 will remain, with truck traffic being routed away from these uses. The municipalities each designated their respective portions of the Phillipsburg Mall site as an Area in Need of Redevelopment (under the Local Housing and Redevelopment Law). The joint Area in Need Redevelopment Plan was adopted by Pohatcong in August of 2022 and by Lopatcong in October of 2022.

The Phillipsburg Mall redevelopment project is exempt from the Highlands Act and has received all local approvals. It is included in the application to reach the necessary impervious surface calculations to qualify the rear area as a Highlands Redevelopment Area.

Rear of Phillipsburg Mall, Block 102 Lot 9 in Lopatcong (58 acres) and Block 1 Lot 1 in Pohatcong (23 acres). The property is currently farmland with a wooded area providing a buffer along the Lopatcong Creek to the western edge. The project as proposed would consist of a 525,250 square foot warehouse built to a height of 48 feet, with 75 loading docks, and associated site appurtenances including 100 truck trailer parking spaces, 388 employee parking spaces, associated access driveways (one circling the building), and stormwater management facilities. Vehicular access would be provided via internal driveways through the former mall site to US Route 22. The Area in Need of Redevelopment approval by the NJ Department of Community Affairs is pending approval subject to Highlands Council approval of this Highlands Redevelopment Area.

The development footprint would be situated closely behind the Phillipsburg Mall redevelopment, leaving approximately 45 acres in contiguous open space surrounding the site. The surrounding areas would consist partially of existing forest fragments, to remain undisturbed, and a proposed area (largely former farm fields) for grasslands and reforestation. Approximately 35 acres, including Highlands Open Water Buffers associated with the Lopatcong Creek corridor, would be designated for protection under a Highlands Environmental Resource Zone (HERZ).

2. ADMINISTRATIVE PROCESS

The Township originally submitted a Highlands Center designation proposal including these properties. After a review of the proposal by the Plan Conformance Committee on October 5, 2023, it was recommended that the Townships amend the center petition to remove these properties and instead submit a Highlands Redevelopment Area application. This recommendation was based on the proposed redevelopment of the Phillipsburg Mall property and the lack of comprehensive center-based planning that the finding for a consistent Highlands Center would require.

Lopatcong Township is the primary applicant for the Highlands Redevelopment Area designation, with Pohatcong Township having provided a letter indicating they do not object to Lopatcong Township taking the lead role in the application.

In accordance with the Highlands Council's adopted Redevelopment Area Designation Procedures (RMP Addendum 2019-1), the Township and Highlands Council staff held Highlands Redevelopment Area pre-application meetings on November 22, 2023 and December 21, 2023. Highlands Council staff conducted site visits on September 21, 2023 and December 15, 2023 to document current conditions and examine the area proposed for redevelopment.

The Highlands Council's review of the proposed Highlands Redevelopment Area, as contained within this document, was provided to the project Service List and posted on the Highlands Council website on January 22, 2024. The public comment period is for 30 days and will end on February 22, 2024.

3. RESOURCE ASSESSMENT

The project has been designed to avoid and minimize impacts to Highlands resources. Based upon a review of the site plan and Highlands Council GIS data layers, the proposed Highlands Redevelopment Area 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 Phillipsburg Mall portion of the Highlands Redevelopment Area contains no Highlands Resources.

The rear lots contain the following Highlands resources. The developer of the warehouse to be located on that portion of the project is proposing a conservation easement for the forested habitats that remain onsite (approximately 4.84 acres). A landscaping plan which incorporates native, drought resistant plantings, was provided for review.

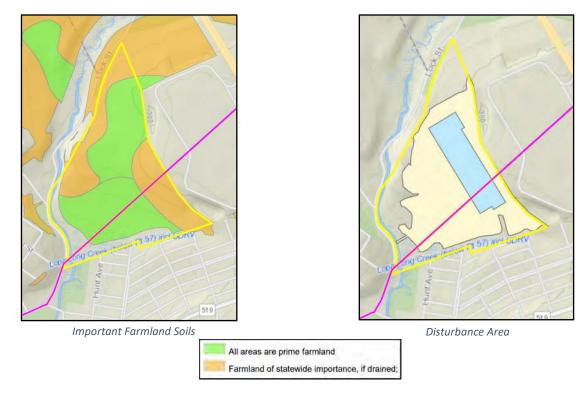
Warehouse Tract Highlands Zones/Resources	Lopatcong (Acres)	Pohatcong (Acres)	Total (Acres)	Percent of Tract
Conservation Zone (CZ)	40.2	14.7	54.9	68%
CZ-Environmentally Constrained	16.9	9.0	25.9	32%
Carbonate Rock Area	57.2	23.6	80.8	100%
Agricultural Resource Area	57.2	23.6	80.8	100%
Ag Priority Preservation Area	57.2	23.6	80.8	100%
Important Farmland Soils	52.0	17.2	69.2	86%
Wellhead Protection – Tier 3	45.9	-	45.9	57%
Open Water Protection Area	17.75	15.0	32.75	41%
a. Riparian Area	12.8	12.5	25.3	31%
b. Wetlands	3.1	5.1	8.2	10%
c. Open Waters	0.8	0.1	0.9	1%
Prime Groundwater Recharge	12.3	12.5	24.8	31%
Total Forest Area	16.6	2.8	19.4	24%
Critical Habitat (Bald Eagle)	7.6	4.8	12.4	15%
Severe Steep Slopes	4.1	1.1	5.2	6%

Important Farmland Soils and Agricultural Resources.

The overriding resource of concern is the loss of agricultural resources and Important Farmland Soils, which cover 86% of the tract. The rear, currently undeveloped lots, are currently in agricultural use. They are located in the Highlands' Agricultural Priority Preservation category and are designated as an Agricultural Resource Area.

The development project would occupy roughly 36 acres of the 69-acre Important Farmland Soils area. The remaining 33 acres would lie partially within the proposed HERZ area, with the rest proposed for grasslands and reforestation. Such a restoration initiative would be protective of the

riparian, wetland, and open water resources on the site and would contribute to maintaining and enhancing water quality.



The application indicates that the parcel does not qualify for farmland preservation funding and argues that its value as farmland is diminished by its isolation from other farmlands. The Highlands Council considers the loss of farmland and important farmland soil resources as a cumulative and growing problem in the Region, regardless of the location.

The Highlands Council requires mitigation offsets for development projects that impact important farmland soils located within a Highlands Redevelopment Area. This would require the mitigation of any proposed development in this area and the disturbance of prime farmland soils by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed. This may be done through the use of Highlands Development Credits, through land preservation, or through another method that would be identified at the time a development proposal is drafted. Developers must also provide for local use of removed topsoil, ensuring that it remains within the Region.

Historic Resources and Archaeological Grids:

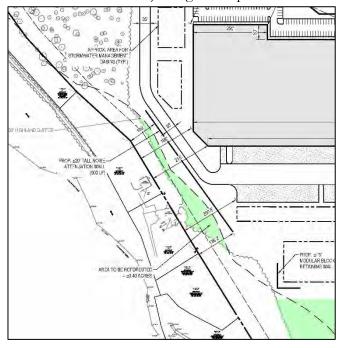
Archaeological Grids:

O The proposed new warehouse development would occur within two Archaeological Grid areas (#AS94, AT95) affecting approximately 54 acres of the tract. These grids define the bounds of historic properties that have been "identified" through cultural resource survey or other documentation on file with the State Historic Preservation Office. The grids generally represent areas within which archaeological investigation could yield important artifacts from early human settlements or other historic/cultural

- resources, in this case, perhaps relating to construction/operation of the Morris Canal. Disturbances and excavations within the identified areas may require follow-up archaeological investigation.
- O The applicant for the new warehouse submitted a Phase 1A and 1B Archaeological Survey, conducted in December of 2022 and March of 2023. The findings indicate that no archaeological resources will be within the proposed limits of disturbance.
- O A condition of approval will be to place all areas outside the limits of disturbance in a conservation easement.

• Historic Resources:

- O The tract lies adjacent to Morris Canal historic sites and districts listed in the State and National Registers of Historic Places.
- o The Morris Canal and its many remaining structures are important historic resources for each of the municipalities.
- o The Morris Canal Greenway 25 Year Action Plan (June 2012) designates an area from the northern boundary of the property southerly along the property line to Plane 10 West as a future greenway. The applicant has agreed to dedicate this area (via easement permitting public access or fee simple) as a condition of approval. (See Appendix 3).
- O The home nearest the warehouse lot line (on Block 102 Lot 7) is a historic structure. The building sits atop Plane 10 West and is identified as the Plane Tender's House. "Plan 10 West was a vital part of the Morris Canal and it is therefore a significant part of the overall canal historic district. The plane tenders house is a conditional contributing structure to the historic district since it is greatly altered." (Historic Preservation Survey of the Morris Canal in Warrant County, NJ. Warren County Morris Canal Committee. Brian H. Morrell. September 1983).
- o Efforts to address the impacts to these resources include: a) siting the improvements
 - on the eastern portions of the tract adiacent the to proposed Phillipsburg Mall redevelopment area, so maximizing the distance from surrounding residential areas (with the exception of homes on Lock Street); b) retaining forested areas on the site in undisturbed condition; c) reforesting additional surrounding portions of property; and d) installing a 20' high 'sound attenuation' wall and landscaping 100 ft. from the property line to screen the view, muffle noise and block headlight glare emanating from truck traffic as it moves in and out of the rear loading dock and parking areas. Viewshed renderings are included in Appendix 4.



Sound Attenuation Wall

Water & Wastewater Service:

- O Water and wastewater infrastructure is available via extension through the former mall site or adjoining developed properties to serve the proposed warehouse project.
- O The RMP does not support extension of water/sewer service in the Conservation Zone or any of the environmentally constrained sub-zones (rear properties). The service extension would only be permissible for the proposed warehouse with the approval of the Highlands Redevelopment Area. As the rear properties are not within the sewer service area, the respective municipal wastewater management plans will need to be amended if this application is approved.
- O Both sites would be served by the Phillipsburg Town Sewage Treatment Plant (STP) (NJ0024716). The petition proposes to reallocate a portion of the sewer gallonage that was allocated to the 577,000 square foot Phillipsburg Mall, which closed in March of 2020. The closing of the mall reduced the existing STP flows and rolling capacity calculations from a high of 86% (August 2019) to an average of 74% capacity.
- O The public water supplier serving both Townships is Aqua New Jersey, Inc-Phillipsburg (PWSID NJ2119001). Aqua has adequate water supply available to serve the expanded center proposal. The Highlands Council has determined that the wells Aqua uses draw essentially all of their supply from the Delaware River through induced recharge. Thus, they do not represent a consumptive or depletive water use relative to the source sub watershed.
- O The total water and wastewater usage will be reduced over the usage of the Phillipsburg Mall (when previously at full occupancy).
 - The Phillipsburg Mall generated an estimated 57,700 gpd of wastewater and 72,125 gpd of water demand.
 - The rear warehouse will generate an estimated 15,926 gpd of wastewater and 16,494 of water demand.
 - The Phillipsburg Mall warehouse redevelopment will generate an estimated 23,334 gpd of wastewater and 24,167 gpd of water demand.

Transportation:

- O The rear warehouse project would gain access to Route 22 via connecting internal roadways crossing through the warehouse redevelopment of the Phillipsburg Mall property, which fronts directly on the highway. As noted in the petition, Route 22 "has been classified by Warren County as a principal arterial highway that provides a vital transportation link between Route 57 to the west, the Town of Phillipsburg, Lopatcong, Pohatcong and Greenwich Townships, and an interchange with Interstate 78 that is located 1.1 miles to the east of the redevelopment area."
- o In support of the warehouse proposal, the petition includes a vehicle access analysis prepared by John R. Wichner, P.E., of McMahon Associates dated June 15, 2022, referred to as "Phillipsburg Mall Access Analysis, CRG Mixed-Use Development and J.G. Petrucci Warehouse Development." The study relies upon a prior study completed by Atlantic Traffic & Design Engineering, LLC, to compare traffic theoretically generated under 'existing' conditions (e.g., assuming full operation of Phillipsburg Mall and adjacent uses) vs. that anticipated under the proposed build-out, including both warehouses and adjacent uses to remain. The results suggest that under

- the proposed build-out, trip generation would be similar to existing conditions for the weekday morning peak hour, but significantly reduced from existing conditions for weekday afternoon and Saturday midday peak hours.
- O The analysis reviews the proposed interior access roadways for the site and evaluates the proposed driveway intersections with US Route 22. Level of service results appear good (overall A-B's) for weekday mornings but drop for weekday evenings (overall C-D, left turns out F). The report recommends pavement marking, signage, and use of a 2-phase signal to control timing and movement of vehicles to and from the highway. It notes that the existing access driveways are spaced adequately in relation to existing signalized intersections (e.g., County Route 519) along the Route 22 corridor to allow for queuing in the eastbound and westbound approaches.
- o Based on NJDOT Highway Access Permit design standards, the trip generation analysis projects 1,044 to 1,458 trips into and out of the site during each the AM and PM peak hours. While less than potential traffic from a fully functional Phillipsburg Mall, the report indicates that during the evening peak hour the proposed site would contribute 587 vehicles to the 1757 vehicles currently identified as traveling westbound on Route 22 at that time, a 33% increase.
- O The proposed warehouse site has access to suitable transportation infrastructure, consisting of US Route 22 and within about one mile of Interstate Route 78. Limited public transportation is also available via NJ Transit bus lines (#890, #891) serving the Easton-Phillipsburg-Pohatcong area, potentially offering a commuting option for some number of future employees. The application notes that New Jersey Transit bus service is available on Route 22 and has several stops "next to the redevelopment area."
- O The one-mile travel distance on Route 22 between the subject site and the I-78 interchange is in keeping with the Highlands Council Warehouse Guidelines. Assuming ample highway capacities to absorb the increase in flows, such proximate and direct access should ensure that heavy truck traffic needn't use local roads and byways to get to or from the facility.
- O A much more comprehensive regional study is needed to understand the impacts of full build-out of these and all the other projects already in the 'pipeline' for Route 22 and I-78 on the highways' through-lane levels of service. Highlands Council staff have discussed this issue with NJTPA and will look to work with NJPTA and Warren County moving forward.

4.0 FINDINGS AND RECOMMENDATIONS

Highlands Redevelopment Procedures: RMP Addendum 2019-1, Procedures for Highlands Redevelopment Area Designation, contain the following criteria that must be met to be approved.

- 1) At least 70 % of the proposed Highlands Redevelopment Area is existing impervious surface.
 - a. Finding: Consistent.
 - b. The proposed Highlands Redevelopment Area was found to contain 72.96% impervious surfaces.
- 2) The proposed Highlands Redevelopment Area and proposed development will not result in or contribute to impairment of any Highlands Resource located on or adjacent to the Highlands Redevelopment Area. This may be accomplished either through exclusion of such areas, through

conditions on the designation that ensures their protection, or substantial minimization of disturbance of those resources.

- a. Finding: Consistent with Conditions.
- b. Highlands Environmental Resource Zone (HERZ) designations and conservation easements will be placed on the properties as shown in Appendix 1.
- c. Dedication of land to the Morris Canal Greenway and the aforementioned HERZ will protect the Morris Canal historic district.
- d. Adequate screening is proposed to be provided at the Plane Tenders House.
- e. Loss of Important Farmland soils will be mitigated through preservation of farmland within the municipality or through other means.
- 3) The proposed Highlands Redevelopment Area and proposed development are found to be consistent with the resource protection and Smart Growth standards of the Regional Master Plan and with the intent and purpose of the Highlands Act.
 - a. Finding: Consistent
 - b. The RMP includes the following as a goal: "Goal 6J: Accommodation of Regional Growth and Development Needs Through the Reuse and Redevelopment of Previously Developed Areas, Including Brownfields, Grayfields and Underutilized Sites."
 - c. Redevelopment opportunities are an appropriate vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment Goals 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.
 - d. Given that redevelopment is a significant opportunity for sustainable economic development and smart growth in the Highlands Region, this proposed redevelopment project was reviewed regarding consistency with RMP 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."
 - e. 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 maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed parking lot expansion complements the existing development pattern of this area.
- 4) There is sufficient water supply and wastewater capacity to serve the proposed development.
 - a. Finding: Consistent
 - b. The applicant has supplied sufficient information to determine that there is sufficient public water and wastewater service for the projects proposed due to the release of capacities from the closing of the Phillipsburg Mall.

- 5) Such other unique or mitigating criteria as required by the Highlands Council to comply with the Goals, Policies and Objectives of the Highlands Act and the RMP.
 - a. Finding: Consistent with Conditions
 - b. Mitigation of any proposed development is required to offset the disturbance of important farmland soils by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed. This may be done through the use of Highlands Development Credits, through land preservation, or through another method that would be identified at the time a development proposal is drafted.
 - c. The developers must also provide for local use of removed topsoil, ensuring that it remains within the Region.
- 6) The proposed Highlands Redevelopment Area and proposed development are compatible with existing municipal zoning, or the Highlands Redevelopment Area designation is conditioned upon municipal rezoning.
 - a. Finding: Consistent
 - b. The area was identified as Area in Need of Redevelopment by Pohatcong in August of 2022 and by Lopatcong in October of 2022. The proposed development is consistent with those adopted Area in Need of Redevelopment plans.
 - c. No municipal master plan amendments are necessary to implement the Highlands Redevelopment Area due to the existing Redevelopment Plan.

Highlands Council Warehouse Guidelines. The Highlands Council released policy guidance on warehouse development in the Region in April of 2023. The guidance supplements the State Planning Commission's Warehouse Siting Guidance with RMP-based information and criteria for use in development of local transportation plans, land use plans, and governing ordinances on warehousing. This section provides findings with respect to the consistency of the proposed warehouse project and the Highlands Redevelopment Area.

- 1) State & County Agency Coordination As to federal, state, and county policy coordination, one of the most relevant aspects pertaining to this proposal is the following statement from the guidelines: "The Highlands Council supports state and federal funding for transportation maintenance and safety improvements; however, projects involving new through-lanes or increases in vehicular capacity are in most cases inconsistent with the RMP." The Council's regionwide policy regarding public investment in transportation and other infrastructure applies equally to county resources. As noted previously, highway corridor level analysis is needed to determine whether current capacities are sufficient to handle added truck traffic from new warehousing sites already approved and being built across the region.
 - a. The Highlands Council, in conjunction with Warren County and NJTPA, should conduct an area wide regional traffic capacity analysis.
- 2) Highlands Region Siting Locations Designated Highlands Redevelopment Areas are appropriate for warehouse development, subject to compliance with the siting standards and criteria of the Warehouse Siting Guidance.
- 3) Proximity and Access to Transportation The Warehouse Siting Guidance states that "The analysis should begin with an examination of the existing transportation network. Warehouse and distribution facilities should be sited in accordance with aspects such as proposed size, intensity of use, and anticipated truck traffic generation." "Very large facilities, including

warehouses of 500,000 square feet or more, and facilities designed for high-intensity interstate truck traffic, potentially 24/7 operation, overnight truck parking, etc., must be located within 3 miles of an Interstate Highway interchange."

- a. The site meets the proximity standard of the guidance document.
- b. As to analysis of the transport network, as stated in the Warehouse Siting Guidance, the Highlands Council intends to assist in developing baseline data and should undertake an area wide transportation analysis.
- 4) Watershed Impervious Coverage –The subject sub-watershed, "Lopatcong Creek (below Rt 57) incl UDRV," exceeds the 10% threshold impervious threshold for the Planning Area.
 - a. Due to the presence of Karst Topography, no recharge on site is proposed. The development should provide for 100% of the average annual pre-construction groundwater recharge volume elsewhere in the same subwatershed.
 - b. In addition, the development shall provide for 90% TSS removal for all surfaces, including non-motor vehicles surfaces, either on-site or through the following:
 - i. Removal of impervious coverage from another location in the same watershed in exchange for all newly proposed impervious surface, provided the removal location(s) are restored to natural conditions and placed into protective land status by conservation easement or other appropriate means. Impervious coverage removed shall be sufficient to provide for 100% TSS removal when combined with the on-site stormwater management systems; or
 - ii. Existing unmanaged or poorly managed stormwater runoff within the same watershed shall be managed or retrofitted with appropriate green stormwater infrastructure practices. These facilities shall be sufficient to provide for 100% TSS removal when combined with the on-site stormwater management systems; or
 - iii. A combination of a. and b. above, sufficient to achieve the listed requirements proportionately for each strategy.

RECOMMENDATION AND CONDITIONS: The approval recommended herein is only for the Highlands Redevelopment Area. The site plan review for the new warehouse building will be conducted at a later date when an application for development is submitted to the local Land Use Board. All conditions noted herein will be followed during that review.

The Highlands Redevelopment Area provides 51.908 Acres of existing impervious, while proposing 71.237 Acres of proposed impervious surface. This provides for 72.96% of existing impervious surface area in the Highlands Redevelopment Area, exceeding the minimum required 70% imperious surface standard as set forth in the Highlands Act (N.J.S.A. 13:20-9.b). Based on this standard and the findings herein, it is the Highlands Council staff's recommendation that the Highlands Council approve the proposed Highlands Redevelopment Area with the following conditions:

1. Stormwater Management:

- a. The development shall provide for 90% of the average annual pre-construction groundwater recharge volume elsewhere, preferably in the same subwatershed.
- b. In addition, the development shall provide for 90% TSS removal for all impervious surfaces, including non-motor vehicles surfaces, either on-site or through the following:
 - i. Removal of impervious coverage from another location in the same watershed in exchange for all newly proposed impervious surface, provided the removal location(s) are restored to natural conditions and placed into protective land status by conservation easement or other appropriate means. Impervious coverage removed shall be sufficient to provide for 90% TSS removal when combined with the on-site stormwater management systems; or
 - ii. Existing unmanaged or poorly managed stormwater runoff within the same watershed shall be managed or retrofitted with appropriate green stormwater infrastructure practices. These facilities shall be sufficient to provide for 90% TSS removal when combined with the on-site stormwater management systems; or
 - iii. A combination of on-site and off-site above strategies, sufficient to achieve the listed requirements to the satisfaction of Highlands Council staff.
- 2. Conservation Restriction: Placement of a conservation easement covering the Highlands Environmental Resource Zones (HERZ).

3. Farmland Mitigation:

- a. Mitigation of proposed development in the area of important farmland soils is required by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed. This may be done through the use of Highlands Development Credits, through land preservation, or through another method that would be identified at the time a development proposal is drafted.
- b. Developers must also provide for local use of removed topsoil, ensuring that it remains within the Region.
- c. The mitigation area includes 55 Acres that are identified as agricultural land use (cropland and pastureland, code 2100) in the 2020 Land Use Land Cover Data. The amount of any mitigation shall be calculated using State Agriculture Development Committee (SADC) farmland preservation appraisal data for surrounding Warren County municipalities.

- 4. Screening of Lock Street historic properties: The Lock Street properties will be screened with a sound attenuation wall and landscaping as presented in Appendix 4.
- 5. The Highlands Regional Master Plan requires protection of historic resources (Policy 4A4). A portion of the Morris Canal on the property will be preserved by ensuring that the development envelope does not impinge on the resource. In addition, the applicant has agreed to dedicate that area as open space (via easement permitting public access or fee simple donation) to Warren County or Lopatcong Township (or other agreed upon government or non-profit entity), in accordance with Morris Canal Greenway 25 Year Action Plan (June 2012). The dedicated area will be at least 30 ft. in width along the Canal section.

Appendix 1: Highlands Redevelopment Area Map



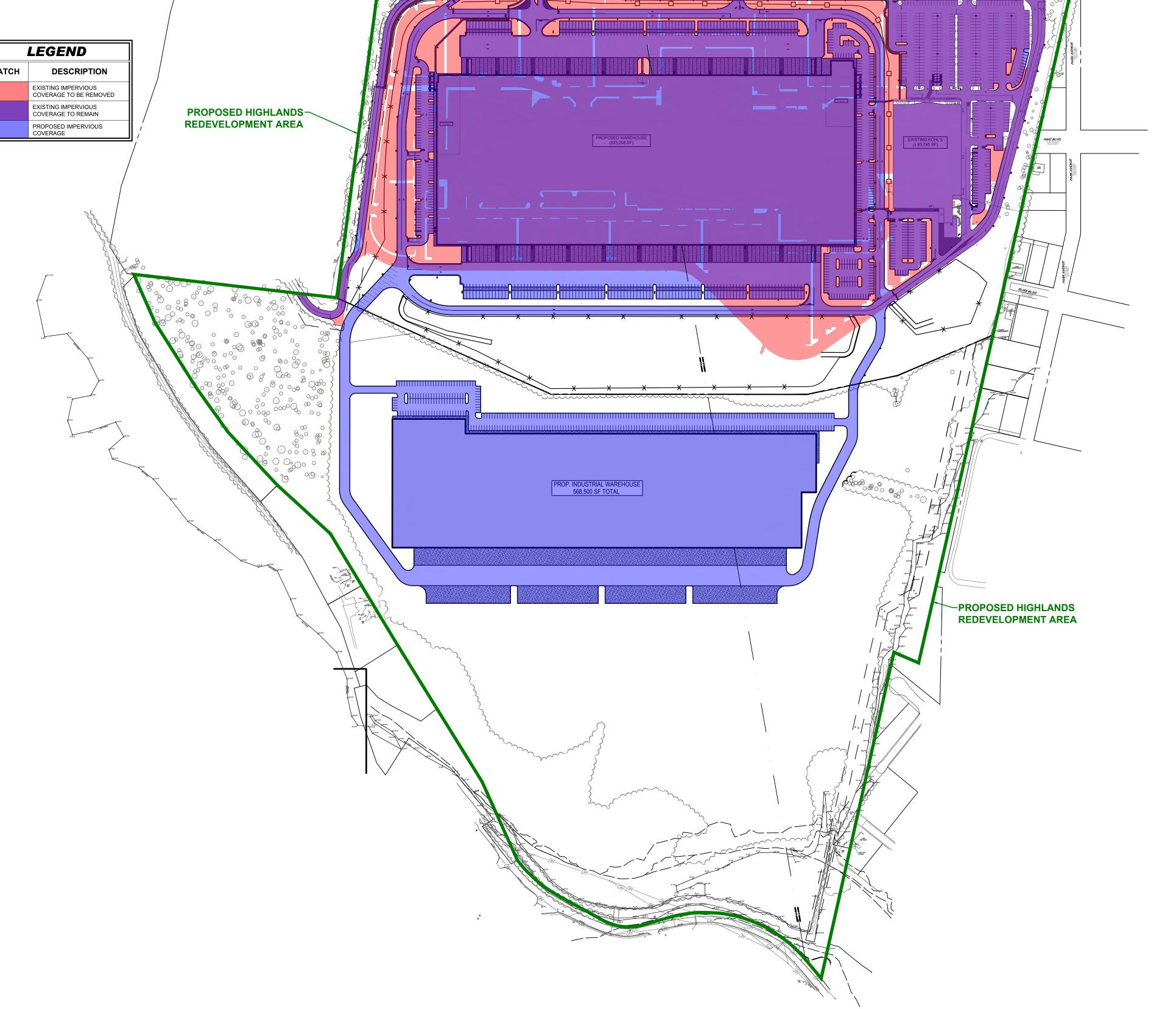
PROPOSED LOT COVERAGE SUMMARY TABLE

SUMINIART TABLE			
	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9.01 BLOCK 102, LOT 9.03 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1.01	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1	COMBINED
LOT AREA	74.227 ACRES	81.118 ACRES	155.345 ACRES
LOT COVERAGE	49.200 ACRES	22.037 ACRES	71.237 ACRES

	LEGEND			
НАТСН	DESCRIPTION			
	EXISTING IMPERVIOUS COVERAGE TO BE REMOVED			
	EXISTING IMPERVIOUS COVERAGE TO REMAIN			
	PROPOSED IMPERVIOUS COVERAGE			

PROPOSED I	DEVELOPMENT	AREA TABLE
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E PREPARED BY RUGGIERO PL	ANTE LAND DESIGN, LLC DATE	D 11/20/2023
TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9.01 BLOCK 102, LOT 9.03 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1.01	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1	COMBINED
74.227 ACRES	81.118 ACRES	155.345 ACRES
51.760 ACRES	0.148 ACRES	51.908 ACRES
49.200 ACRES	22.037 ACRES	71.237 ACRES
COMBINED REDEVELOPMENT AREA		
MAXIMUM PERMITTED REDEVELOPMENT AREA		
	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9.01 BLOCK 102, LOT 9.03 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1.01 74.227 ACRES 51.760 ACRES 49.200 ACRES	BLOCK 102, LOT 9.01 BLOCK 102, LOT 9.03 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1.01 T4.227 ACRES 51.760 ACRES 49.200 ACRES PMENT AREA TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1 81.118 ACRES 22.037 ACRES



REVISIONS

REV	DATE	COMMENT	DRAWN BY
KEV	DAIE	COMMENT	CHECKED BY
1	12/28/2023	REV. PER HIGHLANDS	ATK
	12/20/2023	REDEV. AREA BNDRY	AJL



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DRAWN BY: CHECKED BY: DATE: CAD I.D.: 11/21/2023 J200584-ICE-1B

PROJECT:

IMPERVIOUS COVERAGE **EXHIBITS**

J.G. PETRUCCI

PROPOSED INDUSTRIAL DEVELOPMENT

470 PLANE BLOCK 102, LOT 9 TOWNSHIP OF LOPATCONG BLOCK 1, LOT 1 TOWNSHIP OF POHATCONG **WARREN COUNTY, NEW JERSEY**

30 INDEPENDENCE BLVD., SUITE 200
WARREN, NJ 07059
Phone: (908) 668-8300
Fax: (908) 754-4401
www.BohlerEngineering.com
NJ CERT. OF AUTHORIZATION NO. 24GA28161700 & MH000122

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PENNSYLVANIA LICENSE No. 077366
CONNECTICUT LICENSE No. 26039
DELAWARE LICENSE No. 17111
OHIO LICENSE No. 78297

PROP. *IMPERVIOUS* COVERAGE

EXHIBIT

1 INCH = 200 FEET

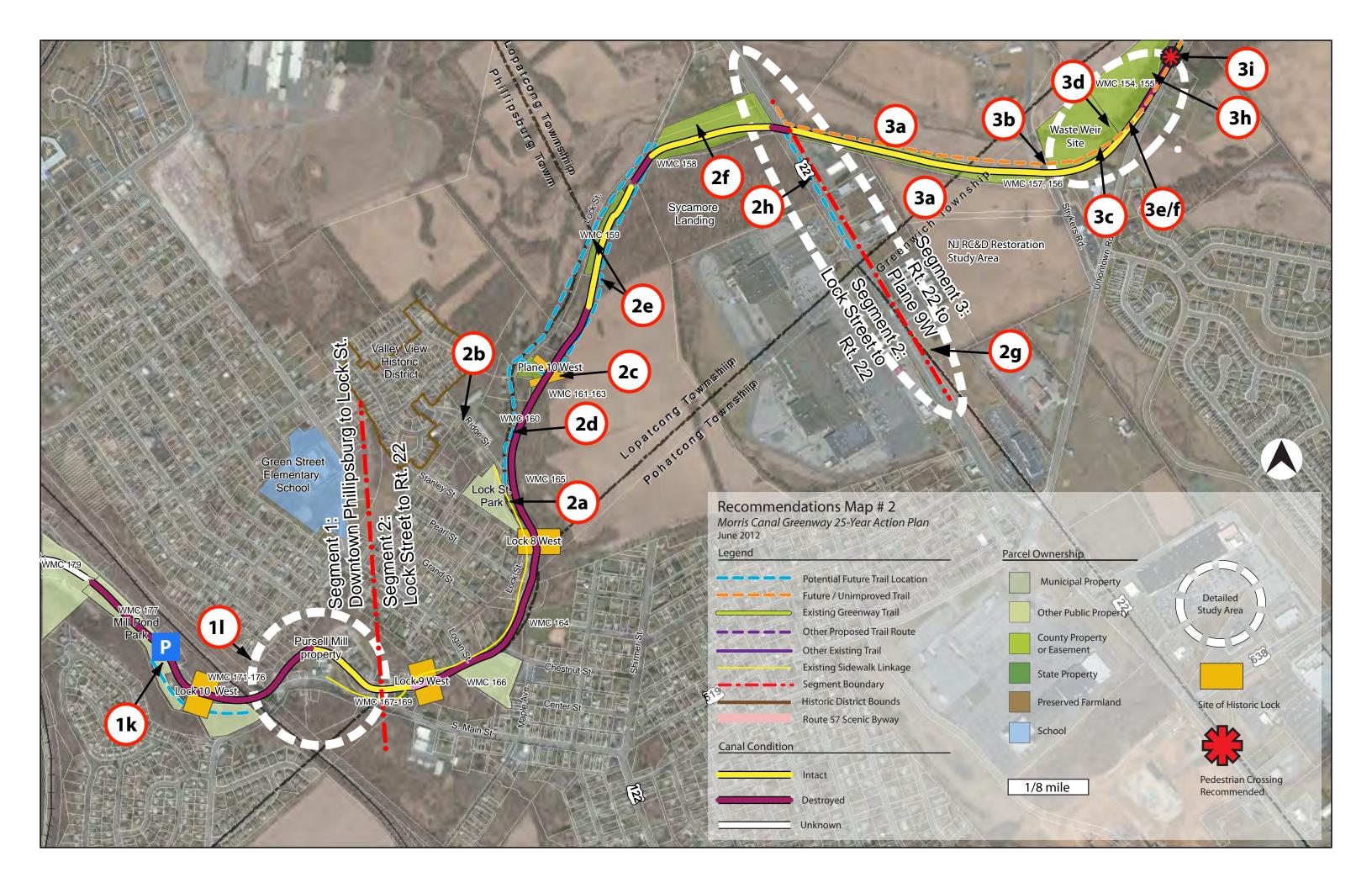
GRAPHIC SCALE

REVISION 1 - 12/28/2023

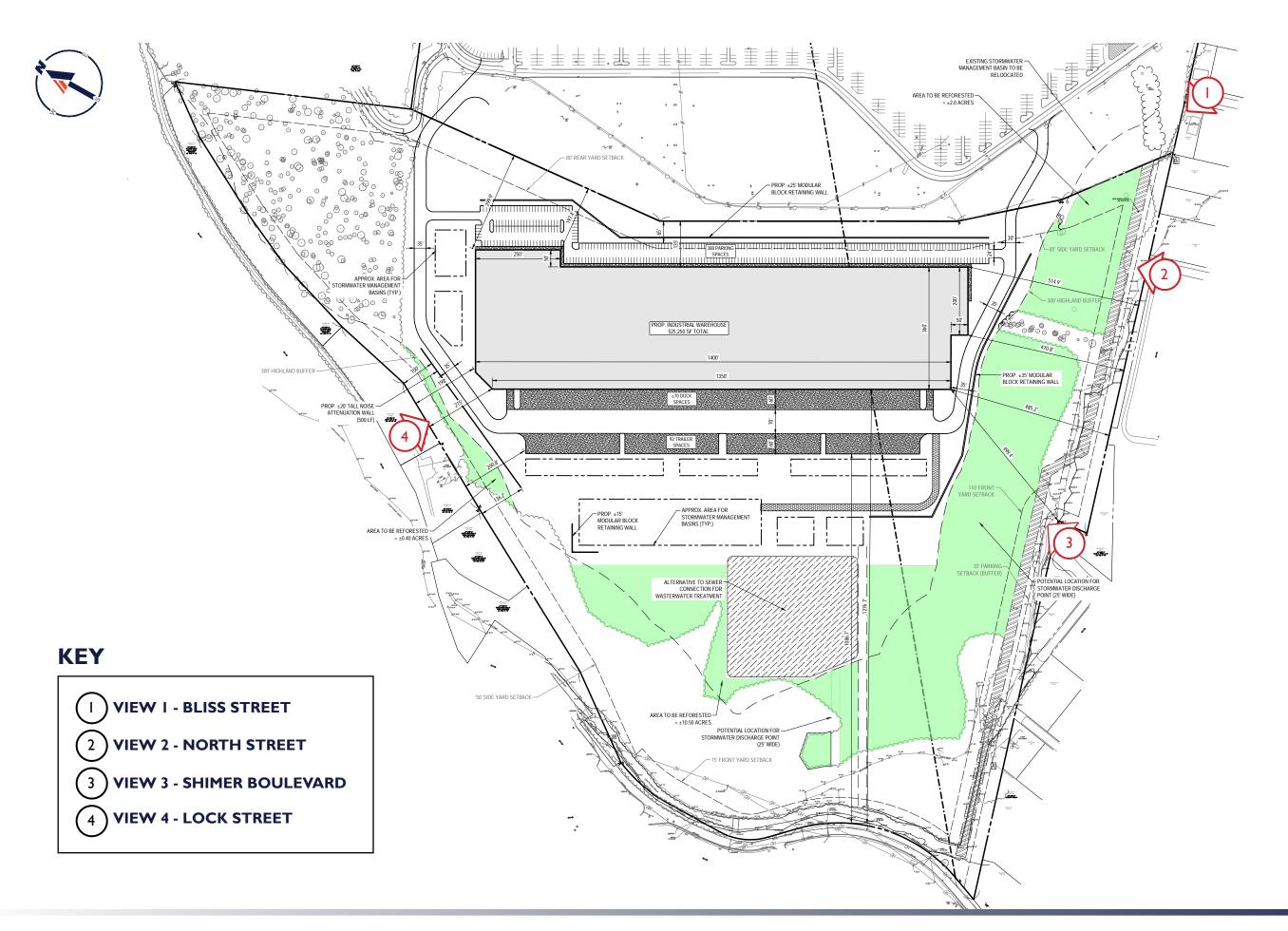
Appendix 2: Concept Plan



Appendix 3: Morris Canal Greenway



Appendix 4: Viewshed Analysis













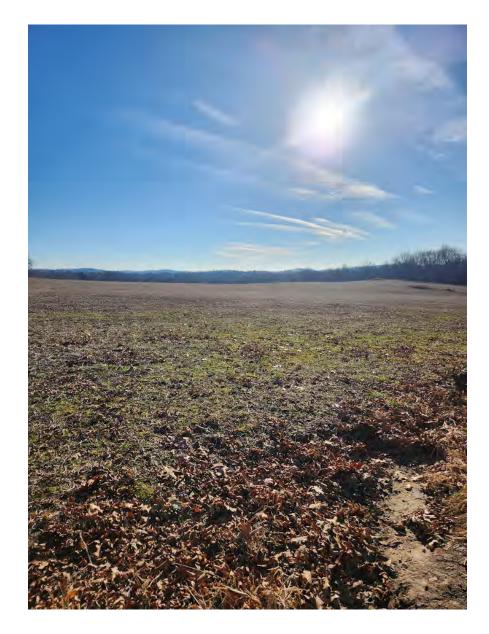








Appendix 5: Site Photos





Property Behind Mall – Looking South



Front of Phillipsburg Mall



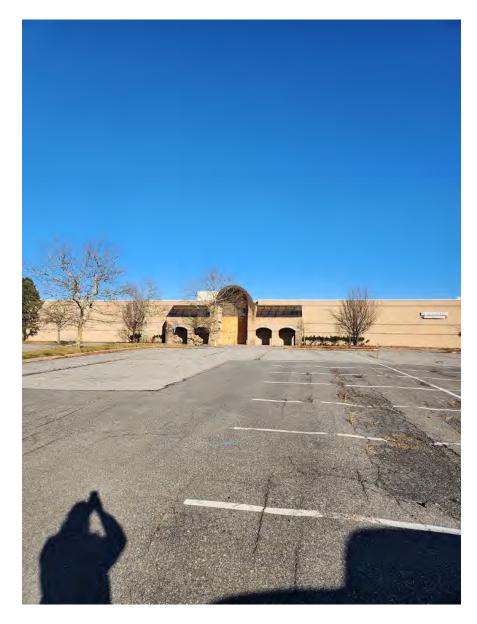
Property Behind Mall – Looking Southwest



Front of Phillipsburg Mall



Rear of Phillipsburg Mall



Rear of Phillipsburg Mall



Rear of Phillipsburg Mall

Appendix 6: Public Comment and Response

The following comments have been partially summarized for the purposes of providing responses. Complete comments can be found in the Attachment to the report.

Comment 1: Please consider denying the application for a warehouse. The land is located between two residential neighborhoods and has a stream in it. Both of these factors are counter to the proposed use of the land. Allowing development of the land under a redevelopment rule should not be allowed as this land was reserved as open space and water management for development of the adjacent parcel which is the former Phillipsburg Mall. This land should remain open space for the benefit of the residents, to manage stormwater events and to provide a buffer to the redevelopment of the adjacent properties.

Response: The project has already been designated as a redevelopment area by Lopatcong Township and the proposed use is consistent with that approved redevelopment area.

The development will include screening, a sound attenuation wall and landscaping to limit the visual impact of the development. The environmentally sensitive Lopatcong Creek will be protected from development and placed into a Highlands Environmental Resource Zone.

The redevelopment of the mall and the new development will all be required to comply with stormwater management regulations to limit any impacts from the runoff of the property. There appear to be no restrictions on the use of the land related to the former Phillipsburg Mall.

Comment 2: Strongly opposes any revision to the Water Quality Management Plan to provide sewer service for this Lopatcong/Pohatcong warehouse development. Concerned that the nearby Lopatcong Creek and Watershed will receive and be harmed by polluted stormwater/sewer run-off. No buffer system of a public wastewater system is ever able to prevent 100% of the polluted water from running into nearby soil and waterways. Questions how the development is a "necessary and justifiable social or economic development" as is required by the July 2023 NJ Surface Water Quality Standards https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_9b.pdf.

Concerned that due to the project's location in a known karst area that the public wastewater system will end up releasing some polluted water into the soil that will make its way to other waterways in the area including Category 1 Lopatcong Creek.

Concerned that the Lopatcong Creek Watershed will be more susceptible to flooding with one more warehouse (in addition to the Phillipsburg Mall warehouse) built so close to it. Any runoff from this development will be affected by and mix with floodwaters. There is no way to predict where this floodwater will end up and how it will harm the nearby residents and the Delaware River tributaries. There is strong evidence that impervious surface contributes to flooding.

Questions why the farmland behind the Phillipsburg Mall is able to be designated a Redevelopment Area when it does not now contain development.

Concerned over the total amount of warehouses being developed in areas with tributaries to the Delaware or the Delaware River. Requests that the development be viewed in a regional manner.

Response: The project has already been designated as a redevelopment area by Lopatcong Township and the proposed use is consistent with the Township's redevelopment area. The approval of a Highlands Redevelopment Area is separate from the Township's redevelopment area and is defined as an area of at least 70% existing impervious surface. The Highlands Redevelopment Area would include the land where the mall was located, as well as the land behind it. Together these parcels would comply with the 70% existing impervious requirement.

The environmentally sensitive Lopatcong Creek will be protected from development and placed into a Highlands Environmental Resource Zone. The redevelopment of the mall and the new development will all be required to comply with stormwater management regulations to limit any impacts from the runoff of the property.

No wastewater will be disposed of on site. Wastewater will be sent to the existing Phillipsburg sewer system which has adequate capacity to handle the project. The determination of whether the project is a necessary and justifiable social or economic development under the Water Quality Management Planning (WQMP) Rules is outside of the jurisdiction of the Highlands Council and will be conducted by the NJ Department of Environmental Protection during its WQMP process.

Mapping for critical habitat does not indicate the presence of any endangered species in the area of disturbance. All areas of designated habitat are being protected and placed in Highlands Environmental Resource Zones.

Comment 3: The commentor lives directly across from the Pohatcong area of the project. Their concerns are about the animals that have made this area their home. For the past 27 years that they have resided there, Canada geese have made a stop in the corn fields between the months of November - February. Coyotes and foxes, deer and endangered marsh turtles have resided here. Would like to know how those animals will be accommodated.

Response: Mapping of critical habitat resources did not indicate the presence of any endangered species in the area of disturbance. All areas of designated habitat are being protected and placed in Highlands Environmental Resource Zones.

Comment 4: Opposes the new warehouse being built at Block 102 Lots 9 and 9.01 in Lopatcong and any other warehouse proposed in the area. The area has been littered with new warehouses and the roads have been taken over with trucks. The trucks are driving all over the local roads and putting children in danger.

The warehouses pose a huge risk to our local volunteer fire departments. Local fire departments are not equipped to fight a fire in such big warehouses. The manpower to fight such a fire would stretch local departments to the max which in return would put local taxpayers at risk should another emergency occur at the same time.

The warehouses will not be good for the environment and will cause harm to the animals in the area.

Response: The development in question proposes direct access to State Route 22 and will not have access to any local roadways. Adequacy of the fire department is a local issue that would be dealt with through the local development review process and is outside the authority of the Highlands Council.

Comment 5: A commentor indicates that the Homeowners of the Parkside Neighborhood of Pohatcong do not want another warehouse in their backyard. This will spoil the peace and character of their neighborhood, with particular emphasis on noise at all hours from the trucks and resulting garbage. The unsightly building that will rise up literally behind our homes will exacerbate the impacts from the warehouse planned for the mall. There is also concern about how the warehouses will affect the Lopatcong Creek that flows behind the property.

Response: The development will include screening, a sound attenuation wall, and landscaping to limit the visual and sound impacts of the development. The environmentally sensitive Lopatcong Creek will be protected from development and placed into a Highlands Environmental Resource Zone. The redevelopment of the mall and the new development will be required to comply with stormwater management regulations to limit any impacts from the runoff of the property.

Comment 6: Opposes new warehouse construction in Warren County. The Phillipsburg Mall site would be better used for affordable housing and a mixed-use site instead. Warehouses cause too much truck traffic. The proposed warehouse behind the mall site on farmland is too close to residential areas and should not be considered redevelopment. There are concerns over the loss of farmlands and the use of the Highlands Redevelopment Areas process to permit the development.

Response: The Highlands Council is in the process of adopting Standards for Warehousing that provides direction on the appropriate locations for warehousing in the Highlands. This project complies with those standards.

The development will include screening, a sound attenuation wall, and landscaping to limit the visual and sound impacts of the development. The environmentally sensitive Lopatcong Creek will be protected from development and placed into a Highlands Environmental Resource Zone.

Regarding the loss of farmland, as stated in the report, the farmland is isolated and cannot be preserved through the farmland preservation process and therefore mitigation is proposed.

Comment 7: Opposed

Response: The Highlands Council acknowledges the comment.

Comment 8: Comments regarding loss of farmland, traffic and traffic routing, environmental impacts, overdevelopment, littering and public health concerns. See Attachment.

Response: Any issues related to public health and littering should be directed towards the municipality. Any issues related to the improper routing of existing trucks should be directed to the municipality. Site design issues such as proper turning radii are the jurisdiction of the local Land Use Boards. The development in question proposes direct access to State Route 22 and will not have access to any local roadways. The loss of farmland will be mitigated.

Comment 9: Comments regarding loss of farmland, traffic and traffic routing, the public process, and littering and public health concerns. See Attachment.

Response: Any issues related to public health and littering should be directed towards the municipality. Any issues related to the improper routing of existing trucks should be directed to the municipality. The development in question proposes direct access to State Route 22 and will not have access to any local roadways. The loss of farmland will be mitigated.

Regarding the public process, the Highlands Redevelopment Area process requires that the municipality provide notice of their intent to submit the application to the property owners within the proposed Highlands Redevelopment Area. It also requires the Highlands Council to provide for a 30-day public comment period. Then it requires the municipalities provide notice of the Highlands Council's public hearing at least 30 days prior to the hearing date to all property owners within 200 ft. of the Highlands Redevelopment Area. All notices have been reviewed and comply with the requirements of the Highlands Council.

Comment 10: Owns property within 200 feet of the Highlands Redevelopment Area. Concerned over the loss of agricultural resources and Important Farmland Soils, which cover 86% of the tract. Concerned over mitigation and the lack of available farmland for mitigation in the same subwatershed.

Concerned over traffic from the project. Concerned with using the "theoretical" existing traffic conditions of a fully functioning mall when the mall hasn't been functioning for ten (10) years. Recommends that the current traffic conditions on Route 22 be reviewed. Has concerns over improper truck routing through adjacent neighborhoods.

Concerned over the lack of sufficient water and wastewater infrastructure and that no extension of utilities is allowed unless the Highlands Redevelopment Area is approved and that the Highlands Redevelopment Area is solely dependent on the "mall property" for this infrastructure because its currently undeveloped farmland now.

States that warehouses are completely prohibited in Existing Community Zone, Conservation Zone and Conservation Environmentally Constrained Subzone which this property is designated as right now. If you approve this change in designation, then it is abundantly clear to us, you are nothing more than the local politicians who say one thing and do the opposite.

Response: The applicant has provided information indicating that adequate public water and wastewater is available for the proposed development.

The Highlands Redevelopment Area is a process set forth in the Highlands Act that allows the waiver of provisions of the Regional Master Plan, including the restrictions on the extension of public water and wastewater. The Highlands Council's Warehousing standards recognize Highlands Redevelopment Areas as areas potentially appropriate for warehouses, depending on site conditions.

The development in question proposes direct access to State Route 22 and will not have access to local roadways.

Comment 11: As has been well documented, Lopatcong and Pohatcong in the spirit of mutual municipal cooperation, have undertaken a joint redevelopment effort, to assist in the redevelopment of the former Phillipsburg Mall property located along Route 22 and in both Townships. The collective redevelopment effort included the landlocked properties behind the mall, which are the subject of this Petition to designate as a Highlands Redevelopment Area.

The Townships of Lopatcong and Pohatcong have undertaken various procedural steps, some at the request of the Highlands, to allow for this petition to be approved. Over several months, the Townships held joint informational meetings, publicly advertised, and encouraged public comment. Additionally, each Township prepared planning and redevelopment reports that were presented to our governing bodies, discussed and voted on at public meetings and ultimately passed resolutions creating the municipal Redevelopment Area and to permit this petition to be submitted to Highlands.

Through many months of planning, Township staffs have engaged with the developer of these properties to prepare conceptual plans that meet the needs and goals of the Townships. These include the promotion of industrial job creation, serving the growing need for supply chain operations, and the significant increase in the ratable value of these underutilized properties. The properties that include the former Mall and land behind it were specifically targeted for industrial development due to their location along State Route 22 and proximity to Route 78, access to existing utilities and transportation infrastructure and the ability to promote "smart" and "green."

Response: The Highlands Council acknowledges the comment and appreciates the work the Townships have put into the process.