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.
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 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.
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. Bloomingdale’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.”

Bloomingdale’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.
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.
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.
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.
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.”
Bloomingdale’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.”
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 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 – detail.
Steep slopes are an important feature and most of Federal Hill is steeply sloped.

Bloomingdale’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.”
Steep Slopes - Detail

Kinnelon Borough
Butler Borough
Riverdale Borough
Pompton Lakes Borough

Steep Slopes

Moderate
Severe
Preservation Area
Municipal Boundaries

Bloomingdale Borough

1 inch = 0.573 miles

Highlands Council
New Jersey
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.
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*.”
Bloomingdale 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.
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.“
The Tilcon "conceptual" proposal is to extend the quarry by about 100 acres, pushing the current boundary out approximately 1,400 feet.
Comparing Tilcon’s proposed expansion of the quarry to wetlands, streams, and their buffers, as mapped by Bloomingdale, there are clear conflicts.

Conceptual versus Actual
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, Bloomingdale 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?
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!*
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.
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.
Bloomingdale 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 XIV, 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 Bloomingdale’s Ordinance Review Committee has recommended that Articles XII 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 Bloomingdale, in the County of Passaic and State of New Jersey, as follows:


Chapter XXXII, Soil and Soil Removal

Section 1. 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.
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.

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*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.
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?
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.
Is the Stoneco Study accurate?

We compared the sale price for 4 similar houses in Pompton Lakes. 2 were within ¼ mile of the quarry. 2 were ¾ of a mile from the quarry. All were 3-bedroom, with 1 ½ -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.
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!
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!
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!
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!
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?
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!
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
In addition, the quarry and the Meer property are listed as potential acquisitions for open space by Passaic County.

Whoops #4!
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?
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?
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!
Finally, what about the Highlands?

Bloomingdale 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 Bloomingdale to conform to the Regional Master Plan...”.

The proposed rezoning is directly in opposition to that process.

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

- 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

Bloomingdale Natural Resource Inventory, 1989
available as a printed document in the Bloomingdale Municipal Building, 101 Hamburg Turnpike, Bloomingdale 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

Bloomingdale letter to Highlands Council, 2007
http://www.highlands.state.nj.us/master/draft_plan_comments/10807.pdf

Bloomingdale Ordinance 92-61 “AH Affordable Housing Zone.”, 2007 (amended 2011)

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

Bloomingdale Highlands Master Plan Element, 2011
Sources of information

**Bloomingdale Highlands Area Land Use Ordinance, 2011**

**Bloomingdale Open Space Master Plan Revision, 2013**
available as a printed document in the Bloomingdale Municipal Building, 101 Hamburg Turnpike, Bloomingdale NJ 07403

**Stoneco Gravel Mine Report**

**Passaic County Open Space Master Plan**