

**Public Comments Received on the
Draft Consistency Determination and Staff Recommendation Report for
Proposed Highlands Redevelopment Area Designation Block 15901 Lot 1, West Milford**

Public Comments

One public comment letter was received, from the Association of New Jersey Environmental Commissions (ANJEC). Following is a summary of the comments provided.

- Supports the concept of designating redevelopment areas and the subsequent process of development review by the NJDEP. Is concerned, however, that the process used to grant redevelopment area status be thorough and transparent and that it involve the local government to the maximum extent possible.
- Feels that strict adherence to the “*Procedures for Highlands Redevelopment Area Designations*” (Oct 30, 2008) should be a requirement. Based on the information made available to the public, it is not clear if all required application materials were submitted by the applicant. Believes that all application materials must be made available for public review.
- States that it is not possible to determine the source of water and sewer treatment for the project from the materials submitted. The locations and capacities of these fundamental site features should be made available to the public on this and all applications for redevelopment area designations.
- States that the application indicates that there will be no increase in either water or sewer demand. Believes that the provision of additional parking may have an impact on both factors as there may be an increase of employees or visitors, which may result in increases in water demand and sewer flows. The materials available for review make no mention of capacity of the existing system, the increases expected, or the location of the septic field.
- Believes that a lot as large as, or nearly as large as the proposed lot could be located on the property without impacting the Highlands Open Water buffer, and would like that considered.
- States that based on the Council’s mapping, the wetland across the street is not an on-stream wetland, having no mapped inflow or outfall channels. This suggests that the wetland may be vernal in nature. Requests that the wetlands should be field checked to determine whether it is a vernal pool or not. As no topographic mapping was made available to the public, it was not possible to determine which direction stormwater leaving the proposed project would flow. There was also no soils information available to the public to determine if recharge-based storm water treatment systems could reasonably be expected to be used.
- As an overall comment, for the reasons summarized above, does not believe that the project meets all the requirements for a redevelopment area designation.
- As an overall concern, states that viewing such a designation as simply another type of exemption (the only rationale for the increased parking beyond the 11,000 square feet allowed under the exemption is the applicant’s desire) will not result in effective,

environmentally sound redevelopment. Feels that the project is simply the addition of a parking lot that meets none of the Smart Growth or LID requirements of the RMP.

- Urges that the Council strengthen its redevelopment designation process and strongly suggests that the denial of this particular request would be reasonable.

Revisions to Staff Draft Recommendation Report

As a general response, the Highlands Redevelopment Area designation is not a site plan review process, which will occur at the municipal level and as part of NJDEP's review of the HPAA with redevelopment waiver. The Highlands Council approves a boundary for the Highlands Redevelopment Area, following which the regulatory agencies determine whether the specific development approval can be accommodated in conformance with all applicable ordinances and regulations. Regarding specific comments provided: the wetlands is not a NJDEP-certified vernal pool; the septic system location is shown on the site map provided (in between the main building and the road); and both water supply and the septic system are on-site. Following is a listing of the revisions that were made to the draft Staff Recommendation Report:

- The second informal meeting with the applicant was identified as the "Redevelopment Area Designation Inquiry Meeting", consistent with the *Procedures for Highlands Redevelopment Area Designations*, October 2008.
- It was clarified that the staff found that the application met the submittal requirements as outlined in the *Procedures for Highlands Redevelopment Area Designations*, October 2008. A sentence was added stating that as is the case for all Highlands Council staff project reviews, members of the public are invited to make an appointment with Council staff to review project files and all application materials.
- A paragraph was added to detail the transparency with which the Proposed Redevelopment Area Designation process for this project has been conducted.
- A sentence was added at the beginning of the Findings and Recommendations section (Section 4.0), stating that the Council staff reviewed the complete application package.
- In the Findings and Recommendations section under Resource Assessment, it was clarified that the wetland across the street is upgradient from the subject parcel. Further under Resource Assessment, a few sentences were added which stated that the proposed parking lot project does not require additional potable water and would not generate any additional wastewater, as the building size is not being increased. Thus, it would have de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters.
- In the table on page 4 of the Draft Staff Recommendation Report, the text in Row 2 of the table under Staff Analysis was clarified to state that the strip of land that features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area is not on the parcel but to the south. Also in that table in Row 3, it is clarified that the Highlands Open Waters across the street is upgradient of the subject parcel.