



Pequannock River Coalition

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June 12, 2015
Planning Board
Borough of Bloomingdale
101 Hamburg Turnpike
Bloomingdale, NJ 07403

To Whom It May Concern;

The Pequannock River Coalition has reviewed the 2015 Master Plan Amendment (Amendment), dated 06/01/15.

We were hopeful that the major problems we identified in the recent Bloomingdale Master Plan Reexamination Report would be corrected. We refer you to our letter of April 2nd. Sadly, they were not. After careful evaluation of this Amendment, we find it to be inconsistent with sound planning principles, with numerous flaws, and offering great cause for concern

The Amendment primarily recommends that the Meer Tract (Block 105, Lot 14) be rezoned with an overlay to allow expansion of the existing Tilcon quarry onto this entire tract.

The Amendment states: “Historically, the borough's planning documents have sought to expand local employment opportunities and develop the tax base. The southeast quadrant of the municipality has been designated in many Borough planning documents for development over the past two decades to achieve these goals.”

This is not an accurate depiction of the borough’s position. The borough’s planning documents have repeatedly identified Federal Hill, including the Meer Tract, as environmentally sensitive and have sought to limit development of this area to the extent practical. This was described extensively in our prior letter.

While approximately 30 acres of the Meer Tract was approved for a townhouse development, this Planning Board designated the majority of the site—150 acres—to be preserved as open space, both because of its environmental importance and as a valuable buffer between the existing quarry and residential areas.

Historically, the only lands in southeast Bloomingdale targeted for development were those previously disturbed for the Tilcon quarry. In fact, in a 2007 letter to the New Jersey Highlands Council, Bloomingdale asked that all of Federal Hill (including the Meer Tract) be re-mapped into the Highlands Preservation Area to increase its protection. Bloomingdale wrote “Greater than 69% of Federal Hill contains slopes over 20% and slopes in excess of 50% are abundant. Development would result in a large increase in runoff and erosion. The thin, acidic soils associated with areas of steep slopes are particularly sensitive to disturbances and extensive re-grading or other disruptive action could irrevocably harm the existing biota by changing both the flow of perched groundwater and the chemistry of the soil.”

The same letter went on to say “Federal Hill due to heavy forestation, dense vegetation and proximity to the Pequannock River maximizes aquifer recharge.” Bloomingdale has long recognized that the lands adjacent to Federal Hill are flood-prone, and for this reason recharge in the Federal Hill area is extremely important.

The Amendment also states “The Meer Tract and Tilcon Quarry Tract are in the Highlands Planning Area and can accommodate growth, given the proximity to regional roadways.” However, the proximity of regional roadways is only one of many factors that must be considered. As described within the Highlands Water Protection and Planning Act, the goals for the Planning Area (including Federal Hill) are:

- (1) protect, restore, and enhance the quality and quantity of surface and ground waters therein;
- (2) preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes;
- (3) protect and maintain the essential character of the Highlands environment;
- (4) preserve farmland and historic sites and other historic resources;
- (5) promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities;
- (6) preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- (7) promote conservation of water resources;
- (8) promote brownfield remediation and redevelopment;
- (9) encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof;
- (10) promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

While there is some mention of transportation in item 10, the overwhelming emphasis is on identification and preservation of sensitive environmental lands and features. Only when these objectives have been satisfied should development be considered.

In your own analysis of the Bloomingdale area for the Highlands Council, the borough produced a detailed Highlands Environmental Resource Inventory at http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingdale/4_Bloomingdale_Highlands_ERI_Sept2011.pdf.

Throughout this analysis, Federal Hill, including the Meer Tract, was rated highly by Bloomingdale in nearly every category of natural resource priority and sensitivity. As noted repeatedly in these reports, this makes these lands vulnerable to disturbance, prime candidates for preservation, and integral to natural resource protection. All of this would be sacrificed by an expanded quarry.

In consideration of these reports, the NJ Highlands Council wrote in 2011 that “The property [Federal Hill] is indeed extensively constrained by Highlands resource features including Critical Wildlife Habitat, High Integrity Riparian Area, Highlands Open Waters (including wetlands and streams), Open Water Buffers, Forest in a Forest Resource Area, and Steep Slopes.”

Yet, in the current Amendment, the detailed analysis you produced in the Highlands Environmental Resource Inventory is not even mentioned. We find this absence incredible.

In addition, the list of land use goals and objectives in the Amendment ignores both these sensitive environmental features and the corresponding goals from the Highlands Act for the Highlands Planning Area. The suggestion that proximity to regional roadways alone is reason enough for this area to accommodate growth is wholly unsupported.

In regard to the section “Master Plans of Adjoining Communities”, the Amendment accurately describes adjoining land uses as residential, water resource conservation, public and quasi-public. It then states that the proposed quarry expansion is compatible with these uses. Clearly, it is entirely incompatible. Not a single shred of justification is provided to show that a quarry is an appropriate companion to residences, public lands, or water resources.

When relating the Amendment to County planning, the Amendment says “Among the goals supported by the County Plan are the following:

- Promote restoration and enhancement of impaired lands.
- Prohibit indirect impacts from activity...resulting in destruction or adverse modification.
- Prohibit modification of vernal pools protection buffer.
- Prohibit modifications to the delineation of Critical Habitat Areas.”

This is correct. However, the Amendment goes on to say “The 2015 Bloomingdale Master Plan Amendment is consistent with the environmental goals of the County Plan... ..Appropriate environmental management techniques can minimize impacts resulting from the Court Ordered rezoning. Additionally, NJDEP will regulate activities on-site subject to their jurisdiction.”

Yet, the Amendment and proposed overlay is completely inconsistent with these County goals. Expansion of the quarry will not “promote restoration and enhancement of impaired lands.” Instead, it will cause these impaired lands to increase vastly. It will produce rather than prohibit “indirect impacts from activity...resulting in destruction or adverse modification.” And, it will sacrifice Critical Habitat Areas by modifying their delineation (and assuring their destruction) through rezoning.

The Amendment ignores the fact that the most important “environmental management techniques” available to Bloomingdale is through their Master Plan and zoning ordinances. It would be difficult to imagine a land use change less consistent with the County goals than what is proposed in this Amendment. In addition, the rezoning is not “Court Ordered”. The court agreed that the proposed rezoning is not inconsistent with affordable housing, but never opined that it would benefit this purpose or ordered that the rezoning take place.

Under “Regional Master Plan” the Amendment states “Given their location in a Planning Area, and proximity to regional roadways, the tracts are appropriate for the Court Ordered development. Appropriate environmental management practices will adequately address impacts.”

Again, the Amendment completely ignores the goals in the Highlands Act for the Planning Area. Also, the Amendment again ignores the fact that the most important “environmental management practices” available to Bloomingdale are their Master Plan and zoning ordinances. They should begin by zoning environmentally sensitive areas in a way that protects them, rather than the opposite.

In regard to the State Development and Redevelopment Plan, the Amendment disregards the intent of the Environmentally Sensitive land use designation; a designation that was sought for Federal Hill by the borough of Bloomingdale. Although the proposed Amendment states that “Proper planning can mitigate the consequences of implementing the Court Order”, once again it fails to emphasize that proper planning begins with proper zoning, such as the existing zoning, that preserves the majority of the Meer Tract as open space, and which this Amendment now proposes to reverse.

Repeatedly, the Amendment says that creation of affordable housing will be promoted by the quarry expansion and that development has been hampered since 2007 by the rugged topography. Yet, no evidence of this has ever been provided.

Actually, according to the U.S government, all development activity nationwide has suffered a downturn since 2007 (see <https://www.census.gov/construction/nrc/pdf/bpsa.pdf>). Prior to that time, new housing starts were at an approximate level of 2,000 per month. Since then, these housing starts dropped to less than a third of that figure and it has only recently rebounded to about 1,000 units per month. Blaming difficult site conditions for the situation in Bloomingdale is disingenuous.

If extensive site preparation is needed for development of the Meer Tract, and this need has the effect of reducing the value of the land, that does not serve as an impediment to development. It only reduces the land value. Conversely, if preparation of the land for development by Tilcon is expedited by this rezoning, this will only serve to increase the land value, not promote development. In fact, moving the quarry boundaries closer to this site will actually make development there less attractive. Even if the value of the Meer Tract were increased, raising the value of this land, especially at the expense of many other planning goals, is not a sufficient incentive for rezoning.

It must also be remembered that Bloomingdale is under no obligation to create affordable housing. The borough is only required to provide a reasonable opportunity for that development to occur. In this regard the courts have already ruled that the existing zoning is enough.

Overall, the negative impact on adjoining residential properties is neglected. There is not even a recommendation here for an expanded quarry buffer. We must consider that the existing quarry has a slim 100-foot buffer requirement, which we consider completely inappropriate.

Perhaps the most appalling disregard for sound planning and natural resource protection is in the section on “Natural Heritage.” Here the Amendment states “Quarry restoration can not only replace, but may even add to, the diversity of plants and wildlife. There are many options for restoration that enable land to be returned to an attractive and useful form. Site-specific restoration options should be evaluated as part of the future development for the quarry.”

The idea that quarry reclamation can ever replace the existing wildlife or wildlife habitat on Federal Hill, including such rare species as the state-threatened wood turtle, is outrageous. The land’s importance for ground water recharge, as undisturbed woodland, as wildlife habitat, and as wetlands and wetlands buffers will all be sacrificed by the expansion of this quarry use. Bloomingdale’s own letter to the Highlands Council confirmed this, stating that development there “...could irrevocably harm the existing biota.” We emphasize the term “irrevocably”. When we consider that reclamation may not even occur for more than 100 years, the concept is insulting.

This is further exacerbated by the proposal to abandon existing protected lands on Federal Hill as described under “Ongoing Planning Concerns”. Bloomingdale’s intent to trade protected property on Federal Hill for lands in the Highlands Preservation Area that are already protected by the Highlands Act makes little sense, and would only benefit Tilcon Inc. by promoting expansion of their quarry to a greater degree.

As we have shown, the Borough of Bloomingdale has, in the past, diligently sought to identify and protect the environmentally sensitive lands on Federal Hill to the extent practical. Through voluminous documents, statements, actions, and letters, stretching from 1989 all the way to the recent material submitted to the New Jersey Highlands Council, and the steep slope protections enacted just a few years ago, Bloomingdale has confirmed the existence of these sensitive features and endeavored to preserve them. This cannot be ignored.

Incredibly, the Bloomingdale Environmental Commission has not even been invited to review this proposal and provide comment. While we might not agree with the analysis they would produce, it is certainly essential, prior to any decision by the Planning Board, as a necessary planning element.

For all these reasons, we must oppose this attempt to reverse Bloomingdale’s existing policy on Federal Hill, especially when it is wholly unnecessary, is unsupported by any valid record or document, and will not satisfy any true public need, such as affordable housing creation. Based on the evidence we have provided here, we believe a reasonable person cannot support this use change.

Instead, we believe Bloomingdale, and other communities in the vicinity, would be better served in seeing the end of quarry operations on Federal Hill as soon as possible. Reclamation of this land could then begin, and a stream of income from the developed property would be gained much more quickly. If only for this reason, extending the quarry operation for many decades through rezoning is ill-advised. Based on Tilcon’s push for an expanded quarry, the current quarry may be nearing the end of its useful life, despite claims to the contrary.

We look forward to reviewing your response in this matter.

Please contact us if we can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Kushner", with a long horizontal flourish extending to the right.

Ross Kushner
Executive Director

cc: Bloomingdale Mayor and Council
Passaic County Planning Board