



# NEW JERSEY HIGHLANDS COALITION

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### Re: Comments on the Highlands Council Staff Recommendation Report – Highlands Redevelopment Area (Amended Application) Phillipsburg – Lopatcong and Pohatcong Townships

August 30, 2024

The Highlands Council Staff's Draft Recommendation Report for the Amended Application for a Highlands Redevelopment Area Designation for the Phillipsburg Mall, states that, "*The Highlands Council considers the loss of farmland and important farmland soil resources as a cumulative and growing problem in the Region, regardless of the location.*" Yet despite this recognition of the problem of diminishing prime farmland, which is a "*cumulative and growing problem in the region*" and reflects one of the fundamental goals of the Highlands Act and the Highlands Regional Master Plan (RMP) to preserve farmland, the Highlands Council's staff recommendation is to take a 57.2 active farm parcel out of agricultural production to develop a warehouse.

The Staff's finding of consistency with the resource protection and Smart Growth standards of the RMP and with the intent and purpose of the Highlands Act are glaring in their level of contradiction. Staff intones in the Report RMP Goal 6J, "*Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields and underutilized sites.*" The farm field in question is neither previously disturbed, a brownfield, nor a grayfield. Staff states that "*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.*" The conversion of a 57.3 actively farmed parcel to a warehouse is in such clear conflict with these stated Smart Growth principles that it borders on the surreal and the absurd to claim consistency with them. The report goes on to state that, "*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 maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment.*" They must be discussing a different project here, because if they are discussing the subject Block 102 Lot 9 in Lopatcong Township, nothing could be farther from the truth.

Although mitigation is required in the future when the warehouse site plan is reviewed, no amount of mitigation can justify the extent of the loss of Highlands

resources that are sacrificed to make way for this project. Nor is the standard hierarchy of to first avoid, then minimize, and lastly mitigate, even suggested that it was followed.

It also should be noted that the required mitigation will be enforced during the Highlands Council review of the site plan, as Lopatcong Township is a Highlands conformed municipality via the Highland referral ordinance. There is no public participation when the site plan is reviewed by the Highlands Council, as there is when the substantive review takes place at the municipal land use board. If the Highlands Council staff gives away the store, as it has with this recommendation report, it is difficult to imagine what a powerful, politically connected applicant can get away with without any public scrutiny.

The farm in question is mapped as in the Highlands **Agricultural Resource Area**, which is defined in the RMP as: *“Agricultural landscapes that include areas with 250 acres or more of contiguous farmland; farms that include Important Farmland Soils; lands adjoining a farm that are in agricultural use; and concentrations of preserved farmland.”*

In addition, the parcel is mapped as a **High Priority** farm unit for preservation, the indicators for which are described as: *“The Highlands Council utilized the results of the agricultural resource assessment to identify those lands within the Highlands Region which have the highest agricultural resource values. Working in coordination with the New Jersey Department of Agriculture (NJDA) and the State Agriculture Development Committee (SADC), seven indicators are used to determine Agricultural Priority Areas (APA). The seven indicators used to determine the APA are: Agricultural Resource Area; Important Farmland Soils, Undeveloped; Preserved Farms; Agricultural Landscapes Greater than 250ac; Agricultural land uses greater than 10ac; Parcels 50% or Greater Prime Soils; and Parcels within a Quarter Mile Proximity to Preserved Farms”.*

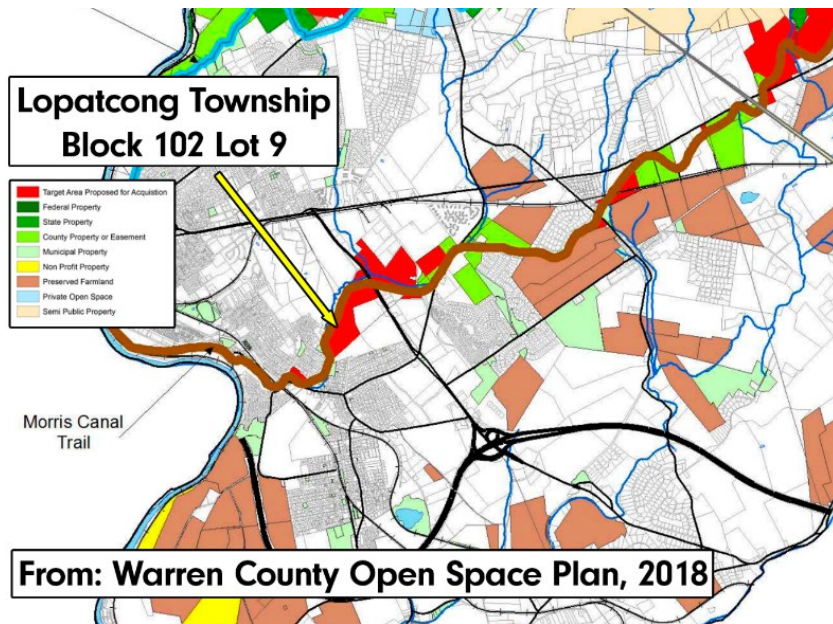
The RMP Policy for the Agricultural Resource Area, Policy 3A4 states: *“To promote farmland preservation and limit non-agricultural uses within the Agricultural Resource Areas (ARA) and accord priority to the preservation of agricultural lands within Agricultural Priority Areas, through fee simple acquisition, easement acquisition, TDR, and other agricultural land conservation techniques”.*

The RMP Project Review Standards for the Agricultural Resource Area are: *“The RMP limits non-agricultural uses within the Agricultural Resource Area to those uses that support the preservation of farmland, avoid conflicts with agriculture, maintain, and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP. The RMP requires that cluster or conservation design development proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.”*

The staff blithely dismisses the high-quality agricultural resources of the parcel and ignores the Smart Growth principles of the RMP because the applicant merely states that “the parcel does not qualify for farmland preservation funding and argues that its value as farmland is diminished by its isolation from other farmlands.

In fact, the subject farm field is less than half a mile from almost 8,000 acres of continuous farm fields, many of which are preserved farms and part of the largest confluence of farmland within the Highlands Agricultural Resource Area, approximately 320,000 acres in size.

In further contradiction of the applicant's claim, the subject farm field is shown in Warren County's latest adopted Open Space Plan, from 2018, as a Tier 1 property for acquisition.



We understand the political clout the principals behind this project wield throughout the State. We expect that pressure to approve this project was brought to bear on a Highlands Council staff and others who are not in a position to ignore that political influence. But nor can we ignore the extent that the good faith and dedication many of us have put into the institutions and regulations we have fought to have adopted to protect our health, safety, welfare and quality of life, only to see that for a powerful few, they get exempted from the rules the rest of us are required to follow.

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