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Highlands Council Staff Recommendation Report Highlands Redevelopment Area Phillipsburg Mall – Lopatcong and Pohatcong Townships

Date: May 21, 2026

Application Type: Highlands Redevelopment Area Designation
Name: Phillipsburg Mall Highlands Redevelopment Area
Applicant: Lopatcong Township
Location: Lopatcong and Pohatcong Townships, Warren County
Properties: Block 102, Lots 9, 9.01 and 9.03 (Lopatcong)
Block 1, Lot 1.01 (Pohatcong)
Highlands Act Area: Planning Area
LUCZ Designation: Existing Community Zone, Conservation Zone and Conservation Environmentally
Constrained Subzone
Proposed Use: Warehousing
Recommendation: Approve with Conditions

1. PROJECT DESCRIPTION

Lopatcong and Pohatcong Townships are conforming Highlands municipalities located at the southernmost end of Warren County. Each sought and received Highlands Council petition approval for Preservation and Planning Area lands, along with Highlands Center designations in the 2011-2012 timeframe. The area subject to this Highlands Redevelopment Area application was not included within the previously approved Highlands Centers. All properties that are the subject of this Highlands Redevelopment Area are located in the Planning Area.

The proposed Highlands Redevelopment Area will include the existing Phillipsburg Mall site and two currently vacant lots situated directly behind the Phillipsburg Mall property. A concept plan of the proposed redevelopment is included as Appendix 2. The application was originally submitted for a 525,250 sq. ft. warehouse to be built on two properties, Block 102 Lot 9 (Lopatcong) and Block 1 Lot 1 (Pohatcong). The application has been revised to remove Block 1 Lot 1 (Pohatcong) from the proposed Highlands Redevelopment Area and construct a 367,350 sq. ft. warehouse on Block 102 Lot 9 (Lopatcong).

The property details are as follows:

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Phillipsburg Mall, Block 102, Lots 9.01 and 9.03 in Lopatcong (30.58 acres) and Block 1, Lot 1.01 in Pohatcong (44.08 acres): The partially demolished 577,000 sq. ft. Phillipsburg Mall is being redeveloped into an 833,000 square foot warehouse. The existing Kohl's on the southern end of the Mall and the restaurant pad sites along Route 22 will remain, with truck traffic being routed away from these uses. The municipalities each designated their respective portions of the Phillipsburg Mall site as an Area in Need of Redevelopment (under the Local Housing and Redevelopment Law). The joint Area in Need Redevelopment Plan was adopted by Pohatcong in August of 2022 and by Lopatcong in October of 2022.

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.

Rear of Phillipsburg Mall, Block 102 Lot 9 in Lopatcong (57.2 acres). The property is currently farmland with a wooded area providing a buffer along the Lopatcong Creek to the western edge. The project as proposed would consist of a 367,350 square foot warehouse with a total impervious surface of 15.38 acres. Vehicular access would be provided via internal driveways through the former mall site to US Route 22.

The development footprint would be situated closely behind the Phillipsburg Mall redevelopment. The surrounding areas would consist partially of existing forest fragments, to remain undisturbed, and a proposed area (largely former farm fields on Block 1, Lot 1 in Pohatcong) for grasslands and reforestation. Any restoration plan will be subject to Highlands Council approval. The Highlands Open Water Buffers associated with the Lopatcong Creek corridor will be designated for protection under a Highlands Environmental Resource Zone (HERZ).

2. ADMINISTRATIVE PROCESS

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.

Lopatcong Township is the primary applicant for the Highlands Redevelopment Area designation, with Pohatcong Township having provided a letter indicating they do not object to Lopatcong Township taking the lead role in the application. This position was re-affirmed by the submission of letters from both municipalities in July of 2025.

In accordance with the Highlands Council's adopted Redevelopment Area Designation Procedures (RMP Addendum 2019-1), the Township and Highlands Council staff held Highlands Redevelopment Area pre-application meetings on November 22, 2023, and December 21, 2023. Highlands Council staff conducted site visits on September 21, 2023, December 15, 2023, and July 30, 2025 to document current conditions and examine the area proposed for redevelopment.

The Highlands Council's review of the previously proposed Highlands Redevelopment Area was published for a 30-day public comment period on January 22, 2024. After the public comment period ended, the Township of Pohatcong withdrew their support for the application. After subsequent modifications to the development footprint, which removed Block 1 Lot 1 (Pohatcong), the application was resubmitted and reviewed by the

Highlands Council after a new 30-day public comment period.

The Highlands Council subsequently voted on the matter (in the same form as it is presented in this report) at the October 17, 2024 Council meeting. The application did not receive sufficient votes to be approved. The applicant has resubmitted the application for reconsideration and a new 30-day public comment period is being held.

3. RESOURCE ASSESSMENT

The project has been designed to avoid and minimize impacts to Highlands resources. Based upon a review of the site plan and Highlands Council GIS data layers, the proposed Highlands Redevelopment Area does not encroach upon, and would not disturb Forests, Highlands Open Waters and Buffers, Riparian Areas, Steep Slopes, Critical Habitat, Lake Management Areas, and Historic and Scenic Resources. However, impacts to important farmlands soils are noted in the following section and will be accounted for through required mitigation.

The Phillipsburg Mall portion of the Highlands Redevelopment Area contains no Highlands Resources.

The rear lots contain the following Highlands resources. The Highlands Council has requested, and the developer of the warehouse to be located on that portion of the project has agreed, to place a conservation easement on both the forested habitats that are onsite and the remaining undeveloped portions of these lots that will be the subject of a grassland habitat restoration plan.

Block 102, Lot 9 Highlands Zones/Resources	Total (Acres)	Percent of Tract
CZ-Environmentally Constrained	57.2	100%
Carbonate Rock Area	57.2	100%
Agricultural Resource Area	57.2	100%
Ag Priority Preservation Area	57.2	100%
Important Farmland Soils	52.0	91%
Wellhead Protection – Tier 3	46.0	80.4%
Open Water Protection Area	17.7	30.9%
a. Riparian Area	12.8	22.3%
b. Wetlands	3.1	5.5%
c. Open Waters	0.8	1.4%
Prime Groundwater Recharge	12.3	21.5%
Total Forest Area	16.7	29.1%
Critical Habitat (Bald Eagle)	7.6	13.3%
Severe Steep Slopes	4.3	7.6%

Important Farmland Soils and Agricultural Resources:

The overriding resource of concern is the loss of agricultural resources and Important Farmland Soils, which cover 91% of the tract. The rear, currently undeveloped lot, is currently in agricultural use. The area is located in the Highlands' Agricultural Priority Preservation category and is designated as an Agricultural Resource Area.

The development project would disturb approximately 40 acres of the 52-acre Important Farmland Soils area. The remaining 12 acres would lie partially within the proposed HERZ protected area, with the rest proposed for grasslands and reforestation. Such a restoration initiative would be protective of the riparian, wetland, and open water resources on the site and would contribute to maintaining and enhancing water quality.

The application indicates 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. It was confirmed that the property is not located in the Warren County Agricultural Development Area and is therefore ineligible for the SADC county farmland preservation program. However other preservation programs may be available should the property owner wish to preserve the property. 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.

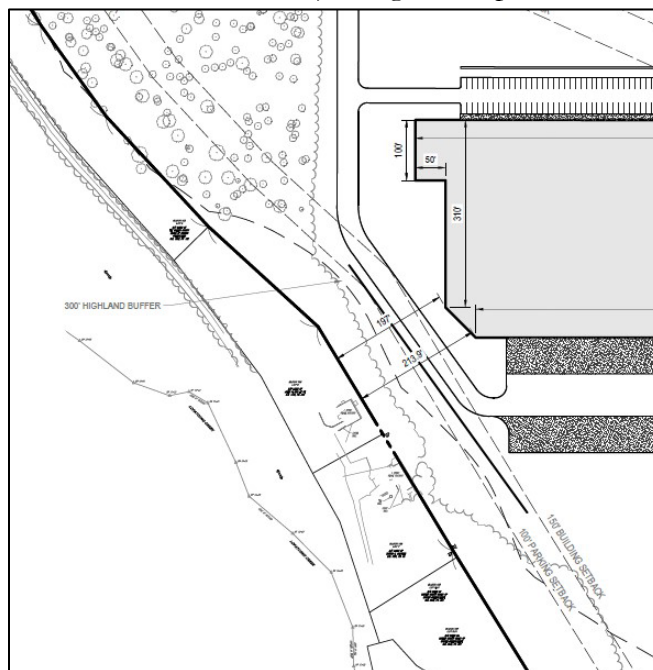
The Highlands Council requires mitigation offsets for development projects that impact important farmland soils located within a Highlands Redevelopment Area. This would require the mitigation of any proposed development in this area and the disturbance of prime farmland soils by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed. This may be done through the use of Highlands Development Credits, through land preservation, or through another method that would be identified at the time a development proposal is drafted. The Highlands Council will calculate a value for the loss of this farmland for use in this mitigation.

Developers must also provide for local use of removed topsoil, ensuring that it remains within the Region.

Historic Resources and Archaeological Grids:

- Archaeological Grids:
 - The proposed new warehouse development would occur within two Archaeological Grid areas (#AS94, AT95) affecting approximately 44.7 acres of the tract. These grids define the bounds of historic properties that have been “identified” through cultural resource survey or other documentation on file with the State Historic Preservation Office. The grids generally represent areas within which archaeological investigation could yield important artifacts from early human settlements or other historic/cultural resources, in this case, perhaps relating to construction/operation of the Morris Canal. Disturbances and excavations within the identified areas may require follow-up archaeological investigation.
 - The applicant for the new warehouse submitted a Phase 1A and 1B Archaeological Survey, conducted in December of 2022 and March of 2023. The findings indicate that no archaeological resources will be within the proposed limits of disturbance.
 - A condition of approval will be to place all areas outside the limits of disturbance in a conservation easement.
- Historic Resources:
 - The tract lies adjacent to Morris Canal historic sites and districts listed in the State and National Registers of Historic Places.
 - The Morris Canal and its many remaining structures are important historic resources for each of the municipalities.
 - The Morris Canal Greenway 25 Year Action Plan (June 2012) designates an area from the northern boundary of the property southerly along the property line to Plane 10 West as a future greenway. The applicant has agreed to dedicate this area (via easement permitting public access or fee simple) as a condition of approval. (See Appendix 3).

- The home nearest the warehouse lot line (on Block 102 Lot 7) is a historic structure. The building sits atop Plane 10 West and is identified as the Plane Tender's House. "Plan 10 West was a vital part of the Morris Canal and it is therefore a significant part of the overall canal historic district. The plane tenders house is a conditional contributing structure to the historic district since it is greatly altered." (*Historic Preservation Survey of the Morris Canal in Warrant County, NJ. Warren County Morris Canal Committee. Brian H. Morrell. September 1983*).
- Efforts to address the impacts to these resources include: a) siting the improvements on the eastern portions of the tract adjacent to the proposed Phillipsburg Mall redevelopment area, so maximizing the distance from surrounding residential areas (with the exception of homes on Lock Street); b) retaining forested areas on the site in undisturbed condition; c) reforesting additional surrounding portions of the property; and d) installing a 20' high 'sound attenuation' wall and landscaping 100 ft. from the property line to screen the view, muffle noise and block headlight glare emanating from truck traffic moves in and out of the rear loading dock and parking areas.



as it

Water & Wastewater Service:

- Water and wastewater infrastructure is available via extension through the former mall site or adjoining developed properties to serve the proposed warehouse project.
- 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. As the rear property is not within the sewer service area, the respective municipal wastewater management plan will need to be amended if this application is approved.
- Both sites would be served by the Phillipsburg Town Sewage Treatment Plant (STP) (NJ0024716). The petition proposes to reallocate a portion of the sewer gallonage that was allocated to the 577,000 square foot Phillipsburg Mall, which closed in March of 2020. The closing of the mall reduced the existing STP flows and rolling capacity calculations from a high of 86% (August 2019) to an average of 74% capacity.
- The public water supplier serving both Townships is Aqua New Jersey, Inc- Phillipsburg (PWSID NJ2119001). Aqua has adequate water supply available to serve the proposal. The Highlands Council has determined that the wells Aqua uses draw essentially all of their supply from the Delaware River through induced recharge. Thus, they do not represent a consumptive or depletive water use relative to the source sub watershed.
- The total water and wastewater usage will be reduced over the usage of the Phillipsburg Mall (when previously at full occupancy).

- The Phillipsburg Mall generated an estimated 57,700 gpd of wastewater and 72,125 gpd of water demand.
- The rear warehouse will generate an estimated 11,135 gpd of wastewater and 11,535 of water demand.
- The Phillipsburg Mall warehouse redevelopment will generate an estimated 23,334 gpd of wastewater and 24,167 gpd of water demand.

Transportation:

- The rear warehouse project would gain access to Route 22 via connecting internal roadways crossing through the warehouse redevelopment of the Phillipsburg Mall property, which fronts directly on the highway. As noted in the petition, Route 22 “has been classified by Warren County as a principal arterial highway that provides a vital transportation link between Route 57 to the west, the Town of Phillipsburg, Lopatcong, Pohatcong and Greenwich Townships, and an interchange with Interstate 78 that is located 1.1 miles to the east of the redevelopment area.”
- In support of the warehouse proposal, the petition includes a vehicle access analysis prepared by John R. Wichner, P.E., of McMahan Associates dated June 15, 2022, referred to as “Phillipsburg Mall – Access Analysis, CRG Mixed-Use Development and J.G. Petrucci Warehouse Development.” The study relies upon a prior study completed by Atlantic Traffic & Design Engineering, LLC, to compare traffic theoretically generated under ‘existing’ conditions (e.g., assuming full operation of Phillipsburg Mall and adjacent uses) vs. that anticipated under the proposed build-out, including both warehouses and adjacent uses to remain. The results suggest that under the proposed build-out, trip generation would be similar to existing conditions for the weekday morning peak hour, but significantly reduced from existing conditions for weekday afternoon and Saturday midday peak hours.
- The analysis reviews the proposed interior access roadways for the site and evaluates the proposed driveway intersections with US Route 22. Level of service results appear good (overall A-B’s) for weekday mornings but drop for weekday evenings (overall C-D, left turns out F). The report recommends pavement marking, signage, and use of a 2-phase signal to control timing and movement of vehicles to and from the highway. It notes that the existing access driveways are spaced adequately in relation to existing signalized intersections (e.g., County Route 519) along the Route 22 corridor to allow for queuing in the eastbound and westbound approaches.
- Based on NJDOT Highway Access Permit design standards, the trip generation analysis projects 1,044 to 1,458 trips into and out of the site during each the AM and PM peak hours. While less than potential traffic from a fully functional Phillipsburg Mall, the report indicates that during the evening peak hour the proposed site would contribute 587 vehicles to the 1757 vehicles currently identified as traveling westbound on Route 22 at that time, a 33% increase.
- The proposed warehouse site has access to suitable transportation infrastructure, consisting of US Route 22 and within about one mile of Interstate Route 78. Limited public transportation is also available via NJ Transit bus lines (#890, #891) serving the Easton-Phillipsburg-Pohatcong area, potentially offering a commuting option for some number of future employees. The application notes that New Jersey Transit bus service is available on Route 22 and has several stops “next to the redevelopment area.”
- The one-mile travel distance on Route 22 between the subject site and the I-78 interchange is in keeping with the Highlands Council Warehouse RMP Amendment. Assuming ample highway capacities to absorb the increase in flows, such proximate and direct access should ensure that heavy truck traffic needn’t use local roads and byways to get to or from the facility.
- A much more comprehensive regional study is needed to understand the impacts of full build-out of these and all the other projects already in the ‘pipeline’ for Route 22 and I-78 on the

highways' through-lane levels of service. Highlands Council staff have discussed this issue with NJTPA and will look to work with NJPTA and Warren County moving forward.

4.0 FINDINGS AND RECOMMENDATIONS

Highlands Redevelopment Procedures: RMP Addendum 2019-1, Procedures for Highlands Redevelopment Area Designation, contain the following criteria that must be met to be approved.

- 1) At least 70 % of the proposed Highlands Redevelopment Area is existing impervious surface.
 - a. Finding: Consistent.
 - b. The proposed Highlands Redevelopment Area was found to contain 80.37% impervious surfaces.
- 2) The proposed Highlands Redevelopment Area and proposed development will not result in or contribute to impairment of any Highlands Resource located on or adjacent to the Highlands Redevelopment Area. This may be accomplished either through exclusion of such areas, through conditions on the designation that ensures their protection, or substantial minimization of disturbance of those resources.
 - a. Finding: Consistent with Conditions.
 - b. Highlands Environmental Resource Zone (HERZ) designation and conservation easement will be placed on the property as shown in Appendix 1.
 - c. Dedication of land to the Morris Canal Greenway and the aforementioned HERZ will protect the Morris Canal historic district.
 - d. Adequate screening is proposed to be provided at the Plane Tenders House.
 - e. Loss of Important Farmland soils will be mitigated by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed.
- 3) The proposed Highlands Redevelopment Area and proposed development are found to be consistent with the resource protection and Smart Growth standards of the Regional Master Plan and with the intent and purpose of the Highlands Act.
 - a. Finding: Consistent
 - b. The RMP includes the following as a goal: “Goal 6J: Accommodation of Regional Growth and Development Needs Through the Reuse and Redevelopment of Previously Developed Areas, Including Brownfields, Grayfields and Underutilized Sites.”
 - c. Redevelopment opportunities are an appropriate vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment Goals within the Highlands Regional Master Plan (RMP) envision the conversion of underutilized, previously disturbed lands into new economic contributors to the region’s fiscal health. As stated in the RMP, “Redevelopment will help to meet the region’s growth needs by optimizing the efficient use of previously settled areas with existing communities and available infrastructure, thus conserving natural resources.” These formerly developed sites provide the base where economic activity may continue to flourish, and regional growth needs may be accommodated.
 - d. Given that redevelopment is a significant opportunity for sustainable economic development and smart growth in the Highlands Region, 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.”
 - e. Designation of the proposed Highlands Redevelopment Area provides for beneficial use of the site. 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.

- 4) There is sufficient water supply and wastewater capacity to serve the proposed development.
 - a. Finding: Consistent
 - b. The applicant has supplied sufficient information to determine that there is sufficient public water and wastewater service for the projects proposed due to the release of capacities from the closing of the Phillipsburg Mall.
- 5) Such other unique or mitigating criteria as required by the Highlands Council to comply with the Goals, Policies and Objectives of the Highlands Act and the RMP.
 - a. Finding: Consistent with Conditions
 - b. Mitigation of any proposed development is required to offset the disturbance of important farmland soils by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed. This may be done through the use of Highlands Development Credits, through land preservation, or through another method that would be identified at the time a development proposal is drafted.
 - c. The developers must also provide for local use of removed topsoil, ensuring that it remains within the immediate area.
- 6) The proposed Highlands Redevelopment Area and proposed development are compatible with existing municipal zoning, or the Highlands Redevelopment Area designation is conditioned upon municipal rezoning.
 - a. Finding: Consistent
 - b. The area was identified as Area in Need of Redevelopment by Pohatcong in August of 2022 and by Lopatcong in October of 2022. The proposed development is consistent with those adopted Area in Need of Redevelopment plans.
 - c. No municipal master plan amendments are necessary to implement the Highlands Redevelopment Area due to the existing Redevelopment Plan.

Highlands Council Warehouse Guidelines. The Highlands Council adopted the RMP Amendment, Policy Standards for Warehousing in the NJ Highlands Region in April of 2024. The amendment supplements the State Planning Commission’s Warehouse Siting Guidance with RMP-based information and criteria for use in development of local transportation plans, land use plans, and governing ordinances on warehousing. This section provides findings with respect to the consistency of the proposed warehouse project and the Highlands Redevelopment Area.

- 1) State & County Agency Coordination – As federal, state, and county policy coordination, one of the most relevant aspects pertaining to this proposal is the following statement from the guidelines: “The Highlands Council supports state and federal funding for transportation maintenance and safety improvements; however, projects involving new through-lanes or increases in vehicular capacity are in most cases inconsistent with the RMP.” The Council’s regionwide policy regarding public investment in transportation and other infrastructure applies equally to county resources. As noted previously, highway corridor level analysis is needed to determine whether current capacities are sufficient to handle added truck traffic from new warehousing sites already approved and being built across the region.
 - a. The Highlands Council, in conjunction with Warren County and NJTPA, should conduct an area wide regional traffic capacity analysis.

- 2) Highlands Region Siting Locations – Designated Highlands Redevelopment Areas are appropriate for warehouse development, subject to compliance with the siting standards and criteria of the Warehouse Siting Guidance.
- 3) Proximity and Access to Transportation – The Warehouse Siting Guidance states that “The analysis should begin with an examination of the existing transportation network. Warehouse and distribution facilities should be sited in accordance with aspects such as proposed size, intensity of use, and anticipated truck traffic generation.” “Very large facilities, including warehouses of 500,000 square feet or more, and facilities designed for high-intensity interstate truck traffic, potentially 24/7 operation, overnight truck parking, etc., must be located within 3 miles of an Interstate Highway interchange.”
 - a. The site meets the proximity standard of the guidance document.
 - b. As to analysis of the transport network, as stated in the Warehouse Siting Guidance, the Highlands Council intends to assist in developing baseline data and should undertake an area wide transportation analysis.
- 4) Watershed Impervious Coverage –The subject sub-watershed, “Lopatcong Creek (below Rt 57) incl UDRV,” exceeds the 10% threshold impervious threshold for the Planning Area.
 - a. Due to the presence of Karst Topography, no recharge on site is proposed. The development should provide for 100% of the average annual pre-construction groundwater recharge volume elsewhere in the same subwatershed.
 - b. In addition, the development shall provide for 90% TSS removal for all surfaces, including non-motor vehicles surfaces, either on-site or through the following:
 - i. Removal of impervious coverage from another location in the same watershed in exchange for all newly proposed impervious surface, provided the removal location(s) are restored to natural conditions and placed into protective land status by conservation easement or other appropriate means. Impervious coverage removed shall be sufficient to provide for 90% TSS removal when combined with the on-site stormwater management systems; or
 - ii. Existing unmanaged or poorly managed stormwater runoff within the same watershed shall be managed or retrofitted with appropriate green stormwater infrastructure practices. These facilities shall be sufficient to provide for 90% TSS removal when combined with the on-site stormwater management systems; or
 - iii. A combination of a. and b. above, sufficient to achieve the listed requirements proportionately for each strategy.
- 5) Decommissioning Plan – A decommissioning plan shall be submitted as part of any site plan application.

RECOMMENDATION AND CONDITIONS: The approval recommended herein is only for the Highlands Redevelopment Area. The site plan review for the new warehouse building will be conducted at a later date when an application for development is submitted to the local Land Use Board. All conditions noted herein will be followed during that review.

The Highlands Redevelopment Area provides 51.908 Acres of existing impervious, while proposing 64.582 Acres of impervious surface. This provides for 80.37% of existing impervious surface area in the Highlands Redevelopment Area, exceeding the minimum required 70% impervious surface standard as set forth in the Highlands Act (N.J.S.A. 13:20-9.b). Based on this standard and the findings herein, it is the Highlands Council staff's recommendation that the Highlands Council approve the proposed Highlands Redevelopment Area with the following conditions:

1. Stormwater Management:
 - a. The development shall provide for 90% of the average annual pre-construction groundwater recharge volume elsewhere, preferably in the same subwatershed.
 - b. In addition, the development shall provide for 90% TSS removal for all impervious surfaces, including non-motor vehicles surfaces, either on-site or through the following:
 - i. Removal of impervious coverage from another location in the same watershed in exchange for all newly proposed impervious surface, provided the removal location(s) are restored to natural conditions and placed into protective land status by conservation easement or other appropriate means. Impervious coverage removed shall be sufficient to provide for 90% TSS removal when combined with the on-site stormwater management systems; or
 - ii. Existing unmanaged or poorly managed stormwater runoff within the same watershed shall be managed or retrofitted with appropriate green stormwater infrastructure practices. These facilities shall be sufficient to provide for 90% TSS removal when combined with the on-site stormwater management systems; or
 - iii. A combination of on-site and off-site above strategies, sufficient to achieve the listed requirements to the satisfaction of Highlands Council staff.
2. Conservation Restriction: Placement of a conservation easement covering the Highlands Environmental Resource Zones (HERZ).
3. Farmland Mitigation:
 - a. Mitigation of the area of farmland on Block 102 Lot 9 is required by limiting development elsewhere in the Agricultural Resource Area, preferably within the same subwatershed. This may be done through the use of Highlands Development Credits, through land preservation, or through another method that would be identified at the time a development proposal is drafted.
 - b. Developers must also provide for local use of removed topsoil, ensuring that it remains within the same watershed and be used for agricultural or ecological restoration.
 - c. The mitigation area includes the conceptual area of disturbance (currently measured at 40 Acres) that are identified as agricultural land use (cropland and pastureland, code 2100) in the 2020 Land Use Land Cover Data. The amount of any mitigation shall be calculated using State Agriculture Development Committee (SADC) farmland preservation appraisal data for surrounding Warren County municipalities. Final mitigation will be based on the final area of disturbance proposed. Mitigation must be completed prior to the issuance of building permits.
4. Screening of Lock Street historic properties: The Lock Street properties will be screened with a sound attenuation wall and landscaping as presented in in the Historic Resources section of this report.
5. The Highlands Regional Master Plan requires protection of historic resources (Policy 4A4). A portion of the Morris Canal on the property will be preserved by ensuring that the development envelope does not impinge on the resource. In addition, the applicant has agreed to dedicate that area as open space

(via easement permitting public access or fee simple donation) to Warren County or Lopatcong Township (or other agreed upon government or non-profit entity), in accordance with Morris Canal Greenway 25 Year Action Plan (June 2012). The dedicated area will be at least 30 ft. in width along the Canal section.

6. Adoption of an amended Water Quality Management Plan consistent with this approval.
7. Site Plan Review: At the present time the project will be subject to review by the Highlands Council under Lopatcong Township's adopted referral ordinance at the time the site plan application is submitted. At the time the project will be reviewed for compliance with the design standards found in the 2025 Policy Standards for Warehousing in the New Jersey Highlands Region. In the interim, the Township may adopt the Highlands Conformance Ordinance which would shift the review responsibility to the Township of Lopatcong.

Appendix 1: Highlands Redevelopment Area Map



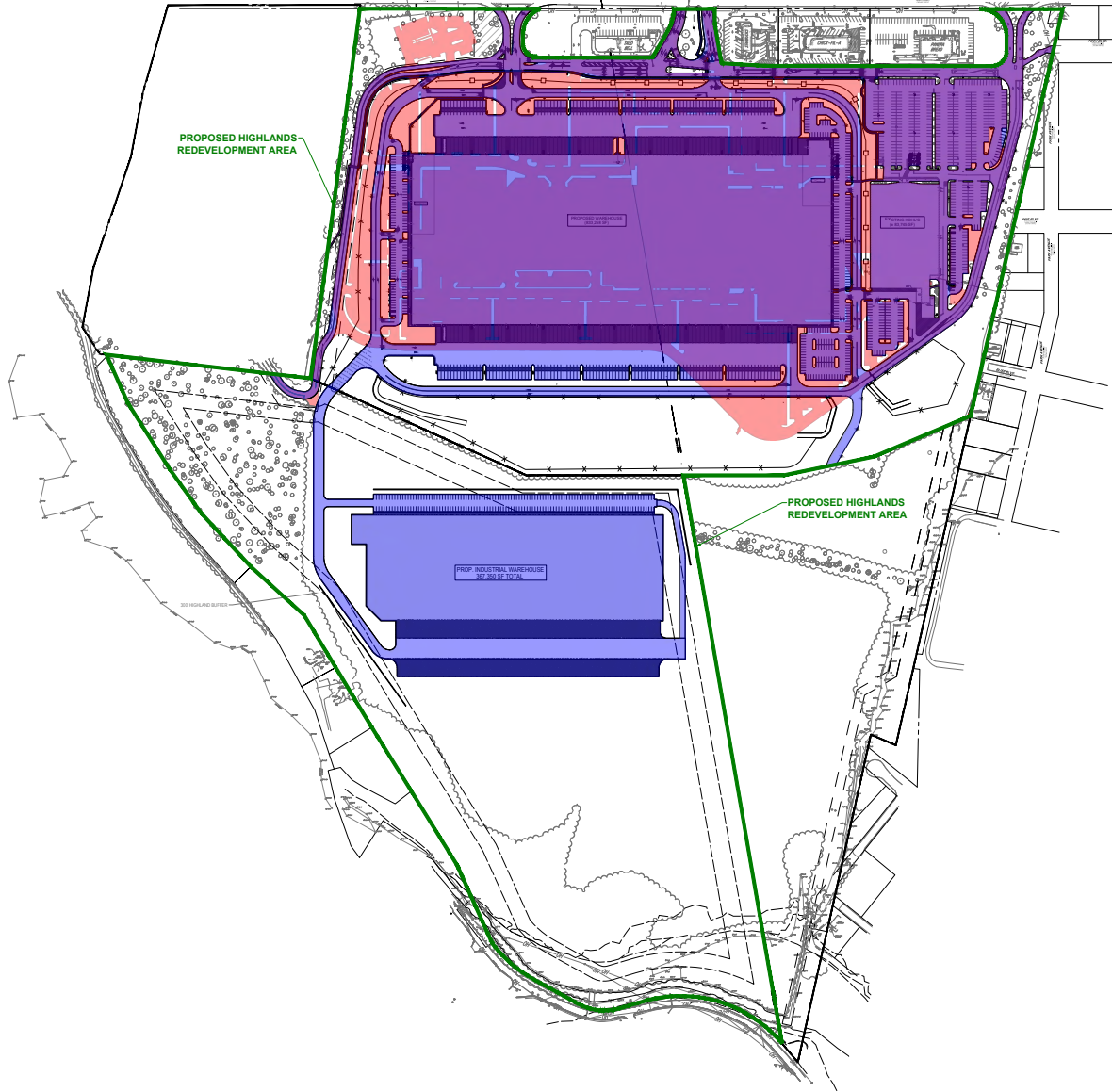
LEGEND	
HATCH	DESCRIPTION
	EXISTING IMPERVIOUS COVERAGE TO BE REMOVED
	EXISTING IMPERVIOUS COVERAGE TO REMAIN
	PROPOSED IMPERVIOUS COVERAGE

EXISTING LOT COVERAGE SUMMARY TABLE

	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9 01 BLOCK 102, LOT 9 03 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1 01	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9	COMBINED
LOT AREA	74,227 ACRES	57,961 ACRES	132,188 ACRES
LOT COVERAGE	51,760 ACRES	0,148 ACRES	51,908 ACRES

PROPOSED DEVELOPMENT AREA TABLE

	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9 01 BLOCK 102, LOT 9 03 TOWNSHIP OF POHATCONG BLOCK 1, LOT 1 01	TOWNSHIP OF LOPATCONG BLOCK 102, LOT 9	COMBINED
LOT AREA	74,227 ACRES	57,961 ACRES	132,188 ACRES
EXISTING IMPERVIOUS COVER	51,760 ACRES	0,148 ACRES	51,908 ACRES
PROPOSED IMPERVIOUS COVER	49,200 ACRES	15,382 ACRES	64,582 ACRES
COMBINED REDEVELOPMENT AREA IMPERVIOUS COVERAGE			64,582 ACRES
MAXIMUM PERMITTED REDEVELOPMENT AREA IMPERVIOUS COVERAGE			74,124 ACRES



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PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRAFFIC STUDY SERVICES

REVISIONS				
REV	DATE	COMMENT	BY	CHKD
1	10/29/2023	REV. PER HIGHLANDS REDEV. AREA INBURY	ATK	ATK
2	01/11/2024	REV. PER HIGHLANDS COMMENTS	ATK	ATK
3	04/01/2024	REV. PER HIGHLANDS REDEV. AREA INBURY	ATK	ATK
4	06/03/2024	REV. PER HIGHLANDS REDEV. AREA INBURY	ATK	ATK

811
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NEW JERSEY: YOU MUST CALL 811 BEFORE ANY EXCAVATION WHETHER IT'S ON PRIVATE OR PUBLIC LAND.
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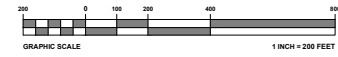
PRELIMINARY
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PROJECT No.: J200584
DRAWN BY: ATK
CHECKED BY: ALIAS
DATE: 11/21/2023
CAD ID: J200584-ICE-48

PROJECT:
IMPERVIOUS COVERAGE EXHIBITS
FOR
J.G. PETRUCCI
PROPOSED INDUSTRIAL DEVELOPMENT
470 PLANE
BLOCK 102, LOT 9
TOWNSHIP OF LOPATCONG
BLOCK 1, LOT 1
TOWNSHIP OF POHATCONG
WARREN COUNTY, NEW JERSEY

BOHLER
30 INDEPENDENCE BLVD., SUITE 200
WARREN, NJ 07059
Phone: (908) 656-5300
Fax: (908) 754-4401
www.BohlerEngineering.com
A LICENSED PROFESSIONAL ENGINEERING FIRM

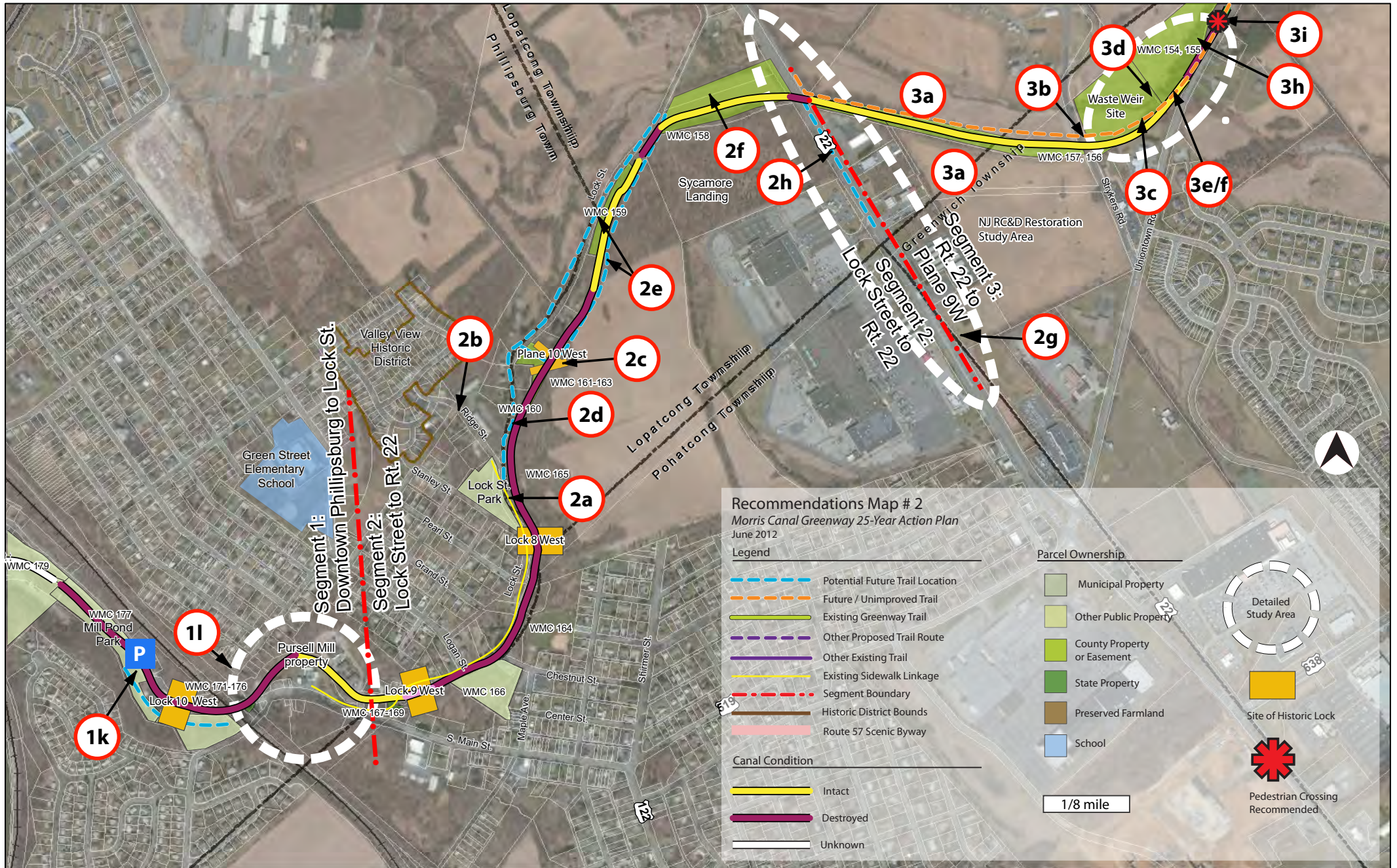
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CONNECTICUT LICENSE NO. 36019
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CONNECTION LICENSE NO. 0607

SHEET TITLE:
PROP. IMPERVIOUS COVERAGE EXHIBIT
SHEET NUMBER:
2



Appendix 2: Concept Plan

Appendix 3: Morris Canal Greenway



Appendix 4: Site Photos



Property Behind Mall – Looking South



Former Phillipsburg Mall



Property Behind Mall – Looking Southwest



Former Phillipsburg Mall



Former Phillipsburg Mall

Appendix 5: Public Comment and Response

Summary of Public Comments and Responses

Comment 1.

Summary:

- Opposes including Block 102 Lot 9 (57-acre farm) in the Highlands Redevelopment Area.
- Argues farmland is not a brownfield/grayfield/previously developed.
- States warehouse conversion contradicts Highlands Act and smart growth.
- Questions feasibility and purpose of mitigation.

Response:

- Thank you for your detailed comments. The application complies with the Highlands Warehouse standards.
- The Highlands Act tasks the Highlands Council with promoting redevelopment in the Highlands Region (13:20-6.u).
- The Council will evaluate the Highlands Redevelopment applicability, mitigation feasibility, agricultural resource impacts, and smart growth consistency in the final recommendation.

Comment 2.

Summary:

- Cites impervious coverage harm, water quality concerns, and Highlands warehouse guidance.
- Notes karst geology and vulnerability to pollution.
- Argues site is high-priority farmland and should be preserved.

Response:

- Thank you for your submission. The application complies with the Highlands Warehouse standards.
- The Township is aware of karst topography and will evaluate karst geology issues during any site plan review process.
- The project will be subject to the NJDEP stormwater rules. In addition, improvements will be made to the mall property as it undergoes redevelopment.
- The property is not eligible for the SADC farmland preservation program.

Comment 3. Regarding Lopatcong Mayor Wright's Statements

Summary:

- Reports mayor publicly discouraged public participation and denied Township involvement.
- Requests previous comments remain on record.

Response:

- The Council has noted these comments. All previously submitted written statements remain part of the record.

Comment 4.

Summary:

- Argues improper use of Highlands Redevelopment designation to allow a warehouse in Conservation Zone.
- Claims farmland is not isolated, contradicts staff statements.
- Asserts sewer extension is inconsistent with RMP.
- Raises concerns about cumulative warehouses, traffic, mitigation, and political influence.

Response:

- Thank you for your analysis. Approval of the Highlands Redevelopment Area will provide a waiver to the provisions restricting extension of public sewer into the Conservation Zone.
- Mitigation is proposed to offset the loss of farmland.
- The property does not qualify the SADC's farmland preservation program.
- The project complies with the Highlands Warehouse Guidelines.

Comment 5.

Summary:

- Highlights diesel emissions, air quality, noise, emergency service strain.
- Claims traffic study is flawed and omits cumulative heavy truck traffic.
- Objects to loss of Agricultural Resource Area and Important Farmland Soils.
- Asserts sewer service extension is not permitted in Conservation Zone.

Response:

- Approval of the Highlands Redevelopment Area will provide a waiver to the provisions restricting extension of public sewer into the Conservation Zone.
- Mitigation is proposed to offset the loss of farmland.
- The property does not qualify the SADC's farmland preservation program.
- The project complies with the Highlands Warehouse Guidelines.

Comment 6. New Jersey Highlands Coalition

Summary:

- Resubmits full 2024 comments.
- States staff findings contradict RMP farmland preservation goals.

- Argues parcel is not previously developed and cannot qualify for Redevelopment.
- Notes high-priority agricultural indicators and proximity to preserved farms.
- Raises transparency concerns regarding mitigation and site plan review.

Response:

- Thank you. Your previous comments remain part of the record.
- Mitigation is proposed to offset the loss of farmland.
- The property does not qualify the SADCs farmland preservation program.

Comment 7. Commenter Submitting NJDEP Stormwater/Karst Letter

Summary:

- Provides DEP letter requiring Log-Pearson III method for karst runoff modeling.
- States staff proposal allowing offsite mitigation is unsafe and potentially noncompliant.
- Warns of flood risks historically affecting Pohatcong.

Response:

- Thank you for this documentation. The Township is aware of karst topography and will evaluate karst geology issues during any site plan review process.

Comment 8. Resubmitted August 2024 Comment

Summary:

- Criticizes use of mall parcel to meet 70% impervious requirement.
- States staff avoided answering questions.
- Asserts traffic study ignores warehouse pipeline.
- Argues the Council is facilitating sprawl.

Response:

- Thank you for the continued engagement. The Township's have applied for a Highlands Redevelopment Area including the Mall property as permitted by the Highlands Redevelopment Area Procedures.
- The area is surrounded by existing development