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As requested, on behalf of Andover Township Land Use Board, Equity Environmental Engineering LLC "Equity" has provided the following comments on the natural resources assessment and environmental impact statement submitted in support of the Preliminary/Final Site Plan Application by BHT Properties for their Proposed Development of the property at 248 Stickles Pond Road (Block 151, Lot 21) "Subject Site". We have identified the additional investigation, analysis, and documentation we believe is necessary for a complete application. Our review includes the following documentation.

1. Preliminary and Final Major Site Plan – Dated 12-12-2019 (last revision 03/1/2022) – Prepared by E&LP
2. Environmental Impact Statement - Dated January 26, 2021 – Prepared by E&LP
3. NJDEP Freshwater Wetlands Delineation and Flood Hazard Wetland Initial Application – Dated January 27th, 2021 – Prepared by E&LP
4. Stormwater Management Report – Dated November 28, 2019 (last revision March 8, 2022) – Prepared by E&LP
5. Flood Hazard Area Verification Report and FHA Verification Plan– Dated Revised January 26th, 2021
6. Facility Operators Program Manual for Hydrocarbon Spill Clean-up – received by Town December 21, 2021
7. Other application materials, presentations and correspondence

Comment Overview

- I. An updated Operational Plan should be provided. This Plan should include a clear statement of the hours of operation, number of employees, means of material conveyance (i.e., type of truck(s) classifications), and a basic statement of purpose of storage material operations. The Plan should identify the purpose of the operation and examples of delivery streams (where material is sourced from and is to be delivered to) with the understanding that this is subject to change. The Operational Plan should explain how the proposed facility fits into BHT's overall operation, identifying the geographic area within which BHT construction activities would be supported by the facility, as well as the anticipated number and type of such activities. Further, an indication of whether BHT operates similar facilities now and where these are located should be provided. Finally provide statement of need and purpose – why is the facility needed and what issues is BHT encountering with is current supplies to construction activities or an explanation of local and regional need.
- II. Environmental Impact Statement (EIS) should be updated to the current plan and documentation prepared to date and should follow the content requirements of § 131-

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- III. 13 Township of Andover Ordinance for EIS for Site Plan Review. Detailed comments are provided below.
- IV. The NJDEP Freshwater Wetland Delineation and Flood Hazard Wetland Initial Application appears to be complete. Letters of Interpretation (LOI) indicating DEP concurrence with the delineation, classification and wetland setback area should be supplied, once provided by NJDEP. Documentation should be supplied from the Applicant regarding a determination by DEP as to the presence of State/National Listed threatened or endangered species on Site. Based on the findings of the Natural Heritage Report, multiple endangered avian and mammalian are identified as present on-Site. We strongly recommend consultation with U.S. Fish and Wildlife Service's (Service) New Jersey Field Office (NJFO) regarding the BHT Site unless a determination by NJDEP and the Service has been performed and have determined that listed species are not present on Site. Specific to the Endangered Species Act (ESA), Service Review is required, "If a non-Federal project may result in take of a federally listed species, then technical assistance should be requested from the Service to determine if a permit and a Habitat Conservation Plan are required under Section 10 of the ESA."
- V. The Stormwater Management Report (SWM) appears to be complete. Documentation of approval of waiver by DEP of Stormwater Management Rules of N.J.A.C. 7:8. should be supplied to the Board. As noted in the SWM, a waiver is requested for the use of infiltration in the routing of the 2, 10 and 100-year storm events.
- VI. The Flood Hazard Verification Report and Plan appear complete, with approval by DEP dated 6/22/2021. It should be noted whether changes to the Site Plan as revised on 3/1/2022 affect the findings of the Flood Hazard Verification Report and Plan as approved on 6/22/2021.
- VII. A determination of whether the Proposed Development is an approved use or subject to a D (1) variance must be determined as the EIS will need to be sufficiently detailed to support positive and negative criteria required for a D variance.

Detailed Comments on EIS

1. The EIS should more closely follow § 131-13 Township of Andover Ordinance content requirements

- A. **Description of development** - Operations plan/statement should provide a clear statement of the hours of operation, number of employees, means of material conveyance (i.e., type of truck(s) classifications), and a basic statement of purpose of storage material operations.

Is this demolition debris to be recycled, is it material to be used for construction, if so, what are intended sites or areas of operation? Explain whether inbound and outbound delivery of material are provided by third party haulers or to be provided by BHT. A basic statement of average and peak number of inbound and outbound daily deliveries should also be provided.

- i. The introduction of the EIS should reference the latest site plan and operations manual or statement regarding the proposed operations.

- a) Plan and description of buildings should be properly summarized with the information below as required per Ordinance.
- b) Existing contours based on accepted datum
- c) Contours as constructed
- d) Existing buildings on site and within 100 feet of site (partially described on Page 2).
- e) New buildings (size identified) – describe purpose.
- f) Existing Roads
- g) New Roads proposed
- h) Paved areas and their fraction of total site
- i) Project’s relation to surrounding property and utilities
- j) Method and schedule of construction including grading and clearing (in accordance with Sussex County Soil Conservation District regulations)
- k) Solid waste generation and disposal, including mitigation and recycling in compliance with NJ State Law
- l) Proposed wastewater treatment
- m) Noise generation or impact and use of buffers
- n) Smoke or other air pollution generated by heating or business activities
- o) Lighting characteristics, including placement of outside illumination, its coverage and provisions for illumination control in time and space.
- p) Solar encumbrance: shading and reflections from structure in relation to adjacent properties

ii. Inventory of existing environmental conditions

- a) **Surface and/or ground water quality** – while a statement in Section 2.5 on water supply and water quality is provided, stating, “water quality on the site is generally adequate and no known contamination exists on the property”, there is no supporting data or information. Based on statements regarding the Phase 1 and the noted presence of a groundwater contamination area (CEA) approximately 800 feet away from the southwestern edge of the property, this statement requires further justification and an inventory as required per the Ordinance for pH, Chlorides, Hydrocarbons and suspended solids.
- b) **Air Quality** – a reference to AQ index was provided for Passaic County monitoring station. If the board deems this acceptable as a statement of ambient air quality at the Site, Equity has no issue with this documentation given the location and proposed use. In the alternative, dustrack monitoring for existing PM 2.5 and SUMMA Canister air sampling for sampling of ambient VOCs could be performed.
- c) **Noise characteristics and levels** – Section 2.4 makes the statement that noise levels on site are generally adequate to low

due to surrounding wooded areas and residential lots and indicates previous airport use would have generated higher noise levels from planes taking off and landing at the site. In order to establish a baseline condition to assess the potential impact of the proposed use, quantification of existing ambient noise level is needed. Terms such as adequate to low are qualitative characterizations that are inadequate to assess such impact. Further it should be noted that while airplane noise would likely generate higher peak noise levels, the duration and extent of the airplane activity at the Site has not been characterized, precluding a meaningful comparison with anticipated noise-generating activity at the site. Noise monitoring following procedures outlined in N.J.A.C 7:29 should be performed at the Site to establish existing noise levels during proposed hours of operation.

- d) **Soils and properties** – these properties have been appropriately summarized in Section 2.10.
- a. The Phase I Environmental Site Assessment (ESA) referenced in the EIS was not supplied for review or appended to EIS. Provide Phase I ESA for review by Board.
 - b. The Phase I environmental investigation summary in Section 2.1 indicates multiple recognized environmental conditions (RECs) and historical recognized environmental conditions (HRECs) as well as the presence of a septic system is mentioned in section 2.8. The potential for historic contamination of soils and groundwater would infer the need for a more thoroughly supported statement regarding the existing condition of soil and possible presence of contamination. Please note that a Preliminary Assessment is necessary to be in compliance with N.J.A.C 7:26E if protection from potential liability as an innocent land owner is sought under the NJ Spill Compensation and Control Act N.J.S.A 58:10-23.11.
- e) **Topography** – Section 2.2 of the EIS provides a summary of the topography, however a reference to a topographic map in an Appendix should be supplied or a figure in document should be provided. The topographic summary in the EIS should provide an indication of surface water flows related to existing topography so that the impact of the Proposed Site Plan can be properly assessed to determine whether the Site Plan as contemplated will significantly impact the surface water movements, existing wetland ecology, and whether these impacts are properly mitigated during construction and normal use so as to avoid unnecessary impacts to area ecology or result in unnecessary erosion or flooding on-site and offsite that may damage ecological systems or adjacent property.

- f) **Slopes** – A separate section on slopes is not provided in the EIS, while existing soils and slope stabilities Section 2.10 is provided. Information on soils should be a separate section while the slopes section should simply identify if any slopes of note are present. Section 2.1 indicates several steep sections are scattered throughout the property – however no indication of the location of these is provided in this section.
- g) **Slope Stability** – a general statement of slope stability should be provided.
- h) **Terrain** – a section on terrain is not provided although vegetation and topography sections cover this area.
- i) **On and off-site sewer systems** – Section 2.8 of the EIS identifies that the previous use was serviced by a septic system, the location and extent of which is not defined. If there is more information available on this, please provide.
- j) **Vegetation** – Section 2.11 does not properly characterize vegetation on site, including type, density and location including hydrophilic plants, or tree survey with species and caliper. This section should include references to the Freshwater Wetlands Report General Permit 6 and Transition Area Waiver as this document notes the presence of associated hydrophilic plants with wetlands and pools/ponds.
- k) **Architectural Design and relation to adjacent structures** – while this section is not anticipated to be particularly critical, no discussion of this required content per Ordinance is supplied. A basic summary of existing structures and proposed structure should be supplied.
- l) **Historical and archeological sites on property** – while the EIS states that the property does not contain any historic buildings or resources in Section 2.14, it does not reference the Town Master Plan or other sources to base this conclusion on. During the hearing on May 17th, 2022, BHT Legal Counsel indicated that a Phase IA Survey for the Project had been submitted to NJDEP Historic Preservation Office (HPO) but that a determination was forthcoming. A review of LUCY NJ CRGIS Online Viewer indicates that BHT submitted a Phase 1A & 1B Investigation to HPO recommending a finding of Not Eligible, however, the notes provided by SHPO indicate that the survey submitted was incorrectly performed, noting “seven historic buildings, one modern building, and one historic structure; The HPO cannot concur with the assessments at this time, as the documentation provided does not comply with the HPO’s Guidelines for Architectural Survey.” BHT should supply HPO determination once its evaluation is complete.
- m) **Land Use Aesthetics** – Section 2.12 and 2.13 are quite summary and do not acknowledge the significant natural resources context

of the Site, including the presence of St Paul's Abbey (generally referred to as religious center?) and the presences of Stickles Pond and associated recreational areas. A land use map should be provided for context and a proper discussion of the aesthetic context, which is one of a primarily rural and verdant landscape, should be provided in context of the Proposed Development.

- B. **Sewage Facilities** – Section 2.8 of the EIS identifies that the previous use was serviced by a septic system, the location of extent of which is not defined. If there is more information available on this, please provide. Section 3.6 provides no details on the proposed septic system and leach field and does not provide the required information under § 131-13 B. This section of the EIS relating to impacts and mitigation should provide information that demonstrates sewage can be disposed of through facilities adequate to preclude water pollution – including the following per Ordinance.
- i. Type and volume of sewage effluent
 - ii. Method and treatment of the proposed facility (layout of the leach field should be identified so as to understand potential impact on the ecological system and potential impacts on wetlands and Pequest River.
 - iii. Detailed data shall be supplied on underlying geology, plus a current and complete soil analysis, percolation tests for every five acres, elevation of the water table for each five acres if within 12 feet of proposed final contour, or certification that it is not within 12 feet of proposed final contour, and areas overlying except in aquifers the requirement shall be 15 feet. This should include location of aquifers, depth and capacity of wells within 500 feet of the Site and consideration of topography.
 - iv. The EIS, per ordinance shall contain a conclusion, by a qualified professional, as to the impact of the above-mentioned environmental elements.
- C. **Water supply** – no section on water supply is provided in the EAS. As noted in the Ordinance, “It shall be shown that an adequate potable water supply is available and that drawing that supply shall not threaten the use of other land nearby”. Per Section C of said Ordinance if an on-site well is to be used for water supply the location of all public and private water supplies within 500 feet are to be identified, the location, depth and adequacy of proposed private or public water supplies to serve the proposed realty improvement must be provided, and a geologic description of the subsurface conditions including expected groundwater yields, using published geologic report or report by a geologist must be provided. As noted in the Ordinance no preliminary approval shall be granted until the Division of Water Resources has determined that water supply and sewage disposal facilities are adequate.
- i. The above evaluation should consider the use of water to suppress dust generation from the proposed operations which are likely to be considerable given the material to be hauled, loaded and moved.
- D. **Drainage** – while Section 3.5 summarizes the findings of the Stormwater Management Report (SWM), a more detailed statement that “stormwater runoff

from the site is so controlled that on- and off-site erosion is neither significantly produced nor worsened and that the potential of adjacent or downstream flooding is not significantly increased". Specifically, the findings of the SWM should be referenced with respect to items 1-7 under item D. of § 131-12 in the EIS.

- E. **Refuse Disposal** – Section 3.19 of the EIS provides a summary that trash will be picked up on-site – however the Ordinance indicates that a plan for refuse disposal in compliance with State and Township requirements and code should be provided. An indication of refuse disposal measures should be provided, including an indication of whether the Proposed Development may generate hazardous waste, bulk waste or byproduct and if so, how this material is to be stored and handled.
- F. **Air Impact** – The EIS should provide a substantive discussion of air quality impact as it currently contains a summary statement - *"The sources of air pollutants are the construction materials to be stored but it's not expected to cause a degradation of air quality"*. Per Town Ordinance, "It shall be shown that there are no deleterious effects to air quality caused by smoke, gases, discernible odors, deleterious chemical changes, particle matter or changes produced by heat, incineration or processing of materials. A chart showing before-and-after ambient air quality shall be submitted". Given the ecological sensitivity of the Site, the use of what are likely SU 40 and 50 dump trucks which use diesel fuel, and the potential for fugitive dust from vehicle movements and loading and unloading of aggregate material, an assessment of air quality impact should be provided to demonstrate the summary statement in the EIS and meet the requirements of the Ordinance.
- G. **Assessment of Environmental Impact**
 - i. The EIS should discuss impact on the existing environment as described in Subsection A (2). "Plans and narratives shall describe any area, condition or feature which is environmentally sensitive, or which would be adversely affected if disturbed during construction". While summary statements have been made in the EIS Section 3, the EIS fails to discuss at any length the presence of rare wildlife habitat, vernal pool habitat, or threatened and endangered species identified by NJ Natural Heritage Database as being present on-site, including Federally Listed Endangered Species and State Threatened and Endangered Species, including Aves: Bald Eagle, Barred Owl, Long-eared Owl; Insecta: Kennedy's Emerald; Mamalia, Bobcat and Indiana Bat. Given the Proposed Development as stated in materials would permanently disturb some 2.1 million sf of land area, the impact on wildlife habitat should be provided in the EIS. Further the following areas of potential impact and mitigation should be discussed.
 - a) **Wetlands and Habitat** - A clear statement of how wetlands and animal habitat can be monitored and impact avoided or mitigated during construction.
 - b) **Erosion** - A statement of how erosion control and impact on wetland adjacent areas can be managed during operations and

stormwater runoff and dust generation can be minimized in relation to wetlands situated throughout Site. Further, wetlands present on Site have not been evaluated for presence of Natural Heritage Database listed species and the potential to impact migratory movements of species from vernal ponds to wetland to the Pequest River and to the broader site ecology.

- c) **Water Infiltration** - As the presence of off-site and on-site wells was not documented in the EIS, or whether the Site serves as a significant aquifer recharge area, the impact of water infiltration cannot be reasonably evaluated. A statement of the potential impact on groundwater hydrology should be provided in the EIS, Section 3.5 should be expanded to include an assessment of proposed treatment measures on run-off and water infiltration.
 - d) **Vegetation** – As the Proposed Development will affect 2.1 million sf of land and clear-cut hardwood forest and vernal pond habitat, a detailed statement of vernal habitat to be eliminated and area of hardwood forest to be clear cut should be provided. A statement of how the project complies with the tree removal ordinance should be provided. How many trees, where, what species, what caliper, would be removed, how many would be replaced?
 - e) **Neighbors and neighborhood** – The EIS should characterize the Proposed Development’s impact on noise, air quality and traffic on it neighbors both during operations and construction. This assessment should be provided in a quantifiable manner. This is a critical aspect of the EAS should a D Variance be required.
- ii. **Permits and Approvals** – The EIS should properly list all permits and approvals and data and the status of those approvals. The EIS does not mention the status of these permit approvals. In addition, Section 5 of the EIS indicates a Sussex County Planning Board Approval – has this approval been initiated? – What is the Status?
- iii. **Evaluation of environmental impacts during and after construction including but not limited to:**
- a) A list of impact or damages to the environment or natural resources on or adjacent to the property, and a statement as to duration of same.
 - b) Increase in noise.
 - c) Damage to plants and trees.
 - d) Displacement or disruption of people, businesses, and transportation.
 - e) Increase in municipal services.
 - f) A list and description of measures taken to eliminate or mitigate adverse effects.

- H. Noise Impact** – as discussed above a chart should be supplied indicating the ambient noise levels measured in decibels on site and at the property boundary. Land use receptors sensitive to noise such as parks, open space and residential facilities should be noted on a scaled map. Project-generated stationary and mobile source noise from truck traffic accessing Site and loading and unloading of construction material should be modelled to estimate increase in ambient noise levels resulting from normal and peak operations. The impact on sensitive receptors can be evaluated by utilizing standard noise propagation algorithms to determine whether noise generated at the project site may impact these receptors at a distance from the noise source. Analysis of potential noise impact should follow procedures outlined in N.J.A.C 7:29 Noise Control for continuous and impulsive airborne sound. The Code indicates no person shall cause, suffer, allow, or permit sound from any industrial, commercial, or community service facility that, when measured at the property line of any other commercial, or community service facility of any affected person, is in excess of 65 dBA or per exceeds octave band sound levels as described in the Code, or greater than 80 dBA for impulsive noise.
- I. Construction Impact** – Per Town Ordinance, “There shall be supplied a plan of construction, outlining timing and phasing, traffic generated, number of workers, and any impact relating to noise, air, water or other relevant temporary changes in the natural environment”. A construction schedule should be provided outlining major phases of construction. An identification of construction vehicles and types, construction worker generated traffic and an assessment of impacts related to noise, air, water and the natural environment should be discussed in a quantifiable manner.
- J. Alternative Measures** – Section 4 of the EIS provides a basic narrative of a no-build option and a less intensive operation. The summary provided in the EIS does not identify what alternative scenarios were considered or provide detail into why these are not viable. Following the Ordinance, “environmental impact statement consideration shall be given to reasonable alternatives obviating environmental impact problems. List the irretrievable and irreversible effects of the development upon the environment and discuss alternatives for amelioration of these effects”. Please provide this assessment per the Ordinance requirements.
- K. Marketability of Proposed Use** - Section 3.14 provides a statement that the proposed project will increase employment and construction jobs. It would be helpful to identify how many jobs -permanent and construction are forecast, however the statement made does not comport with the requirements of this section of the Town Ordinance. The Ordinance indicates that a description, of “how the proposed use of the site relates to the general market of similar uses in the Township and the region within which the Township is located”. Please identify the location of similar business in the Township and Region and provide a general understanding of the market the proposed use is intended to serve.
- L. Traffic Impact** – The EIS should summarize and reference the Traffic Impact Study. Currently it states “traffic in the proposed area is expected to increase slightly”. This statement must be supported with quantitative analysis, including

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project trip generation by day & hour and identifying peak hour traffic generation. Documentation of existing levels of service at intersection of Stickles Pond Rd and Rte 206 should be provided and an assessment of whether project generated trips will degrade the level of service at that intersection should be summarized in the EIS. Basic Auto-Turn Analysis should be provided to demonstrate the project design vehicle can navigate the Site Plan and access the Site at Stickles Pond Road intersection with Rte 206.

- M. Fire Protection** – The EIS provides a summary statement that “Stickles Pond is a natural fire protection resource”. This Section of the EAS should follow the requirements of the Ordinance, namely “there shall be a description of the uses proposed at the site, and a detailed description of any flammable or extra hazardous materials to be stored on or included in the construction of the site”. Please identify if fuel or other flammable solvents or products will be stored at the Site and provide evidence that Fire Department vehicles can navigate the Site.
- N. Police Protection** – Equity concurs with the Statement in Section 3.17 that additional police protection is not needed for the proposed use.
- O. Emergency Health Services** – Equity concurs with the Statement in Section 3.17 that a need for increase over existing available services is not necessitated by the proposed use.
- P. Community Impact** – Per Town Ordinance, a statement of whether any other substantial impact on the community, a detailed description the impact and its source along with methods for dealing with the same should be provided

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