

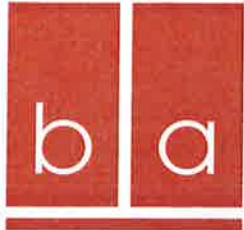
2015 MASTER PLAN AMENDMENT

**MEER TRACT AND TILCON QUARRY
BLOCK 105 LOTS 14 & 84**

**BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY**

Prepared for Bloomingdale Planning Board
BA# 2906.02
7/1/2015





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

PRINCIPALS:

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MASTER PLAN AMENDMENT

Meer Tract and Tilcon Quarry
Block 105 Lots 14 & 84

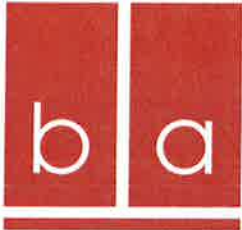
Borough of Bloomingdale
Passaic County, New Jersey

Prepared for Bloomingdale Planning Board
BA #2906.02

The original document was appropriately signed and sealed on July 1, 2015 in accordance with the State Board of Professional Planners


Donna Holmqvist, AICP, PP
Professional Planner # 4844





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INTRODUCTION

The Borough Planning Board has adopted a 2014 Periodic Reexamination, which focused on the Meer and Tilcon Quarry Tracts in the southeast portion of the community. As noted in the 2014 Reexamination Report, the Meer Tract (Block 105 Lot 14) is the subject of a Superior Court order and a settlement agreement for development of affordable housing on-site. The Meer Tract was approved for multifamily inclusionary development totaling 360 dwelling units, of which 72 units will be affordable to low and moderate income residents. Tilcon's Quarry Tract (Block 105 Lot 84) is located east of the Meer Tract, and has an active quarry use with related uses on-site.

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.

In accordance with the Court's requirements, the Meer Tract was rezoned to an AH Affordable Housing Zone. The steep terrain (shown on the accompanying map entitled "Steep Slopes") has created impediments to development per the court order for affordable housing. The costs of site preparation and development are prohibitive. Even though the site was rezoned in 2007, and site plan approval was granted in 2008, affordable housing development has not commenced on the site.

A subsequent court order was filed October 7, 2013 (the "Court Order") permitting an amendment to the Builder's Remedy Ordinance (the AH zone). The order has attached an Exhibit A entitled "Draft Quarry Overlay Ordinance" that permits "the uses of quarrying, reclamation and related industrial uses on a portion of the Meer Property." The order permits the Borough to add "any appropriate land use restrictions, guidelines and requirements that the Borough Land Use Board and/or Borough Council deem appropriate." The Court determined that the quarrying, reclamation and related industrial uses are not inconsistent with the inclusionary development. The accompanying "Aerial Map" delineates the Meer Tract and the adjoining Tilcon Quarry Tract.



Source 1: Parcel data from NGM Warehouse, Passaic County
 Source 2: Municipal Boundary data from NJDIP
 Source 3: Street data from NDDOT
 Source 4: Orthophotography from NGM Warehouse, 2012

Project File:	2906.02	Date:	01/21/15	Drawn:	DN
Scale:	1" = 950'	Map No.:	aerial		
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Legend

Municipal Boundaries

Parcels

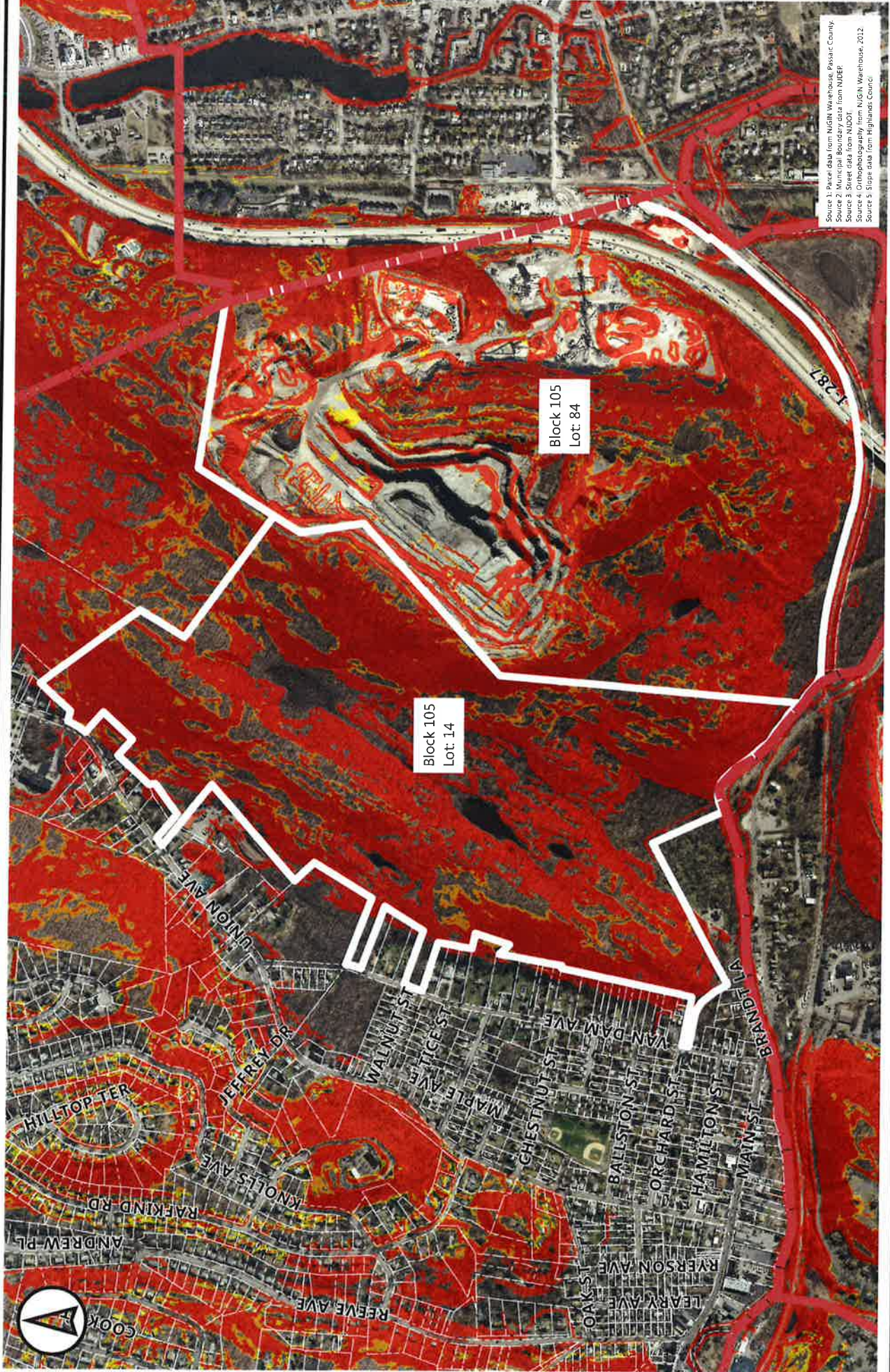
Subject Site

Map Title

Aerial Map

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Source 1: Parcel data from NJGIN Warehouse, Passaic County
Source 2: Municipal Boundary data from NJDEP
Source 3: Street data from NJDOT
Source 4: Orthophotography from NJGIN Warehouse, 2012
Source 5: Slope data from Highlands Council

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Steep Slopes

Legend

-  Municipal Boundaries
-  Slopes: Severe Constrained
-  Slopes: Moderate Constrained
-  Slopes: Constrained Limited
-  Parcels
-  Subject Site

GOALS AND OBJECTIVES

The southeast portion of the Borough has been a focus of planning for economic development for the past 24 years. The Meer Tract and Tilcon Quarry Tract are in the Highlands Planning Area and can accommodate growth, given the proximity to regional roadways. The approval for development with affordable housing, and the challenges of providing this housing on a tract with rugged topography, necessitates a partnership with the adjoining Tilcon Quarry Tract. The partnership will prepare the Meer tract for development with affordable housing.

The following land use policies, as set forth in the Borough's 2014 Periodic Reexamination, are recommended to guide future development on the Meer and Quarry Tracts:

- 1) Guide appropriate use or development of land to protect health, safety, convenience and welfare.
- 2) Promote development that does not conflict with the general welfare of adjoining communities.
- 3) Establish appropriate population density that contributes to the well being of the community and region.
- 4) Develop an appropriate strategy to improve the local tax base and create jobs and economic opportunities.
- 5) Identify opportunities for development and redevelopment.
- 6) Plan for local economic sustainability.
- 7) Encourage smart growth principles in areas deemed appropriate for development.
- 8) Ensure that development incorporates best management practices to limit stormwater pollution.
- 9) Require active plans for spill protection control and countermeasures to protect the environment.
- 10) Review soil erosion and sediment control plans and practices to preserve the integrity of the site and adjoining lands.

The Borough's consideration of implementing the quarry overlay should incorporate these planning principles.

MASTER PLAN AMENDMENT

A. OVERVIEW

The 2015 Master Plan Amendment recommends implementation of a Quarry Overlay District for the Meer Tract and the adjoining Tilcon Quarry Tract, as permitted by the Court Order. The Quarry Overlay is recommended to encompass only the Meer Tract since the existing Quarry Tract is already utilized as a quarry and regulated by the M1-Q District. Each tract is described below:

- Meer Tract. The site contains 180.103 acres and is identified as Block 105 Lot 14. It has been approved (5/22/08) for a multifamily inclusionary development containing 360 dwelling units, of which 72 will be low and moderate income units). The site is currently in the AH Affordable Housing Zone District. The zone was established to facilitate development of the site with an inclusionary development per the Court's requirements. The zone permits a total of 360 multifamily units, including 72 low and moderate income units.
- Quarry Tract. Block 105 Lot 84 is an active quarry facility owned and operated by Tilcon. It adjoins the Meer Tract to the east. The site occupies approximately 164.55 acres and adjoins Interstate Route 287. The site is currently in the M1-Q Light Industrial and Quarry Zone District which permits commercial quarrying and excavation in addition to uses allowed in the M-1 Light Industrial Zone. The borough's zoning regulations regarding excavation and extractive industries (§92-25) state that quarrying and excavation are permitted as a conditional use in the M-1-Q District. The uses allowed in the M-1 District are as follows:
 - Animal hospitals, kennels and pounds
 - Metal products manufacturing and assembly, conducted within wholly enclosed buildings

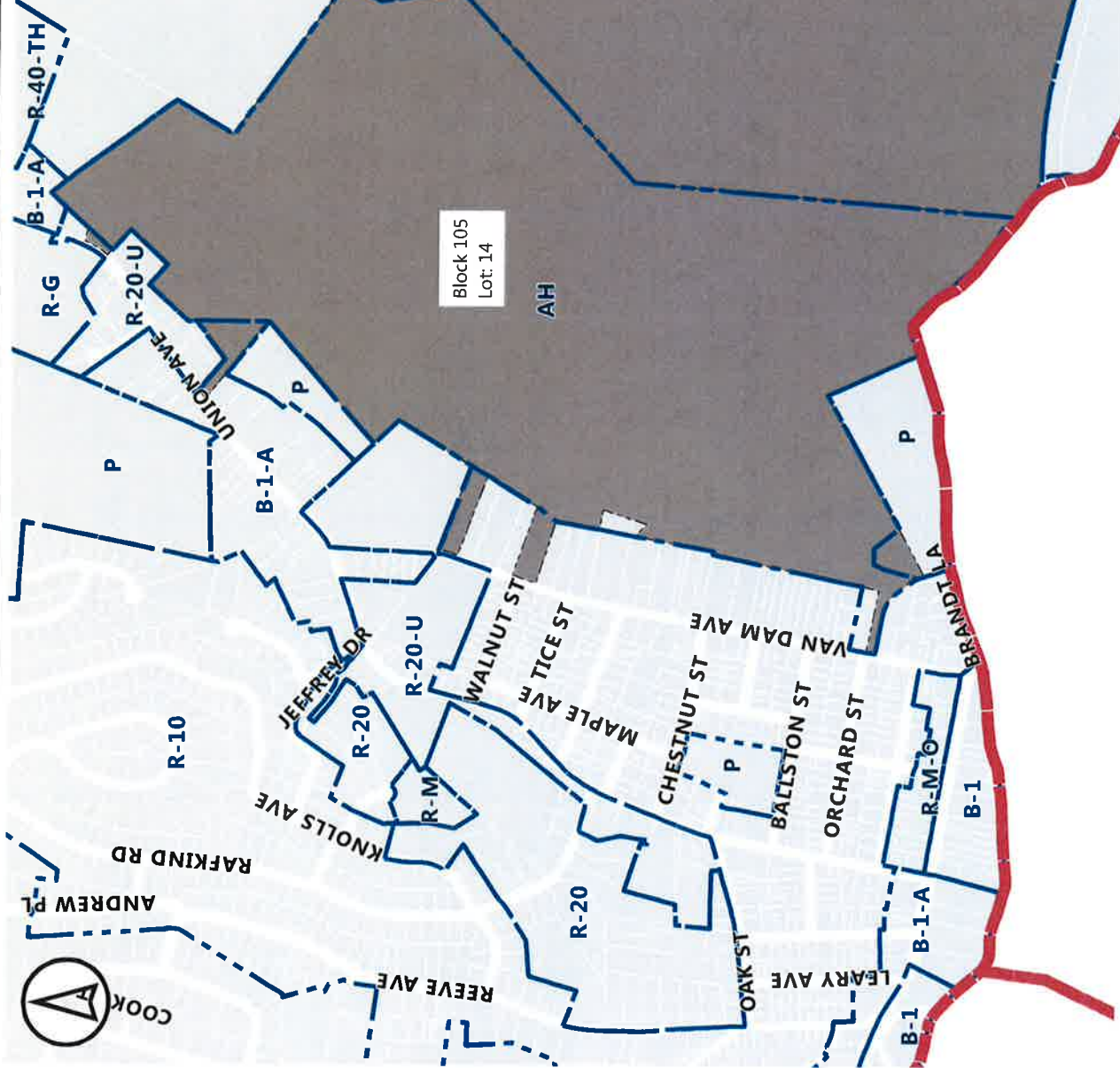
- Manufacturing, assembly or packing of products from previously prepared materials, such as cloth, plastics, paper, leather, precious or semiprecious metals and stones
- Manufacture of electric and electronic instruments and devices, such as television, radio and phonographic equipment
- Manufacture of food products, pharmaceuticals and the like
- Public and institutional uses
- Radio television transmission or receiving towers and facilities
- Railroad yards and freight stations
- Wholesale establishments
- Warehouses
- Other similar manufacturing uses

In accordance with the Court Order, the Quarry Overlay District **may encompass a portion of the Meer**
■ The accompanying map (entitled "Existing Zoning") depicts the zone boundaries of the area.

B. RELATIONSHIP TO OTHER MASTER PLANS

1. **Master Plans of Adjoining Communities.** The Boroughs of Wanaque and Pompton Lakes adjoin the eastern boundary of the Borough of Bloomingdale. The Borough of Wanaque's 2010 Periodic Reexamination designates areas near Bloomingdale for residential development, affordable housing and water resource conservation. The document sets forth goals including strengthening employment opportunities and expansion of the community's economic base. It also supports preservation of environmental resources consistent with the Highlands Planning and Preservation Areas. The Borough of Pompton Lakes 2007 Master Plan designates the area of the community near Bloomingdale for public, public-vacant and quasi-public uses.

The 2015 Master Plan Amendment for the Meer and Tilcon Tracts is consistent with the master plans of these adjoining communities. It incorporates goals and objectives compatible with the adjoining



ZONING

- R-10 One Family Residential, 1/4 Acre
- R-20 One Family Residential, 1/2 Acre
- R-40 One Family Residential, 1 Acre
- R-13 One Family Residential, 3 Acre
- M-1 Light Manufacturing
- M-1-Q Quarry
- P Public Use and Reservoir
- SC Summer Camp and Conference Center
- B-1 Retail and General Commercial
- B-1-A Commercial
- R-20-U Professional and Business Offices
- R-M-O Office and Residential
- R-40-TH One Family Residential & Townhouse
- R-G Garden Apartment
- R-M In Town Apartment and Senior Citizen
- AH Affordable Housing
- IMF Inclusionary Multifamily

Source 1: Parcel data from NUGIN Warehouse, Passaic County
Source 2: Municipal Boundary data from NJDEP
Source 3: Street data from NJDOT
Source 4: Zoning data from Robert L. Cigno, NJPLS, 2009

Doc. Title

Existing Zoning Map



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Legend

- Municipal Boundaries
- Parcels
- Subject Site
- Zoning

communities land use plans.

2. **County Master Plan.** In 2011, Passaic County adopted a Highlands Element of the County Master Plan. The County Plan affirms the Highlands Land Use Zones and Subzones as contained in the Highlands Regional Master Plan. The County recognizes that Protection Zones are "the highest quality natural resource value lands that are essential to maintaining water quality, water quantity and sensitive ecological resources and processes. Land acquisition is a high priority for lands in the protection zone. Any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive land and natural resources." The County Plan states that NJDEP regulates aspects of development essential to maintaining Critical Habitat in the Passaic County Highlands Area. 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.

The 2015 Bloomingdale Master Plan Amendment is consistent with the environmental goals of the County Plan. Open space in Bloomingdale occupies approximately 40% of the municipality's total land area. Moreover, the Highlands Preservation Area encompasses roughly 70% of Bloomingdale and a significant portion of Passaic County's other communities. Appropriate environmental management techniques can minimize impacts resulting from the Court Ordered rezoning. Additionally, NJDEP will regulate activities on-site subject to their jurisdiction.

3. **Regional Master Plan.** The Highlands Regional Master Plan contains a substantial amount of information documenting the environmental sensitivity of the Meer and Tilcon Tracts. Water quality and habitat preservation are concerns in the area. In recognition of these constraints, the Highlands designates almost the entire study area in a Protection Zone, within the Planning Area.

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.

4. **State Development and Redevelopment Plan.** The entire study area is located within an Environmentally Sensitive land use designation. The state designates areas with this category when there are valuable ecosystems, geologic formations, wildlife habitats, aquifer recharge areas and forested land.

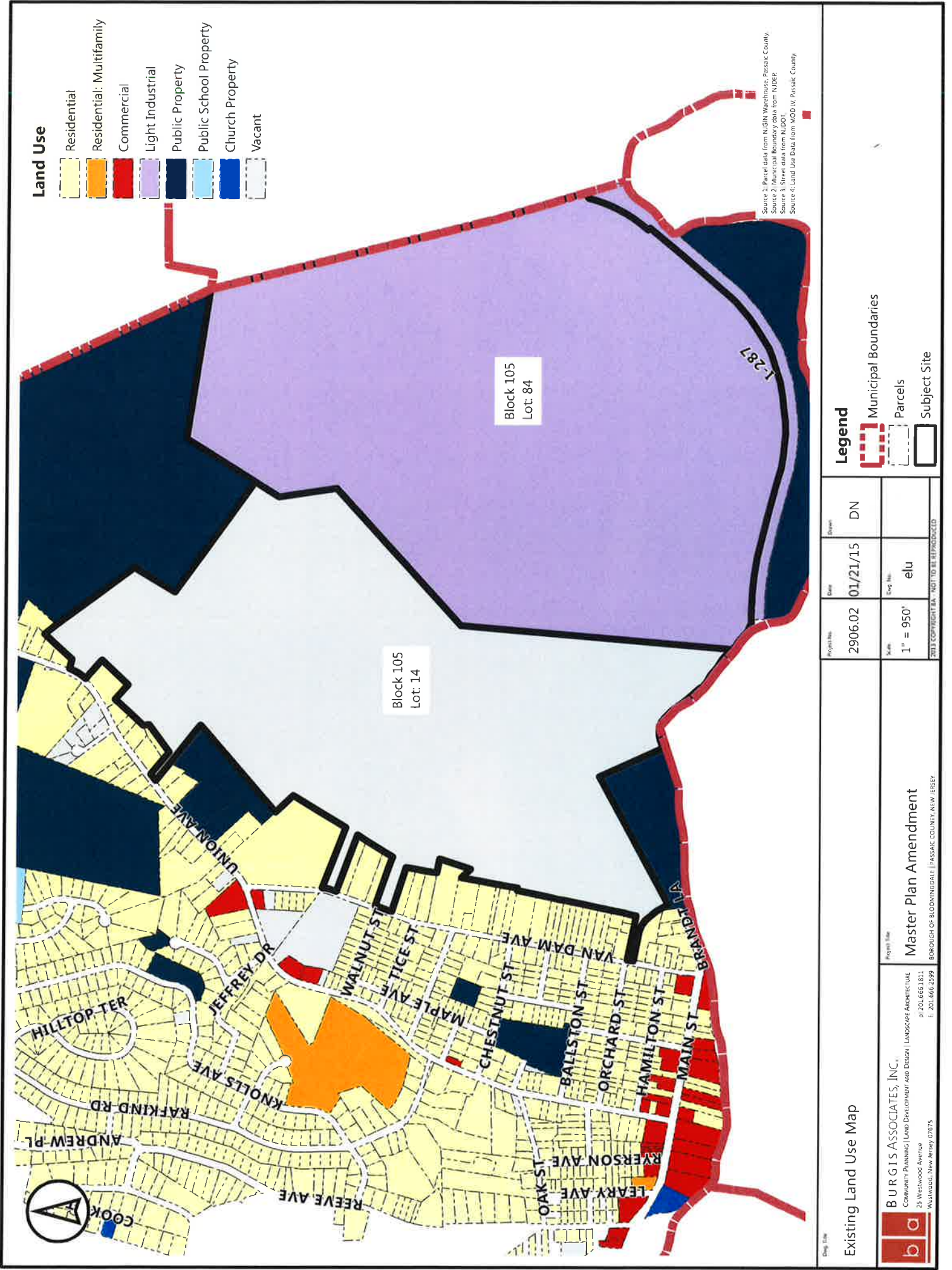
The Court Order for affordable housing on the Meer Tract is being furthered through the recommended rezoning for the Quarry Overlay District. Proper planning can mitigate the consequences of implementing the Court Order.

C. PROPOSED QUARRY OVERLAY DISTRICT

As permitted by the Court Order, which addresses development of the Meer Tract, the 2014 Periodic Reexamination Report recommends consideration of an amendment to the AH zone to provide a Quarry Overlay District. The overlay will permit quarrying, reclamation and related industrial uses on a portion of the Meer Tract. The Court determined that these uses are "not inconsistent with the approved inclusionary housing development or the Court's prior findings that the inclusionary housing development presents a realistic opportunity for the construction of affordable housing on the Meer Property." The borough may consider keeping quarrying as a conditional use in the overlay district, should it be implemented.

Quarrying produces crushed stone utilized in home building, roads and erosion control. The stone is also utilized for the components to make cement and asphalt. It is an essential element to transportation networks. Proper planning can offset the impacts of this essential activity.

The purpose of the Proposed AH Zone Amendment – Quarry Overlay District is set forth below and pertains to the Meer Tract (Block 105 Lot 14) only since the adjoining property owned by Tilcon (Block 105 Lot 84) is already utilized and zoned for quarry. The current zone for the Meer Tract is AH Affordable Housing and the Tilcon Tract is M-1-Q Quarry District. The zoning for the existing Quarry is not recommended to change. The Meer Tract can be considered to retain the underlying AH Zone with a Quarry Overlay District enveloping both sites. The sites' relationship to the surrounding development is depicted in the accompanying map, entitled "Existing Land Use".



Legend

Municipal Boundaries

Parcels

Subject Site

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Existing Land Use Map

Recommended Zoning Amendment to Implement Court Order

§ 92-XX AH Zone - Quarry Overlay District

Section 1 Purpose. The purpose of the Quarry Overlay District is **to amend the Borough's zoning ordinances to allow activities permitted on a portion of the Meer tract pursuant to the Court Order**

The court recognized the potential to assist in the provision of affordable housing on the Meer Tract, in conjunction with the existing Tilcon Quarry Tract. The Court found that quarrying and related uses are not inconsistent with inclusionary development.

The district recognizes the existing quarry operation within the Borough and the need for affordable housing. Due to the presence of a natural resource suitable for mining, the Quarry Overlay District can facilitate the preparation of the Meer Tract for construction of affordable housing. The Quarry Overlay District addresses the need to protect the general welfare through regulation of the quarry operation and the associated excavation of natural resources.

Section 2 Quarry Overlay Parcel. Quarry operations will function consistently within applicable laws and be usable subsequent to the completion of quarrying and excavating activities on-site. Operations will be implemented to minimize erosion, avoid drainage problems and reduce dangers associated with steep operating faces. Subsequent to the completion of quarrying operations, reclamation requirements will be satisfied and the site may be utilized for appropriate overlay uses.

D. RECOMMENDED METHODS OF ENVIRONMENTAL MANAGEMENT FOR QUARRY OVERLAY DISTRICT

Environmental management is an essential component of quarrying operations in the vicinity of a developed area. The Meer Tract adjoins developed residential parcels along the easterly side of Union Avenue. In light of the proximity of a developed residential community, the following planning practices are encouraged for the Quarry Overlay District to minimize impacts and preserve the environmental features of the area.

1. Noise and Vibration

Extractive industries are associated with potential noise-generating activities – removal of topsoil, excavation with machinery, drilling and blasting of rock, crushing and screening of aggregates, as well as transportation of raw materials and finished products within the site and on public roads.

Blasting can give rise to vibration, audible noise and dust. The levels of vibration caused by blasting are well below those which can cause structural damage to properties and carefully regulated by the State. Nonetheless, vibration transmitted through the ground and pressure waves through the air (“air overpressure”) can cause some vibrations or shaking of buildings, and can be detectible by people and wildlife.

As such, the extraction operation should ensure compliance with all applicable State and local noise control requirements, along with blasting and other licenses/permitted on-site activities. There are various methods that can be used to help ensure compliance with law and applicable approvals, including as appropriate:

- a. A buffer zone can be maintained between the excavation area and the site boundary depending on such factors as the nature and scale of extraction and proximity of surrounding development. For deep excavation, quarry faces may provide an effective barrier, depending on the relative location of the quarry face and the noise-sensitive area or property.
- b. Haul roads within the site can be maintained as low a gradient as practical.
- c. A licensed professional blaster can help ensure safe operations, along with the least amount of impact as practical, through the professional’s blasting technique and design of the blasting layout, consistent with applicable laws and approvals.
- d. Abiding by blasting rules and regulations as governed by the New Jersey Department of Labor.

2. Dust/ Air Quality

As in the case of noise, there are potential sources of dust generation within quarries, including the stripping of topsoil, the excavation of rock, the crushing and screening of aggregates, ancillary activities such as concrete mixing, and the transport of gravel and finished products. Wind can carry dust particles beyond the site boundaries, and materials from trucks can be deposited along public roads.

Dust control is regulated by the State and the New Jersey Department of Environmental Protection ("NJDEP") through air permits and other operational permits/approvals. Effort should be devoted to minimize and prevent as much as possible dust creation at the source.

There are various methods that can be used to help ensure compliance with applicable law and approvals, including as appropriate:

- a. Where practicable, earth stripping or moving can be minimized as much as possible in periods of dry and windy weather unless suitable mitigation measures are implemented.
- b. Operations which have the potential to generate dust are regulated and controlled pursuant to State law and NJDEP permits/approvals. Such operations implement best management practices consistent with the operation's permits and approvals.
- c. Water spraying of conveyors/conveyor transfer points, stockpiles and roads.
- d. As appropriate, wheel washing of vehicles leaving the site or covering of fine dry loads.
- e. Appropriate maintenance of vehicles and machinery.

3. Water Supplies and Groundwater

Groundwater is an important natural resource. The key objectives are to protect existing surface watercourses and groundwater resources. To that end, quarry operations are regulated by the State and NJDEP through water permits and approvals, including Stormwater Pollution Prevention Plans and discharge permits. There are various methods that can be used to help ensure compliance with applicable laws and approvals, including as appropriate:

- a. Maintaining a Water Use Registration permit with the NJDEP for lesser water demands or obtaining a Water Use Allocation permit if pumping capacity exceeds NJDEP thresholds as well as any studies or monitoring required by NJDEP for these permits.
- b. An appropriate drainage control system can be provided to minimize surface water run-off into the quarry workings. Where there are discharges of process water from quarry developments to surface watercourses, discharge limits will be specified by applicable State permits/approvals.
- c. Adequate sewage and stormwater treatment can be provided on site consistent with NJDEP approvals.



Source 1: Parcel data from NUGEN Warehouse, Passaic County
 Source 2: Municipal Boundary data from NJDEP
 Source 3: Street data from NJDOT
 Source 4: Orthophoto data from NUGEN Warehouse, 2012
 Source 5: Prime Groundwater Recharge data from Highlands Council dated 2011

Sheet Title

Prime Groundwater Recharge Areas



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Prime Groundwater Recharge

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- d. Retention ponds (used to settle out the suspended solids from the aggregate washing process) should be carefully designed and maintained to ensure that where practicable water is recycled and thus minimize any discharge to watercourses.
- e. It is important that licensed blast operatives ensure that all material is ignited as part of the blasting process, consistent with State law and approvals/licenses.
- f. Erosion of soil is regulated through an approved Soil and Erosion and Sediment Control Plan.

4. Natural Heritage

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 quarry operators are required to have a reclamation plan, which brings the quarried property back to a designated level and grade. The purpose of the reclamation plan is to position the property for future development, but it is not designed to address actual development or future use requirements. The future development plan should address, among other things, site and environmental restoration, as well as the final proposed use, as appropriate.

The following actions should be considered to preserve the environment:

- a. Obtaining NJDEP Land Use permits, as required, for any disturbances within regulated flood hazard areas, stream buffers, wetlands, or other regulated areas along with performing any necessary studies required to obtain such permits.
- b. Providing buffers meeting NJDEP requirements around those areas not proposed to be disturbed.

5. Landscape

Aggregate workings can remove parts of an existing landscape, such as a hill, or can introduce features, such as quarry faces. The method of extraction, together with proposed restoration schemes, where properly planned and implemented, can minimize potential adverse impacts.

As such, aggregate workings should take landscape protection into account in its operations; such protection should also be considered in combination with implementing the operation's approved reclamation plan, consistent with all applicable laws.

6. Traffic Impact

Traffic within the site and on adjoining public roads can give rise to potential adverse effects. Heavy vehicles can cause noise, exhaust fumes, vibration and dust. Additional traffic generated by the development has the potential to cause congestion, particularly on rural roads in the vicinity of the site.

To address these issues, the extraction operation should ensure that its vehicles comply with any and all local and State traffic and vehicle operation laws, including carefully coordinating traffic to specified routes to and from the site.

7. Waste Management

The best practice is to eliminate or minimize the production of waste. There are a wide range of local and State laws which regulate the generation and production of waste. To help ensure compliance with these laws, the following actions may be considered:

- a. Unsuitable materials can be re-used and recycled as much as practicable.
- b. Quarry operators can ensure, by securing their site entrance and boundaries, to prevent trespassing and unauthorized dumping.

E. ONGOING PLANNING CONCERNS

Economic development is an ongoing concern in the community. The Highlands Preservation Area encompasses 70% of the borough and occupies most of the western portion of the municipality. This designation precludes future development and redevelopment in the area. The area of the community designated as Planning Area, which can accommodate future development and redevelopment, is concentrated in the eastern portion of Bloomingdale, near major regional roadways and Interstate 287.

The Borough's recent Periodic Reexamination of the Master Plan identified economic development as an ongoing goal. The document identified the following relevant priorities: identify opportunities for development and redevelopment, plan for local economic sustainability and encourage smart growth principles in areas deemed appropriate for development. The need to provide employment opportunities, stabilize the tax base and provide funding for necessary municipal services requires ongoing coordination and balance of land use goals and policies.

As part of this ongoing assessment, the borough may evaluate the opportunities to consolidate open space in order to create more accessible and functional open space. The borough, consistent with NJDEP regulations, may investigate the benefits of acquiring additional open space in areas where the open space could be of greater benefit to the community based on better proximity and more usable open space area. The borough may also assess the benefits accruing from existing open space and explore NJDEP regulations on delineating useful open space for the benefit of the community. This could enable some open space to provide economic value to the community by substituting other, more appropriate parcels for open space.

NJDEP regulations provide the community with the ability to substitute open space parcels, if the community believes other parcels are of greater value for open space and recreation. By replacing parcels, the goal of economic growth can be advanced while still providing adequate open space and recreation lands for the community. Such a program could actually increase the borough's open space while opening up parcels for economic growth. NJDEP would be involved, in collaboration with the borough, on such a program and all Green Acres regulations would apply and be ensured through State oversight of the borough's open space program. No rezoning of parcels would become effective until NJDEP and Green Acres issue the necessary State level approvals to implement any open space replacement program.