

Understanding Federal Hill



a presentation of the
Pequannock River Coalition

PEQUANNOCK RIVER COALITION

- A non-profit watershed association.
- Our mission: *Preservation of the Pequannock River as a natural, aesthetic, recreational and water supply resource.*
- Membership: *More than 500 citizens and groups in 84 towns.*



PRC Achievements

- PRC created the official Environmental Resource Inventories for Butler, Riverdale, and Pequannock.
- We are a licensed Environmental Laboratory.
- Winner of the NJDEP Environmental Excellence Award and the USEPA Environmental Achievement Award (twice).
- Created the first state-approved Watershed Management Plan in New Jersey.



PRC Operating Area

- **PRC operates in the combined Pequannock River and Wanaque River Watersheds. This includes all of Bloomingdale.**



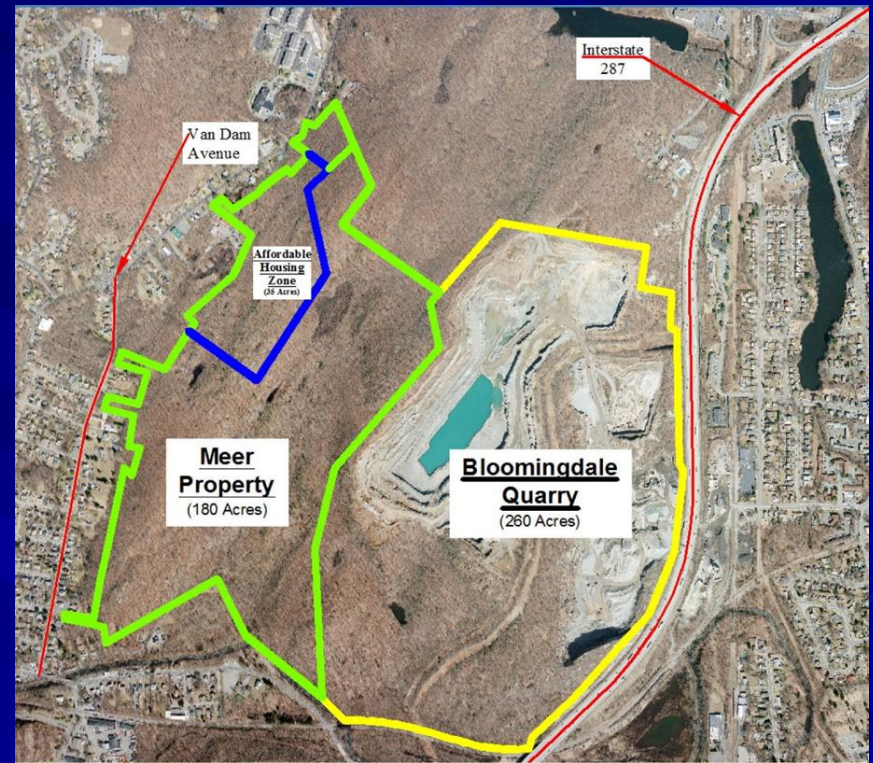
PRC and Federal Hill

- Federal Hill has been a concern for PRC since our first years.
- The combination of sensitive land and affordable housing is a problematic mix.



The Issue

The 180-acre Meer Tract on Federal Hill is currently authorized for a townhouse development. By ordinance, 32 acres will be developed, and 148 acres will be preserved as open space. Of the 360 units to be built, 72 will be affordable housing, toward Bloomingdale's COAH obligation.



Map source: Tilcon

The Issue

Tilcon owns an adjoining quarry. They are asking that the entire Meer Tract be rezoned to allow quarrying. They are proposing to purchase the Meer Tract and expand their quarry onto it. In exchange for rezoning, they will “prepare” the 32-acre tract for development, then donate that part of the land to Bloomingdale.



Map source: Tilcon

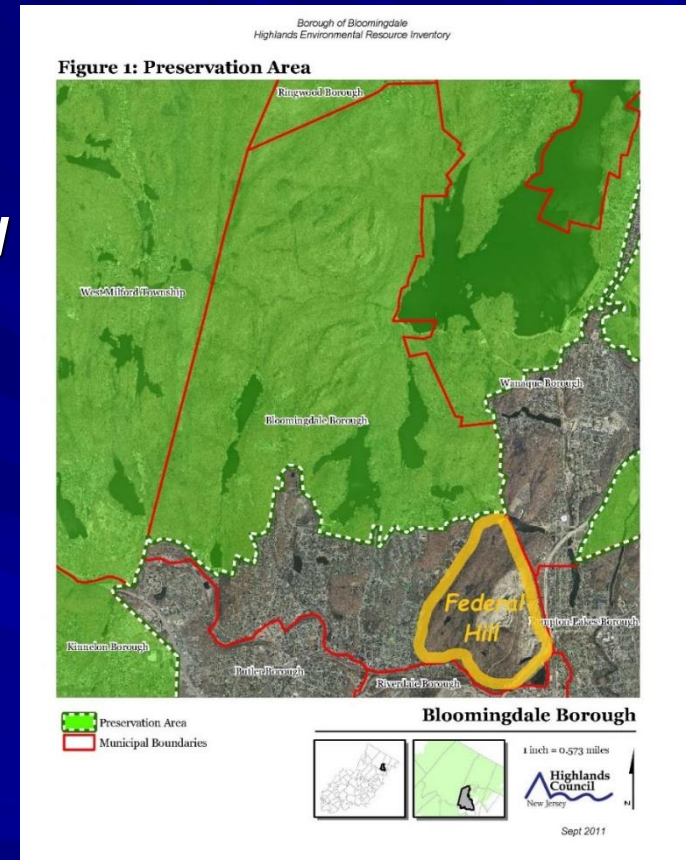
What is “Federal Hill”?

Federal Hill does not follow exact lot lines.

Bloomingtondale’s 2001 report “Federal Hill: An Extraordinarily Environmentally Sensitive And Historically Significant Area” said “*The approximately 450-acre wooded tract includes four types of wetlands, threatened and endangered species, and extremely steep slopes.*”

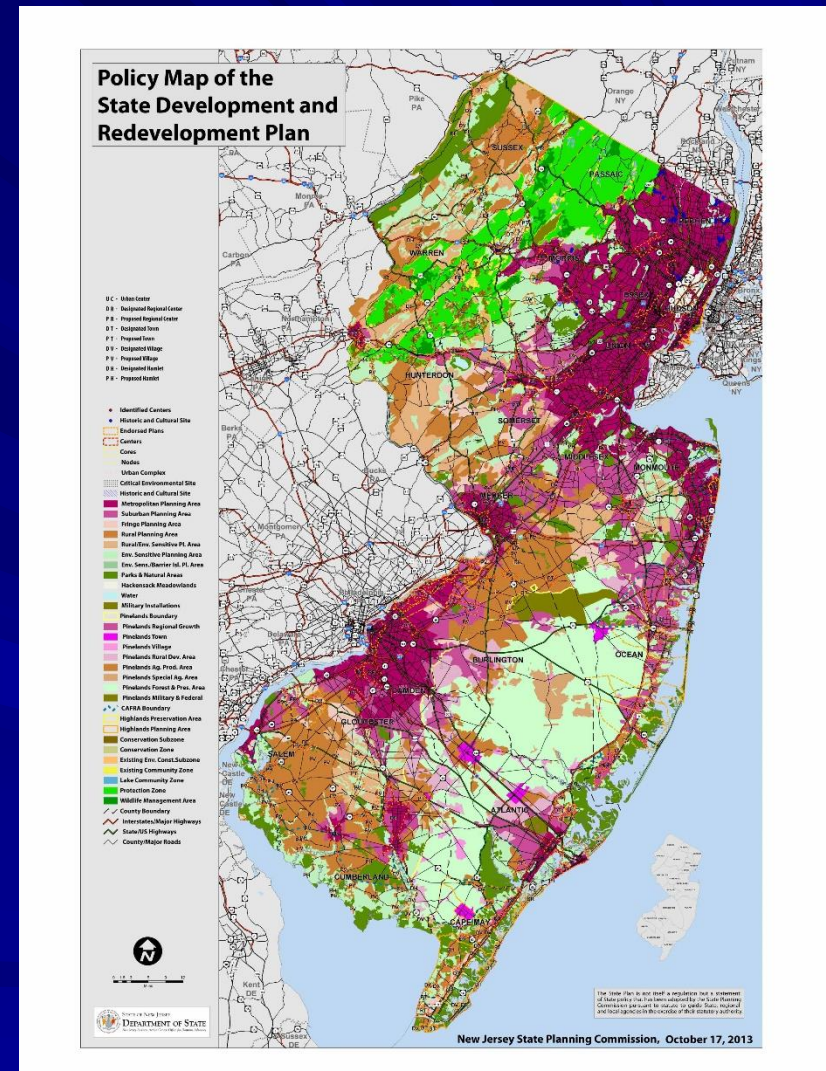
Bloomingtondale’s 2009 “Highlands Initial Assessment Report” also describes it as a 450-acre tract and said that it includes the Meer Tract.

Along with the 180-acre Meer Tract, Federal Hill includes part of the existing quarry, and other lands, to reach the total of 450 acres.



Efforts to protect it are nothing new!

- As early as 1989, Bloomingdale asked the NJ State Planning Commission to change the designation for Federal Hill from Suburban (PA2) to Environmentally Sensitive (PA5). The state agreed, and made this change in 2001.

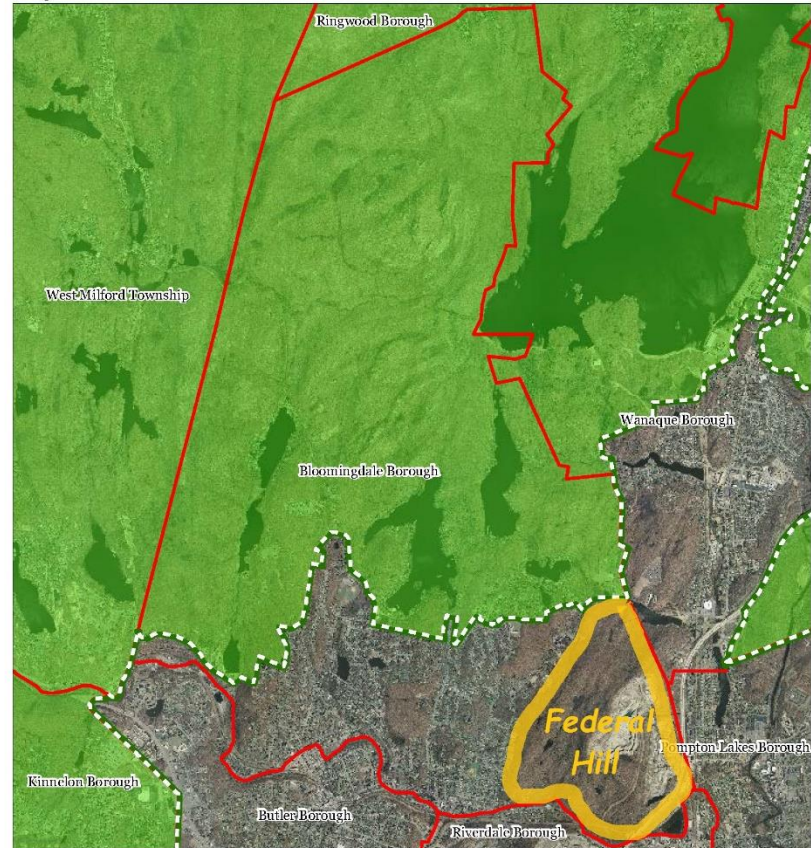




Federal Hill and the Highlands Act

The Highlands Act became law in 2004. Much of Bloomingdale was put in the restrictive Preservation Area. Part of it, including Federal Hill, was put in the Planning Area.

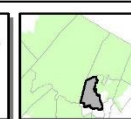
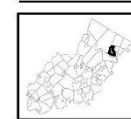
Borough of Bloomingdale
Highlands Environmental Resource Inventory

Figure 1: Preservation Area



 Preservation Area
 Municipal Boundaries

Bloomingdale Borough



1 inch = 0.573 miles


Highlands Council
New Jersey

Sept 2011

Federal Hill and the Highlands Act

In 2007, Bloomingdale asked the NJ Highlands Council to re-map Federal Hill into the Preservation Area. Bloomingdale described the steep slopes, stream corridors, groundwater recharge, and wetlands there as important values needing protection.

This could not be done because of the court-ordered affordable housing.

BLOOMINGDALE ENVIRONMENTAL COMMISSION
101 Hamburg Turnpike
Bloomingdale, New Jersey
07403
973-838-0778

March 29, 2007

Highlands Water Protection and Planning Council
100 North Road – Route 513
Chester, New Jersey 07930



Gentlemen,

The Bloomingdale Environmental Commission has completed a review of the Highlands Draft Regional Master Plan, Release for Public Comment, November 2006.

The BEC is of the opinion that the property commonly known as Federal Hill located in the Borough of Bloomingdale has been incorrectly included in the Protection Zone of the Planning Area..

Reference Land Use Capability Map C9, Draft 11-30-06.

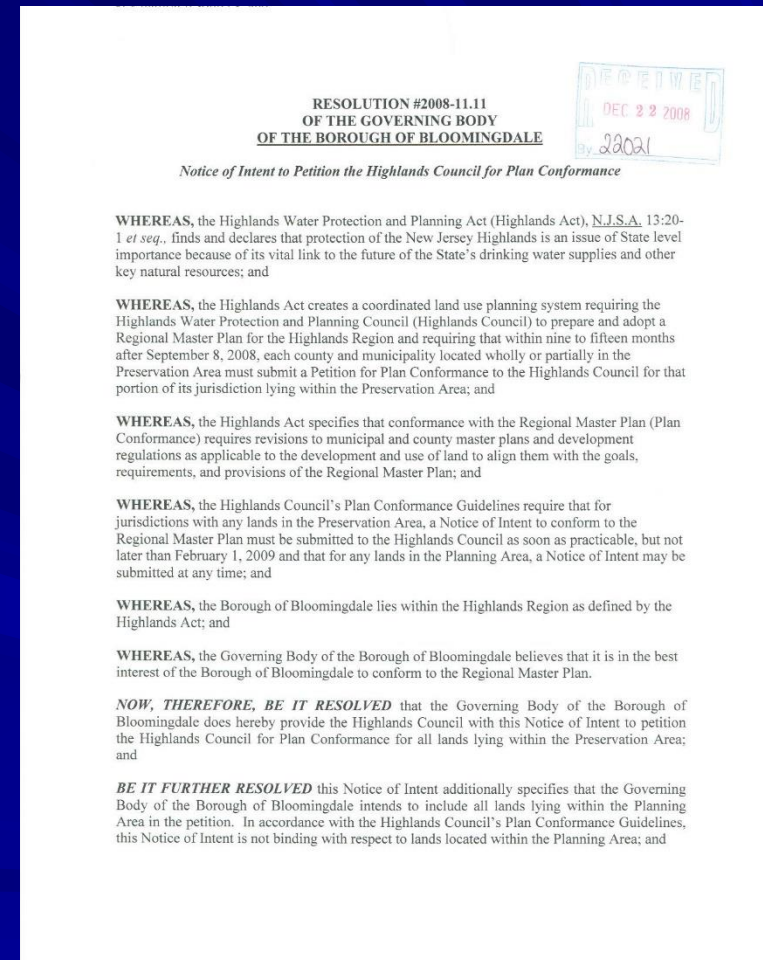
Federal Hill is the property bounded by 287 on the East and Van Dam and Union Ave on the West with the exception of the quarry.

For the following reasons Federal Hill should be included in the Protection Zone of the Preservation Area.

1. Stream Corridors – The site contains numerous tributaries of the Pequannock River. The Pequannock River is a Class 1 waterway. The section of the Pequannock River bounding Federal Hill has been designated as an emergency source of potable water.
2. Steep Slopes - 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 associate with areas of steep slopes are particularly sensitive to disturbances and extensive regarding or other disruptive action could irrevocably harm the existing biota by changing both the flow of perched groundwater and the chemistry of the soil.
3. Ponds and Streams – Federal Hill contains five ponds and more than two miles of streams.
4. Federal Hill contains five types of wetlands:
 - A. Open water
 - B. Stream corridor forested wetlands
 - C. Forested wetlands
 - D. Scrub-scrub wetlands
 - E. Vernal pools
5. Aquifer Recharge- Bloomingdale is underlain by a single aquifer. Federal Hill due to heavy forestation, dense vegetation and proximity to the Pequannock River maximizes aquifer recharge.

Federal Hill and the Highlands Act

- In 2008, Bloomingdale adopted Resolution 2008-11.11, stating it was “***...in the best interest of Bloomingdale to conform to the Regional Master Plan...***”. This showed the borough’s intent to fully align with the Highlands Regional Master Plan, even in the Planning Area where it was optional.



Federal Hill - Recent Documentation

- To do this, Bloomingdale created several reports from 2009-2011. We are fortunate to have these recent reports to rely upon.
- One component, the Highlands Environmental Resource Inventory (ERI), identified natural resources in the borough.

DRAFT APPROVED BY THE HIGHLANDS COUNCIL

Borough of Bloomingdale
Highlands Environmental
Resource Inventory

September
2011

Figure 2: Land Use Capability Map Zones



Regional Master Plan Overlay Zone Designation

Protection	Lakes Greater Than 10 acres
Conservation	Preservation Area
Existing Community	Municipal Boundaries

Sub-Zone

Existing Community Environmentally Constrained
Conservation Environmentally Constrained
Lake Community
Wildlife Management

Bloomingdale Borough

1 inch = 0.573 miles

Highlands Council
New Jersey

Bloomingdale’s ERI puts Federal Hill almost entirely in the Highlands Protection Zone. They described this area as “...*high resource value lands that are important to maintaining water quality, water quantity, and sensitive ecological resources and processes.*”

Bloomingtondale's report also said "...*Land acquisition is a priority in the Protection Zone and development activities will be extremely limited; any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.*"

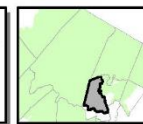
Figure 2: Land Use Capability Map Zones



Regional Master Plan Overlay Zone Designation

- | | |
|--------------------|-----------------------------|
| Protection | Lakes Greater Than 10 acres |
| Conservation | Preservation Area |
| Existing Community | Municipal Boundaries |
- Sub-Zone
- | |
|--|
| Existing Community Environmentally Constrained |
| Conservation Environmentally Constrained |
| Lake Community |
| Wildlife Management |

Bloomingtondale Borough



1 inch = 0.573 miles

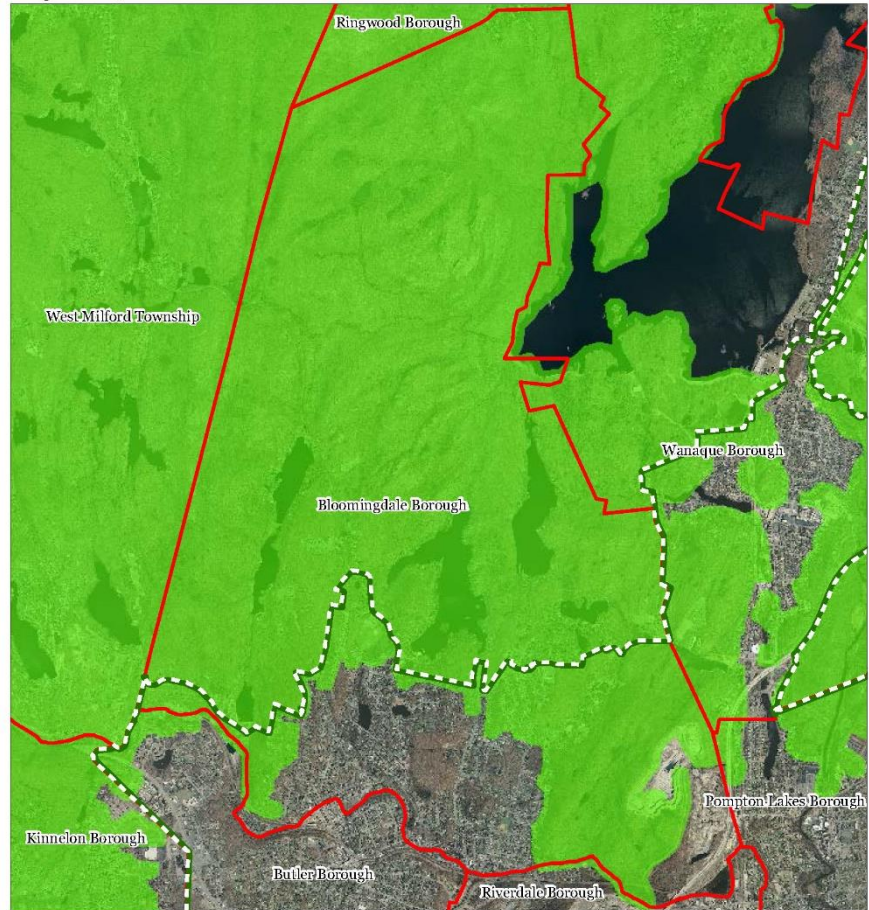


Sept 2011

Other than the existing quarry, Federal Hill is entirely a “Forest Resource Area.”

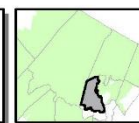
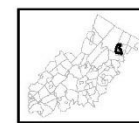
“The Forest Resource Area includes high ecological value forest areas including those forested areas that exhibit the least fragmentation and are vital for the maintenance of ecological processes.”

Figure 4: Forest Resource Area



- Forest Resource Area
- Preservation Area
- Municipal Boundaries

Bloomingdale Borough



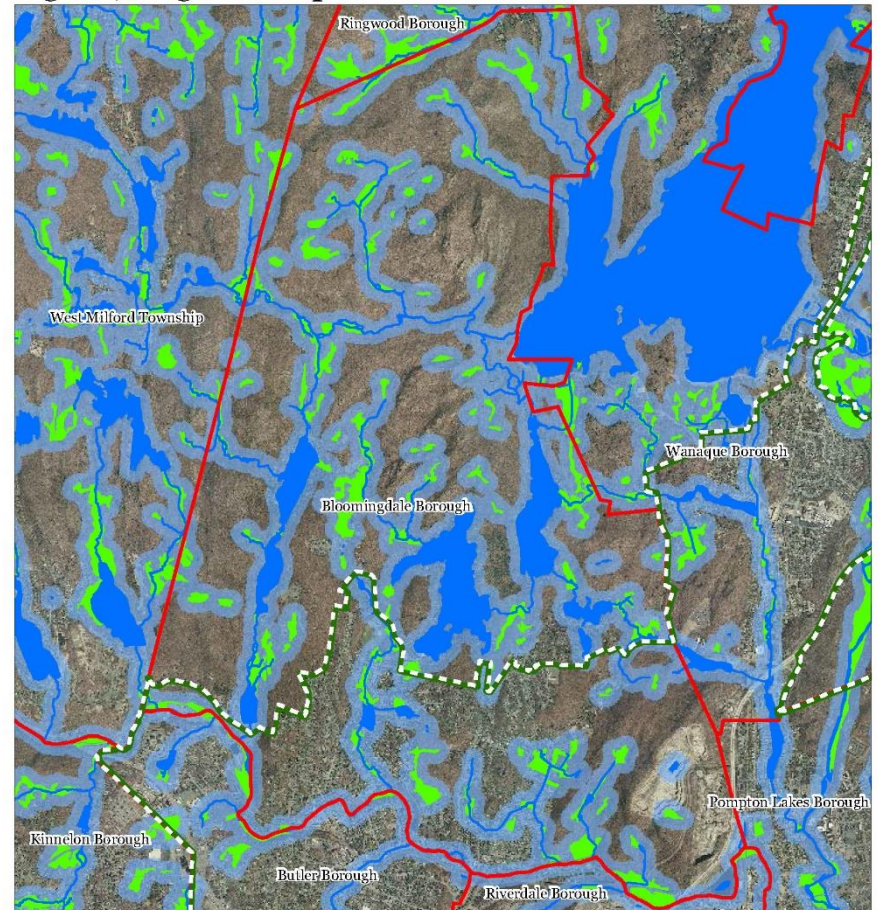
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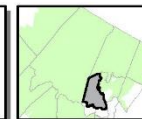
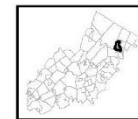
Figure 7 shows that Federal Hill has extensive areas of wetlands, streams, and waterway buffers. All of these features are primary targets for protection. Most are off limits to any development, including a quarry.

Figure 7: Highlands Open Waters



- Highlands Open Water Buffers (300ft)
- Streams
- Wetlands
- Lakes & Ponds
- Preservation Area
- Municipal Boundaries

Bloomingdale Borough



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Sept 2011

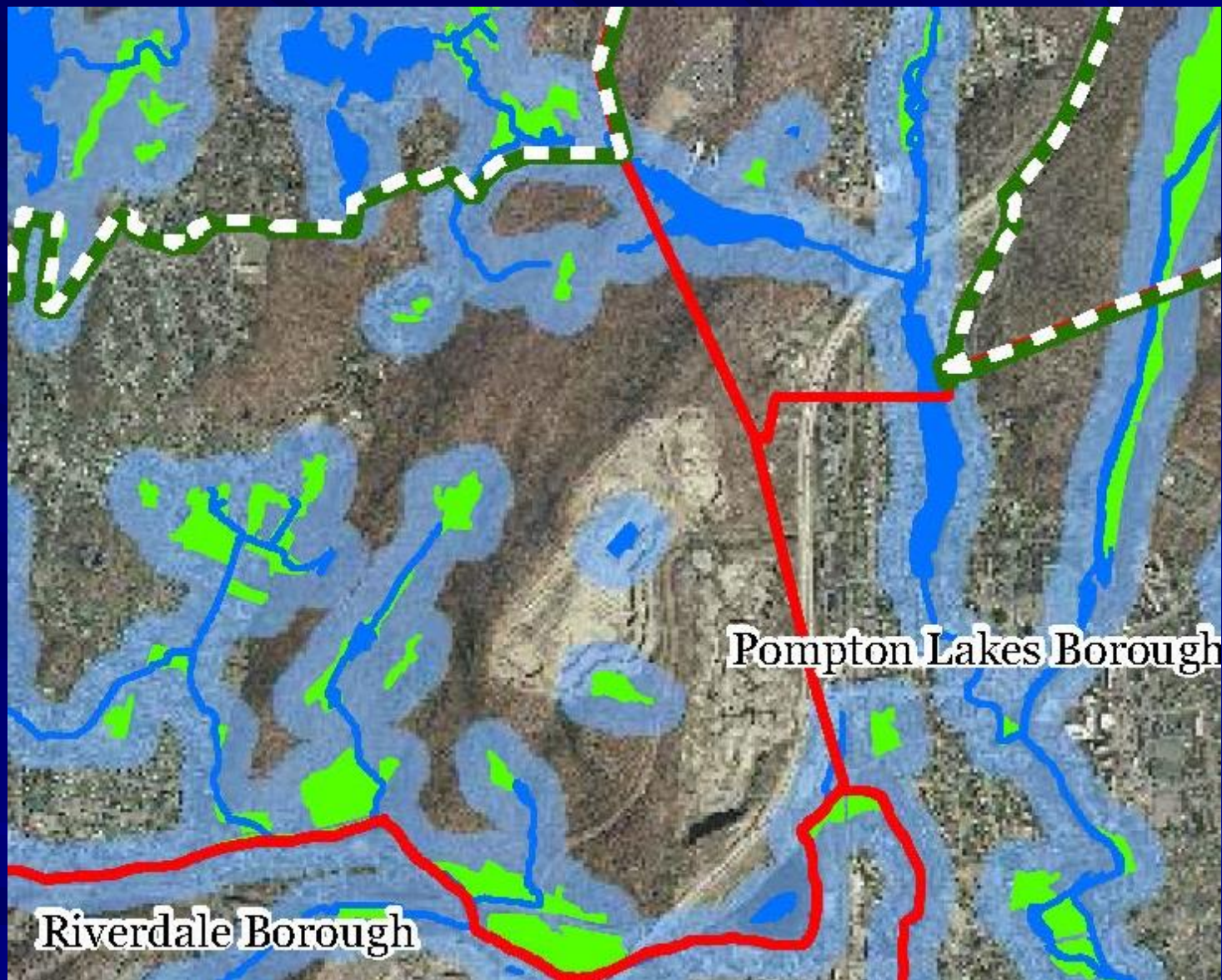


Figure 7 – detail.

Steep slopes are an important feature and most of Federal Hill is steeply sloped.

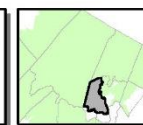
Bloomingtondale's report for this map states "***Disturbance of areas containing steep slopes can trigger erosion and sedimentation, resulting in the loss of topsoil. Silting of wetlands, lakes, ponds and streams damages and degrades wetland and aquatic habitats, especially trout streams that are found throughout the Highlands and receive the State's highest water quality protections.***"

Figure 11: Steep Slope Protection Areas



- Steep Slopes
-  Moderate
 -  Severe
 -  Preservation Area
 -  Municipal Boundaries

Bloomingtondale Borough



1 inch = 0.573 miles







Sept 2011

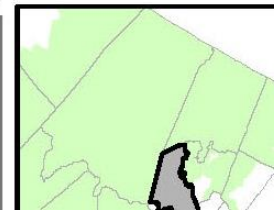
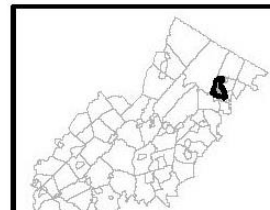
Steep Slopes- Detail



Steep Slopes

-  Moderate
-  Severe
-  Preservation Area
-  Municipal Boundaries

Bloomington Borough



1 inch = 0.573 miles



N

Disturbing steep slopes near high quality waterways is a poor idea. Here are examples of siltation from the existing Tilcon quarry, damaging the Pequannock River.



Bloomingdale, Pompton Lakes and many other towns are now working to remove this sediment at taxpayer expense.

Steep Slope Ordinance

In 2013, recognizing the value and sensitivity of steep slopes, Bloomingdale enacted Ordinance 34-2013 for the expressed purpose of preventing steeply sloped lands, such as Federal Hill, from being disturbed. The ordinance states “...***it is found that the removal of vegetation and disturbance of soils on steep slopes by excavation and fill will increase runoff and result in soil erosion and siltation... ...thereby having the potential of endangering public and private life***”.

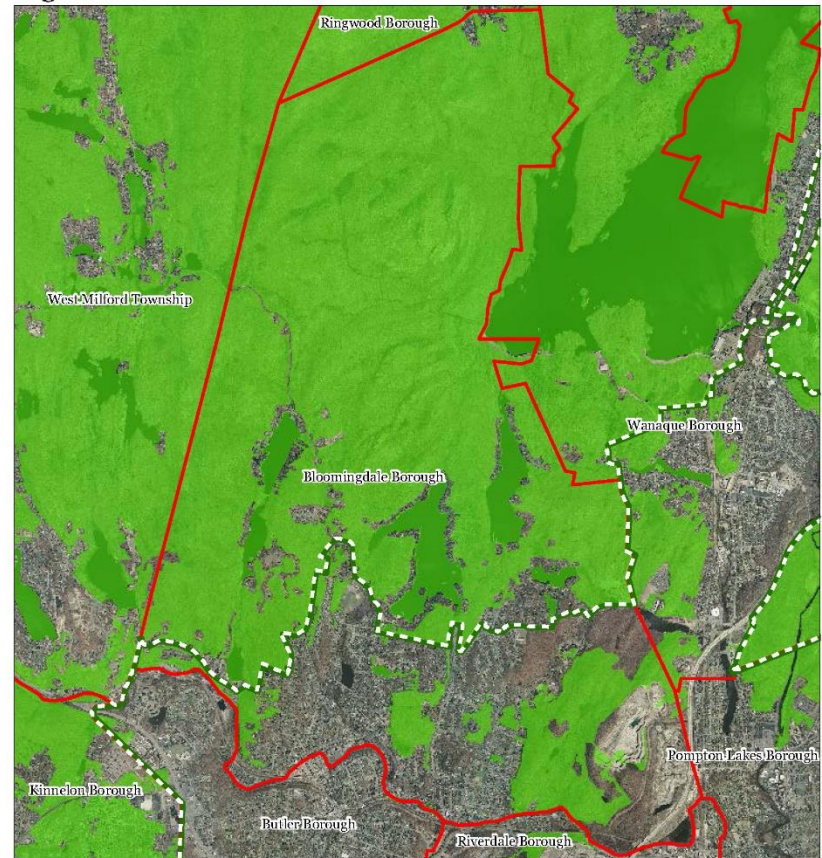
The ordinance prohibits “...***substantial nonagricultural displacement of soil...***” on slopes exceeding 15%. This includes almost all of Federal Hill.

Although the 32-acre COAH development is exempted from this ordinance, expanded quarry operations, now proposed for the balance of the Meer tract, are not.

In Figure 12, Bloomingdale shows most of Federal Hill as “Critical Wildlife Habitat”.

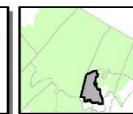
Bloomingdale stated that these lands are “*Habitats of animal species identified as endangered, threatened, of special concern, or of regional conservation priority in the Highlands Region...*” and that these lands are “...*critically important to maintaining biological diversity in the Highlands Region.*” . “

Figure 12: Critical Wildlife Habitat



- Critical Wildlife Habitat
- Preservation Area
- Municipal Boundaries

Bloomingdale Borough



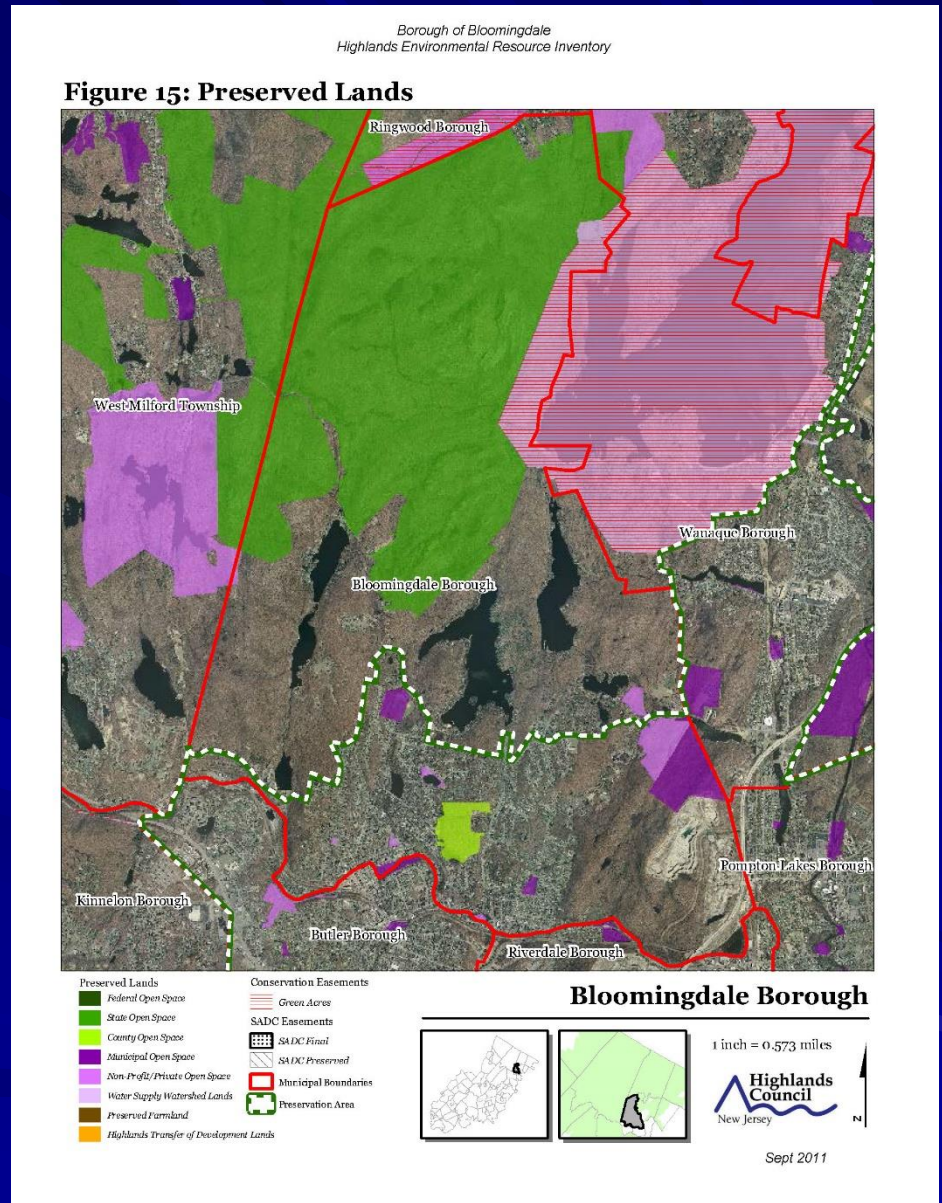
1 inch = 0.573 miles



Sept 2011

Figure 15: Preserved Lands

Bloomingtondale is heavily invested in the protection of Federal Hill. The borough spent more than a million dollars to protect the 70-acre Bi-Coastal tract. It is the largest piece of borough-owned open space.



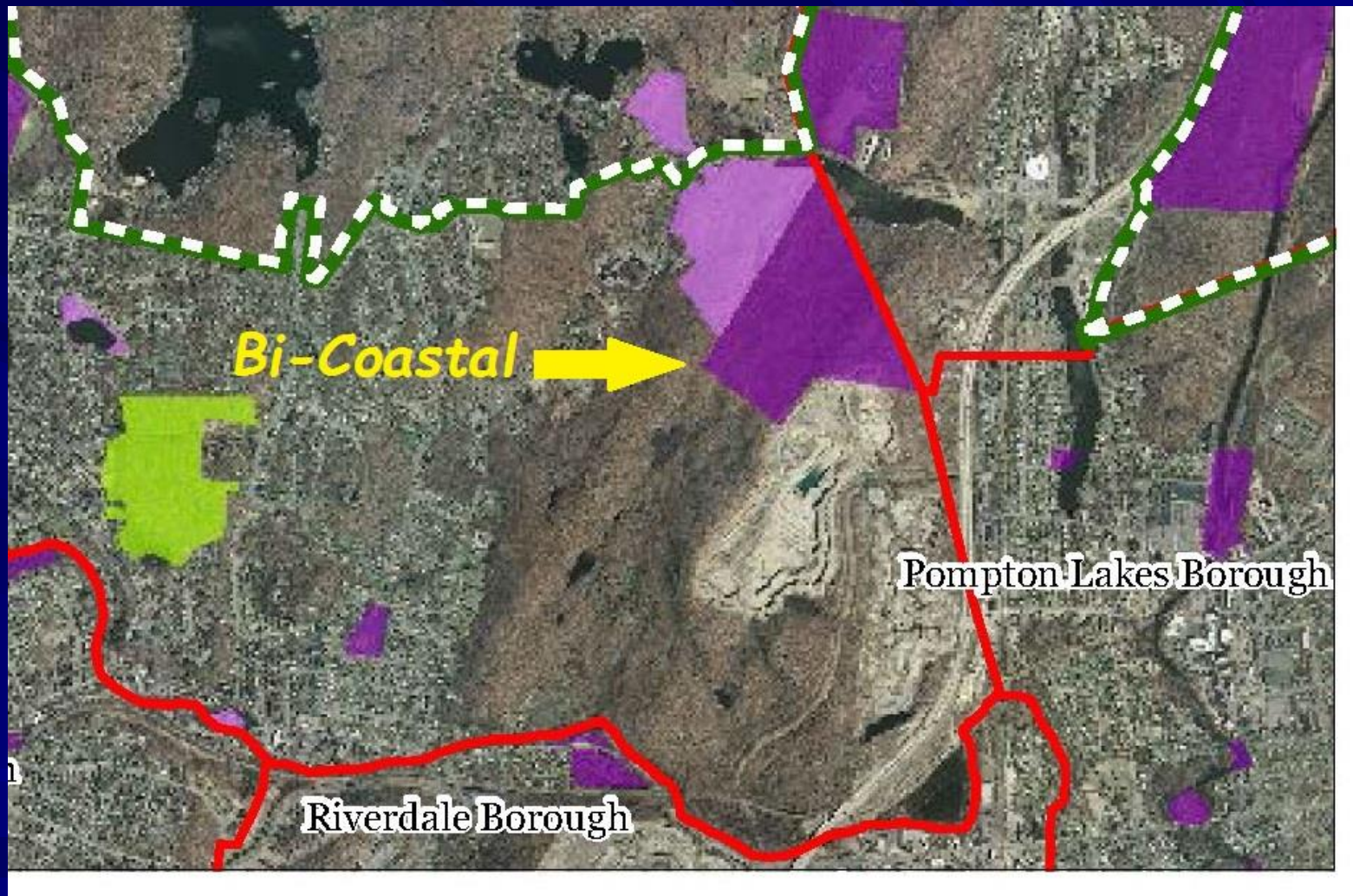


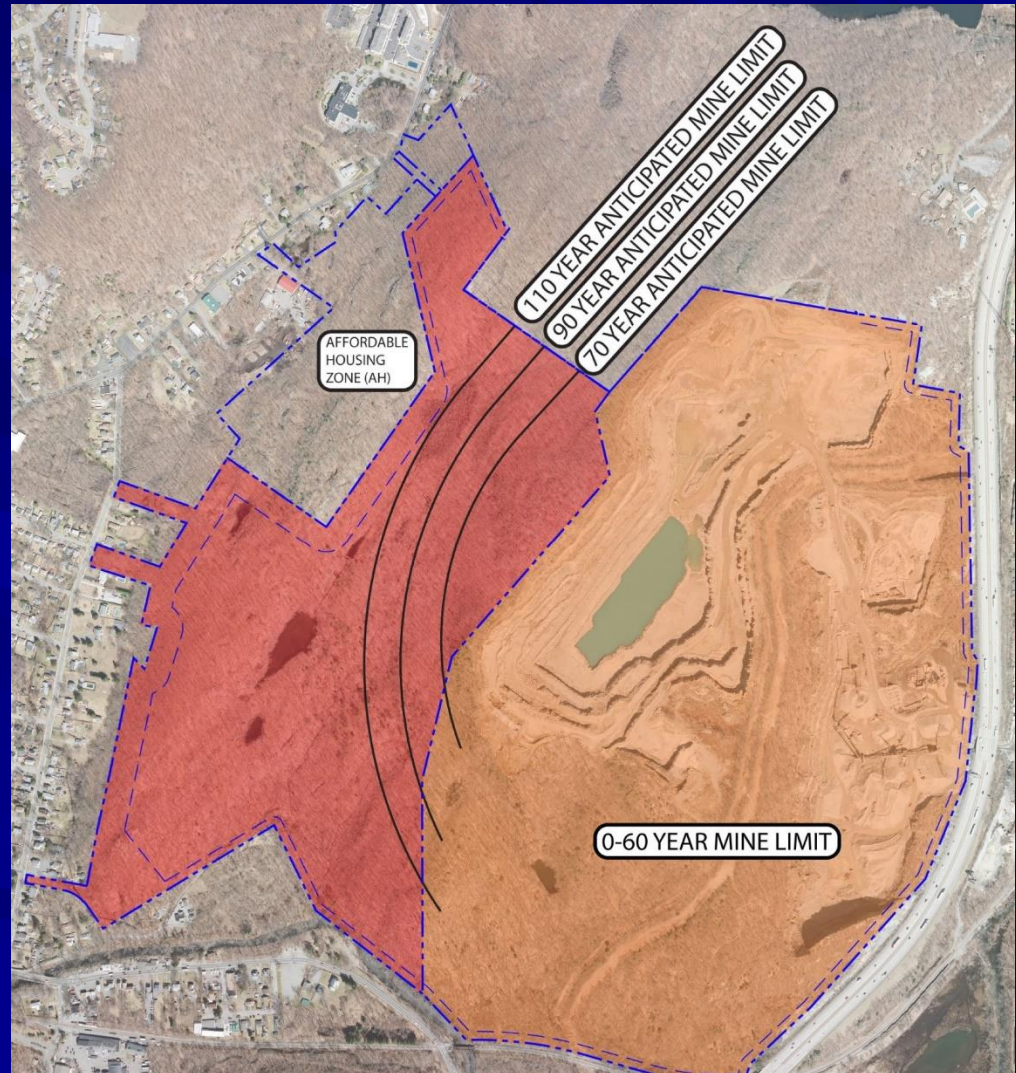
Figure 15: Detail

It is important to know if all these Bloomingdale reports concerning Federal Hill are considered accurate. The Highlands Council says “Yes!”

In 2011 the Highlands Council wrote 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.***“

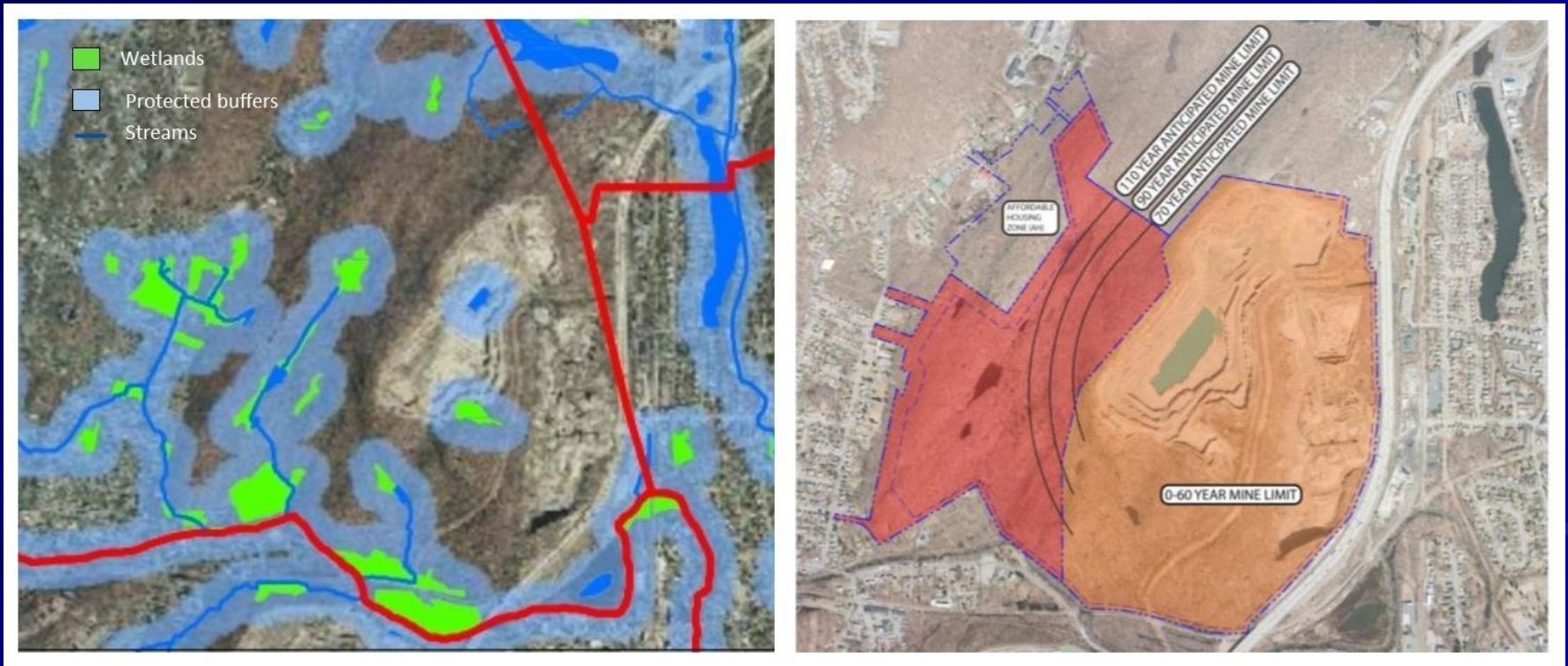
Tilcon proposal - Conceptual

The Tilcon “conceptual” proposal is to extend the quarry by about 100 acres, pushing the current boundary out approximately 1,400 feet.

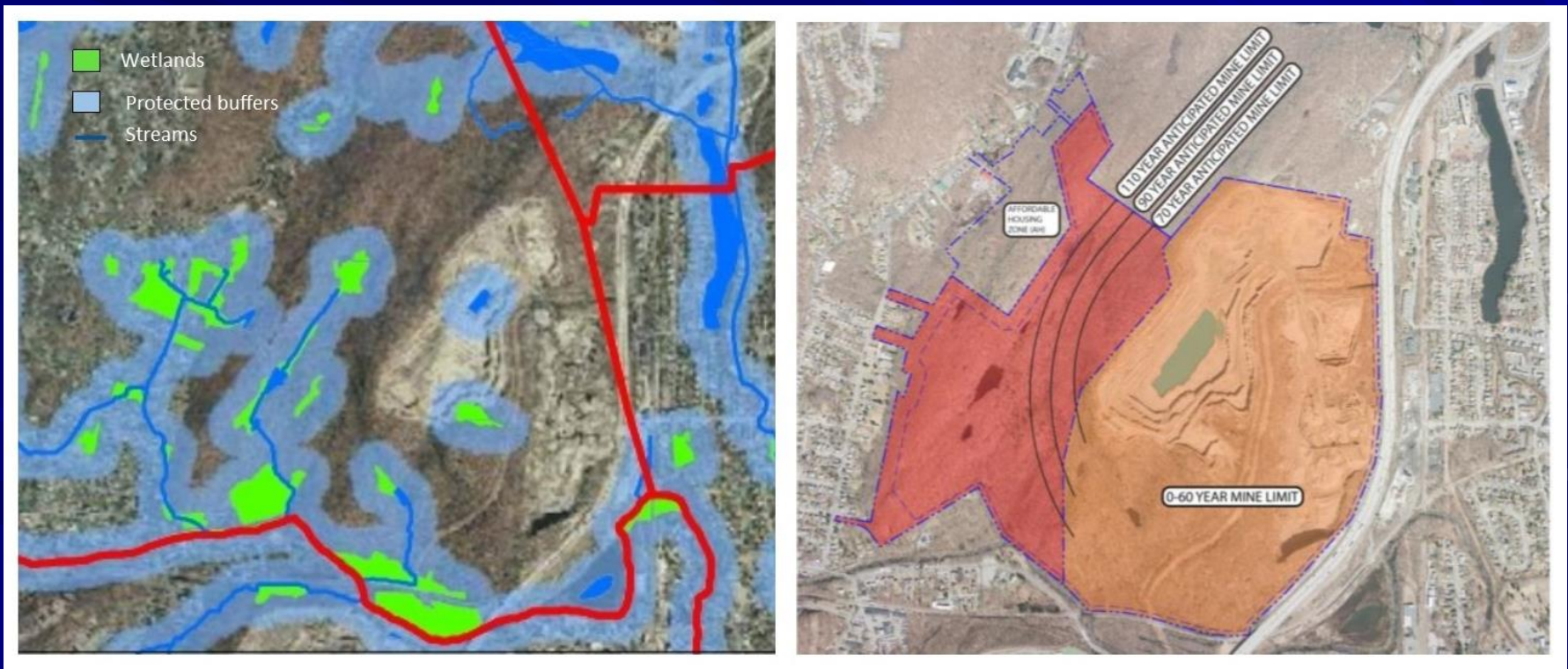


Conceptual versus Actual

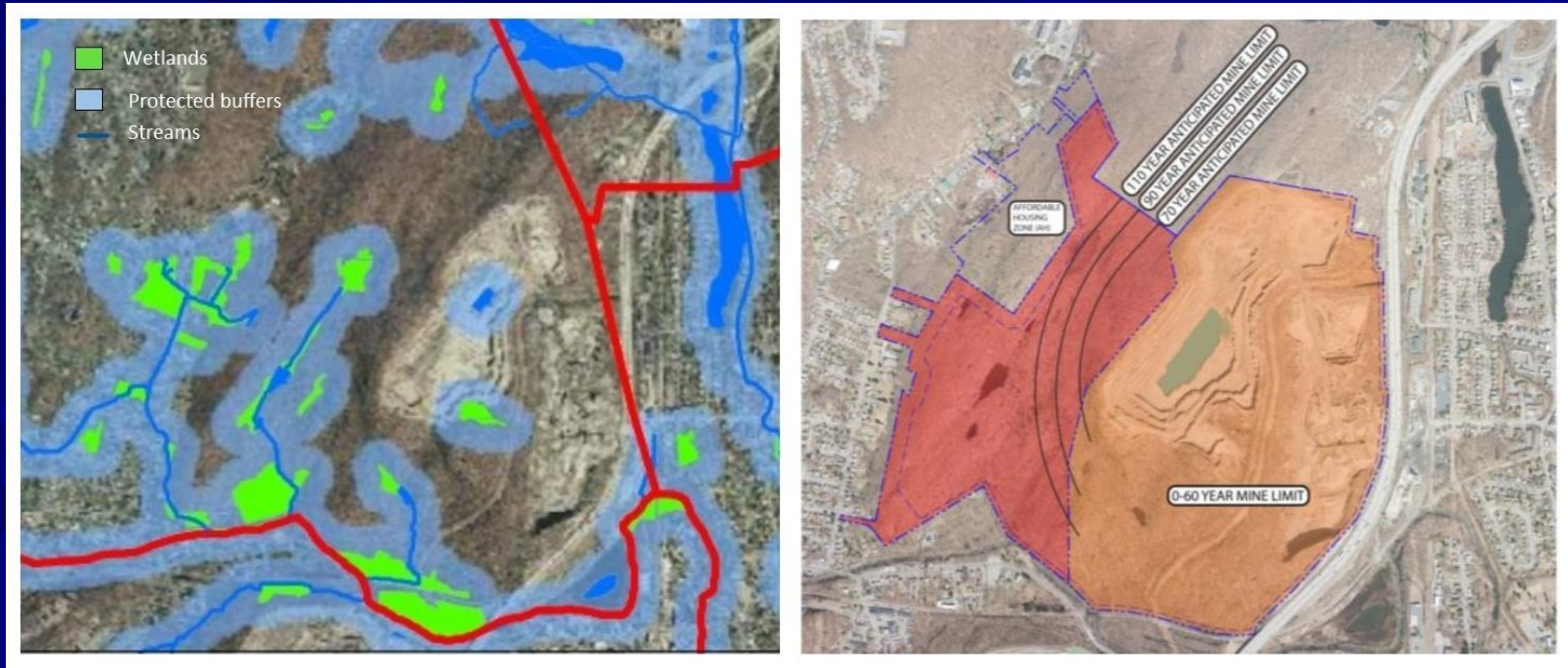
Comparing Tilcon's proposed expansion of the quarry to wetlands, streams, and their buffers, as mapped by Bloomingdale, there are clear conflicts.



PRC is not concerned that Tilcon will quarry wetlands. Our concern is that they are proposing this in their concept maps, even though they probably can't, and must know it.



If wetlands and waterway buffers reduce the usable quarry expansion area to about half the land Tilcon has proposed, how will they compensate? Will the quarry stay within their proposed lines? Or seek to expand elsewhere? Remember – the ENTIRE tract will be rezoned for a quarry.



Despite these concerns,
Bloomington officials have said the
expansion of the quarry will be
controlled by an ordinance.

Here is a good question:
How effective is an ordinance at
controlling land use?

§ 92-61. AH Affordable Housing Zone.

(Added 7-17-2007 by Ord. No. 13-2007; amended 11-22-2011 by Ord. No. 16-2011)

[History of this tract: As per Court Order, Ord. No. 13-2007 rezoned the RG Cluster Garden Apartment and Open Space Zone to the AH Affordable Housing Zone. Former Section 92-51, R-G-Cluster Garden Apartment and Open Space Zone, is no longer valid and is removed from Chapter 92.]

Editor's Note: Exhibits and Attachments referred to herein can be found on file at the Borough Offices.

- A. Purpose. The purpose of the AH (Affordable Housing) Zone is to implement a Superior Court Order in (D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture v. Borough of Bloomingdale and Planning Board of Bloomingdale, et al, Docket No. PAS-L-3361-05, and D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture, Joint Venture Partners v. Borough of Bloomingdale Planning Board, et al, Docket No. PAS-L-1259-06) to rezone a tract identified on the Tax Map of the Borough of Bloomingdale as Block 59, Lot 1.04, and Block 60, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01 and 60.02 (hereafter, the subject property) to assist the Borough in addressing its constitutional low and moderate income housing obligation. The purpose of this section is to facilitate the construction of an inclusionary development consisting of a maximum of three hundred sixty (360) multi-family units, including seventy-two (72) units of low and moderate income for sale housing as depicted on the attached concept plan identified as Exhibit A.

The intent is to construct the inclusionary development within a restricted area of disturbance, while requiring the remainder of the site to be preserved as open space. The restricted area of disturbance shall be limited to an area consisting of thirty-two (32) acres as depicted on the attached concept plan identified as Exhibit A, plus additional areas that may require disturbance only if same is required by other governmental agencies having jurisdiction.

The low and moderate income housing units shall comply with all requirements of N.J.A.C. 5:94-1 (COAH's rules) and N.J.A.C. 5:80-26 et seq. (Uniform Housing Affordability Controls).

The existing development ordinance controlling the Meer Tract says only 32 acres will be developed, and 148 acres must be preserved as open space. What is happening to that protection?

So, how effective is an ordinance at controlling land use? ***Not very!***

Forest Cover, Recharge and Flooding

Rainwater is either absorbed into the soil as “recharge” or it isn’t. How can it be absorbed into the soil if the soil is missing? Forested land provides the highest rate of recharge. Bedrock and pavement provide the lowest.



Forest Cover, Recharge and Flooding



As land is changed from forest to quarry, recharge turns into “runoff”. Runoff makes flooding worse when it rains. On the flip side, water lost as runoff limits groundwater supplies, reducing river and stream flows later on.

The Van Dam Avenue area of Bloomingdale is already flood-prone. Reducing recharge on adjacent Federal Hill, and increasing runoff, can make a bad situation worse.



Pequannock River flooding at Federal Hill

Also, the Pequannock River has a well-documented problem with low summer flows causing high summer water temperatures. If Federal Hill is converted from forest to quarry, this situation will become worse.



Pequannock River - Bloomingdale

Bloomingtondale did realize this. Their Steep Slope ordinance was adopted in 2013 to prevent disturbance of steep slopes, and protect lives and property. It was meant to stop the exact type of disturbance we are now discussing.

ORDINANCE 34-2013
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF BLOOMINGDALE BY RECODIFYING CHAPTER 92, ZONING, ARTICLE XIII, SOIL AND SOIL REMOVAL, AS CHAPTER XXXII AND BY RECODIFYING CHAPTER 92, ZONING, ARTICLE XIV, SHADE TREES, AS CHAPTER XXIII

WHEREAS, based upon a review of the Borough Code, the Borough of Bloomingtondale's Ordinance Review Committee has recommended that Articles XIII and XIV of Chapter 92 of the Borough Code, regarding Soil and Soil Removal and Shade Trees are inappropriately placed as they are not zoning issues; and

WHEREAS, Articles XIII and XIV of Chapter 92 were previously placed in the Borough Code as Chapters XXXII and XXIII respectively; and

WHEREAS, pursuant to Ordinance 13-2005, these Chapters were moved into Chapter 92; and

WHEREAS, the Mayor and Borough Council now desire to recodify Articles XIII and XIV of Chapter 92 as Chapters XXXII and XXIII respectively in accordance with the recommendation of the Ordinance Review Committee.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Bloomingtondale, in the County of Passaic and State of New Jersey, as follows:

SECTION 1. Chapter 92, "Zoning," Article XIII, "Soil and Soil Removal," of the Code of Borough of Bloomingtondale is hereby recodified in its entirety as Chapter XXXII, "Soil and Soil Removal," of the Borough Code as follows:

Chapter XXXII Soil and Soil Removal

Article I. Soil conservation.

§ 32-1.1. Findings; determinations.

According to the Soil Conservation Service, United States Department of Agriculture, soils with a slope of fifteen percent (15%) or greater invariably involve severe limitations to development, including but not limited to building and road construction and septic effluent disposal. Moreover, it is found that the removal of vegetation and disturbance of soils on steep slopes by excavation and fill will increase runoff and result in soil erosion and siltation, with the resultant pollution of streams, as well as the potential danger of flooding and water drainage, thereby having the potential of endangering public and private life; that this condition is aggravated by soil disturbance, construction and development on these slopes, which create an additional hazard to the lives and property of those dwelling on the slopes below them; and that the most appropriate method of alleviating such conditions is through the regulation of such vegetation and soil disturbances, construction and development. It is therefore determined that the special and paramount public interest in these slopes justifies the regulation of property

Engineers typically promise to control runoff by using engineered “solutions”. But, if these engineering promises were always valid, there would never be a need for a steep slope ordinance.

ORDINANCE 34-2013
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

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Wise communities know that when these promises fail, it often happens in extreme conditions. Then – look out! Local residents and resources pay the price.



Stormwater system failure at a quarry in Ringwood. Silt and runoff pour into the West Brook.

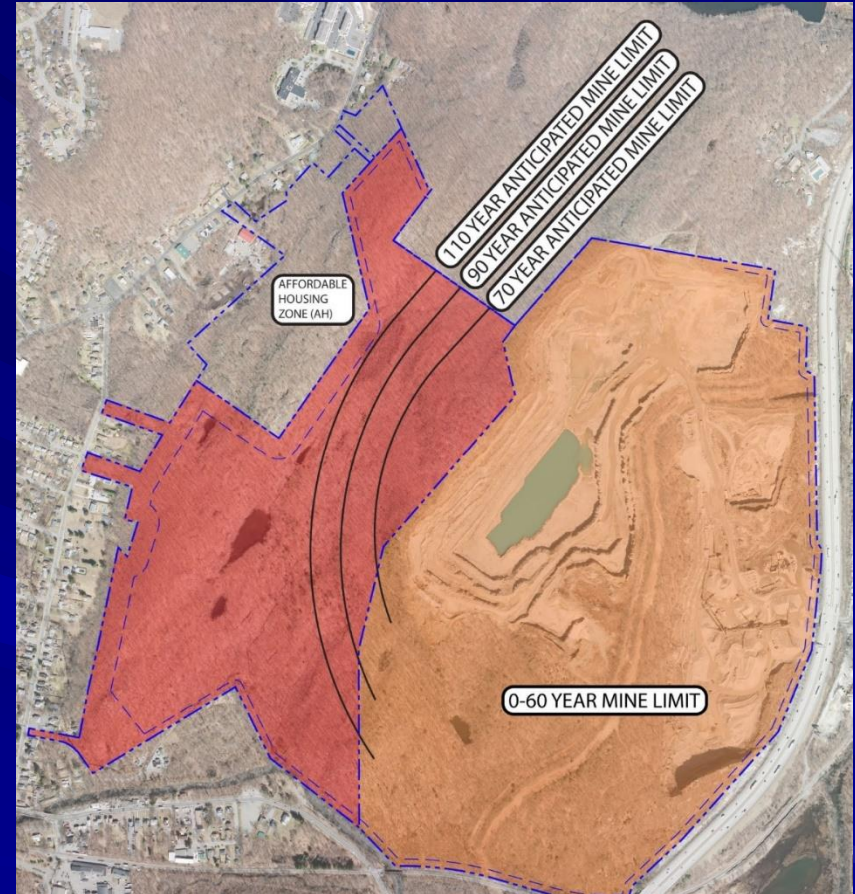


Rock slide closes entry road in Enclave at Riverdale. A resident said “Somebody had to approve that wall.” Somebody did! An engineer!

Remember that Tilcon has over 75 violations in New Jersey over the last 5 years for failing to meet state requirements.



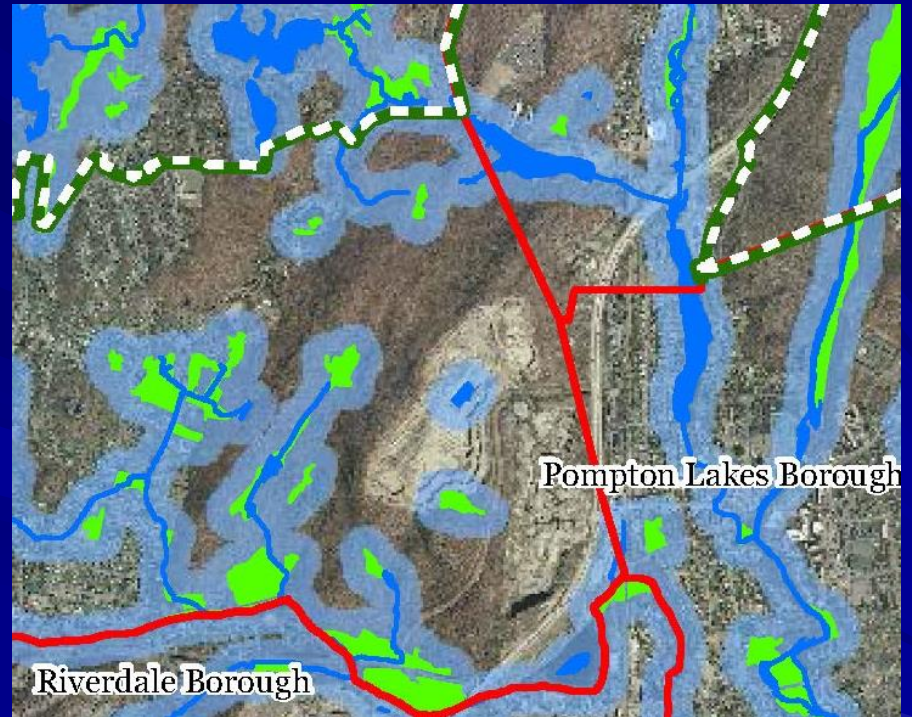
Also, Tilcon has admitted that the extent of the new quarry, and the timeline for it, are unknown. How can we begin to evaluate this when we don't have specifics on what land will be quarried, and when? Any engineering or flooding report produced without this data, is of little value.



Economics

Taxes and land values are not environmental issues. Why did PRC consider them?

The argument is being made that economic gains will outweigh environmental losses. Will they? We need to know!



Taxes and the Highlands

We are told that development restrictions from the Highlands Act caused taxes to spiral up in Bloomingdale, spurring interest in this rezoning.

Is this true? **No!**

The effective tax rate actually dropped in 2004, when the Highlands Act became law, and continued to drop until 2009. These are the same type of changes we see in Haledon, which has no lands in the Highlands.

Year	Bloomingdale Effective Tax Rate	Haledon Effective Tax Rate
2002	3.11	3.22
2003	2.93	3.13
2004	2.75	2.97
2005	2.51	2.78
2006	2.409	2.695
2007	2.335	2.480
2008	2.326	2.415
2009	2.426	2.485
2010	2.618	2.783
2011	2.863	3.050
2012	3.345	3.292
2013	3.502	3.577
2014	3.689	3.959

Source : NJ Division of Taxation

Relevant Studies:

PRC looked at the Stoneco study from Richland, Michigan for an important reason. It closely examined the relationship between the distance from homes to a quarry and the impact on home values. They found a 10% reduction in value for homes up to a mile away. And, the closer the homes, the greater the impact.

**An Assessment of the Economic Impact of the
Proposed Stoneco Gravel Mine Operation on
Richland Township**

August 15, 2006

George A. Erickcek
Senior Regional Analyst
W.E. Upjohn Institute for Employment Research

It isn't just Michigan!

A recent court decision in NJ (Warren Township vs. Suffness) recognized the impact of a quarry. The court found that homes were affected by the noise and dust from a nearby quarry operation, and the damage from quarry blasting.

In a tax appeal, the court accepted a 25% reduction in the home values due to the quarry.

Therefore, if Tilcon's quarry is expanded, this has to mean a greater impact on nearby homes. It also means that more homes will be within the impacted area.

How might this change home values?

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Do the math!

From our estimation, at least 300 homes are within a mile of the existing Tilcon quarry. With an average price of \$350,000 and a reduction in value of just 10% from quarry expansion, the potential loss could total more than \$10,000,000.

**An Assessment of the Economic Impact of the
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August 15, 2006

George A. Erickcek
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Is the Stoneco Study accurate?

We compared the sale price for 4 similar houses in Pompton Lakes. 2 were within $\frac{1}{4}$ mile of the quarry. 2 were $\frac{3}{4}$ of a mile from the quarry. All were 3-bedroom, with $1\frac{1}{2}$ -2 baths. The Stoneco study predicted a decrease in value of 13% for the homes closer to the quarry. The actual decrease was 12%. This is NOT definitive, but common sense tells us a nearby quarry (or quarry zoning) is a poor selling point.

119 Legion St.



16 Adrian St.



419 Montclair Ave



472 Montclair Ave

The Latest and Greatest?

Tilcon and Bloomingdale gave the consulting firm of Burgis Associates a daunting task - produce a re-examination report for the Bloomingdale Master Plan that shows the Meer Tract (and Bloomingdale) would benefit from an expanded quarry. Not easy!

PERIODIC REEXAMINATION OF MASTER PLAN

MEER TRACT AND TILCON QUARRY
BLOCK 105 LOTS 14 & 84

BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY

Prepared for Bloomingdale Planning Board
BA# 2906.03
Revised 6/4/14
4/29/2014



First, there is a long list of reports and documents stretching from 1989 to 2013, produced by Bloomingdale, showing the environmental sensitivity of Federal Hill and Bloomingdale's efforts to protect it. How to get around this?

Answer: Separate the Meer Tract from Federal Hill!

For example, the reexamination report states “***The Meer Tract adjoins preserved lands known as Federal Hill***”. It also says “***The Quarry and Meer Tracts are connected to an area known as Federal Hill.***” These statements suggest that Federal Hill, the quarry, and the Meer Tract are all different things. But they’re not!

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Remember when we asked what is “Federal Hill”?

As noted , this information was in the 2009
“Highlands Initial Assessment Report”:

*“... a 180-acre portion of the 450-acre
Federal Hill tract (Meer Bloomingdale
Estates) received Superior Court
mandated development approval...”*

Clearly, the 180-acre Meer Tract is a
“...portion of the 450-acre Federal Hill
tract...”. And there is no way to arrive at a
total of 450 acres without including part of
the existing quarry and additional
preserved land.

Incredibly, the 2009 report and the 2014
reexamination report that contradicts it,
were both produced by Burgis Associates,
but say different things. Whoops!



BURGIS ASSOCIATES, INC.

COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS

25 Westwood Avenue
Westwood, New Jersey 07675
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e-mail: jhb@burgis.com

Community Planning
Land Development and Design
Landscape Architecture

HIGHLANDS INITIAL ASSESSMENT REPORT

BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF BLOOMINGDALE PLANNING BOARD AND BOROUGH COUNCIL
BA#2235.01

September 18, 2009

Affordable Housing

The reexamination report might also attempt to show that the rezoning would help to create affordable housing. It tried!

The report states “***The site is included in a 2013 Court Order to permit an expansion of quarry related uses in order to facilitate the development of affordable housing on the Meer Tract.***”

But this is not correct. The court order says only that the court does not consider the rezoning “inconsistent” with creation of affordable housing. It does not say it will “facilitate” this creation. Whoops again!

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PASSAIC COUNTY, NEW JERSEY

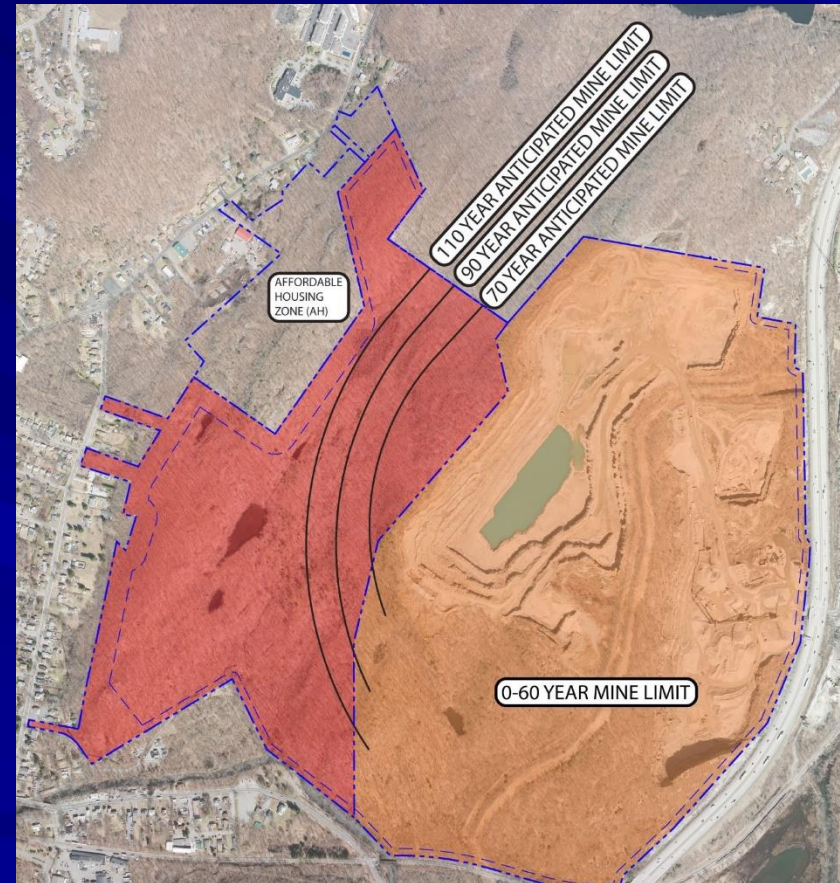
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Affordable Housing Development: Location, Location, Location

Currently, the 32 acre parcel authorized for townhouses is surrounded by 148 acres of required open space, providing a buffer between this residential property and land zoned for the existing quarry.

However, if all the land surrounding the townhouses is rezoned for a quarry, and the quarry advances to within two hundred feet, how will this make it more attractive for development?



Support From Other Plans?

The reexamination report also tries to align the rezoning with other Borough plans. For example, it states that “...*the borough’s 2013 Open Space Plan notes that sufficient open space has been acquired in Federal Hill...*”

Yet, nowhere does the Open Space Plan say this. In fact, a tract of land on Federal Hill currently owned by Tilcon is shown on several exhibits in the Open Space Plan as “potential open space”.

Whoops #3!

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MEER TRACT AND TILCON QUARRY
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PASSAIC COUNTY, NEW JERSEY

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Could more land be preserved on Federal Hill ?

The reexamination report states in several places that, according to the Open Space Plan, “...**preservation of the Meer and Quarry tracts is not feasible.**” But, nowhere in the Open Space Plan is this stated.

Instead, the development ordinance for the Meer Tract **REQUIRES** that 148 acres (82%) be set aside as open space. If 148 acres will be preserved as open space by ordinance, how can it be that preservation “is not feasible”?

PERIODIC REEXAMINATION OF MASTER PLAN

MEER TRACT AND TILCON QUARRY
BLOCK 105 LOTS 14 & 84

BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY

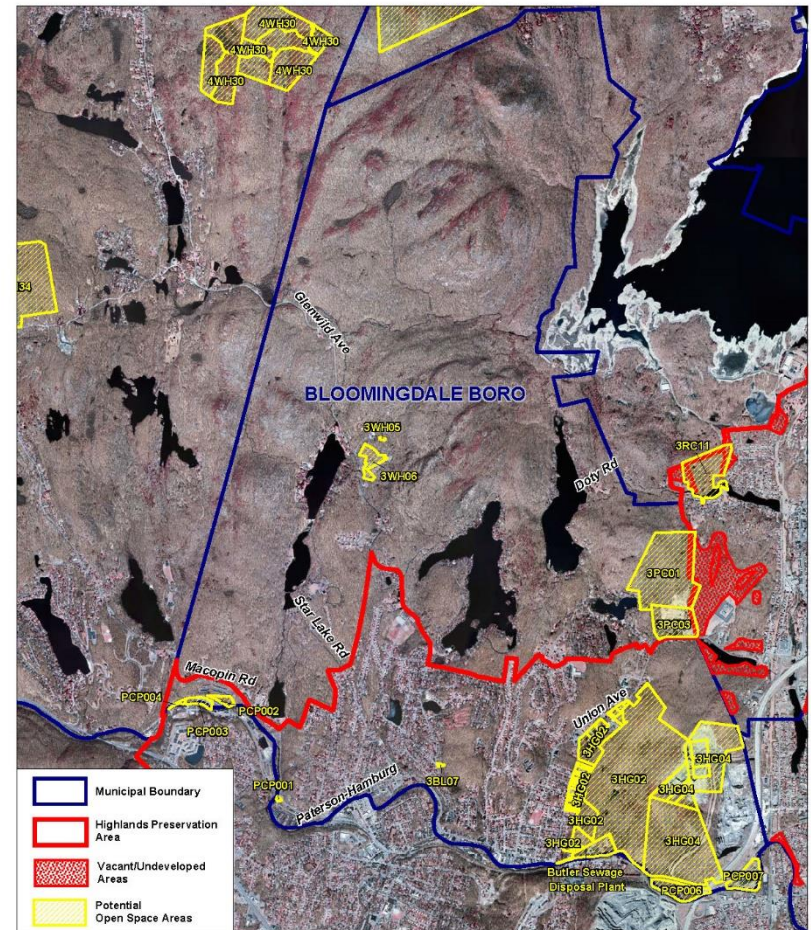
Prepared for Bloomingdale Planning Board
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Could more land be preserved on Federal Hill ?

In addition, the quarry and the Meer property are listed as potential acquisitions for open space by Passaic County.

Whoops #4!



COUNTY OF PASSAIC

Passaic County Planning Department

P:\PROJECTS\Open_Space_Master_Plan\Workspaces\OS_Briefing_Books\Bloomingdale\OS_Potential_Blm.wor

Potential Developable
Open Space Areas
Borough of Bloomingdale

Ignoring data

We are astounded that the reexamination ignores all the material developed by Bloomingdale for Highlands compliance. It is never even mentioned in the reexamination, although it provides the most recent, extensive, and relevant information concerning Federal Hill and its natural resources.

WHY?

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The reexamination also ignores the resolution adopted by Bloomingdale to seek Highlands compliance, and the steep slope ordinance they adopted less than 2 years ago, which this rezoning will violate.

Again - WHY?

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Master Plan Requirements

Any Master Plan or Master Plan revision must consider the realities of the land. By ignoring the latest relevant information, and Bloomingdale's protective ordinances, and by promoting destruction of environmentally critical areas, this one does not!

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Finally, what about the Highlands?

Bloomingtondale has taken \$65,000 from the state of New Jersey to be used in complying with the Highlands Regional Master Plan, and adopted a resolution stating it was “...*in the best interest of Bloomingtondale to conform to the Regional Master Plan...*” .

The proposed rezoning is directly in opposition to that process.

Has Bloomingtondale wasted this taxpayer funding and ignored their own resolution? How do they plan to make this right?



DRAFT APPROVED BY THE HIGHLANDS COUNCIL

Borough of Bloomingtondale Highlands Master Plan Element

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

September
2011

Note to Preparer: For purposes of adoption, this cover page should be replaced in its entirety by one using the municipality's logo, formatting, etc.

Summary

- Bloomingdale has a long history of trying to protect Federal Hill.
- An extensive list of documents and reports, created by Bloomingdale, establish the environmental sensitivity of Federal Hill.
- This sensitivity is confirmed by the Highlands Council, but ignored in the Borough's Master Plan reexamination.
- The existing zoning promotes protection by increasing open space and limiting development to the extent practical.

Summary (continued)

- Studies suggest that home values will be reduced in the area by expansion of the quarry.
- Flooding is already a major issue next to Federal Hill. How will converting forest to a quarry there improve that?
- Current borough ordinances do not seem to offer much protection. New ordinances designed to control the quarry are likely to have the same problems.
- How will surrounding the COAH development site with a quarry promote affordable housing?

Summary (continued)

- Bloomingdale has taken taxpayer funds to comply with the Highlands Act. Now what?
- Bloomingdale has invested heavily in open space on Federal Hill. Adjacent disturbance will sacrifice the values these lands were intended to protect.
- The Periodic Reexamination of the Master Plan has major flaws. These must be fixed!
- The quarry expansion seems unlikely to follow the path shown by Tilcon.

Summary (continued)

- Almost no concrete data has been offered on community benefits, costs, the extent of the new quarry, or timelines for the expansion. Yet, we are charging forward blindly with engineering reports, court decisions and Master Plan changes. Why?

Suggestions:

Isn't it time for a real dialogue that explores alternatives?

- Instead of extending the quarry's coverage and lifespan, one alternative would be to end the quarry operation as soon as possible. This would avoid more damage to environmental resources, expand open space, reduce the probability of increased flooding, and provide Bloomingdale with 260 acres of developable land.



Map source: Tilcon

Suggestions:

- A new road linking the quarry to Rt. 287 through Wanaque is now under consideration. With this better access to Rt. 287 and much of the land modification in the existing quarry already accomplished, using a small part of the existing quarry as a site for affordable housing offers a better option than the current Tilcon proposal.
- The rest of the quarry could be used as commercial property and some even as open space. There is no need to sacrifice additional sensitive land.



Map source: Tilcon

- Bloomingdale could stay on track with Highlands Act compliance, preserve the integrity of their past reports, studies, ordinances, and resolutions, and prevent any loss of home value for their citizens. A win-win!

Sources of information

Bloomington Natural Resource Inventory, 1989

available as a printed document in the Bloomington Municipal Building, 101 Hamburg Turnpike, Bloomington NJ 07403

NJ State Development and Redevelopment Plan

<http://www.nj.gov/state/planning/docs/stateplan030101d.pdf>

Highlands Act, 2004

http://www.highlands.state.nj.us/njhighlands/actmaps/act/highlands_bill.pdf

Bloomington letter to Highlands Council, 2007

http://www.highlands.state.nj.us/master/draft_plan_comments/10807.pdf

Bloomington Ordinance 92-61 "AH Affordable Housing Zone.", 2007 (amended 2011)

<http://clerkshq.com/default.aspx?clientsite=Bloomington-nj>

Highlands Regional Master Plan, 2008

<http://www.highlands.state.nj.us/njhighlands/master/>

Sources of information

Bloomingdale Highlands Initial Assessment Report, 2009

http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingdale/bloomingdale_iagr.pdf

Bloomingdale Adopted Housing Element and Fair Share Plan, 2010

http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingdale/3_Bloomingdale_Adopted_Housing_Element_and_Fair_Share_Plan.pdf

Bloomingdale Resolution 2011-11.11, 2011

http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingdale/bloomingdale_noi.pdf

Bloomingdale Highlands Environmental Resource Inventory, 2011

http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingdale/4_Bloomingdale_Highlands_ERI_Sept2011.pdf

Bloomingdale Highlands Master Plan Element, 2011

http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingdale/5_Bloomingdale_Highlands_Master_Plan_Element_Sept2011.pdf

Sources of information

Bloomingtondale Highlands Area Land Use Ordinance, 2011

http://www.highlands.state.nj.us/njhighlands/passaic_county/bloomingtondale/6_Bloomingtondale_Highlands_Land_Use_Ordinance_Sept2011.pdf

Bloomingtondale Open Space Master Plan Revision, 2013

available as a printed document in the Bloomingtondale Municipal Building, 101 Hamburg Turnpike, Bloomingtondale NJ 07403

Stoneco Gravel Mine Report

<http://lamoine.org/wp-content/uploads/2014/07/STONECO-GRAVEL-MINE-ECONOMIC-IMPACT.pdf>

Passaic County Open Space Master Plan

<http://www.passaiccountynj.org/index.aspx?nid=296>