

To: Ben Spinelli, Executive Director, NJ Highlands Council

From: Mike King, Chairperson, Phillipsburg Riverview Organization (PRO)

CC: Julia Somers and Elliott Ruga of NJ Highlands Coalition, Corey Tierney of Warren County Land Preservation, John Kecherson, Bill Wolfe, SueAnn Williams, Barry Glassman

Re: Plan Conformance Highlands Redevelopment Area in a Designated Highlands Conservation Zone / Lopatcong/ Pohatcong Townships

Dear Mr Spinelli

Let's imagine observing this Highlands Conservation Zone in ten or twenty or even fifty years from 2026.

There will be a sign at the main entrance:

YOU ARE ENTERING:

a designated

HIGHLANDS CONSERVATION ZONE Lopatcong/Pohatcong Townships, Warren County

The entrance sign continues:

This designated Conservation Zone is representative of the New Jersey Highlands part of the Reading Prong which extends from Reading Pa through New Jersey and New York to southern Connecticut

Back to the reality of 2026: The ratable chase of Lopatcong and Pohatcong Townships is employing every tool to develop every parcel in the Planning Area of the Highlands. This chase is relentless and on going. The prospect of any land remaining undeveloped in the local Highlands Planning Area are small except for some privately owned preserved farmland. Lopatcong Township has many millions of square feet of warehouses and so the public supported stripping warehouses as an allowed use from the Township's planning

documents. Despite this, the Township Council deemed the Old Phillipsburg Mall to be an area of in need of Redevelopment which resulted in approval of a nearly 900,000 sq ft warehouse by Lopatcong and Pohatcong Townships

I asked Bill Wolfe for his thoughts as he was involved in the passage of the Highlands Act and he shared the following:

"This Highlands Redevelopment Area application goes to the heart of the role of the Highlands Council.

As a political compromise to get the bill enacted that had nothing to do with science, sound regional planning, or public policy, unfortunately the Highlands Act does not provide regulatory authority in the planning area and defers to local land use decisions, e.g. "voluntary conformance".

The Highlands Council's role in the planning area is limited to support for sound planning that is consistent with the goals of the Highlands Act via voluntary planning assistance and technical support.

While the Council's regulatory role is limited in the planning area and the Council is directed to support local planning, the Highlands Act did NOT authorize or direct the Council to initiate or support reckless or poor local land use planning that conflicts with the goals of the Act.

In this case, the record clearly shows, as acknowledged in the Staff Report, that the Council improperly initiated, crafted, and supported poor land use planning.

Specifically, the staff report admits:

"The RMP does not support extension of water/sewer service in the Conservation Zone or any of the environmentally constrained sub-zones (rear property). The service extension would only be permissible for the proposed warehouse with the approval of the Highlands Redevelopment Area."

The staff report then openly admits that in order to overcome this legal restriction on extension of water/sewer, the Council "recommended" inclusion of developed land to qualify the application to comply with the impervious surface standards:

"The Township originally submitted a Highlands Center designation proposal including these properties. After a review of the proposal by the Plan Conformance Committee on October 5, 2023, it was recommended that the Townships amend the center petition to remove these properties and instead submit a Highlands Redevelopment Area application. This recommendation was based on the proposed redevelopment of the Phillipsburg Mall property and the lack of comprehensive center-based planning that the finding for a consistent Highlands Center would require."

"The Phillipsburg Mall redevelopment project is exempt from the Highlands Act and has received all local approvals. It is included in the application to reach the necessary impervious surface calculations to qualify the rear area as a Highlands Redevelopment Area."

The Council's role was totally inappropriate in this case and betrayed the promise of the Highland Act and Regional Master Plan.

End of Bill Wolfe's input

The local State Senator from Lopatcong Township used his political clout to intervene with Pohatcong elected officials to allow its part of the old P'burg Mall to be used to reach 70% impermeable surface as required by such an application. The short excerpt below from a Highlands Council RMP Addendum 2019-1 shows that this scheme is inappropriate based on the fact:

“that the proposed redevelopment is not focused in previously disturbed areas, may disturb Highlands Resources, and/or would promote new development incompatible with the goals of the Highlands Act and the RMP.”

The focus of this Highland Redevelopment Area application is on previously undisturbed farmland and it promotes new development incompatible with the goals of the Highlands Act.

The Phillipsburg Mall property has already been designated as an Area in Need of Redevelopment by Lopatcong and Pohatcong and a mammoth warehouse has already been approved and obviously is not the focus of this application. Why bend the rules to facilitate development of this designated Highlands Conservation Zone?

As the population growth in southern Warren County continues to boom, the area around this designated Highlands Conservation Zone will be developed. One example: Pohatcong’s affordable housing obligation with hundreds of units is approved for the Huntington neighborhood of Pohatcong immediately adjacent to this Highlands Conservation Zone.

Looking into the future: This Highlands Conservation Zone will be a rare extant vestige of the Highlands in its natural state and agricultural use in the local Highlands Planning Area where most of the people live and work. It combines the 17 acre forested Category 1 Lopatcong Creek riparian corridor with forty acres of the highest quality agricultural lands. The riparian corridor C 1 status grants it protection from further development according to New Jersey law.

Therefore, the Highlands Council staff report focus is the development of forty acres of farmland. It uses dismissive language as if it were not a very valuable resource. Indeed, the underpinning premise used by Council staff in the report is that this is low value and isolated farmland. This premise has been shown to be false in many comments from the public and notably from the Highlands Coalition’s Elliot Ruga. Yet, despite this, the Council staff issued the same report again without seriously addressing the charges brought against the validity of this premise.

I do recall seeing a smattering of response comments but hardly an answer to the tough questions. Instead it was a tool to greenlight passed the environmental impacts if this application is brought to fruition. The same specious foundational arguments, such as supposedly isolated and unpreservable farmland, were again presented with no recognition of their being void of sound rationale and correctness.

The Highlands Council staff report is oddly one sided in favor of the Highlands Redevelopment Area application while glossing over the loss of considerable Highlands resources and minimizing the considerable impacts. Why is this? Doesn't seem appropriate or legal to devalue lands designated as a Highlands Conservation Zone and gloss over myriad impacts

The other premise in the Highlands staff report:

The land cannot be preserved (because of a lack of funding as explained to me by Ms Gallagher)

This is preposterous. Lopatcong Township is what stands in the way of preservation, Yet, Ms Gallagher in an email to me suggested the staff conclusions were merely different but still valid conclusions.

She told me that the Highlands staff is in support of the application and that support is based on its compliance with the warehouse guidelines!!!

Shockingly, the Highlands Council warehouse guidelines are being used as a tool to undo a Highlands Conservation Zone. This is on top of amalgamating disparate unrelated properties - such as a former mail and Highlands Conservation Zone farmland -in order to declare that high quality farmland on a designated Highlands Conservation Zone is in need of redevelopment.

The RMP Addendum 2019-1 also states:

e) Secondary impacts. The Highlands Council and NJDEP also may restrict aspects of a proposed project to avoid secondary impacts (N.J.A.C. 7:38-6.4(i)).

The primary impacts and secondary impacts of this proposal are profound and hard to exaggerate. Approval of this application would allow sewer line extension and development of the Highlands Conservation Zone.

A cursory review of the staff report reveals that mitigation of farm soils is a complicated process and it will be challenging to find any land to replace the loss of these forty acres. Despite this nearly impossible replacement requirement, the staff report continues to support the application

It also shows that storm water disposal will be on karst topography, with very likely 300,000 additional square feet of impermeable surface from the old mall property, and an additional nearly 400,000 proposed for a total of 700,000 sq ft. additional impermeable surface without any additional storm water controls. This plan will bring karst havoc to the environmental well being of the watershed.

This fifty seven acre designated Highlands Conservation Zone would be inexpensive to preserve because this Conservation Zone is not in the sewer service area. Without sewer service this land cannot be developed. The Highlands Council staff assertion that this land cannot be preserved because of lack of funding ignores that Warren County has prioritized this land for preservation.

Lopatcong Township has not signed onto preserving this land because of its ongoing ratable chase and It's quite possible that Highlands Council's staff application review has revived Lopatcong's hopes that this land could house a warehouse and bring in ratables.

Though it will tower over the Huntington neighborhood of Pohatcong all ratable will go to Lopatcong and none to Pohatcong

I've taken the time to outline the many flaws with the Highlands Council staff report on this Highlands Redevelopment Area application. I'm full of hope that the overview of the issue that I've provided here will prompt staff to correct its erroneous assertions and its conclusion that encourages commercial development of this designated Highlands Conservation Zone in Lopatcong and Pohatcong Townships in southern Warren County.

PROPOSED WARREN COUNTY PARKLAND

Phillipsburg Riverview Organization is proposing a new Warren County Park to include the farmland acres along with the forested Lopatcong riparian corridor in the Highlands Conservation Zone. This plan dovetails wonderfully with the Morris Canal Trail that is presently only partially realized

The proposed Warren County parkland is immediately adjacent to:

The Pohatcong neighborhood of Huntington which will soon have hundreds of additional residents to meet Pohatcong's Mt Laurel obligation for affordable housing. The township owns an adjoining park.

The Valley View residential neighborhood in Phillipsburg is immediately on the other side of Lock Street. It has three million square feet of warehouses partially surrounding it.

The apartment complex named Sycamore Landing is in Lopatcong Township next to the old P'burg Mall on Rt 22 and is expecting a nearly 900,000 square foot warehouse next door at the old Mall

It makes sense to have a County Park as these acres of creek, forest and farmland are surrounded by neighborhoods in three jurisdictions: Phillipsburg, Pohatcong and Lopatcong. Regional open space is the obvious best path forward. It can continue to be farmed regardless if the land is purchased

Can the Highlands Council staff help PRO bring this alternative vision to reality? Please contact me

This concept has been submitted to the Warren County Recreation Board for review. Previously Warren County has attempted to purchase this Conservation Zone but the farmer did not agree at that time but eventually sold to another farmer.

Preservation will likely happen if not thwarted by a vote of eight members of the Highlands Council allowing sewer service expansion on this designated Highlands Conservation Zone.

Contact Mike King @ proriverview@gmail.com