



## State of New Jersey

Highlands Water Protection and Planning Council  
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**LISA J. PLEVIN**  
*Executive Director*

June 29, 2021

**VIA EMAIL ONLY:**

Mary Jo Wood, Planning Board Secretary  
Township of Mahwah  
475 Corporate Drive  
Mahwah, New Jersey 07430

Douglas Bartels, P.E.  
Russo Applications, LLC  
570 Commerce Blvd.  
Carlstadt, New Jersey 07072

Re: Consistency Determination #CD21-02766  
1000 MacArthur Boulevard (Block 165.01 Lot 65)  
Township of Mahwah, Bergen County  
**Finding: Consistent Subject to Specified Conditions**

Dear Ms. Wood and Mr. Bartels,

The Highlands Council is in receipt of the above-referenced application for a Consistency Determination. The application was received by the Highlands Council on June 1, 2021. The proposed project, located in the Existing Community Zone of the Planning Area of the Township of Mahwah, consists of the demolition of an existing office site to allow for construction of a warehouse/storage facility, ancillary parking, and stormwater facilities.

Highlands Council staff has completed the review of the proposed project for consistency with the Highlands Act, the Regional Master Plan, and the Highlands Council Project Review Procedures and Standards. Attached please find our Consistency Determination, which finds that the project is "Consistent Subject to Specified Conditions." Please be advised that Highlands Council conditions shall be incorporated into any action taken by the Planning Board regarding this project; however, the Planning Board may modify the wording of condition(s), as long as the spirit and intent of the condition(s) remains. Final planning documents must include all required design modifications and/or provide other appropriate information as to the mechanisms by which all Highlands Council conditions will be satisfied.

Should you have any questions regarding this Consistency Determination, please do not hesitate to contact Keri Green, Science Manager, at [keri.green@highlands.nj.gov](mailto:keri.green@highlands.nj.gov) or 908-879-6737 ext.112.

Sincerely,



Lisa J. Plevin  
Executive Director

Enclosure

c: Jeremiah J. Crean, Planning Board Chair  
Mike Kelly, Township Engineer

1000 MacArthur Boulevard  
 Proposed Industrial Development  
 Block 165.01 Lot 65  
 Mahwah, Bergen County

**Applicant:** Douglas Bartels, P.E.  
 Russo Applications, LLC.  
 570 Commerce Blvd.  
 Carlstadt, NJ 07072

#### PROJECT INFORMATION

Highlands LUCZ:	Existing Community Zone (ECZ)	ECZ-Env. Constrained Sub-zone	Highlands Area: Planning Area
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**Project Summary:** This project will entail the re-development of the parcel with an approximate 208,345 square foot warehouse facility. The site will also contain related site amenities and improvements inclusive of parking, access roadways, lighting, landscaping, utilities, and stormwater management/green infrastructure facilities.

Information Received: **June 1, 2021**

- One (1) completed copy of the Highlands Referral Ordinance Application.
- One (1) completed copy of the Township of Mahwah Development Application with supporting checklists, and proof of application & escrow fees.
- One (1) signed and sealed copy of the *Preliminary & Final Site Plan* documents, prepared by Bohler Engineering NJ, LLC, dated May 27, 2021.
- One (1) signed and sealed copy of the *ALTA/NSPS Land Title Survey*, prepared by Control Point Associates, Inc., dated March 10, 2021, last revised April 2, 2021.
- One (1) copy of the *Floor Plan & Building Elevations*, prepared by Russo Acquisitions, LLC, dated May 19, 2021.
- One (1) signed and sealed copy of the *Stormwater Management Report*, prepared by Bohler Engineering NJ, LLC, dated May 2021.
- One (1) signed and sealed copy of the *Green Infrastructure Exhibit*, prepared by Bohler Engineering NJ, LLC, dated May 27, 2021.
- One (1) signed and sealed copy of the *Traffic Impact Study*, prepared by Atlantic Traffic & Design, dated May 27, 2021.
- One (1) signed and sealed copy of the *Environmental Impact Statement*, prepared by Bohler Engineering NJ, LLC, dated May 2021
- One (1) copy of the *Variance & Waiver List*, prepared by Bohler Engineering NJ, LLC, dated May 2021.
- One (1) shapefile showing the limits of disturbance.
- One (1) shapefile showing the full extent of proposed development.
- One (1) shapefile indicating the existing parcel boundary

**Note:** A site visit was conducted by Highlands Council staff on June 17, 2021.

**Finding: Consistent with conditions.**

## PROJECT REVIEW

### Highlands Resources:

- A. Total Forest Area: This parcel contains 4.65 acres that is mapped by the Highlands Council as Total Forest Area. The forest integrity score for the HUC14 subwatershed in which the property is located is mapped as High but the parcel does not lie in the Forest Resource Area. The property lies within the Existing Community Zone (ECZ) and partially within the Environmentally Constrained Sub-zone of the ECZ where limited forest removal is permitted in the Planning Area.
- B. Critical Habitat: Highlands Council mapping indicates that portions of this parcel contain critical habitat for Red-shouldered Hawk (species of special concern) and Timber Rattlesnake (State endangered). A site inspection, conducted on June 17, 2021, determined that it would be highly unlikely that Red-shouldered Hawk and Timber Rattlesnake would utilize this property. Surrounding human disturbance, fragmentation, and patch size are the contributing factors to this determination.
- C. Utilities: The contractor will locate and utilize the existing sewer service connection, existing water service connection, and existing gas service connection, if feasible. This parcel is served by the Mahwah Water Department. Sewer service is provided by the Northwest Bergen County Utilities Authority.

### Stormwater Review:

The stormwater management design generally maintains existing drainage patterns. Three (3) small-scale aboveground infiltration basins with pre-treatment for basin inflow provided by Cascade units providing 80% TSS removal are proposed. In addition, the applicant is proposing the installation of three (3) small-scale underground infiltration basins with pre-treatment using intake grates for two of the basins and Filterra HC units (MTD) providing pre-treatment for the 3rd basin with 80% TSS removal. The infiltration basins have been designed to fully infiltrate the water quality design storm into the subsoil. All small-scale above-ground and underground infiltration basins as well as the Filterra units are considered green infrastructure (GI) practices. A grass swale is also proposed along the edge of the proposed truck loading area. The existing detention basin in the southwest corner of the site is proposed to be reshaped and rehabilitated to a functioning facility. The applicant provided a GI exhibit illustrating the incorporation of GI practices for stormwater management onsite. Stormwater ultimately discharges from the site at two locations. POI #1 discharges to the Township system in MacArthur Blvd (SW corner of the site). POI #2 is an existing man-made ditch that conveys existing flows on the eastern side of the southern property (Dial America), before reaching a piped conveyance system traveling south (to the next few parcels) where it ultimately discharges to a stormwater basin (open space). The proposed stormwater management design meets water quality, peak runoff rate reduction and groundwater recharge requirements with the incorporation of GI practices.

## CONDITIONS

**Specified Conditions:** The Planning Board shall incorporate the following conditions into any Planning Board resolution.

**Condition #1:** A copy of the Stormwater Facilities Operation and Maintenance Plan for the site shall be provided to the Highlands Council for review. The applicant shall also provide a completed Low Impact Development Checklist. (Refer to Appendix A of the *New Jersey Stormwater Best Management Practices Manual*.)

**Basis for Condition:** Stormwater facilities must be properly operated and maintained for them to function as designed.

*Highlands Council Project Review Standards, Section 5.4 Stormwater Management and Section 5.2 Low Impact Development.*

**Condition #2:** In addition to plantings proposed for GI as well as general landscaping, efforts to eradicate existing invasive species such as tree of heaven, garlic mustard, phragmites, oriental bittersweet, and invasive grapevine as noted during the Highlands staff site visit, shall be incorporated into the Landscape Plan.

**Basis for Condition:**

*RMP Site Design and Development Guidelines: A landscape plan shall be submitted with each project which incorporates native, drought-tolerant, disease-resistant plant species and does not include invasive plant species. Natural landscaping shall be considered for use when feasible.*

*Non-native and invasive species disrupt local ecosystems and can prevent regeneration of indigenous plant species. Use of native, drought-tolerant species should minimize watering needs while increasing chances of achieving hardier, longer-lasting landscaping elements, by taking advantage of plant adaptations to local conditions including climate, soils, insects, fauna, etc.*

**Condition #3:** The forested areas to remain on the property shall be protected from damage during construction through standard site preparation activities. Large diameter, mature trees such as white pines, willow, sycamore, maple, tulip poplar, and white oak noted during the Highlands Staff site visit shall be retained on site, as applicable. The planting schedule shall be revised to reduce the number of Norway Spruce and increase the number of native evergreen species proposed. A revised conservation easement shall be drafted to provide protection for the portions of the property to remain undeveloped. A copy of the easement shall be forwarded to the Highlands Council upon filing.

**Basis for Condition:**

*RMP Objective 1B5: To ensure that forest resources are protected on a site-specific basis during local development review and Highlands Project Review.*

*Retention of existing established vegetation on the site, particularly including mature trees, is important to assisting in stormwater uptake, reduction of surface run-off, and prevention of soil erosion.*

## CONDITIONS (Cont'd)

**Condition #4:** Provide post-construction photo documentation showing approved installed green stormwater infrastructure and landscaping features. Copies of the final approved site plans (one digital copy) and approving resolution must be submitted to the Highlands Council.

**Basis for Condition:** As required under the Mahwah Township Highlands Checklist Ordinance (Ordinance #1706, adopted April 26, 2012) amending submission requirements for applications for development, no Application for Development may be considered by the Township land use board until the project has been deemed consistent by the Highlands Council. The Highlands Council seeks to ensure that any conditions placed on a finding of consistency are properly incorporated into the local approval process, and if/when such projects are approved by the local board, that all relevant conditions are addressed.

*Highlands Area Land Use Ordinance, Article 9 Application Review Procedures & Requirements*