A PROCEDURE FOR
IDENTIFICATION AND EVALUATION
OF
REDEVELOPMENT OPPORTUNITIES

IN THE
BOROUGH OF RINGWOOD

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DRAFT

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NEW JERSEY HIGHLANDS COUNCIL

MUNICIPAL PARTNERSHIP PLANNING PILOT GRANT
(MP3)

GRANT # 06-033-01

Prepared for: Borough of Ringwood
             Flemington, NJ 08822
Introduction

The purpose of this analysis is to examine whether there are any potential opportunities for beneficial redevelopment in Ringwood Borough, within the context of the adopted Highlands rules and regulations under the Administrative Code. This analysis was conducted through a Municipal Partnership Planning Pilot (MP3) Grant the Borough received from the New Jersey Highlands Council. The purpose of the grant is to develop a procedure for identifying and evaluating redevelopment opportunities in Preservation Areas of the Highlands. Ringwood is one of only five municipalities located entirely within the Highlands Preservation Area. This designation is not surprising, given the vast repository of protected watershed lands interspersed among lakefront communities and rural neighborhoods in the Borough. Ringwood, in many respects, is the essence of the Highlands, providing drinking water for roughly ¼ of New Jersey’s residents.

This study examines potential development opportunities at three areas currently zoned for non-residential use in the Borough, including:

1. The Skyline Drive Community Commercial Zone.
2. General Shopping Zone along County Route 511.
3. Ringwood Industrial Park Area

Figure 1 illustrates the regional location of Ringwood and the three study areas. Figure 2 illustrates the 2002 land use land cover features throughout Ringwood, and highlights the three study areas that are the subject of this investigation.

This study is not intended to be a declaration of policy by the Borough or a declaration that the Borough intends to implement any of the conclusions of the study. Nor is this study intended to be a recommendation by the authors as to any such policy determination. Any such policy determination or recommendations can be made only if the Borough Planning Board and Council adopt appropriate master plan amendments and ordinances.

Redevelopment Opportunities in the Highlands Preservation Area

The Highlands regulations (N.J.A.C. 7:38-1 et seq.) offer three distinct opportunities for redevelopment for communities located within the Highlands Preservation Area. These options reflect three separate scenarios under which redevelopment and development may occur as noted in Appendix A.

The first option is for existing developed residential and non-residential properties. Under N.J.A.C 7:38-2.3, existing buildings or structures are granted an exemption to expand or reconstruct up to 125 percent of the footprint of the existing impervious surface of the site. However, the proposed expansion of the existing structures or buildings cannot increase the existing impervious surface by one-quarter acre or more.
The second option requires the designation of a redevelopment area that contains at least 70 percent impervious coverage (N.J.A.C. 7:38-6.7). A municipality may designate the redevelopment area, which would then have to be approved on a case-by-case basis by the Highlands Council provided such development can be shown to not negatively impact ground and surface water quality or critical habitat and ecological integrity. In order to achieve this performance, stormwater systems must remove at least 50 percent of Total Suspended Solids (TSS) for the redevelopment plans to occur within the footprint of an existing impervious surface and 80 percent TSS removal for redevelopment that will take place outside the existing impervious coverage areas. Additionally, vegetation bordering the site removed during development would be replaced and freshwater wetland mitigation standards must be satisfied.

The third option targets Brownfield redevelopment opportunities (N.J.A.C. 7:38-6.6). The Council may, on a case-by-case basis, exempt Brownfield redevelopment and remediation. The “Tracks” under which Brownfield redevelopment may be approved include:

1. Track One - sanitary landfill facility;
2. Track Two - current or former commercial or industrial site where a Letter of No Further Action (NOFA) has been supplied; and
3. Track Three - current or former commercial or industrial site listed on the State’s “Known Contaminated Sites”.

After a determination of which Track applies, Brownfield redevelopment may occur on the site. If remediation of the site is required in order to deem the land safe and usable, remediation efforts can occur with the approval of a work plan with an end result of obtaining a “No Further Action Letter”.

These three redevelopment options, existing residential and non-residential development, designated redevelopment areas or Brownfield redevelopment, are intended to achieve efficient and appropriate redevelopment and new development that allow for flexibility within the Highlands municipalities. However, potential redevelopment and new development must be consistent with Statewide permitting processes and any other authorizing jurisdiction. The focus of this report is on option two, designated redevelopment areas that contain a minimum of 70% existing impervious coverage. The objective of this report is to determine the maximum areas that might be available for redevelopment under the 70 percent rule. Given the existing development and environmental constraints in the Borough, designating redevelopment areas might allow the greatest flexibility and appropriate land use. Brownfield redevelopment in the Borough might also be possible because Ringwood is home to a former Superfund site. However, this site is not the subject of this analysis. Appendix A contains excerpts from the Highlands Regulations that are relevant to this discussion. For further information, the act in its entirety is available on the New Jersey Department of Environmental Protections Website under the Highlands Council Program link.
Characterization of Study Areas

GIS mapping has combined parcel data with zone data and natural resource features in a series of maps that illustrate the opportunities and constraints for redevelopment. The methodology for this mapping is described in Appendix B.

**Community Commercial Zone (Skyline Drive)**

Ringwood’s major shopping and office developments are found within the 140-acre Community Commercial (CC) Zone, as seen on Figures 3 (2002 Aerial Photo) and Figure 4 (2002 Land Use/Land Cover). Situated along scenic but busy Skyline Drive, Ringwood’s most direct connection to I-287, substantial portions of the CC Zone are encumbered by wetlands. This area also has a substantial percentage of steep slopes, a major limiting factor to development, along with significant limitations related to NJDEP wetland and buffer regulations. Two known contaminated sites are identified within the district.

Figure 5, a composite mapping of environmental features, impervious coverage areas, zone boundaries and the delineation of Potential Redevelopment Areas, illustrates the extent of these resource constraints. Despite the considerable resource restrictions within the district, the CC zone may have substantial potential to accommodate redevelopment and new development. Based on the existing footprint of impervious coverage in the northern portion of the Community Commercial Zone, which accounts for 27.3 acres, an additional 11.7 acres of impervious coverage can be permitted within a redevelopment district totaling 39 acres. In the Southern portion of the district, where Site C is located, the impervious coverage totals approximately 4 acres allowing for a redevelopment area of 6 acres.

Three conceptual redevelopment parcels are shown on Figure 5, including Site A, (5.5 acres) east of Skyline Drive and north of the Stop and Shop plaza, Site B, west of Skyline Drive off of Alta Vista Drive (4.7 acres), and Site C, approximately 1 acre, located at the southern end of the Community Commercial zone off of Countryside Lane. Each of these potential locations for additional development is free of resource constraints, being situated outside steep slope areas and wetlands or 300’ buffers. However, these areas are entirely wooded and have areas of steep slopes. It has been noted that an approved office development led to site clearing on the area adjacent to Site B, before the Highlands regulations and NJDEP halted this development.

While the location of the Potential Additional Coverage Area shown as Site B is entirely wooded, within the 300’ buffer is the above-noted area cleared for the previously approved office development. In the event that a waiver could be justified (an existing road intervenes between the wetlands/open waters and the Potential Additional Coverage Area), it might be more appropriate for most of Site B to be shifted southward into this cleared area. Nonetheless, the redevelopment potential found within the CC Zone by far
offers the most significant redevelopment opportunities of the three non-residentially zoned areas of Ringwood.

**General Shopping Zone (County Route 511)**

The General Shopping (GS) Zone cuts a narrow path from north to south as it hugs the frontage of County Route 511. This 40-acre zoning district is located in the south-central portion of the Borough adjacent to the Borough of Wanaque and State reservoir lands. Figure 6 identifies this area on a 2002 aerial photo, and Figure 7 illustrates land use/land cover characteristics within and around the district, as determined from NJDEP 2002 aerial photo interpretation. Contiguous impervious areas, both within and just beyond this zone, total slightly over 19 acres. Using the 70% rule, this translates into a potential for an allowable additional of just over 8 acres of impervious coverage.

The GS District is situated between the watershed lands to the west and wetlands or residential development to the east. Resource constraints abound throughout the GS zone, with most of the impervious cover occurring within the NJDEP mandated 300’ buffer requirement. Some of the existing development also traverses areas with slopes of 15%-25% or greater, although this condition is not prevalent. Given existing constraints, other than marginal expansion of some existing uses, the only sizeable undeveloped area within the zone is situated at the very north end on the easterly side of County Route 511.

Figure 8 is a composite mapping of environmental features, impervious coverage areas, zone boundaries and Potential Redevelopment Areas, and conceptually illustrates an area of 3.1 acres (Site D) of Potential Additional Coverage Area at the northern limit of the GS Zone.

**General Business and Light Industrial Zones (Margaret King Avenue and Greenwood Lake Turnpike)**

The location of the General Business (GB) and Light Industrial (LI) Zones makes access by large vehicles challenging, since many roadway segments traversing or adjoining the reservoirs are quite narrow and have no shoulders or stopping area.

Figure 9 identifies this area on a 2002 aerial photo, and Figure 10 illustrates 2002 land use/land cover characteristics within and around the districts. The GB District includes 90 acres, and the LI zone, comprises 626 acres. Where the GB Zone is largely undeveloped, the LI Zone, on the other hand, has seen considerable industrial development to date. The LI Zone also includes some parcels that are generally free of slopes or wetlands or buffer features.

The GB Zone is so dominated by steep slopes, wetlands, stream corridors and 300’ buffers that virtually no meaningful development or redevelopment opportunity exists within this zone. While a large area north of Margaret King Avenue in the General Business District is undeveloped, this area is not eligible for redevelopment area calculations using the 70% method due to environmental constraints.
The footprint of contiguous impervious coverage within the LI zone totals 34 acres. As such, under the 70% rule, this coverage creates the opportunity for 14.6 additional acres for redevelopment opportunities as depicted on Figure 11, another composite mapping outlining Potential Redevelopment Areas, and the extent of resource constraints.

The 70% rule would permit over 14 acres of Potential Additional Coverage Area, only about half of that total can be achieved. Figure 11 identifies 4 undeveloped lots with land areas suitable for additional development because they are free of natural resource constraints. Sites E through H illustrate potential development areas on 4 separate undeveloped lots, each with its own frontage. These individual lots total roughly 6 acres and do not achieve the full redevelopment potential permitted under the 70% rule. And while additional unconstrained wooded areas are shown within the LI zone, it is not likely that existing developed sites would be assembled for a large redevelopment project at this location.

Development and Redevelopment – What Size Fits Ringwood?

This analysis has in part examined how regulations affecting the Highlands Preservation Area will permit opportunities for beneficial development and redevelopment. While limited in scale, these sites may be valuable to Ringwood if they aid in realizing the Borough’s Master Plan goals or a liability if they impede these objectives. The appropriate use of the Highlands redevelopment regulations to foster development in Ringwood will build on the Borough’s essential strengths and minimize damage or destruction of these intrinsic values.

Like many municipalities with a near-total residential tax base, Ringwood has long sought opportunities for non-residential development that would help to defray and stabilize the local property tax impact on homeowners. Ringwood has pursued an ambition to develop the Light Industrial zone with non-residential uses that offer a fiscal benefit to the Borough and few costs. However, while these costs are generally characterized in terms of educational and other municipal expenses, other costs involve development impacts on Ringwood’s sensitive natural environment and scenic character – a fragile landscape for large footprint or intensive development.

The scenic wonder and natural beauty that is Ringwood’s signature identity comes from the continuous blanket of closed canopy forest, punctuated by reservoirs, lakes, streams, ponds and marshes. The mature wooded character of the lands zoned for light industrial development will be interrupted, as clearing of mature forests and reshaping of steep hillsides make unnatural alterations to this dramatic natural terrain. In the process, it will continue to chip away at Ringwood’s charm as a tourism destination.

As redevelopment options for Ringwood are explored, heritage tourism and ecotourism (the subject of a separate MP3 report) are economic development approaches that can capitalize on the Borough’s natural and cultural resource assets, making them a logical fit for the Borough. Apart from tourism-related economic development, meeting the needs
of Borough and nearby residents should assume a high priority in the planning process. This brings a focus to the CC zone, where the most significant and best-located redevelopment opportunities in Ringwood will be found. Given the considerable land area involved, and its location at the heart of the Borough’s retail/service node, it appears that a realistic opportunity may exist at this location to expand commercial services to meet a variety of local retail and service needs in a mixed use setting.

**Infrastructure Needs**

Outside of the Skyline Drive CC zone, potential new development and redevelopment can be satisfied by on lot septic systems, since the scale of possible development at these locations will not require advanced wastewater treatment. However, to facilitate development along Skyline Drive, significant new wastewater treatment capacity will be required.

This may provide an opportunity to replace existing on-site facilities with updated treatment works capable of accommodating existing and new development. Alternatively, additional development in the CC Zone might require the use of on-site wastewater treatment systems exceeding the 2,000 GPD limit on the septic systems according to Chapter 9A.

Water supply will be available through individual on-site wells for all potential redevelopment areas. If a major redevelopment initiative is proposed for the CC Zone, it may be necessary to develop increased centralized water supply capabilities.

**Assessment of Redevelopment Opportunities**

Redevelopment in Ringwood can happen through one or all of three mechanisms. Successful cleanup may allow the Ford dumpsite to become a potentially significant Brownfield redevelopment site, although the timing of cleanup and potential area to be available for redevelopment is unknown at this time. Appropriate decisions about redevelopment at the Ford site will be best made when a near-term horizon for viable redevelopment is in sight, since redevelopment of this site will not be possible in the short term.

Redevelopment can also happen under the “125% Rule” where expansion of existing businesses can increase the footprint of development by up to 25%, provided it does not exceed 1/4 acre. This is impossible to predict, since some owners may avail themselves of the opportunity and others may not. The third alternative, using the “70% Rule” is the most likely scenario for significant new development or redevelopment (or both).

Given the limited playing field for additional development within the Highlands Preservation Area, viable development and redevelopment sites in Ringwood will probably be keenly sought after. It should be recognized, however, that these densely wooded tracts are highly visible to passersby and their appearance after development could have significant negative impacts, both environmentally and as it affects significant
scenic vistas. The wholesale clearing that might be associated with this development should be evaluated for its impact on local and regional scenic and environmental resources.

For instance, the 3.1 acre site north of Wanaque, identified as a Potential Additional Coverage Area, is at the northern limit of the developed area. At this location, the site is gateway to the undeveloped State lands (from the south) and an entryway into the larger Wanaque neighborhood for travelers heading southward. The nature of the use(s) at this location, traffic characteristics, and architectural design features can either achieve a compatible blending of developed and undeveloped areas, or alternatively, become an unattractive scar on the landscape unbefitting this prominent location. In any event, the gateway aspect of this location should be seen as an asset that would be useful as an element in the ecotourism or heritage tourism initiative in Ringwood.

Clearing, grading and architectural design will be even more critical for the Skyline Drive area, which is prominently visible not only to passers by, but from other high elevations in the region. While not situated at a gateway location per se, the Community Commercial development along Skyline Drive is the first significant built element seen by travelers entering Ringwood. The prominent elevation of these lands and their gateway character will make quality design an important feature for any development, and design standards could help shape an appropriate architectural interpretation at this location.

The more remote infill sites located in the LI Zone will be less obvious to travelers within the Borough, given the industrial park setting. Nonetheless, care should be taken to assure that a continuation of the existing LI development pattern respects the environment and does not scar the visible landscape and detract from the scenic attributes that have defined Ringwood.

Quantifying Ringwood’s Redevelopment Potential

As noted previously, Highlands rules regarding redevelopment will permit several opportunities for significant new development, although these opportunities do not rely on the removal and replacement of any existing developed areas. Table 1 identifies redevelopment opportunities outlined for the various non-residential zones as described in this report. Calculations of permitted development have been based on current Ringwood standards regarding total impervious coverage and building footprint limitations. Permitted areas of coverage have been apportioned as either building or other coverage to support building floor area, based on the type of use, as noted in the footnotes to Table 1.
Table 1: Analysis of Lot and Building Coverage of Potential Redevelopment Sites

<table>
<thead>
<tr>
<th>Zone</th>
<th>Acres</th>
<th>Area (Sq. Ft)</th>
<th>Improved Lot Coverage (Area Sq. Ft.)</th>
<th>Lot (Building) Coverage (Area Sq. Ft.)</th>
<th>Achievable Building Coverage (assuming at Grade parking areas)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC Zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site A</td>
<td>5.5</td>
<td>239,580</td>
<td>60%</td>
<td>143,748</td>
<td>59,677</td>
</tr>
<tr>
<td>Site B</td>
<td>4.7</td>
<td>204,732</td>
<td>75%</td>
<td>122,839</td>
<td>51,401</td>
</tr>
<tr>
<td>Site C</td>
<td>1</td>
<td>43,560</td>
<td>100%</td>
<td>26,136</td>
<td>13,068</td>
</tr>
<tr>
<td>General Shopping</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site D</td>
<td>3.08</td>
<td>134,165</td>
<td>75%</td>
<td>101,059</td>
<td>33,541</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site E</td>
<td>1.03</td>
<td>44,867</td>
<td>60%</td>
<td>27,007</td>
<td>15,682</td>
</tr>
<tr>
<td>Site F</td>
<td>0.7</td>
<td>30,492</td>
<td>75%</td>
<td>19,166</td>
<td>11,326</td>
</tr>
<tr>
<td>Site G</td>
<td>2.5</td>
<td>108,900</td>
<td>60%</td>
<td>65,776</td>
<td>38,333</td>
</tr>
<tr>
<td>Site H</td>
<td>1.96</td>
<td>85,378</td>
<td>75%</td>
<td>51,401</td>
<td>30,056</td>
</tr>
</tbody>
</table>

*Total building coverage is limited by the amount of associated parking coverage required compared to total improved lot coverage.
The assumption is that the Community Commercial and General Shopping districts will require a building to parking ratio of 1:2.5
The Industrial Zone assumption is a building to parking ratio of 1:1.5

Precise calculations of maximum development potential will require a determination of the number of floors of building to be accommodated in each zone. Clearly, increasing floor area above the first floor can maximize development opportunities, freeing up additional area for parking and other support coverage. Structured parking can further expand the floor area potential within the permitted coverage areas for these sites.

State and Regional Redevelopment Objectives

Appendix C outlines some of the objectives of the State Development and Redevelopment Plan (SDRP) as they relate to redevelopment. While this plan will be supplanted by the Highlands Regional Plan, the underlying objectives of the SDRP are likely to echo through the policies of the Highlands Council.

Redevelopment objectives for Planning Area 5 seek to conserve the State’s natural systems by promoting ecologically sound development and redevelopment in the intended growth areas (Planning Areas 1 and 2) and accommodating “environmentally designed development and redevelopment” in centers within the Environmentally Sensitive Planning Area. The redevelopment opportunities made available through the Highlands regulations depart from State Plan theory of redevelopment only in centers, and in Planning Area 5 afford the potential for non-center-based site-by-site development. Nonetheless, Ringwood should aspire to maintain the goals of the State Plan and direct infrastructure investments to these redevelopment opportunities.
As the Borough evaluates alternative redevelopment scenarios, the placemaking objectives of the State Plan should be carefully considered. While the State Plan recognizes the economic development objective of recreational and natural resource-based activities and their role in the travel and tourism industry, the State Plan also recognizes the need to “maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources”. Apart from its orientation toward centers, the State Plan also envisions the rebirth of traditional strip commercial developments, where expansive surface parking areas can provide the platform for buildings to be expanded, appended or rearranged to maximize beneficial development. As this occurs, it is also possible to bring architectural design sensitivity to the process, and create enduring designs that interpret without imitating the historic architectural antecedents that define Ringwood and the Skylands region.

The State Plan also envisions a multi-use dimension to the types of energized pedestrian friendly places it seeks to create. In this regard, the GS District might offer an opportunity for a mixed-use development of one or more buildings (retail and office below, residential above), but it would be important to assure that a desirable residential setting could be created in any such development scenario. A much greater opportunity for mixed use development is found along Skyline Drive, where acres of new development could yield nearly 150,000 square feet of floor area in one-story buildings, and considerably more in a multi-story arrangement with structured parking.

Redevelopment and new development at Site B assumes the merger of the existing shopping center and adjacent vacant lands east of Skyline Drive. Intensive redevelopment of the existing shopping center, using development rights from the “expansion area” to the north, could retain much of the existing wooded character of the undeveloped portion of the redevelopment area.

During the planning process, Township officials have repeatedly questioned whether a town center could be established through redevelopment of the CC Zone. While it appears that the redevelopment opportunity afforded through the Highlands regulations could enable such a transformation, careful attention to environmental impacts and architectural design details would be particularly important. Additionally, any plan allowing such redevelopment should be fashioned with an eye toward maximizing community benefits and minimizing any detrimental effects.

In one alternative future scenario, if the existing shopping centers were both redeveloped with more intensive mixed uses, and the current parking areas were to become the “underground” parking level, new construction on a deck above this parking could establish a new “ground plane” one level above the current grade elevation. Such an approach could gather development rights from the undeveloped “expansion areas” and apply them to the redevelopment of the “strip malls”. This could allow pedestrian and vehicular connections across Skyline Drive, linking these currently disconnected sites into a cohesive and connected redevelopment area.
Summary of Findings

Ringwood is located in the heart of the Highlands Preservation Area. For some time, the arsenal of growth limiting Highlands regulations has been expected to choke off any meaningful potential for new development. However, as seen in this analysis, small-scale development and redevelopment opportunities might be available in several of the Borough’s nonresidential zones.

The Skyline Drive CC Zone may have potential for additional development. Depending upon how redevelopment efforts are shaped, the existing suburban development pattern might either be reinforced, as the expansion areas are cleared for the next strip mall, or reversed, if a significant placemaking initiative develops. Envisioning and implementing a new town center at this location might dramatically transform this ceremonial gateway into the Borough. The success of the venture will depend on the form it takes and the uses it accommodates, after a review of the Borough’s Master Plan objectives.

Other municipalities in the Preservation Area are likely to find that the 70% Rule permits a number of viable redevelopment or new development projects within their jurisdictions. However, the expressed intent of the Highlands Act, to prevent the extension of infrastructure and growth within the Preservation Area, will need to be reconciled with the SDRP intent to accommodate growth in Centers within PA-5, if beneficial growth is to become a reality for these communities. A focus on ecotourism and heritage tourism might help to align these growth initiatives with the intrinsic values found in the Highlands.
APPENDIX A

Excerpts from the Highlands Water Protection and Planning Act
Special Adopted Rules N.J.A.C. 7:38 Adopted May 9th, 2005

N.J.A.C. 7:38-1.4 Definitions

“Highlands Preservation Area Approval” or HPAA means a permit to engage in a regulated activity in the Highlands preservation area issued pursuant to the Highlands Act and these regulations, including a HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b;

N.J.A.C. 7:38-2.3 Exemptions

(a) The following projects or activities are exempt from the requirements of this chapter, but are required to comply with all other Federal, state and local requirements that may apply to the proposed project:

... 
4. Reconstruction for any reason of any building or structure within 125 percent of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction or development does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use; 

... 
15. The remediation of any contaminated site pursuant to N.J.S.A. 58:10B-1 et seq.;

N.J.A.C. 7:38-6.2 Standard requirements for all HPAAAs

(a) The Department shall issue a HPAA only if it determines, based upon the information provided by the applicant, that the proposed major Highlands development meets all of the requirements at N.J.A.C. 7:38-3, and:

1. Would result in de minimus impacts on water resources and would not cause or contribute to a significant degradation of surface or ground waters. In making this determination, the Department shall consider the extent of any impacts on water resources resulting from the proposed major Highlands development including, but not limited to, the regenerative capacity of aquifers or other surface or ground water supplies, increases in stormwater generated, increases in impervious surface, increases in stormwater pollutant loading, changes in land use, and changes in vegetative cover;

2. Would cause the minimum feasible interference with the natural functioning of animal, plant, and other natural resources at the site and within the surrounding area, and the minimum feasible individual and cumulative adverse impacts to the environment both onsite and offsite of the major Highlands development;

3. Will result in the minimum feasible alteration or impairment of the aquatic ecosystem including existing contour, vegetation, fish and wildlife resources, and aquatic circulation of a freshwater wetland;

4. Will not jeopardize the continued existence of species listed pursuant to The Endangered and Nongame Species Conservation Act, N.J.S.A.23:2A-1 et seq., the Endangered Plant Species List Act, N.J.S.A. 13:1B-15.151 et seq.), or which appear on the Federal endangered or threatened species list, and will not result in the likelihood of the destruction or adverse modification of habitat for any rare, threatened, or endangered species of animal or plant;

5. Is located or constructed so as to neither endanger human life or property nor otherwise impair public health, safety or welfare;

6. Would result in the minimum practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing public scenic attributes at the site and within the surrounding area; and

7. Meets all other applicable Department standards, rules, and regulations and State and Federal laws.

N.J.A.C. 7:38-6.4 Waivers

(a) As provided in the Highlands Act at N.J.S.A.13:20-33b, the Department may, in its discretion, waive any provision contained in this chapter on an individual, case-by-case basis:
1. To protect public health and safety;
2. For redevelopment in certain previously developed areas in the preservation area identified by the Council pursuant to N.J.S.A. 13:20-9b or N.J.S.A. 13:20-11 (a)(6)(h); or
3. To avoid the taking of property without just compensation.

(b) A request for a waiver of any requirement of this chapter shall be submitted along with a HPAA application, as set forth in N.J.A.C. 7:38-6.1. Any waiver approved pursuant to this chapter shall be considered a waiver only of the particular requirement(s) that is identified by the Department in the written approval of the waiver as part of the HPAA.

(c) A person requesting a waiver shall first submit a written request for a pre-application meeting in accordance with N.J.A.C. 7:38-8. Upon completion of the pre-application meeting, the person may submit an application for an HPAA with waiver as set forth at N.J.A.C. 7:38-9.

(d) Each HPAA issued by the Department shall expire, along with any associated waiver, within five years of the date of issuance unless construction has commenced, in which case the HPAA and waiver shall continue in effect until such time as construction ceases. In no case shall a HPAA remain in effect for longer than 10 years.

(e) An HPAA shall be valid only for the development appearing in the plans approved by the Department. Any change in the plans affecting the number of dwelling units, percentage of impervious surface or commercial square footage, water consumption or wastewater treatment must be approved in writing by the Department prior to commencement of construction.

(f) Any waiver approved pursuant to this chapter shall be conditioned on the Department’s determination that the proposed development meets the requirements in N.J.A.C. 7:38-6.2(a) to the maximum extent possible.

(g) The Department shall determine whether a proposed activity is eligible for a waiver for health and safety in accordance with the standards set forth at N.J.A.C. 7:38-6.5.

(h) The Department shall determine whether a proposed activity is eligible for a waiver for redevelopment purposes in accordance with the standards set forth at N.J.A.C. 7:38-6.6 or 6.7.

(i) The Department shall determine whether a proposed activity is eligible for a waiver to avoid a taking without just compensation in accordance with the standards set forth in N.J.A.C. 7:38-6.8.

(j) In cases where the Department determines to approve a waiver in accordance with this chapter, the approval will include specific conditions to restrict any activities that might otherwise occur as a result of the waiver. These conditions include but are not limited to...
deed restrictions, resolutions from a municipal utilities authority restricting sewage flows, physical limitations on sewer lines and/or pump stations and other mechanisms necessary to preclude secondary impacts that may otherwise result from the approved activities.

**N.J.A.C. 7:38-6.6 Waiver for redevelopment in certain previously developed areas in the Highlands Preservation Area: Department-designated Highlands Brownfields**

(a) In accordance with N.J.S.A. 13:20-33b(2), the Department may, on a case by case basis, waive any of the provisions for a HPAA if such waiver is necessary for redevelopment of certain previously developed areas in the Preservation Area identified by the Council pursuant to N.J.S.A. 13:20-9b and N.J.S.A. 13:20-11a(6)(h). A waiver under this section shall apply only to Department-designated Highlands brownfield sites if and when the site is identified as an area appropriate for redevelopment by the Council.

(b) For the purposes of this section, a site that meets the criteria in one of the following three tracks is eligible for designation by the Department as a Highlands brownfield, provided that the contamination on site is not the result of a current or previous agricultural use:

1. Track One: A sanitary landfill facility;
2. Track Two: A former or current commercial or industrial site for which the Department has issued a No Further Action letter as of July 1, 1993, or later, describing the extent of remediation conducted pursuant to N.J.A.C. 7:26C-2.6; or
3. Track Three: A former or current commercial or industrial site that is listed on the Department’s list of “Known Contaminated Sites” in New Jersey.

(c) The Department shall designate as a Highlands brownfield the limit of the waste located on a Track One site.

(d) The Department shall designate as a Highlands brownfield only that portion of a Track Two site on which remediation has been completed pursuant to a no further action letter, or areas of previous disturbance as of August 10, 2004.

(e) The Department shall designate as a Highlands brownfield that portion of a Track Three site that meets the definition of contaminated site, but shall limit the area so designated to the extent of soil contamination, or to areas previously disturbed as of August 10, 2004 and any area disturbed as a requirement of the remediation process pursuant to a remedial action workplan.

(f) A person seeking the designation of a site as a Highlands brownfield shall submit to the Department documentation that the site meets the criteria for the applicable track at (b) above, using the appropriate Department application form, accompanied by the fee set forth at N.J.A.C. 7:38-10.

(g) The Department may modify a Highlands brownfield designation to include an area identified by the Council after notice and public comment and submittal to the
Department for consideration, provided the documentation and public record developed by the Council is sufficient for the Department to conclude that such modification will not result in a significant impact to any Highlands resource area.

(h) Once the Department designates a site as a Highlands brownfield, and the Council has identified all or part of the brownfield as appropriate for redevelopment in accordance with N.J.S.A. 13:20-9b and N.J.S.A. 13:20-11a(6)(h), an applicant shall be eligible for a HPAA with a waiver if, for redevelopment under this section the applicant demonstrates that:

1. The proposed redevelopment meets the requirements at N.J.A.C. 7:38-6.2 to the maximum extent possible, taking into consideration cost and existing technology;
2. The remediation conducted onsite is in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E;
3. For a Track One Highlands brownfield:
   i. Any landfill closed before January 1, 1982, has an oversight document, pursuant to the Department Oversight of the Remediation of Contaminated Sites Rules, N.J.A.C 7:26C, and a closure plan/remedial action workplan pursuant to the Solid Waste rules, N.J.A.C 7:26-2A.9, and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-6, that specifically details the proposed development to which the redevelopment waiver application pertains; or
   ii. Any landfill closed on January 1, 1982, or later, has a closure approval, pursuant to the Solid Waste Rules, N.J.A.C 7:26-2A.9, that specifically details the proposed development to which the redevelopment waiver application pertains, or if the Closure Approval has not yet been obtained, that the applicant has applied or is applying to obtain such approval;

4. For a Track Three Highlands brownfield, the applicant has obtained an oversight document, pursuant to the Department Oversight of the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or the Industrial Site Recovery Act rules, N.J.A.C. 7:26B, as applicable, containing a binding agreement to conduct all remediation necessary to obtain a no further action letter, pursuant to N.J.A.C. 7:26C-2.6;

5. The proposed redevelopment satisfies the requirements in (c), (d) or (e) above as applicable, and;
   i. If the redevelopment is located in the footprint of existing impervious surface, the existing stormwater treatment systems removes 50% or greater total suspended solid (TSS). If there is no existing treatment system, a new stormwater treatment system that removes at least 50% TSS is installed; or
   ii. If the proposed redevelopment is located outside the footprint of existing impervious surface, a new stormwater treatment system that removes at least 80% TSS is installed;
6. The proposed redevelopment includes, wherever feasible the removal of impervious surfaces not used for the redevelopment project and the planting of indigenous vegetation that is beneficial for the protection of water quality, and the recording of a binding conservation restriction preserving the newly revegetated area from future development; and

7. The proposed redevelopment includes mitigation in accordance with N.J.A.C. 7:7A for any activity proposed within a Highlands open water that is also a freshwater wetland or State open water, as defined in the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A-1.4.

(i) Any waiver approved in accordance with this section shall be conditioned upon the receipt of a no further action letter from the Department with respect to the area of the site designated as a Highlands Brownfield and identified by the Council as appropriate for redevelopment.

N.J.A.C. 7:38-6.7 Waivers for redevelopment in certain previously developed areas in the Highlands Preservation Area: 70% Impervious Surface

(a) In accordance with N.J.S.A. 13:20-33b(2), the Department may, on a case by case basis, waive any of the provisions for a HPAA if such waiver is necessary for redevelopment of certain previously developed areas in the preservation area identified by the Highlands Council. A waiver under this section shall apply only to an area if and when the Highlands Council identifies a site at which at least 70% of the area thereof is covered with impervious surface.

(b) An applicant shall be eligible for a HPAA with a waiver for redevelopment under this section, if the applicant demonstrates that:

1. The proposed redevelopment meets the requirements at N.J.A.C. 7:38-6.2 to the maximum extent possible while still addressing the identified redevelopment need; and

2. The proposed redevelopment meets the requirements in N.J.A.C. 7:38-6.6(g) 5, 6 and 7 above.
APPENDIX B

Methodology for Redevelopment Map Preparation and Identification

The following procedure was used to evaluate the potential for redevelopment in Ringwood Borough, Passaic County, using the “70% rule”.

1. The first step in the process consists of evaluating the most likely areas of redevelopment in the Borough. This was achieved through a variety of techniques. First, local zoning and current development patterns were analyzed to determine the extent of existing development. Next, members of the redevelopment subcommittee identified specific areas they believed to be the most in need of, and have the greatest potential for redevelopment. These two processes narrowed the focus of potential redevelopment areas to the non-residential districts; General Shopping, Community Commercial, General Business and the Light Industrial Districts.

2. The next step involved mapping these areas to illustrate the primary environmental constraints as identified in the Highlands regulations. These include wetlands, State open waters, stream corridors, 300’ buffers to all open waters and streams and steep slope areas by classification.

3. The third step involved identifying existing impervious coverage in each district (identified by orange hatch areas). To achieve this using ArcGIS, the NJDEP’s 2002 Aerial Photography was overlaid onto the existing map of environmental constraints. Areas of impervious coverage or disturbed land were drawn manually using ArcGIS 9.1 software. All areas of impervious coverage were drawn, including the existing impervious coverage extending into constrained areas. Next, site plans for lots which were developed after the NJDEP’s aerials were taken, were drawn to approximate existing impervious coverage not shown on the NJDEP aerials. The resulting mapping identified existing impervious coverage and environmental constraints.

4. The fourth step involved determining potential redevelopment areas. This was achieved by preparing an area of primary development in each zone that had a majority of contiguous impervious coverage and a “hub” of existing development. In other words, portions of the non-residential zones, where the majority of current services and development exist, were the basis for creating a potential redevelopment area. For example, in the Community Commercial Zone, many of the Borough’s residents use the services located near the Stop and Shop plaza on Skyline Drive. Given the current use of this area and its accessibility to Borough residents, this portion of the zone seemed the most appropriate area for potential redevelopment opportunities.

5. Potential redevelopment areas (seen in the red outline on maps) incorporated the existing impervious coverage, to the closest extent possible. While these
polygons closely follow the existing impervious coverage, some disturbed areas inside the polygon are not impervious coverage areas (i.e., landscaping areas in front of shopping malls and parking areas).

6. The next step involved identifying how much impervious area could be added to the potential redevelopment area. The Highlands regulations allow a redevelopment area to consist of a 30% addition of new impervious coverage, where the existing contiguous impervious cover provides the basis for determining the 70% calculation. Potential Redevelopment Areas (*shown with orange hatch and red outline on map*) are the basis for calculating the 70% area used to qualify the eligible 30% expansion areas (*shown with black hatch inside a red outline*).

Thus, the following calculation was used:

a) \[ \text{Potential Redevelopment Area}/70\% = 100\% \text{ of coverage permitted} \]

b) \[ 30\% \text{ additional coverage permitted} - \text{non-impervious, undisturbed areas within Potential Redevelopment Area} = \text{Potential Additional Coverage} \]

The following calculation for the Community Commercial District North is illustrative of the methodology:

i. Existing Impervious Coverage = 27.3 acres
ii. Potential Redevelopment Area = 39 Acres
iii. Potential Additional Coverage = 11.7 acres

\[ 27.3 \text{ acres}/.7 = 39 \text{ acres} (100\% \text{ of permitted impervious coverage}) \]
\[ 39 \text{ acres} – 27.3 \text{ acres} = 11.7 \text{ acres} (\text{additional coverage allowable}) \]

7. Once the potential areas of additional coverage were determined, a series of possible redevelopment sites were identified on the maps. This was achieved by identifying Potential Additional Coverage areas adjacent to the footprint of development in the Potential Redevelopment Areas in areas not encumbered by environmental constraints.

8. Given the amount of environmental constraints located in these areas, and throughout the Borough in general, most of the potential additional coverage areas will not maximize the allowable additional development areas.
State Development and Redevelopment Plan Objectives for Redevelopment

Before the designation of the Highlands, Ringwood was situated within Planning Area 5: Environmentally Sensitive Planning Area. The State Development and Redevelopment Plan (SDRP) offers many goals and strategies on appropriate redevelopment in Planning Area 5. These goals and objectives focus primarily on efficient land use and sensitivity to natural resource constraints. For the most part, the primary objective involves guiding redevelopment into areas of existing services that offer the most accessibility to local and regional residents. The following summary highlights the main policies set forth in the SDRP for redevelopment in general and in particular Planning Area 5.

**Goal #2: Conserve the State’s Natural Resources and Systems**

**Strategy**

“Conserve the state’s natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the Metropolitan and Suburban Planning Areas, accommodating environmentally designed development and redevelopment in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas, and by restoring the integrity of natural systems in areas where they have been degraded or damaged. Plan, design, invest in and manage the development and redevelopment of Centers and the use of land, water, soil, plant and animal resources to maintain biodiversity and the viability of ecological systems. Maximize the ability of natural systems to control runoff and flooding, and to improve air and water quality and supply.”

**Environmentally Sensitive Planning Area (PA5)**

**Intent**

In the Environmentally Sensitive Planning Area, the State Plan’s intention is to:

- protect environmental resources through the protection of large contiguous areas of land;
- accommodate growth in Centers;
- protect the character of existing stable communities;
- confine programmed sewers and public water services to Centers; and
- revitalize cities and towns.

“The State Plan provides for the protection of critical natural resources and for the maintenance of the balance between ecological systems and beneficial growth. The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term, sustainable resource basis. Large contiguous areas of undisturbed habitat should be maintained to protect sensitive natural resources and systems. Any new development that takes place in the
Environmentally Sensitive Planning Area should capitalize on the inherent efficiencies of compact development patterns found in existing Centers.

New development should be guided into Centers to preserve open space, farmland and natural resources and to preserve or improve community character, increase opportunities for reasonably priced housing and strengthen beneficial economic development opportunities. Directing development from the Environs to Centers will ensure that the Environs remain in recreational, cultural or resource-extraction uses or left undisturbed. The appropriate provision and scaling of public facilities and services should maintain the integrity and function of the ecological systems in this area. Strategic planning and investing also can accommodate beneficial development and redevelopment in Centers, both efficiently and equitably.

New development in the Environmentally Sensitive Planning Area should be consistent with Statewide Policies and should be in Centers. Centers should absorb the growth otherwise projected for the Environs. Development and redevelopment should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on environmentally sensitive features. Wastewater treatment facilities should be provided only in Centers, except to mitigate life threatening and emergent threats to public health and safety. Private sector investment should provide this infrastructure for new Centers, except where a public/private partnership would benefit the public interest. The Environs should be protected from the effects of Center development and should be maintained as open land. Centers should serve as receiving areas for density transfers.”

Policy Objectives

“1. Land Use: Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and buffers and greenbelts around these boundaries. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructure systems and protects areas where public investments in open space preservation have been made. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.”

“3. Economic Development: Support appropriate recreational and natural resource-based activities in the Environs and locate economic development opportunities that are responsive to the needs of the surrounding region and the travel and tourism industry in Centers. Any economic development in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.”
“8. Redevelopment: Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.”
Study Areas
2002 Land Use/Land Cover
Borough of Ringwood
Passaic County, NJ
January 2008

Legend
- Study Areas
- Urban
- Agriculture
- Water
- Barren Land
- Wetlands
- Forest
- Commercial
- Industrial

Figure 2

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Figure 3

Borough of Ringwood
Passaic County, NJ
January 2008

Legend

○ Community Commercial Zone
Legend
○ Community Commercial Zone  ○ Urban
Agriculture  ○ Water
Barren Land  ○ Wetlands
Forest  ○ Commercial

This map was developed using
New Jersey Department of Environmental
Protection Geographic Information System
digital data, but this secondary product has
not been NJDEP verified and is not State-authorized.
Potential Redvelopment Areas
in Community Commercial Zone

Borough of Ringwood
Passiac County, NJ
January 2008
This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Site D
~3.1 Acres

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

Legend

- General Shopping Zone
- Impervious Coverage
- Potential Redevelopment Area
- Potential Additional Coverage Areas
- Streams
- 300’ Buffer of Open Water
- Slopes less than 15%
- Slopes greater than 15% to 25%
- Slopes greater than 25%
- Wetlands
- Water
- Known Contaminated Sites
Figure 10

Legend
- General Business and Light Industrial Zone
- Forest
- Urban
- Agriculture
- Barren Land
- Wetlands
- Water
- Commercial
- Industrial

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Potential Redevelopment Areas
in General Business and Light Industrial Zones
Borough of Ringwood
Passaic County, NJ
January 2008

Legend
- General Business and Light Industrial Zones
- Existing Impervious Coverage
- Potential Redevelopment Area
- Potential Additional Coverage Areas
- Wetlands
- Water
- 300' Buffer of Open Water
- Slopes less than 15%
- Slopes greater than 15% to 25%
- Slopes greater than 25%
- Known Contaminated Sites

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

Figure 11