

July 19, 2021

Andover Land Use Board
Township of Andover
134 Newton-Sparta Road
Newton, NJ 07860

Re: Andover Township Environmental Commission's Initial Report for BHT Properties Group located at 248 Stickles Pond Road, Block 151 Lot 22

Dear Members of the Board,

The Andover Township Environmental Commission (ATEC) has reviewed the most recent set of plans including an Environmental Impact Statement (EIS) for the BHT Properties Group Property located at 248 Stickles Pond Road, Block 151 Lot 22. Regarding this proposal the ATEC has the following comments and concerns:

1. **Endangered Species.** The NJ Department of Environmental Protection's (NJDEP) Landscape Project data shows a significant part of this property is listed as Rank 5 importance; meaning there is presence of habitat for federally listed endangered and threatened species (source NJDEP Landscape Project v 3.3). According to the natural heritage records provided by the applicant, this is an identified roosting site for this Federally endangered animal. This project will result in the destruction of habitat for federally and state-listed threatened and endangered species, specifically the Federally Endangered Indiana Bat.
2. **Vernal Pond Damage.** According to NJDEP Landscape Project version 3.1, this property has a number of vernal ponds or within a buffer of a vernal pond. These habitats are important to many amphibian and other species, some of which are obligates, meaning their complete life cycle needs are provided by vernal ponds. It appears from the plans provided that there is proposed filling of vernal pond habitat. This project will result in the destruction of vernal pond, floodplain and riparian buffer habitat around a classified Category 1 waterway (Pequest River). In addition, we are especially concerned that moving vehicles through the site will impact amphibian migration. We are also concerned that the landscaping berm/fence will impede the amphibian migration.
3. **Damage to Category 1 waterway.** This property drains directly into the Pequest River. The Pequest River is classified by the NJDEP as a Category 1 (C-1) waterway. According to the NJDEP Surface Water Quality Standards NJAC 7:9b, Category 1 is a type of antidegradation designation that provides additional protection to specific waterbodies. C1 waterways require a 300-foot buffers to

protect from nearby contamination. C1 waters are protected from any measurable change in existing water quality because of their exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources. We are concerned about surface water contamination from the runoff of this site into a Category 1 waterway.

4. **Groundwater Contamination.** Specifically, we are concerned about fluid leakage from construction equipment and potential for groundwater and drinking water well contamination. Due to the limestone soils and a shallow depth to groundwater (see Andover Open Space and Recreation Plan sections 1-1:2 for more details), the ATEC has concerns about the migration of pollution offsite via groundwater and the potential to contaminate groundwater wells. Because of the potential public health concerns that could result from groundwater contamination the ATEC recommends the Land Use Board hire an independent expert to provide testimony specific to how this development could impact groundwater resources and wells.
5. **Quality of Life Issues.** The proposed use of storing construction equipment and material will require an increase in truck traffic to bring the materials and equipment in and out. We are concerned that this will create noise issues, air quality issues, and generally impact the quality of life for the surrounding residences. We are also concerned that the increased amount of traffic will result in an increase of vehicle related accidents, which is a serious health and safety concern. The ATEC recommends the Land Use Board hire an independent expert to provide testimony specific to how the traffic of this proposal will impact the township.
6. **Additional Questions.** The report we reviewed is also missing some critical details about the following topics:
 - a. What types and volumes of construction materials will be stored on site?
 - b. Will the materials be sold on site?
 - c. What precautions will be made to keep the materials from entering the sensitive water areas?
 - d. How will this material impact air quality?
 - e. What additional DEP permits will be required for water and air quality?
 - f. What variances will the applicant be requesting?
 - g. Since there are Federally listed endangered animals on site, what Federal laws or rules must be followed?
 - h. The report states a modest increase in traffic, we would like to see quantifiable numbers that accurately describe what this increase will be.

Once we have received additional information to these questions we will prepare a final report. To summarize this proposed use, 1) is located in an area designated as important habitat for federally listed threatened and/or endangered species, 2) contains important wetlands (including vernal ponds) for amphibians and other species, 3) is part of the watershed to a category 1 waterway, and 4) the potential for groundwater and air contamination. This development will negatively impact an environmentally sensitive area. When considering the cost benefit analysis of a minor tax revenue increase for the town versus the major environmental impact the proposal will cause, we have serious concerns that this proposal will not benefit Andover Township and instead be a detriment to the environmental quality of our town.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Osowski". The signature is written in black ink and is positioned to the left of the typed name.

Joshua L. Osowski, Chair
Andover Township
Environmental Commission