STAFF REPORT

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DRCC#: 24-6139 DATE: April 22, 2025 PROJECT NAME: 695, 699 and 705 Joyce Kilmer Avenue -- Proposed Warehouse Latest Submission Received: March 24, 2025

Applicant:

Deugen Forterra New Brunswick, LLC 720 Monroe Street, Suite E 416 A Hoboken, NJ 07030 ejg@deugen.com

Engineer:

James E. Henry, P.E., P.P. Dynamic Engineering Consultants, PC 1904 Main Street Lake Como, NJ 07719 jhenry@dynamicec.com

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
695, 699, 705 Joyce Kilmer Avenue	New Brunswick City	Middlesex	321	8.04, 9, 10

Jurisdictional Determination:

Zone B	Major	Nongovernmental
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Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			Χ

THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

PO BOX 539 STOCKTON, NJ 08559 609-397-2000 www.nj.gov/dep/drcc/

Documents Received: Site Plans (21 sheets) dated November 17, 2023, last revised January 10, 2025; Stormwater Management Report dated November 2023, last revised January 2025; Stream Corridor Exhibit dated June 3, 2024, last revised January 10, 2025; Supplemental Buoyancy Calculations dated March 3, 2025; prepared by Dynamic Engineering Consultants, PC; Basin Area Investigation dated November 12, 2024; prepared by Dynamic Earth, LLC.

Staff comments continued below.

The application is complete and shall be presented to the Commission for their action with a staff recommendation of approval at the May 21, 2025, meeting based upon the following analysis:

Existing Conditions: The project area consists of three lots totaling approximately 9.84 acres located on the westerly side of Joyce Kilmer Avenue in the City of New Brunswick, Middlesex County, approximately 2.0 miles south of the Delaware and Raritan Canal and within Commission Review Zone B. The project area is bounded by the Amtrak/N.J. Transit Northeast Corridor railroad line to the northwest and commercial developments to the northeast, southwest, and southeast.



In the existing condition, Block 321, Lot 8.04, is 3.46 acres in size and consists of two onestory masonry industrial/commercial storage buildings constructed between 1953 and 1956, landscaping, asphalt, and gravel parking areas. Block 321, Lot 9, is 4.44 acres in size and comprises an automotive repair and service building constructed between 1972 and 1979, areas of gravel and asphalt pavement, and an ingress/egress driveway denoted as an extension of Reed Street. Block 321, Lot 10, is 2.6 acres in size and in the existing condition is undeveloped with vegetated land cover and a perimeter chain link fence,

although a review of historic aerial imagery indicates that the site was occupied from 1931 until 2002 by a large industrial building used for the manufacture of vitreous china bathroom accessories. Based upon the submitted plans, impervious surface coverage in the existing condition on all three lots totals 294,878 square feet (6.77 acres).

Proposed Project: The applicant proposes to consolidate the three lots, demolish the automotive repair facility and former industrial/commercial buildings, and combine them with the vacant lot to construct two warehouse buildings. Proposed Warehouse A would be 109,799 square feet in size, while proposed Warehouse B would be 85,622 square feet in size. The applicant also proposes to construct loading docks, parking areas, internal roadways, porous pavement areas, and stormwater bio-retention basins.



Based upon the submitted application, impervious surface coverage in the proposed condition would total approximately 320,383 square feet (7.35 acres), or an increase of 95,832 square feet (2.2 acres) when compared with the existing condition. The project would also result in a total area of disturbance of approximately 427,220 square feet (9.81 acres).

Stream Corridor: The project site is located within the Lower Raritan, South River, and Lawrence Watershed Management Area. As noted above, the Delaware and Raritan Canal is located about 2.0 miles north of the project site. Mile Run, a tributary of the Raritan River which flows beneath the canal, is located offsite and near the southeasterly property boundary. Mile Run has a FEMA-mapped 100-year floodplain.

For this project, the Commission defines "stream corridor" to mean Mile Run, the 100year floodplain associated with Mile Run, and all of the land within a 100-foot buffer adjacent to the 100-year flood line associated with Mile Run. There is a stream corridor present within the project development area. Commission stream corridor exhibits have been submitted as part of this application. Pursuant to the FEMA Effective Flood Insurance Rate Map (FIRM), the 100-Year Flood Elevation delineated by FEMA is depicted as 68.80

feet (NAVD88) across the extent of the subject property. Pursuant to the NJDEP Delineation of Floodway & Flood Hazard Areas for Mile Run Tributary, it depicts a 100-year flood elevation of 69.01 to 69.51 feet (NAVD88) across the extent of the subject property. A NJDEP Flood Hazard Area Verification, File No.: 1214-24-0001.1 LUP240001, dated September 20, 2024, was issued based on this data. The stream corridor as shown on the plan is based on the NJDEP 100-year floodplain plus 100 feet.

The applicant proposes intrusions within the defined Commission stream corridor area. Therefore, the project is subject to stream corridor impact review pursuant to N.J.A.C. 7:45-9.1(a). Construction of new structures, regrading, and removal of vegetation are all considered to be prohibited uses in accordance with N.J.A.C. 7:45-9.3(a).

Specifically, the applicant proposes to construct the following within the defined Commission stream corridor:

- A new stormwater line beneath Joyce Kilmer Avenue would connect the project site to an existing culvert crossing near the intersection of Joyce Kilmer Avenue and Charles Street. This proposed stormwater line would also encroach into the 100-year floodplain;
- A new access road into the project site;
- New access sidewalks; and
- A new retaining wall along the project site property line.

A total of 9,533 square feet of the defined Commission stream corridor will be disturbed to construct the above-referenced structures. The encroachment is not located within the 100-year floodplain. The encroachment consists of 5,028 square feet of impervious area and 4,505 square feet of open space. A single tree is proposed to be removed. In the existing condition, 6,719 square feet consists of impervious surface coverage and 2,814 square feet is pervious lawn area.

The applicant requests a waiver of strict compliance from the stream corridor impact review standards in accordance with criteria set forth at N.J.A.C. 7:45-12.4(a)2, which provides that the standards may be waived if the applicant establishes to the satisfaction of the Commission that the project incorporates environmentally sound site planning techniques, or preserves other natural areas, either of which can be demonstrated to have a greater ecologically beneficial effect than would compliance with the regulations.

The applicant contends that the project will not have an adverse impact upon the stream corridor's ability to function because the area to be disturbed was previously developed, and because there will be an overall decrease in impervious surface coverage in the post-development condition, which totals 1,691 square feet. Of the 4,505 square feet of new open space that would exist in the proposed condition, the area would consist of lawn and contain a minimum of 11 shade trees.

Based upon the applicant's submission, Commission staff determines that the project would not have an adverse impact upon the stream corridor's ability to function as a buffer

for the Mile Run watercourse's ecological health and as a natural area, and thereby meets the criteria set forth at N.J.A.C. 7:45-12.4(a)2.

Stormwater Runoff Quantity: The proposed improvements would result in an increase in the amount of onsite impervious area and a corresponding increase in stormwater runoff. To mitigate for the increase in stormwater runoff generated from the proposed development, the applicant proposes the use of two bio-retention basins and three porous pavement areas with stone storage. The proposed condition points-of-analysis (POAs) are the same as those in the existing condition.

For POAs 1 and 2, the proposed stormwater management measures have been designed so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events will be no greater than 50 percent (%), 75%, and 80%, respectively, of the pre-construction peak runoff rates. For POA 3 and 4, due to the reduction in drainage area, the applicant proposes to demonstrate that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events, and that there is no increased volume or change in timing of stormwater runoff that will increase flood damage at or downstream of the site.

The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, Standard unit hydrograph, NRCS Region D rainfall distribution, separated analyses for impervious and pervious areas, and current New Jersey 24-hour rainfall frequency data for Middlesex County to compute peak runoff flow rates and volumes. The pre-developed site conditions are based on Hydrologic Soils Group (HSG) "B" soils; however, the post-developed site conditions are based on HSG Type "D" soils. This is a conservative assessment and is, therefore, acceptable for this project. The project is not located within the Coastal Plain. The submitted test pits and borings were taken outside of the months of January and April.

Commission staff finds that the proposed stormwater best management practice measures (BMPs) will provide enough peak flow attenuation to meet the specific runoff quantity standards for POAs 1 and 2.

For POAs 3 and 4, in comparing post-development drainage areas to existing drainage areas, Commission staff observes that there are overall reductions in the sizes of the drainage areas. Therefore, it can be concluded that the post-construction runoff hydrographs for the 2-, 10- and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events.

Based on a review of the submitted stormwater calculations, it can be concluded that the water quantity requirements of N.J.A.C. 7:45-8.6 have been addressed.

Water Quality: The Commission requires that all proposed full-depth pavement, including newly constructed and reconstructed parking and access drives that are being renewed, shall meet water quality standards in accordance with Commission regulations at N.J.A.C. 7:45-8.7. This includes reduction of the post-construction load of total suspended

solids (TSS) in stormwater runoff generated from the water quality design storm by a rate of 80% of the anticipated load from the developed site, expressed as an annual average.

Based upon the submitted application, new parking and access drive pavement areas are being proposed onsite. The submitted application design proposes to incorporate porous pavement and Filterra manufactured treatment devices (MTDs) to provide 80% TSS removal. All of the vehicle pavement will be conveyed into one of these 80% TSS BMPs. Routings were submitted showing that the bio-retention basins and porous pavement will be able to contain the collected water quality design storm volume for treatment.

Therefore, the project is in compliance with the water quality treatment requirements at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The Commission's regulations require that stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site, or that any increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

The applicant submitted a report from a Licensed Site Remediation Professional (LSRP) which states that:

"[F]ormer industrial activities at 705 Joyce Kilmer Avenue (Block 321, Lot 10) have resulted in the contamination of groundwater. The contaminants of concern include chlorinated solvents that are present in groundwater at concentrations exceeding the New Jersey Department of Environmental Protection (NJDEP) Groundwater Quality Standards (GWQS). A discharge was reported to the NJDEP on August 30, 2022, (Case No. 22-08-31-1615-40, PI No. 024492), and remediation is being performed under my supervision as the New Jersey Licensed Site Remediation Professional (LSRP) of record for the case... It is my professional judgment as the LSRP for the case that on-site recharge of stormwater for the proposed redevelopment project could significantly impact the fate and transport of the documented groundwater contaminants."

Based on the submitted documents, it can be concluded that recharge would be inconsistent with the remedial action work plan; therefore, the groundwater recharge requirements do not apply to this redevelopment project in accordance with N.J.A.C. 7:45-8.5(a)2.i. It can be concluded that the project is in compliance with this requirement.

Non-Structural Methods: N.J.A.C. 7:45-8.4 directs that sufficient non-structural stormwater management strategies shall be incorporated into the project site design "to the maximum extent practical." A Nonstructural Point System (NSPS) spreadsheet was submitted by the applicant. The project is located within Planning Area 1, and the required site points ratio is 80%. Additional points were modeled for vegetated runoff conveyance systems and minimizing compaction. However, there is no vegetated runoff conveyance; therefore, the actual ratio of proposed to existing site points is 76%. In addition, a non-structural compliance report was submitted, demonstrating that, to the maximum extent

practicable, non-structural stormwater management strategies have been incorporated into the project design. Therefore, it can be concluded that the non-structural method requirements at N.J.A.C. 7:45-8.4 have been addressed.

Stormwater Management Maintenance Plan: A stormwater management operation and maintenance manual was submitted for the proposed bio-retention basins, porous pavement systems, and manufactured treatment devices, based on the requirements of the NJ Stormwater BMP Manual. Therefore, the project is in compliance with the requirements at N.J.A.C. 7:45-8.8.

Staff Recommendation: Staff recommends approval.

Sincerely,

Joh State

John Hutchison Executive Director

c. Middlesex County Planning Board
City of New Brunswick Planning Board
Thomas F. Kelso, Esq. (<u>tkelso@kelsoburgess.com</u>)