



State of New Jersey

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FINAL

Highlands Council Staff Recommendation Report Proposed Highlands Redevelopment Area Cibao Meats Redevelopment Block 22103 Lot 16 Rockaway Township, Morris County

Date: March 5, 2021

| | | |
|-----|---------------------|---|
| Re: | Application Type: | <i>Proposed Highlands Redevelopment Area Designation</i> |
| | Name: | <i>Cibao Meats Redevelopment</i> |
| | Municipality: | <i>Rockaway Township</i> |
| | County: | <i>Morris</i> |
| | Highlands Act Area: | <i>Preservation Area</i> |
| | LUCM Location: | <i>Existing Community Zone/Existing Community-Environmentally Constrained Subzone</i> |
| | Property: | <i>Block 22103 Lot 16</i> |
| | Proposed Use: | <i>Expanded employee parking and solar car port</i> |

PROJECT DESCRIPTION

Cibao Meats (the Applicant) currently operates a manufacturing facility that processes and packages meat. The property is located in the Preservation Area, on Green Pond Road in Rockaway Township (Morris County). The property is located an industrial zone. Currently, the facility has parking for approximately 75 employees however, their workforce is expanding, and additional employee parking is required.

To address the shortage of parking, the Applicant is proposing to construct a new parking lot and solar car port along the parcel's frontage on Green Pond Road. The new parking lot will accommodate 53 additional spaces. A portion of an existing turf grass area with landscape cultivar trees will be removed to accommodate construction of the parking lot. The solar car port will complement an existing roof mounted solar facility. Together these solar energy systems will offset 36% of the energy consumption of the meat processing and packaging operations. Signage, landscaping, new sidewalk, and stormwater management improvements will be included in the proposed Highlands Redevelopment Area.

The parcel is approximately 9.26 acres in size, with approximately 3.57 acres of pre-existing impervious coverage. The applicant is proposing an additional 0.46 acres of impervious surface, which exceeds the

maximum permitted expansion under an Exemption #4¹. Therefore, a Highlands Preservation Area Approval (HPAA) with Redevelopment Area Waiver is required.

The Applicant has identified a Highlands Redevelopment Area of 82.64% impervious surface, in excess of Highlands Act requirements for at least 70% impervious surface (N.J.S.A. 13:20-9.c). The total Highlands Redevelopment Area identified is 4.32 acres and the area to be developed is 0.75 acres. Additional details on the calculations are provided below.

2.0 ADMINISTRATIVE PROCESS

In accordance with the Highlands Council's adopted Redevelopment Area Designation Procedures (RMP Addendum 2019-1), the Applicant submitted materials for the requisite Highlands Redevelopment Area pre-application meeting on November 11, 2020. The pre-application meeting was held between the Council staff and the Applicant on December 1, 2020. NJDEP staff also attended the pre-application meeting because the Applicant will have to apply to the NJDEP for the HPAA with redevelopment waiver upon designation of the proposed Redevelopment Area by the Highlands Council. On December 11, 2020, the Applicant submitted a complete Highlands Redevelopment Area application.

Highlands Council staff conducted a site visit on January 5, 2021 to document current conditions, and examine the area proposed for redevelopment. Site Photographs are attached. As is the case for all Highlands Council staff project reviews, members of the public are invited to make an appointment with Council staff to review project files and all application materials.

The Highlands Council review of the proposed Highlands Redevelopment Area was provided to the project Service List and was posted on the Highlands Council website on January 6, 2021. The public comment period will end February 4, 2021.

One public comment was received during the public comment period. A response is attached to this document.

3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Redevelopment opportunities are an appropriate vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment policies and objectives within the Highlands Regional Master Plan (RMP) envision the conversion of underutilized, previously disturbed lands into new economic contributors to the region's fiscal health. As stated in the RMP, "Redevelopment will help to meet the region's growth needs by optimizing the efficient use of previously settled areas with existing communities and available infrastructure, thus conserving natural resources." These formerly developed sites provide the base where economic activity may continue to flourish, and regional growth needs may be accommodated.

Given that redevelopment is 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."

¹ Exemption 4: Reconstruction of buildings or structures within 125% of the footprint: The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction 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;

Designation of the proposed Highlands Redevelopment Area provides for beneficial use of the site. By reusing and redeveloping previously disturbed areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed parking lot expansion compliments the existing development pattern of this area.

4.0 FINDINGS AND RECOMMENDATIONS

The Highlands Act (N.J.S.A. 13:20-9.c) and the Highlands Redevelopment Area Procedures require that any Highlands Redevelopment Area contain a minimum of 70% contiguous, lawfully existing impervious surface. The site plan was analyzed to verify the reported sizes of the proposed Highlands Redevelopment Area and the areas of impervious surface. Please refer to Figure 1 – Cibao Meats Highlands Redevelopment Area. Findings include:

- **Impervious Surface Requirement:** The calculations were verified, and the proposed Highlands Redevelopment Area was found to contain 82.64% impervious surface, in excess of Highlands Act requirements for at least 70 % impervious surface.
 - Existing Impervious Surface = 3.57 acres
 - Proposed Development = 0.75 acres
 - Total Highlands Redevelopment Area = 4.32 acres
 - $3.57 / 4.32 (100) = 82.64\%$
- **Resource Assessment:** 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 project has been designed to avoid and minimize impacts to Highlands resources. Construction will occur only in previously disturbed areas. The expanded parking and solar car port will be constructed in an area that is currently maintained lawn which fronts on the commercially developed Green Pond Road. Although the construction of the parking lot will require the removal of streetscape trees located at the northwest portion of the site, the loss of trees will be compensated by planting native trees elsewhere on the site. In addition, the Applicant is proposing to prepare a conservation deed restriction for the forested habitats that remain onsite (approximately 4.84 acres). A landscaping plan which incorporates native, drought resistant plantings, was provided for review.
- **Smart Growth and Sustainable Economic Development:** The proposal is consistent with the RMP regarding smart growth and sustainable economic development as the proposed parking lot expansion with solar car port, would benefit the local economy by allowing the business to expand and provide parking for additional hires. The project has been designed to incorporate low-impact development techniques where feasible. A full description of the Stormwater Management Plan is provided in the Highlands RMP Consistency Determination Review (attached). Any disturbance and construction activities will be managed to minimize impacts to the surrounding environment. Temporary areas of disturbance will be restored in accordance with the materials reviewed.

The Highlands Act allows a waiver of any provision of a Highlands permitting review on a case-by-case basis for a redevelopment proposal, conditioned upon the finding by NJDEP that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). To assist NJDEP, the Council staff concludes that the proposed project meets the waiver criteria, which are addressed as follows:

| Requirement | Staff Analysis |
|--|---|
| 1) would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters; | No expansion of a public water supply system is proposed, and no expansion of the existing sewer service area is proposed. The applicant submitted a stormwater management plan that incorporates low-impact development techniques and prevents stormwater from entering the Category One Beaver Brook waterway. Also included is a construction implementation plan that minimizes disturbance during and after construction. |
| 2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources; | The proposed project does <u>not</u> encroach upon and would not affect forests or critical habitat. Due to the loss of streetscape trees a mitigation planting plan has been provided. |
| 3) will result in minimum feasible alteration or impairment of the aquatic ecosystem; | There are no Highlands Open Waters present on the project site. A very small portion of a Highlands Open Waters Buffer and Riparian Area lie in the project site; however, these areas are already disturbed. |
| 4) will not jeopardize the continued existence of endangered animal or plant species; | See response to #2 |
| 5) is located or constructed as to neither endanger human life or property nor otherwise impair public health, safety, and welfare; | The proposed Highlands Redevelopment Area is compatible with existing municipal zoning. The proposed development is in the Existing Community Zone, consistent with the policy of the RMP to promote compatible development and redevelopment within the Existing Community Zone. |
| 6) would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and | No resources of this type are known to be affected by the project. |
| 7) meets all other applicable NJDEP standards, rules, and regulations and State laws. | Compliance with all remaining NJDEP standards will be addressed through the HPA4 with redevelopment waiver permit process. |

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

1. **Stormwater Management:** The Stormwater Management Report (prepared by T&M Associates dated October 30, 2020) shall be revised to include groundwater infiltration to the maximum extent possible. Additional green infrastructure such as rain gardens, bioswales etc., would enhance the low impact development measures already proposed. Provide updated stormwater plans to include such features, as feasible, to the Highlands Council for review and approval. The Stormwater Operations and Maintenance Report (prepared by T&M Associates dated August 7, 2020) requires revisions as outlined in email correspondence dated December 17, 2020. A revised O&M Report shall be submitted to the Highlands Council for review and approval. In the revised O&M Report, please provide additional detail on the maintenance and upkeep of the proposed porous pavement surface.

2. N.J.A.C. 7:38 Rules - Three Percent Impervious Surface: The site already has greater than 3 percent impervious surface. An HPAA with redevelopment waiver will be required for the additional impervious surface, based on designation of this Highlands Redevelopment Area.
3. Conservation Restriction: The remainder of the undeveloped portion of the property (Block 22103 Lot 16) outside of the proposed Highlands Redevelopment Area shall be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance, with recognition of any existing utility structures such as the existing septic system and drainage basins that may periodically need maintenance or replacement.
4. Highlands Referral Ordinance: Notwithstanding the HPAA with Redevelopment Waiver to be issued by NJDEP, Rockaway Township has adopted the Highlands Referral Ordinance that requires the municipal application for development for this project to be submitted to the Highlands Council for a consistency determination. All the materials required for that review have been submitted for Highlands Council review and upon approval of the Highlands Redevelopment Area, the township will be notified.
5. N.J.S.A. 13:20-17 (Review by Council of regional applications for development.) In accordance with Section 17 of the Highlands Act, the Applicant shall provide the Highlands Council with notice within 15 days after final local government unit approval of the application for development. The Highlands Council retains review authority under Section 17 to determine that said final approval meets the requirements and conditions found herein.

Attachments

- Figure 1 – Cibao Meats Highlands Redevelopment Area
- Pre-Application Meeting notes
- Highlands RMP Consistency Determination Review
- Site Plan
- Site Photos
- Public Comment Response

Public Comments Received on the Highlands Water Protection and Planning Council Draft Consistency Determination and Staff Recommendation Report for the Proposed Highlands Redevelopment Area Designation Cibao Meats Rockaway Township Block 22103 Lot 16

(Comment Period of January 6 – February 4, 2021)

Public Comments were received from one commenter during the public comment period

1. Jean Public

Comment:

Commenter objects to expansion of the facility. Would prefer that the applicant purchase a separate property for the expansion or increase height of building as opposed to expanding footprint of site. Would prefer a green roof be installed. Argues that the proposed expansion is not Smart Growth. Commenter also objects to meat processing and provided a link to an investigative report documenting live meat markets in the US.

Response:

The Highlands Council acknowledges the comments expressed. The facility currently has solar panels on its roof and the parking expansion includes additional solar panel installation. In accordance with the Highlands Act, Regional Master Plan and N.J.A.C. 7:38, the project qualifies for a Redevelopment Area Designation. The provision of additional employee parking will enhance operations at the facility, the economy of Rockaway Township and the region, supporting Smart Growth principles.