



State of New Jersey

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LISA J. PLEVIN
Executive Director

October 14, 2020

Revised letter

VIA EMAIL ONLY

Angela Dragone, Board of Adjustment Secretary
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Michael Glynn
Monarch Communities
1359 Hooksett Road
Hooksett, NH 03101

Re: Consistency Determination # HC-CD-20-002
Franklin Turnpike (CR-501) & King Street
Block 82 Lots 1, 3-17, 26, 29 & 30
Township of Mahwah, Bergen County
Finding: Consistent Subject to Specified Conditions

Dear Ms. Dragone and Mr. Glynn:

The Highlands Council is in receipt of the above-referenced application for a Consistency Determination. The application was received by the Highlands Council on August 12, 2020. The proposed project, located in the Planning Area of the Township of Mahwah, consists of a proposed assisted living facility with 175 units in addition to +/- 8,000 SF retail. Other site improvements include lighting, landscaping, paved parking areas, stormwater management and utilities.

Highlands Council staff has completed the review of the proposed project for consistency with the Highlands Act, the Regional Master Plan, and the Township of Mahwah Draft Highlands Area Land Use Ordinance. Attached please find our Consistency Determination, which finds that the project is "Consistent Subject to Specified Conditions." Please be advised that Highlands Council conditions shall be incorporated into any action taken by the Planning Board regarding this project; however, the Planning Board may modify the wording of condition(s), as long as the spirit and intent of the condition(s) remains. Final planning documents must reflect the satisfaction of all conditions.

Should you have any questions regarding this Consistency Determination, please do not hesitate to contact Maryjude Haddock-Weiler, Planning Manager and liaison to the Township of Mahwah, at 908-879-6737 or (maryjude.haddock-weiler@highlands.nj.gov).

Sincerely,



Lisa J. Plevin
Executive Director

Enclosure

c: Charles Rabolli, Jr., Board of Adjustment Chair
Mike Kelly, Township Engineer



State of New Jersey
Highlands Water Protection and Planning Council
CONSISTENCY DETERMINATION



Proposed Assisted Living Facility HC_CD_20-002
10/08/2020
 Franklin Turnpike (CR-501) & King Street
 Block 82, Lots 1, 3-17, 26, 29 & 30
 Township of Mahwah, Bergen County

Applicant: Monarch Communities
 1359 Hooksett Road
 Hooksett, NH 03101

PROJECT INFORMATION

Highlands LUCM:	Existing Community Zone, Designated Center	Highlands Area:	Planning Area
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Project Summary: Proposed assisted living facility with 175 units in addition to +/- 8,000 SF retail. Other site improvements include lighting, landscaping, paved parking areas, stormwater management and utilities.

Information Received on 8/12/2020:

1. One (1) completed Highlands Referral Ordinance Application dated 07/20/2020;
2. One (1) copy of the Preliminary and Final Site Plans, dated 07/17/2020;
3. One (1) copy of a Stormwater Management Summary prepared by Dynamic Engineering, dated July 2020;
4. One (1) copy of a Stormwater Management Facilities Operation and Maintenance Manual prepared by Dynamic Engineering, dated July 2020;
5. One (1) copy of an Environmental Impact Statement prepared by Dynamic Engineering, dated July 2020;
6. One (1) copy of a Traffic Impact Study prepared by Dynamic Traffic, LLC, dated July 23, 2020;
7. One (1) copy of the Bergen County Soil Conservation District Submission Letter, prepared by Dynamic Engineering, dated July 27, 2020;
8. One (1) copy of the Bergen County Planning Board submission letter, prepared by Dynamic Engineering, dated July 27, 2020;
9. One (1) copy of the Township of Mahwah Board of Adjustment Submission Checklist;
10. One (1) copy of the Township of Mahwah Planning Board Completeness Checklist;
11. One (1) copy of the Township of Mahwah Schedule of Zoning Requirements with lot coverage calculations; and
12. One (1) copy of the ESRI shapefiles for the proposed project.

Finding: Consistent with Conditions

PROJECT REVIEW

Highlands Resources:

- A. **Highlands Open Water Protection and Riparian Areas:** There is approximately 0.12 acre of Highlands Open Water Protection (HOW)/Riparian Areas mapped across the western edge of the site. These areas are associated with the nearby Masonicus Brook. The HOW/Riparian areas are fully disturbed onsite and the proposed project would not further affect this area.
- B. **Utilities:** The project intends to continue to use the existing sewer connection as well as public water supply.

Stormwater Review: According to the proposed design, the majority of runoff generated by the project will be managed by an underground detention basin designed to meet the required peak runoff/quantity standards required by N.J.A.C. 7:8.

In addition, runoff generated by paved parking areas in the southeast corner of the site is proposed to be conveyed to a bioretention basin/rain garden that will provide water quality benefits. One manufactured treatment device (MTD) is also proposed for water quality treatment associated with runoff generated from the paved parking areas along the southern property line.

CONDITIONS

Condition #1: A robust green infrastructure plan is required to manage stormwater from the proposed project and groundwater recharge is required. Opportunities for the incorporation of additional green infrastructure and recharge shall be further explored and incorporated into the stormwater management facilities design. Please refer to email correspondence dated August 24, 2020 for additional detail and information on technical guidance (copy attached).

Condition #2: The applicant shall complete the Low Impact Development Checklist which helps guide a greener design using nonstructural strategies. The completed checklist shall be submitted for Highlands Council review. (Refer to Appendix A of the New Jersey Stormwater Best Management Practices (BMP) Manual.)

Condition #3: Following incorporation of any additional green infrastructure methods or modification(s) to proposed facilities associated with Conditions 1 and 2, the Stormwater Management Summary and Stormwater Management Facilities Operation and Maintenance Manual for the site shall be revised as necessary and provided to the Highlands Council for review and approval.

Basis for Conditions 1 through 3.

The Township of Mahwah is fully conforming with the Highlands Regional Master Plan (RMP). As such and in certain instances, RMP requirements are stricter than municipal/NJDEP requirements.

RMP Objective 2G5b: Require Low Impact Development and other Best Management Practices standards for stormwater management to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.

RMP Objective 6N2a: Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.

RMP Objective 6N2d: Minimum requirements that stormwater management systems employ a “design with nature” approach.

RMP Objective 6N2e: Minimum requirements for use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low impact approaches to attenuate and control stormwater and provide multiple environmental benefits.

Condition #4: A revised Landscape Plan shall be prepared which includes plantings comprising and in support of green infrastructure efforts, which may include, but are not limited to, rain gardens, bioswales, green roofs, etc. The final Landscape Plan shall be provided to the Highlands Council for review and approval. (Staff provided the applicant with the Highlands Council Draft Recommended Native Plantings list for Bergen County for appropriate plant species via email correspondence on April 3, 2020.)

Basis for Condition: See above RMP Objective 6N2e.

RMP Site Design and Development Guidelines: A landscape plan shall be submitted with each project which incorporates native, drought-tolerant, disease-resistant plant species and does not include invasive plant species. Natural landscaping shall be considered for use when feasible.

Non-native and invasive species disrupt local ecosystems and can prevent regeneration of indigenous plant species. Use of native, drought-tolerant species should minimize watering needs while increasing chances of achieving hardier, longer-lasting landscaping elements, by taking advantage of plant adaptations to local conditions including climate, soils, insects, fauna, etc.

Condition #5: The applicant must address, in coordination with Mahwah Township, the requirements of the Fair Housing Act for a 20% affordable housing component, either on site or off site. If the applicant and the Township agree that the conditions of the project render the provision of the affordable housing not economically feasible, the applicant shall submit a motion in accordance with the Fair Housing Act requesting such a determination.

Basis for Condition: The Fair Housing Act (N.J.S.A 52:27D-329.9 a.) requires that all new residential development in the Highlands Region provide for a reservation of at least 20% of the units for low and moderate income households, to the extent that it is economically feasible.

RMP Policy 6O7: To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court’s doctrine, in its Mount Laurel decisions, that every municipality in a “growth area” has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families.

Condition #6: Copies of the final approved site plans (one digital copy), supporting documents, and approving resolution shall be submitted to the Highlands Council.

Basis for Condition: As required under the Mahwah Township Highlands Checklist Ordinance (Ordinance #1706, adopted April 26, 2012) amending submission requirements for applications for development, no Application for Development may be considered by the Township land use board until the project has been deemed consistent by the Highlands Council. The Highlands Council seeks to ensure that any conditions placed on a finding of consistency are properly incorporated into the local approval process, and if/when such projects are approved by the local board, that all relevant conditions are addressed.