
STATE PLAN POLICY MAP AMENDMENT REQUEST REPORT

**CRANBURY BRICK YARD
BLOCK 10, LOT 10 AND BLOCK 12, LOT 1
TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY**

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TABLE OF CONTENTS

	<u>Page No.</u>
1.0 INTRODUCTION.....	1
2.0 SITE INFORMATION.....	3
2.1 Site Location	3
2.2 Site History	3
2.3 Existing Conditions	5
3.0 PROPOSED MAP AMENDMENT	7
4.0 CONSISTENCY WITH LOCAL, REGIONAL AND STATE PLANS.....	8
4.1 State of New Jersey	8
4.1.1 State Plan Policy Map (2001).....	8
4.1.2 State Strategic Plan (2012)	9
4.1.3 New Jersey Comprehensive Statewide Freight Plan (2007)	11
4.2 Township of Cranbury.....	13
4.2.1 2010 Master Plan for the Township of Cranbury	13
4.3 County of Middlesex.....	15
4.3.1 Open Space	15
4.3.2 Middlesex County Water Quality Management Plan	16
4.3.3 2013 Draft Middlesex County Transportation Plan Update	16
4.3.4 2008 Middlesex County Comprehensive Farmland Preservation Plan	17
5.0 CONCLUSION	19
6.0 REFERENCES	20

LIST OF FIGURES

Figure 1	USGS Site Location Map
Figure 2	Current State Planning Area Map
Figure 3	Proposed State Planning Area Map
Figure 4	Vicinity Map
Figure 5	Tax Map
Figure 6	1951 Historic Aerial Photograph
Figure 7	2013 Aerial Photograph
Figure 8	NJDEP GIS-Based Wetlands Map
Figure 9	LOI Wetlands Delineation Map
Figure 10	Surface Water Bodies Map
Figure 11	NJDEP Landscape Project Habitat Map
Figure 12	Cranbury Zoning Map
Figure 13	Cranbury Master Plan Existing Land Use Map
Figure 14	Cranbury Master Plan Future Land Use Map
Figure 15	Middlesex County Parks and Open Space Map
Figure 16	Cranbury Master Plan Preserved Farmland Map
Figure 17	Cranbury Master Plan Parks and Open Space Map
Figure 18	Middlesex County Future Wastewater Service Area Map
Figure 19	Middlesex County Agricultural Lands Map

LIST OF APPENDICES

Appendix A	Land Use Permits/Approvals
Appendix B	CD Containing Digital Files of Existing and Proposed State Plan mapping for Project Site

1.0 INTRODUCTION

Langan Engineering and Environmental Services, Inc. (Langan) has prepared this report on behalf of Cranbury Brick Yard, LLC to support a petition to the New Jersey State Planning Commission to re-designate an approximate 175-acre portion of the property identified as Block 10, Lot 10 and Block 12, Lot 1 in the Township of Cranbury (herein referenced as the "subject property") as a Suburban Planning Area (PA-2) on the State Plan Policy Map (SPPM) issued in 2001.

The approximate 390-acre subject property is located in the Township of Cranbury, Middlesex County, New Jersey (Figure 1) and is presently designated as a Rural Environmentally Sensitive Planning Area (PA-4B), with a small portion of the subject property designated as a Rural Planning Area (PA-4), on the SPPM (Figure 2).

The Unexcelled Chemical Corporation (UCC) manufactured explosives at the subject property from the mid-1940s to mid-1950s. The plant was closed in 1954 by the New Jersey Department of Labor shortly after an explosion at the facility. The explosion as well as the dumping, disposal and testing of ordinance at various locations onsite resulted in the dispersion of thousands of pieces of Munitions and Explosives of Concern (MEC) throughout a large area of the subject property.

The characteristics of the subject property have undergone significant changes and been further studied in the past 15 years, since the first SPPM was issued. A field delineation of wetlands on the subject property, which was confirmed through the issuance of a Letter of Interpretation (LOI) by the New Jersey Department of Environmental Protection (NJDEP) in 2008, has established that only 32% of the subject property contains wetlands. The initial GIS-based wetland mapping that the 2001 SPPM was based on indicated that nearly the entire subject property was wetlands.

The applicant has secured a series of land use approvals for the warehouse development including, but not limited to: an NJDEP LOI, NJDEP Flood Hazard Area Line Verification, NJDEP Wetland General Permit, NJDEP Flood Hazard Area Individual Permit, Cranbury Township Preliminary Site Plan Approval, Middlesex County Preliminary Site Plan Approval, Delaware and Raritan Canal Commission Development Approval, and Freehold Soil Conservation District Permit. Copies of the approvals are included in Appendix A. Additional NJDEP site remediation approvals and utility related approvals have also been secured.

Significant environmental investigations have taken place since the 2001 SPPM was issued. A remedial action work plan was approved by the NJDEP in 2009. Remediation of the MEC contaminated areas is currently underway. The remediation involves a multi-step approach, including soil screening, soil removal, and site engineering controls. The site engineering controls will consist of a fence and supplemental barrier, which includes buildings, parking areas, and roadways.

Given the remediation of the MEC onsite and the approved engineering controls consisting of buildings, parking areas and roadways, Middlesex County is now proposing the inclusion of the approved redevelopment area in the proposed mapped sewer service area of the Lower Raritan-Middlesex County Water Quality Management Plan. This mapping within the wastewater service area will support development consistent with the subject property's historical industrial use, current zoning, and existing approvals for development.

The portion of the subject property being petitioned for amendment of the SPPM is the approximately 175 acres of the subject property on which a former industrial manufacturing facility operated and a proposed warehouse development has already been approved by the township, County, and NJDEP (herein referenced as the "Proposed Amendment Area") (Figure 3). The remaining portion of the subject property is comprised of restored and enhanced natural lands including uplands and wetlands, which total approximately 203 acres of critical habitat preservation areas.

The existing zoning and current land development patterns in the surrounding area are consistent with the designation of the Proposed Amendment Area as a Suburban Planning Area (PA-2). As per the Township of Cranbury's Zoning Map, the subject property and much of the surrounding area are currently zoned as Industrial – Light Impact, which permits uses such as light industry, offices for professional services, commercial, business and government, commercial recreation facilities, scientific or research laboratory, and wholesaling of goods and services. The subject property is also located within the industrial land complex known within the Township of Cranbury Master Plan as the "Area East of Route 130," which is intended to provide for similar types of uses resulting in a contiguous land use of industrial, office and warehouse development near the major highways and away from residential development in the Township.

As presented in this report, given the update to the previous, inaccurate wetland mapping upon which the 2001 SPPM was based on; documented contamination and required remediation of portions of the property; contemplated inclusion of the subject property in the wastewater service area; and, on-site and surrounding land uses and zoning, there is a valid basis for amending the SPPM and re-designating the Proposed Amendment Area portion of the subject property as a Suburban Planning Area (PA-2). This report was prepared to document and discuss how the proposed amendment is consistent with and will help achieve consistency with the State Strategic Plan, relevant municipal planning documents, and relevant county planning documents.

2.0 SITE INFORMATION

2.1 Site Location

The approximate 390-acre subject property is located in the Township of Cranbury, Middlesex County, New Jersey (Figure 1). The subject property is bound by Brick Yard Road to the south, the New Jersey Turnpike to the east and partially bound by U.S. Route 130 to the west (Figure 4). The subject property is identified as tax Block 10, Lot 10 and Block 12, Lot 1 on the Township of Cranbury tax map (Figure 5). The majority of the subject property is located on the east-central portion of the Hightstown, New Jersey U.S. Geological Survey Topographic Quadrangle with the western portion of the subject property located on the Jamesburg, New Jersey Quadrangle.

The northern boundary of the subject property is located approximately 1,200 feet south of Station Road. The southeastern portion of the subject property, between Block 10 and Block 12, is bisected by an active CSAO/Amboy rail line and Hightstown-Cranbury Station Road. New Jersey Turnpike Interchange No. 8 is located approximately 1.7 miles south of the subject property, while Interchange No. 8A is approximately 5 miles north of the subject property. Access to the subject property is provided from Brick Yard Road.

2.2 Site History

The subject property consisted of farmlands until the 1940s when it was developed by the UCC, which operated a manufacturing facility onsite between 1942 and 1954 (Figure 6). The subject property was developed with the manufacturing facility and associated disposal areas. The plant manufactured products such as signal flares, insect repellent, fireworks, military munitions, grenade fuses and 6-pound napalm bombs. The plant was closed in 1954 by the New Jersey Department of Labor shortly after an explosion at the facility. The explosion as well as the controlled dumping, disposal and testing of ordinance at various locations onsite resulted in the scattering of Munitions and Explosives of Concern (MEC) throughout a large area of the subject property.

Between 1998 and 2006 a series of environmental investigations were conducted in areas on the subject property where UCC had historically manufactured and disposed of certain waste materials. Waste materials were found in surface landfills and burial sites at the subject property.

Preliminary Assessments and Site Investigations conducted by previous consultants in 2006 found MEC were scattered and buried throughout the central and eastern portions of the subject property. In addition, soils and ground were impacted from the manufacturing and disposal of MEC. Metals and

polycyclic aromatic hydrocarbons were documented in the site soil and sediment, while metals and volatile organic compounds (VOCs) were identified in groundwater at the subject property.

The subject property was purchased and sold several times since the 1950s until it was acquired by Cranbury Brick Yard, LLC in 2006. A review of historic aerial photographs indicates that a large portion of the subject property was clear of woody vegetation and maintained for agricultural use prior to the UCC development (Figure 6). Some limited portions of the subject property were maintained as agricultural lands throughout UCC ownership. Subsequent to UCC closing its operations at the subject property in 1954, it has remained vacant other than the recent environmental cleanup investigations

A series of remediation work plans were approved by the NJDEP Project Site Remediation Program (SRP) in 2009 (Appendix A). These approved work plans were:

- A Remedial Investigation Workplan (RIWP), dated 4 May 2007;
- Munitions and Explosives of Concern (MEC) Remedial Investigation Report/Remedial Action Selection Report (RIR/RASR)/Remedial Action Workplan (RAWP), dated 15 May 2007; and,
- Munitions and Explosives of Concern Remedial Investigation Report/Remedial Action Selection Report/Remedial Action Workplan Addendum, dated 20 March 2009.

Remediation of the MEC contaminated areas onsite, which comprises approximately 155 acres, is currently underway (Figure 7). Remediation of the MEC contaminated areas involves a multi-step approach that includes an engineering control-fence (provides access control to the hazard zone), MEC screening and removal, and approximately 122 acres of a MEC engineering control and supplemental barrier to address potential residual contamination and provide a barrier between residual contamination and future land users. The approved RAWP identifies that portion of the property that is currently being remediated through the removal of vegetation, sifting of soils for MEC, and construction of a supplemental barrier to limit potential future MEC exposure. The supplemental barrier will include buildings, parking areas, and roadways as shown on the site plan approved in the RAWP addendum.

The various land use permits and approvals associated with this RAWP and redevelopment of the subject property are provided in Appendix A and are listed below:

- Delaware and Raritan Canal Commission Development Approval Recommendation – dated 14 November 2013;

- NJDEP Flood Hazard Area Verification and Individual Permit – dated 28 January 2013;
- NJDEP Individual Freshwater Wetland Permit – dated 28 January 2013;
- Freehold Soil Conservation District – dated 19 December 2012;
- Cranbury Township Preliminary Site Plan Approval – dated 2 August 2012;
- Middlesex County Preliminary Site Plan Approval – dated 18 March 2010;
- NJDEP Remedial Action Workplan Approval – dated 21 April 2009;
- NJDEP Wetlands LOI – dated 14 August 2008; and,
- NJDEP Flood Hazard Area Line Verification – dated 4 January 2008.

2.3 Existing Conditions

The majority of the subject property was comprised of forested uplands and wetlands. The wetlands on the subject property were mapped the NJDEP Land Use/Land Cover mapping data, which is based on aerial photography interpretation, and identified the majority of the subject property as freshwater wetlands (Figure 8). A field delineation of wetlands on the subject property was confirmed through the issuance of a Letter of Interpretation (LOI) by the NJDEP in 2008. The LOI confirmed that regulated wetland features occupy 32% of the subject property (Figure 9).

Two unnamed tributaries to the Millstone River are located in the northwestern and the southeastern portions of the subject property (Figure 10).

The NJDEP Landscape Project has mapped portions of the subject property as habitat for state threatened and endangered species (Figure 11). However, the Proposed Amendment Area, which comprises approximately 175 acres, has been cleared of vegetation for remedial investigation activities currently being conducted on the subject property in accordance with required approvals from the NJDEP (Figure 7).

As per the Township of Cranbury's Zoning Map, the subject property and much of the surrounding area are currently zoned as Industrial – Light Impact (Figure 12). The Township's Industrial Light Impact Zone includes permitted uses such as light industry, offices for professional services, commercial, business and government, commercial recreation facilities, scientific or research laboratory, and wholesaling of goods and services. The approved redevelopment is consistent with the existing local zoning on the subject property and in the surrounding area.

The subject property is located immediately adjacent to several existing and planned industrial developments, an active rail line (CSAO/Amboy rail line) and two State highways (i.e., Route 130 and New Jersey Turnpike). The land uses in

the immediate vicinity of the subject property include industrial, commercial, agricultural, and residential uses. Industrial and commercial buildings border the subject property to the north, south and west. The subject property is located within the industrial land complex known as the "Area East of Route 130" as described in the Township of Cranbury Master Plan. This large industrial area, located between Route 130 and the New Jersey Turnpike, is intended to provide for similar types of uses resulting in a contiguous land use of industrial, office and warehouse development near the major highways and away from residential development in the Township.

3.0 PROPOSED MAP AMENDMENT

The State Planning Rules (N.J.A.C. 5:85-8.3) permit the State Planning Commission to amend the SPPM based on new information and analysis related to the goals, strategies, policies, and delineation criteria of the State Plan. The petition and enclosed report serve as the documentation required to support the amendment to the SPPM (N.J.A.C 5:85-8.4). The required documentation to accompany a petition is provided within this report.

The subject property is presently designated as Rural Environmentally Sensitive Planning Area (PA-4B), with a small portion of the subject property designated as a Rural Planning Area (PA-4), on the State Plan Policy Map (Figure 2).

The Proposed State Planning Area Map identifies the Proposed Amendment Area, which consists of approximately 175 acre development area of the subject property, to be designated as Suburban Planning Area (PA-2) (Figure 3).

4.0 CONSISTENCY WITH LOCAL, REGIONAL AND STATE PLANS

4.1 State of New Jersey

4.1.1 State Plan Policy Map (2001)

The SPPM designates the subject property as Rural Environmentally Sensitive Planning Area (PA-4B), with a small portion of the subject property designated as a Rural Planning Area (PA-4). The 2001 State Development and Redevelopment Plan (SDRP) identifies land within the PA-4 and PA-4B areas with the purpose and intent to:

- Maintain the Environs as large contiguous areas of farmland and other lands;
- Revitalize cities and towns;
- Accommodate growth in Centers;
- Promote a viable agricultural industry;
- Protect the character of existing stable communities; and,
- Confine programmed sewers and public water services to Centers.

A designated Village Center, Cranbury, borders U.S. Route 130 immediately to the west of the subject property. The SPPM identifies the area bordering the subject property to the north and another area located south of the subject property as Suburban Planning Areas (PA-2). A Rural Planning Area (PA-4) is mapped to the west of the subject property (Figure 11).

The 2001 SDRP classifies lands within the PA-2 designation with the intent to:

- Provide for much of the state's future development;
- Promote growth in Centers and other compact forms;
- Protect the character of existing stable communities;
- Protect natural resources;
- Redesign areas of sprawl;
- Reverse the current trend toward further sprawl; and,
- Revitalize cities and towns.

Consistency

The proposed amendment is consistent with the 2001 SDRP for a Suburban Planning Area (PA-2). The subject property was once a developed industrial subject property and is located immediately adjacent to a designated village, Cranbury. The re-designation of the subject property as a Suburban Planning Area (PA-2) and its eventual redevelopment will help revitalize and support the economic growth of nearby Cranbury and will protect the identified natural resources on-site that will remain after remediation activities are complete. The

redevelopment will also take place in a compact format that will not only properly remediate a previously contaminated site, but will preserve the natural areas on the subject property.

4.1.2 State Strategic Plan (2012)

The 2012 State Strategic Plan: New Jersey's State Development and Redevelopment Plan (State Strategic Plan), prepared for final adoption in 2012, serves as the most recent update to the 2001 State Development and Redevelopment Plan.

The 2012 State Strategic Plan identifies four general goals including:

- Targeted Economic Growth;
- Effective Planning for Vibrant Regions;
- Preservation and Enhancement of Critical State Resources; and,
- Tactical Alignment of Government.

The 2012 State Strategic Plan also identifies ten Garden State Values, which serve as best management practices for the development and redevelopment of lands within the State of New Jersey. The ten Garden State Values are:

- Concentrate Development and Mix Uses;
- Prioritize Redevelopment, Infill, and Existing Infrastructure;
- Increase Job and Business Opportunities in Priority Growth Investment Areas;
- Create High-Quality, Livable Places;
- Provide Transportation Choice and Efficient Mobility of Goods;
- Protect Equity;
- Diversify Housing Opportunities;
- Provide for Healthy Communities through Environmental Protection and Enhancement;
- Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands; and,
- Make Decisions within a Regional Framework.

Consistency

The proposed re-designation helps meet the goals of the State Strategic Plan because it will support targeted economic growth, promotes effective planning for a vibrant region targeted to support light industrial uses, and allows for the preservation of on-site natural resources. The proposed re-designation also specifically supports the following Garden State Values:

- Concentrate Development and Mix Uses

The proposed amendment will further support the potential redevelopment of the Proposed Amendment Area with a permitted warehouse use in a compact format, preserving open natural areas on those portions of the subject property not being disturbed to facilitate remediation activities and supporting the overall economic health of the nearby designated village of Cranbury. The Township of Cranbury has zoned the subject property and surrounding area for light industrial uses, concentrating these light industrial uses appropriately to take advantage of existing and proposed utility and transportation infrastructure.

- Prioritize Redevelopment, Infill, and Existing Infrastructure

The Proposed Amendment Area is undergoing remediation to control known contaminants on the subject property. Engineering controls to facilitate the site remediation include a fence and capping of the Proposed Amendment Area. The cap will include a layer of asphalt and future buildings. The Proposed Redevelopment Area has been included in the County's proposed future sewer service area. In addition, the area is located within the immediate vicinity of existing, significant transportation infrastructure that is ideally suited to more intense forms of development, consistent with a Suburban Planning Area (PA-2).

- Increase Job and Business Opportunities in Priority Growth Investment Areas

The proposed re-designation will facilitate the redevelopment of the Proposed Amendment Area, which will help maximum job and business opportunities on the subject property.

- Provide Transportation Choice and Efficient Mobility of Goods

The re-designation of the Proposed Amendment Area as a Suburban Planning Area will facilitate the redevelopment of the subject property with an approved warehouse development, which will improve the efficient mobility of goods in the region. The subject property is strategically located within the immediate vicinity of significant transportation infrastructure and other nearby uses that support the efficient mobility of goods, making the subject property ideally situated to support similar uses.

- Protect Equity

The proposed amendment will protect the equity and value of surrounding properties because the majority of adjacent properties are also zoned for light industrial uses. In addition, the proposed amendment will support the approved development proposal, which includes a number of off-site traffic improvements (discussed in more detail in Section 4.1.3) that will benefit other surrounding properties as well as the subject property, creating additional value for the surrounding properties.

- Provide for Healthy Communities through Environmental Protection and Enhancement

The proposed amendment supports the remediation of the subject property and proper engineering controls to make the subject property safer and healthier for the community, preventing the potential for human contact with MEC on the subject property. The Proposed Amendment Area has been thoughtfully located in the portion of the subject property that requires remediation, reducing impacts to natural resource areas to the extent practicable. The undeveloped natural resource areas on the subject property account for approximately 236 acres of the entire approximately 390-acre subject property. Of this total, approximately 203 acres will be permanently protected as habitat preservation area.

- Make Decisions within a Regional Framework

The proposed amendment considers regional planning impacts as it relates to the re-designation of the Proposed Amendment Area and future redevelopment. The following sections identify the consistency with additional State, County and local planning initiatives.

4.1.3 New Jersey Comprehensive Statewide Freight Plan (2007)

The New Jersey Comprehensive Statewide Freight Plan (Freight Plan), prepared by the New Jersey Department of Transportation (NJDOT) in 2007, serves as a strategic planning document for all forms of freight movement within the State. The 2007 Freight Plan identifies the New Jersey Turnpike (NJTP) as one of six priority freight corridors in terms of truck flock volumes. Moreover, the Freight Plan states that the “widening of the NJTP from Interchanges 6 to 8A will be the most significant project from a freight perspective.” The Freight Plan provides a 2000-2025 conditions comparison, which projects a daily truck VMT increase of 108% from 2000 to 2025.

The NJDOT establishes six freight movement goals, which are:

- Integrated Planning: to foster increased cooperation and coordination among public agencies and between public agencies and the private sector;
- Economic Development: To retain and generate jobs, maintain and increase revenue, and help maintain and enhance the state's competitive position through strategic freight initiatives;
- Mobility: To improve access to the system and improve the efficiency of freight movement;
- Sustainable Investment: To cultivate and protect freight initiatives which provide lasting returns on public investment;
- Community and Environment: To promote freight as a good neighbor and the movement of freight in a socially and environmentally responsible manner; and,
- Safety and Security: To protect people, cargo, and infrastructure.

Consistency

The proposed amendment will help the NJDOT achieve the following goals within the Freight Plan:

- Economic Development: To retain and generate jobs, maintain and increase revenue, and help maintain and enhance the state's competitive position through strategic freight initiatives.

The re-designation of the Proposed Amendment Area as a Suburban Planning Area (PA-2) will provide support for the future redevelopment of a brownfield site, creating temporary construction jobs as well as long-term permanent jobs within the proposed permitted warehouse use. The re-designation will help strongly position the subject property, and therefore the region and State, in terms of strategic freight initiatives. Additional warehouse space and other light industrial uses within the Proposed Amendment Area and its vicinity will take advantage of existing freight infrastructure and strategic freight initiatives that are planned or under construction.

- Mobility: To improve access to the system and improve the efficiency of freight movement.

The Proposed Amendment Area is located within close proximity to the New Jersey Turnpike (NJTP). NJTP Interchange 8A is located approximately 1.7 miles south of the subject property and NJTP Interchange 8 is located approximately 5 miles north of the subject property. Additional off-site improvements are being coordinated with

local, county and state agencies to ensure adequate trucking access to the subject property. At the intersection of Hightstown Cranbury Station Road and Station Road a traffic signal, ADA compliant crossings, and striping are being installed to upgrade the function of the intersection. Along Hightstown Cranbury Station Road, a full length road widening to 24 feet and installation of underground utilities are being installed to increase capacity along the road.

- Community and Environment: To promote freight as a good neighbor and the movement of freight in a socially and environmentally responsible manner.

The Proposed Amendment Area has been thoughtfully located in the portion of the subject property that requires remediation, reducing the impacts to natural resource areas to the maximum extent practicable. The undeveloped natural resource areas on the subject property account for approximately 236 acres of the entire approximately 390-acre subject property. Of this total, approximately 203 acres will be permanently protected as habitat preservation area. In addition, the proposed amendment supports the remediation of the subject property and proper engineering controls to make the subject property safer and healthier for the community, preventing the potential for human contact with MEC on the subject property.

4.2 Township of Cranbury

4.2.1 2010 Master Plan for the Township of Cranbury

The 2010 Master Plan was adopted by the Cranbury Township Planning Board on December 6, 2010. The objectives for the Land Use section of 2010 Master Plan carries forward the four distinct planning areas for the Township as identified in the 1993 Township Master Plan. The subject property is located within the "Area East of Route 130" planning area. The objectives set forth for the "Area East of Route 130" planning area are as follows:

- Maintain a strong non-residential ratable base.
- Encourage a mix of uses in planned industrial parks, and allow for limited accessory retail uses associated with warehouse/office uses.
- Establish use and bulk requirements which reflect the availability of infrastructure and recognize different environmental conditions, by allowing higher development intensity on unconstrained land and lower intensities on environmentally-constrained land.
- Provide outdoor recreation opportunities and pedestrian improvements, including benches, sitting areas and courtyards.

Additional goals and objectives from the 2010 Master Plan related to the subject property are provided below:

- Circulation
 - Match development growth potential with traffic improvements and roadway capacity.
- Conservation
 - Minimize the impacts of development on environmentally sensitive areas including wetlands, stream corridors and aquifer recharge areas.
 - Limit or prohibit development in critical environmental areas such as wetlands and stream corridors.
 - Encourage lot averaging or cluster development techniques which preserve natural amenities, farms, woodlands, scenic views and open space.
- Economic development
 - Promote nonresidential development that is consistent with the natural capacity of the land and the availability of water and infrastructure to ensure the economic well-being of the Township.
 - Increase development intensities in industrial zones and lower minimum lot sized to encourage both expansion and smaller warehouse-office opportunities.

The 2010 Master Plan identifies the subject property as farmland in the Existing Land Use Map (Figure 13). This designation is inaccurate as the subject property has not been utilized as farmland in any recent time. The Future Land Use map supports the future development of the subject property consistent with the current zoning designation, Industrial – Light Impact (Figure 14).

Consistency

The proposed amendment is consistent with the goals and objectives for the land within "Area East of Route 130" planning area as well as additional overall goals and objectives within the Master Plan as it relates to circulation, conservation, and economic development. The proposed re-designation of the Proposed Amendment Area to Suburban Planning Area 2 (PA-2) will maintain a strong non-residential ratable base and support a mix of uses, including warehouse and office uses. As importantly, the specific development proposal that has been approved for the subject property directly supports the goal of matching use and bulk design details that reflect available infrastructure, while recognizing environmental conditions. The subject property has environmental remediation issues that are being addressed as a result of the approved development. In addition, the approved development will permanently preserve approximately 203 acres of natural areas on the approximately 390-acre subject property.

4.3 County of Middlesex

4.3.1 Open Space

In 1995, the subject property was identified on the Middlesex County Open Space and Recreation Plan as a potential open space acquisition property. The Plan specifically acknowledged the risk of environmental contamination onsite and identified that an environmental audit would be required to ensure no contamination exists from past industrial activities. In 1998, as part of the County's evaluation of the subject property, a Phase II Environmental Site Assessment was performed by the Middlesex County Improvement Authority. The environmental assessment report concluded "...there have been environmental impacts to the soil and ground water from historical Site activities."

Although the Township reported in 1999 and 2000 that the subject property was acquired by the County, it was not and the subject property was again listed in the 2003 Middlesex County Open Space and Recreation Plan as a potential acquisition target with the same comments regarding the need for an environmental audit. The 2003 plan did not discuss any of the findings of the 1998 Phase II Environmental Site Assessment.

The County has recently confirmed they have no intent to acquire this property. The County voted on 12 June 2007 to remove the subject property from the County Open Space Acquisition List. As per the most recent County Parks map prepared by the Middlesex County Parks and Recreation Department, the subject property is not identified as a park or open space (Figure 15). In addition, the Township has not identified the subject property as open space. The subject property is not shown as part of the Township's 2005 Preserved Farmland map (Figure 16) nor is it shown as part of the Parks and Open Space map (Figure 17). The subject property is still zoned Industrial - Light Impact as per the Township's Zoning Map (Figure 12).

Consistency

The subject property is not identified as existing open space nor is it identified for acquisition as open space by either the County or the Township. Therefore, re-designating it as a Suburban Planning Area (PA-2) is consistent with its existing open space designation and future open space planning. The critical habitats on the subject property have been identified and will be permanently protected as preservation areas as part of the approved development plan. The portions of the subject property identified with known contamination are being remediated and will be capped with engineering controls as part of the approved development.

4.3.2 Middlesex County Water Quality Management Plan

The current draft of the Future Wastewater Service Area Map identifies the Proposed Amendment Area within the service area for the Middlesex County Utilities Authority (Figure 18). The remaining portion of the property would remain outside of a designated sewer service area and remain undeveloped. According to the current Middlesex County Wastewater Quality Management Plan (WQMP), the subject property is outside of a designated sewer service area. The current Middlesex County WQMP is based on older, GIS-based data analysis of the subject property. The current draft Future Wastewater Service Area Map is based on the more current, site-specific studies that have been completed.

Consistency

In anticipation of the Proposed Amendment Area receiving wastewater service, re-designation of the Proposed Amendment Area and its future development is consistent with the proposed sewer service planning for the area. Once the subject property is placed within the sanitary sewer service area, the approved development plans would utilize both gravity sewers and sanitary pump stations to discharge wastewater into the existing off-site sanitary system.

4.3.3 2013 Draft Middlesex County Transportation Plan Update

The 2013 Draft Middlesex County Transportation Plan Update serves as an element of the County's Master Plan which identifies nine goals. One of the nine goals is to improve freight transportation services and operations, which maintains the objective to:

"Provide better integration of freight transportation needs for rail and truck operations within our transportation system and explore new freight options and operational efficiencies to address traffic congestion and promote economic competitiveness. Specific examples of freight transportation improvements such as to invest on freight access improvements to areas of the County with rail and truck access in place and in conformance to surrounding land uses such as Raritan Center and NJ Turnpike Exit 8A."

Another goal of the County's Transportation Plan seeks to promote public and private sector partnerships on transportation projects and program. A specific objective is to:

"Promote partnership on transportation improvements and funding participation on project that benefit the public interest. Encourage partnerships with private sector entities in funding of

transportation improvement projects that are in the public interest.”

Consistency

The subject property is located approximately 1.7 miles south of the NJTP interchange Exit 8A and approximately 5 miles north of the NJTP interchange Exit 8. In addition, the surrounding land uses in the area consist of various warehouse distribution centers. The area of land between Route 130 and the NJTP, including the subject property, is zoned within the Industrial – Light Impact Zone as designated by the Township of Cranbury. Re-designation of the Proposed Amendment Area and its associated future development of the subject property will also involve the off-site enhancement of roads, intersections and other traffic improvements to support the overall growth of warehouse and distribution uses within the general area. At the intersection of Hightstown Cranbury Station Road and Station Road a traffic signal, ADA compliant crossings, and striping are being installed to upgrade the function of the intersection. Along Hightstown Cranbury Station Road, a full length road widening to 24 feet and installation of underground utilities are being installed to increase capacity along the road.

4.3.4 2008 Middlesex County Comprehensive Farmland Preservation Plan

The 2008 Middlesex County Comprehensive Farmland Preservation Plan (Farmland Plan) was adopted by the Middlesex County Agriculture Development Board in June 2008 and by the Middlesex County Planning Board in September 2008. The County Farmland Plan does not identify the subject property as County farmland (Figure 19). The general purpose of the 2008 Farmland Plan is to serve as a guide in the selection of farmland for acquisition for farmland preservation purposes.

The Farmland Plan provides a detailed overview of farmland preservation efforts within the Township of Cranbury. The Township utilizes three main mechanisms for farmland preservation including, participation in the state and county farmland preservation program, zoning, and lot averaged development. The Township has designated properties west of Cranbury Village within the Agricultural Preservation (A-100) zone.

Consistency

Although portions of the subject property were once utilized as farmland, there has been no recent farmland activity on the subject property. Based on the findings of known contaminants on the subject property, the subject property is not suitable for farmland activities or a candidate for farmland preservation. The subject property is located within the Industrial – Light Impact (I-LI) Zone. As a

result, re-designating the Proposed Amendment Area as a Suburban Planning Area (PA-2) is consistent with farmland preservation planning in the area.

5.0 CONCLUSION

The applicant is requesting re-designation of the Proposed Amendment Area portion of the subject property on the SPPM as a Suburban Planning Area (PA-2) based on updated data and analysis of the subject property (Figure 3). The proposed re-designation of the Proposed Amendment Area is consistent with the intent of the Suburban Planning Area (PA-2) and is consistent with the goals and objectives of the State Strategic Plan. The 2001 SDRP designation for the subject property was based on outdated GIS-based wetlands mapping and a lack of understanding about the extent of environmental contamination on the subject property. Wetlands on the subject property have been delineated and received an LOI from the NJDEP in 2008. Extensive study of the subject property has taken place and remediation designs have been approved by NJDEP in 2009 that include soil remediation and engineering controls over the Proposed Amendment Area.

The applicant has secured a series of land use approvals for the warehouse development within the Proposed Amendment Area including, but not limited to: an NJDEP LOI, NJDEP Flood Hazard Area Line Verification, NJDEP Wetland General Permit, NJDEP Flood Hazard Area Individual Permit, Cranbury Township Preliminary Site Plan Approval, Middlesex County Preliminary Site Plan Approval, Delaware and Raritan Canal Commission Development Approval, and Freehold Soil Conservation District Permit. Additional NJDEP site remediation approvals and utility related approvals have also been secured.

These facts have also been recognized as part of the Middlesex County water quality management planning process, as the Proposed Amendment Area has been included in future sewer service area mapping. Cranbury Township has also recognized the subject property's characteristics and has maintained its designation of the subject property as an Industrial – Light Impact Zone.

As presented in this report, the Proposed Amendment Area is no longer consistent with the intent of the Rural Planning Area (PA-4) or the Rural Environmentally Sensitive Planning Area (PA-4B). There is a valid basis for amending the SPPM and re-designating the Proposed Amendment Area portion of the subject property as a Suburban Planning Area (PA-2).

6.0 REFERENCES

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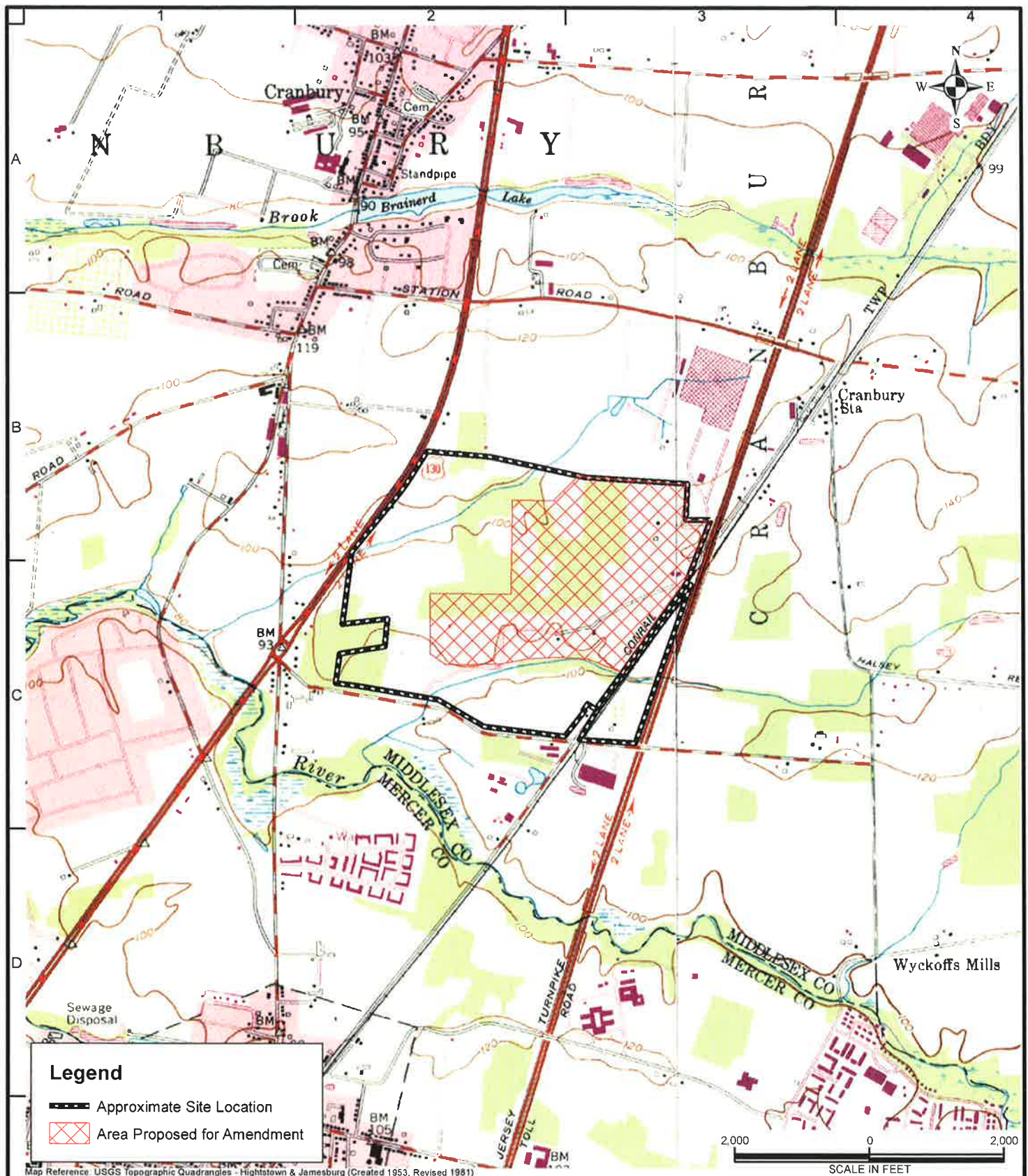
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FIGURES



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Project

**CRANBURY
BRICK YARD**

Block 10; 12 Lots 10; 1
CRANBURY TOWNSHIP

MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**USGS SITE
LOCATION MAP**

Project No.
009177303

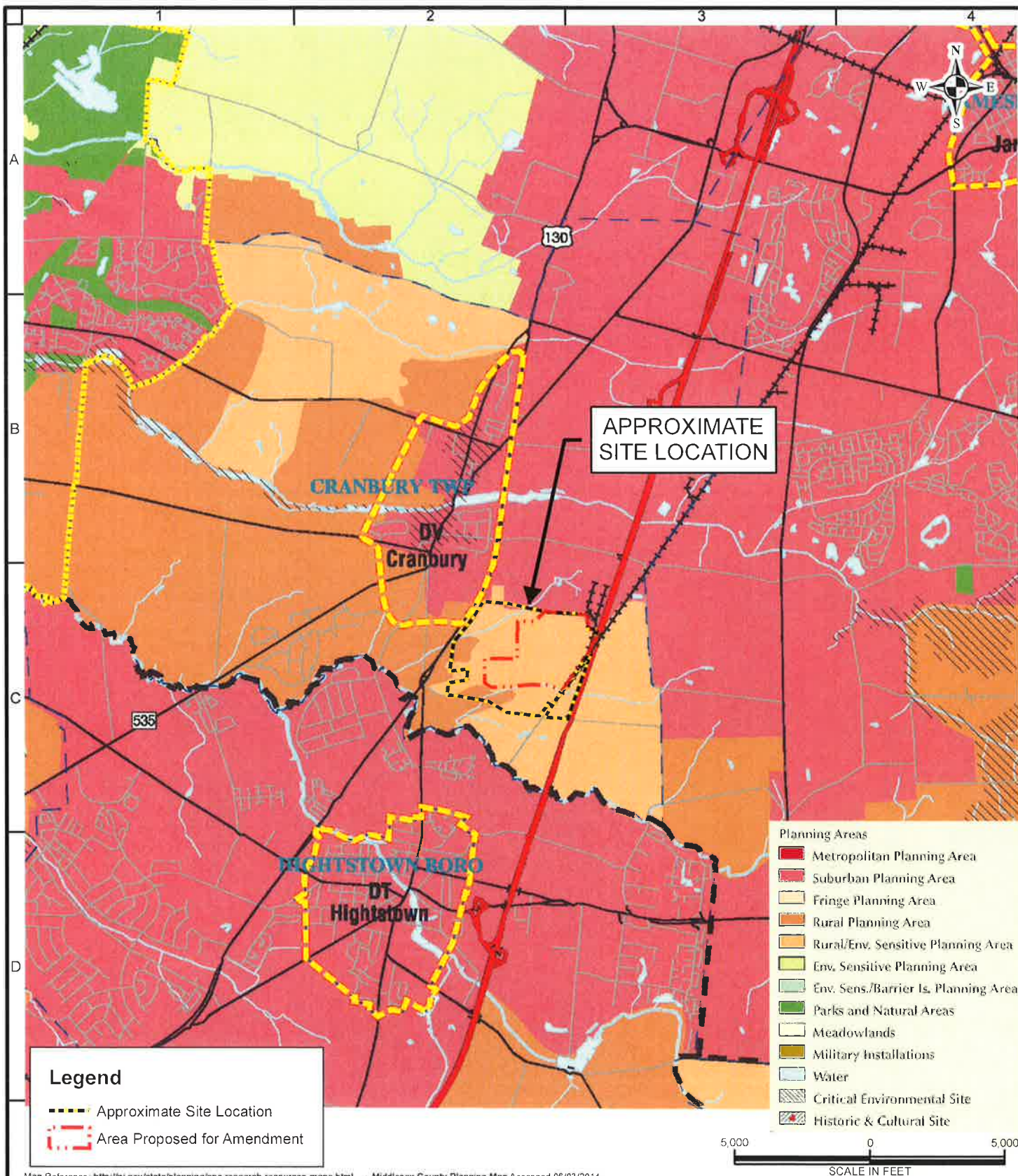
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ARL

Figure

1

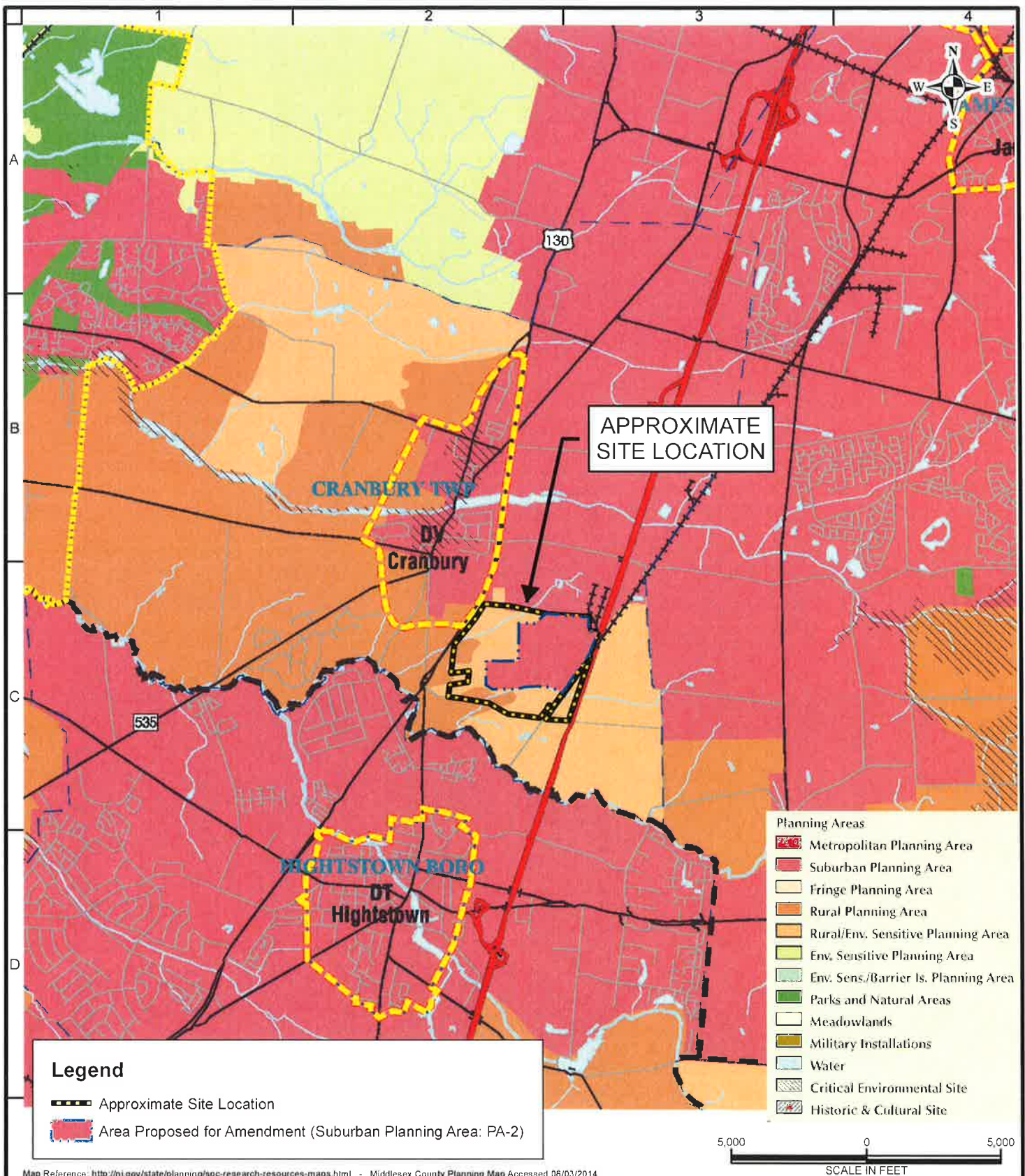


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CRANBURY
BRICK YARD
 Block 10; 12 Lots 10; 1
 CRANBURY TOWNSHIP
 MIDDLESEX COUNTY NEW JERSEY

Drawing Title
CURRENT STATE
PLANNING AREA
MAP

Project No. 009177303	Figure 2
Date 06/02/2014	
Scale 1"=5,000'	
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**CRANBURY
BRICK YARD**

Block 10; 12 Lots 10; 1
CRANBURY TOWNSHIP

MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**PROPOSED STATE
PLANNING AREA
MAP**

Project No.

009177303

Date

06/02/2014

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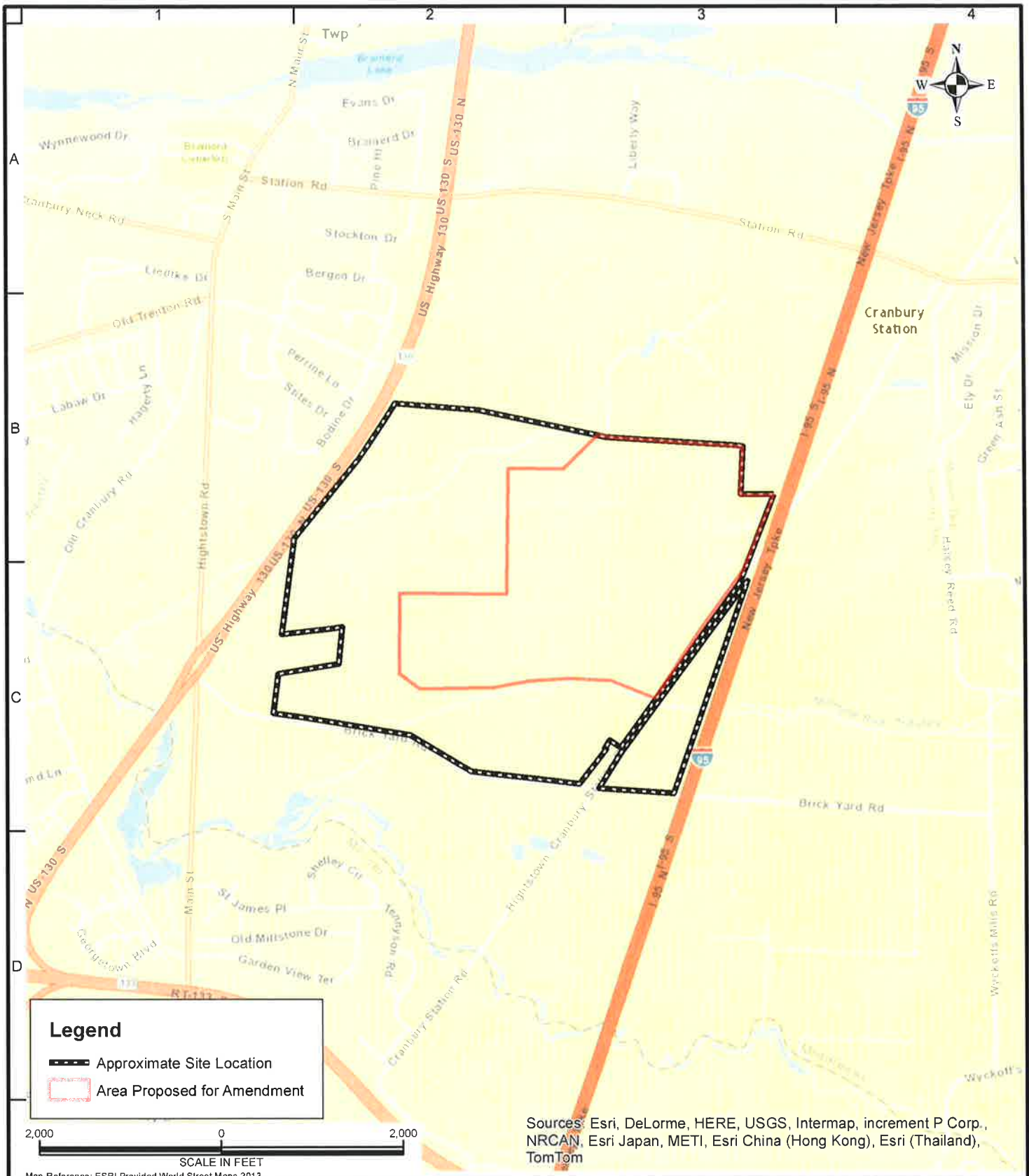
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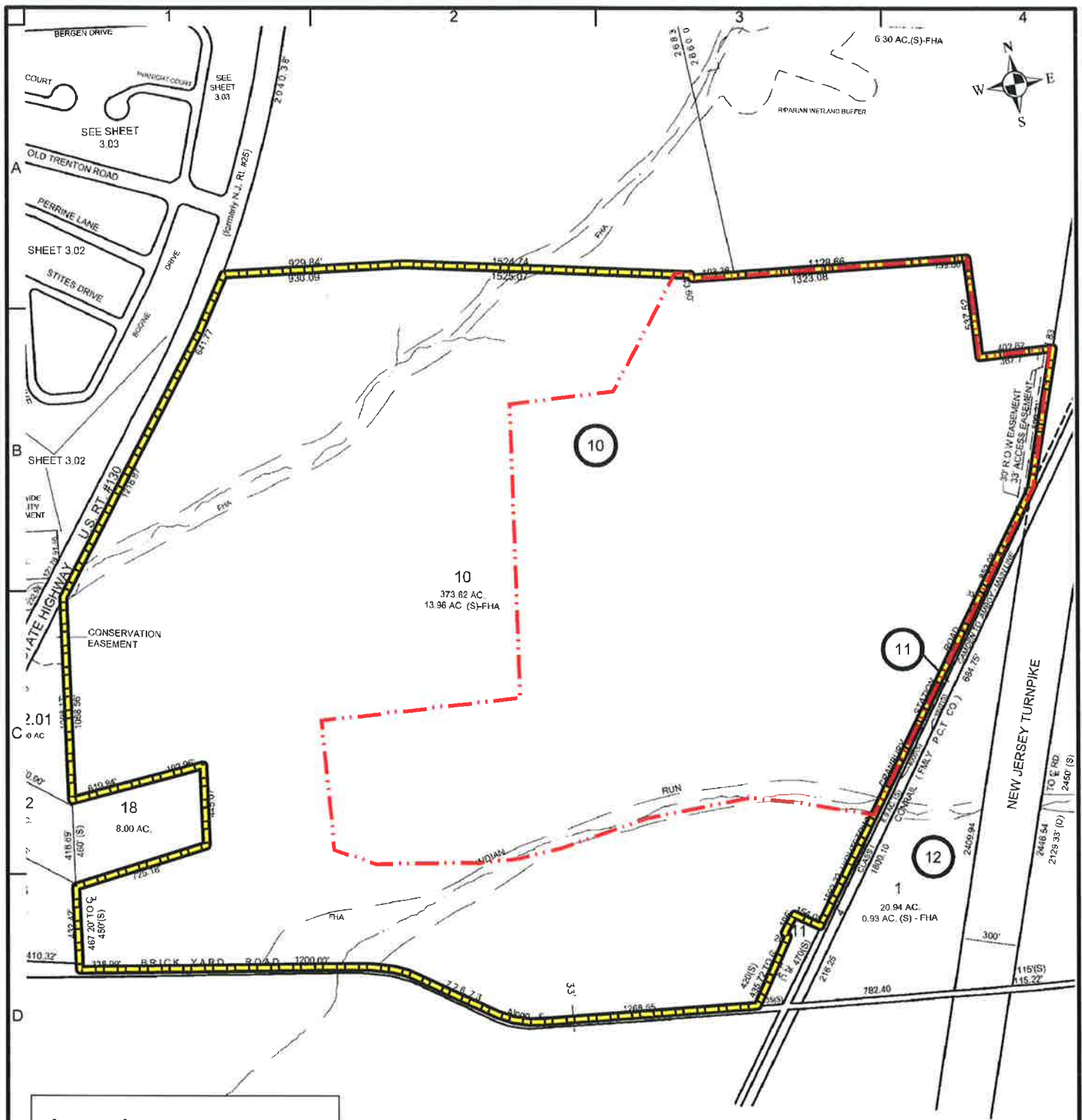
Figure

3





Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom

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SHEET - 4

Legend

-  Area Proposed for Amendment
 Approximate Site Location

Map Reference: Township of Cranbury Tax Map - Sheet 3 - June 2003

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Project

CRANBURY BRICK YARD

Block 10; 12 Lots 10; 1
CRANBURY TOWNSHIP

MIDDLESEX COUNTY NEW JERSEY

Drawing Title

TAX MAP

Project No. 009177303

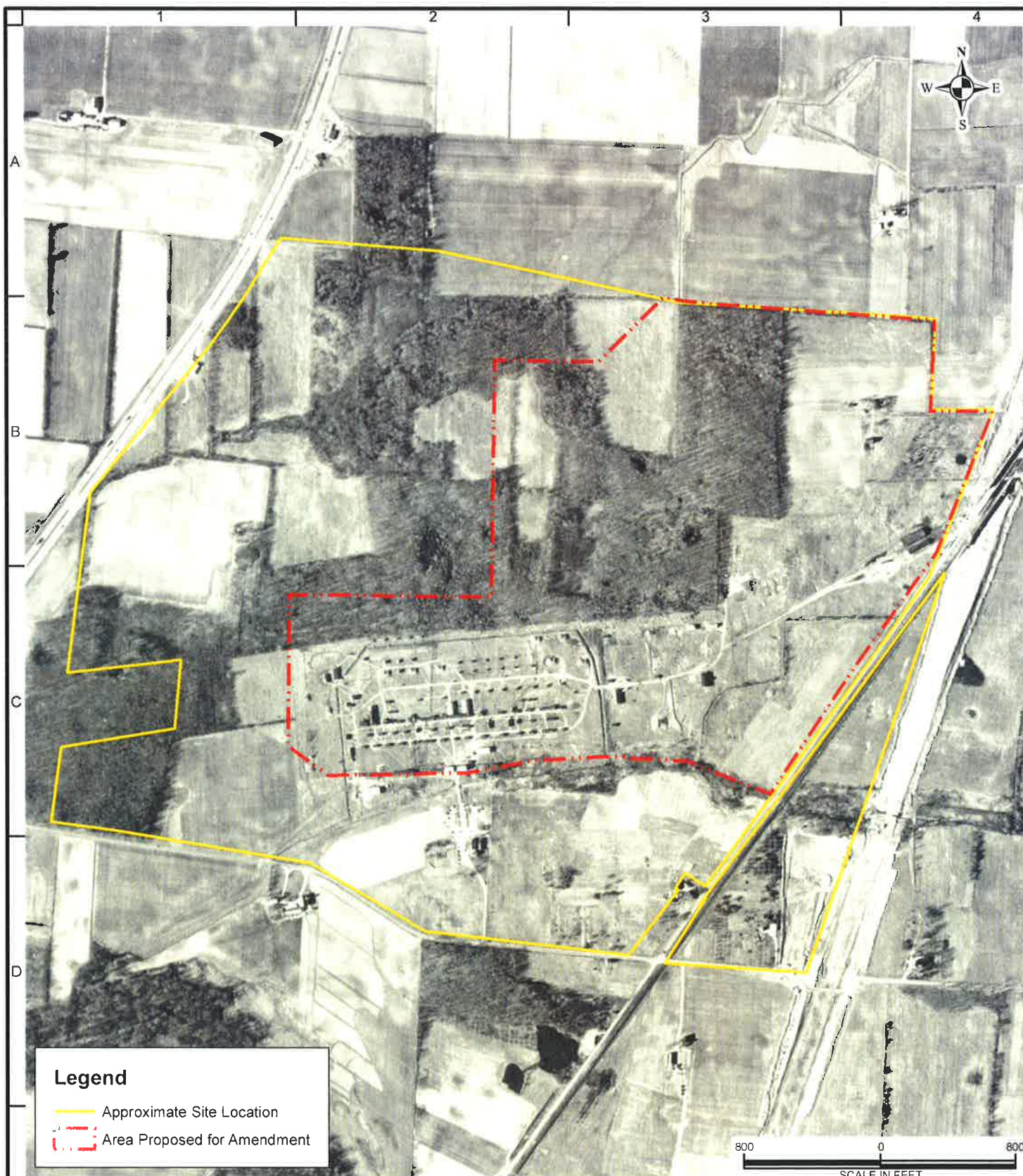
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5



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MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**1951
HISTORIC AERIAL
PHOTOGRAPH**

Project No

009177303

Date

06/02/2014

Scale

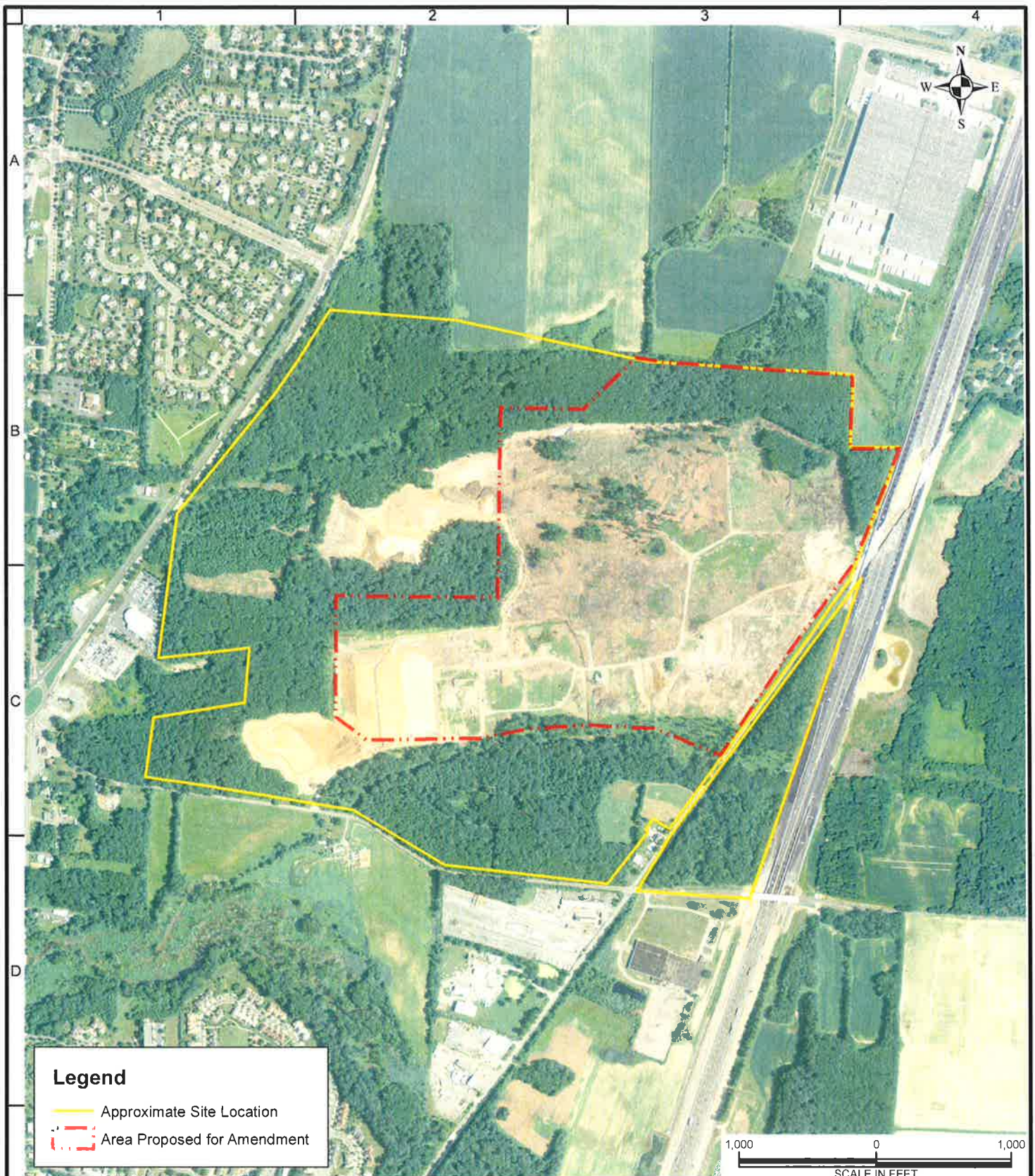
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Figure

6



Map Reference: NJDEP Statewide Aerial Imagery 2013

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Project
**CRANBURY
 BRICK YARD**
 Block 10; 12 Lots 10; 1
 CRANBURY TOWNSHIP

MIDDLESEX COUNTY NEW JERSEY

Drawing Title
**2013
 AERIAL
 PHOTOGRAPH**

Project No
 009177303
 Date
 06/02/2014
 Scale
 1"=1,000'
 Drawn By
 ARL

Figure
 7



Legend

- Approximate Site Location
- Area Proposed for Amendment
- NJDEP Freshwater Wetlands

Map Reference: NJDEP Statewide Aerial Imagery 2012; NJDEP Land Use/Land Cover GIS Data 2007 - WMA 10 - Millstone

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CRANBURY BRICK YARD
 Block 10; 12 Lots 10; 1
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 MIDDLESEX COUNTY NEW JERSEY

Drawing Title
NJDEP GIS-BASED WETLANDS MAP

Project No.
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 Date
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1"=800'
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 8



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MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**LOI WETLANDS
DELINEATION
MAP**

Project No.

009177303

Date

06/02/2014

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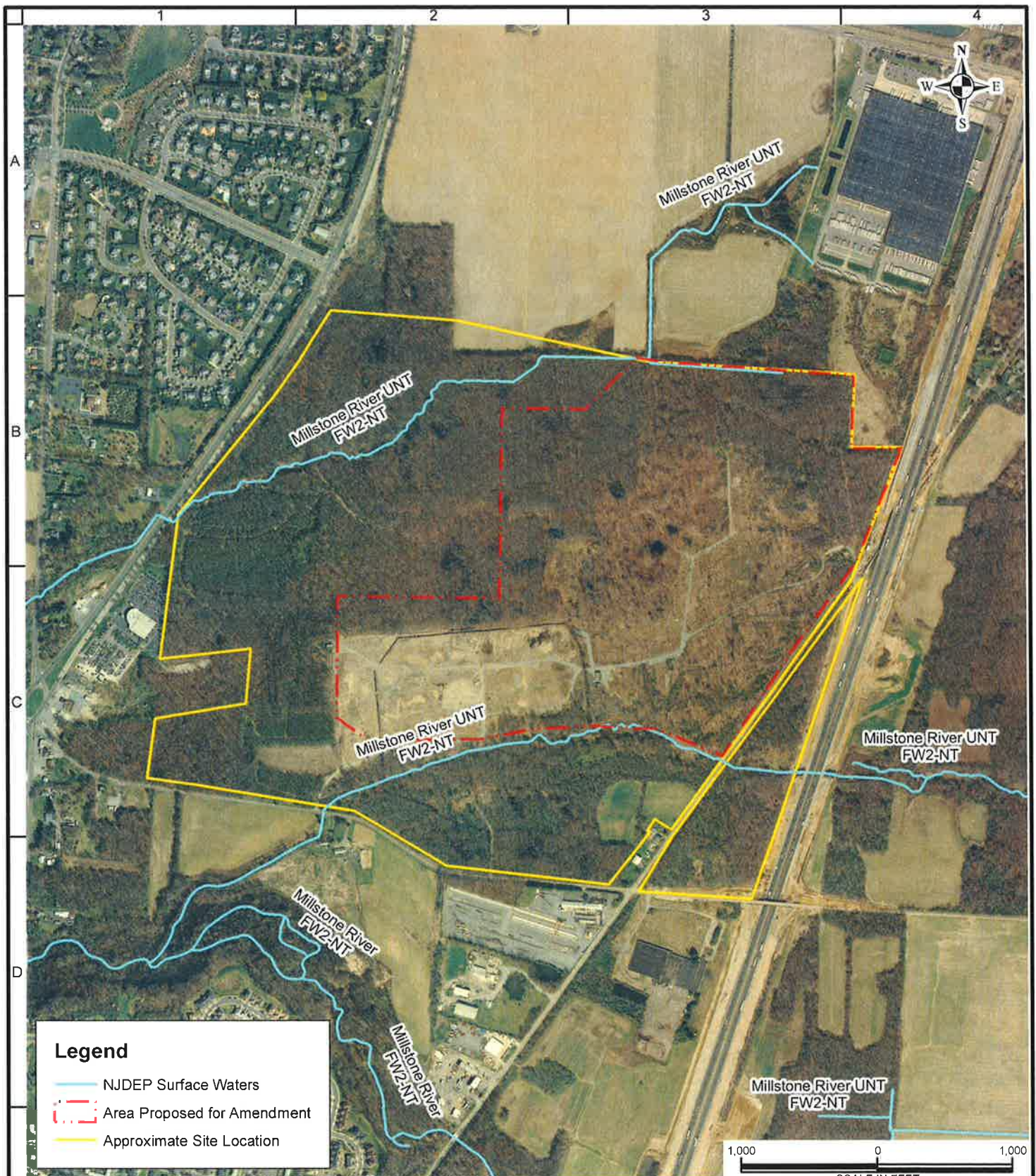
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Drawing Title

**SURFACE WATER
 BODIES MAP**

Project No
 009177303

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 06/02/2014

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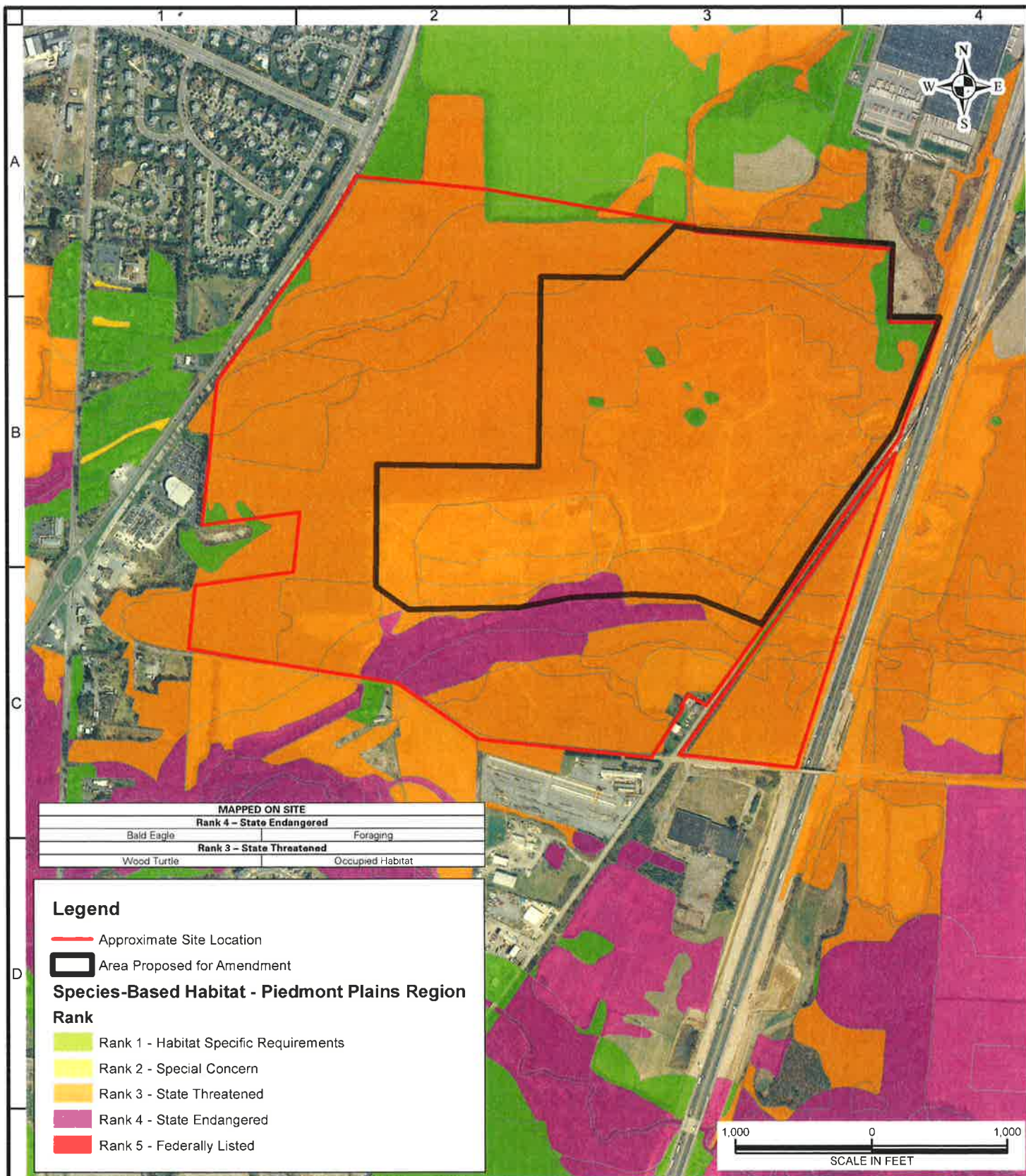
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Figure

10

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Path: W:\angan.com\data\EP\data\3\009177303\ArcGIS\ArcMap_Documents\NaturalResources\2014_StatePlanAmend\F7 - Surface Waters Map.mxd



Map References: NJDEP Landscape Project Habitat Data 2012; NJDEP Statewide Aerial Imagery 2012

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BLOCK No. 10; 12 LOT No. 10; 1

TOWNSHIP OF CRANBURY

MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**NJDEP LANDSCAPE
 PROJECT HABITAT
 MAP**

Project No.
 009177303

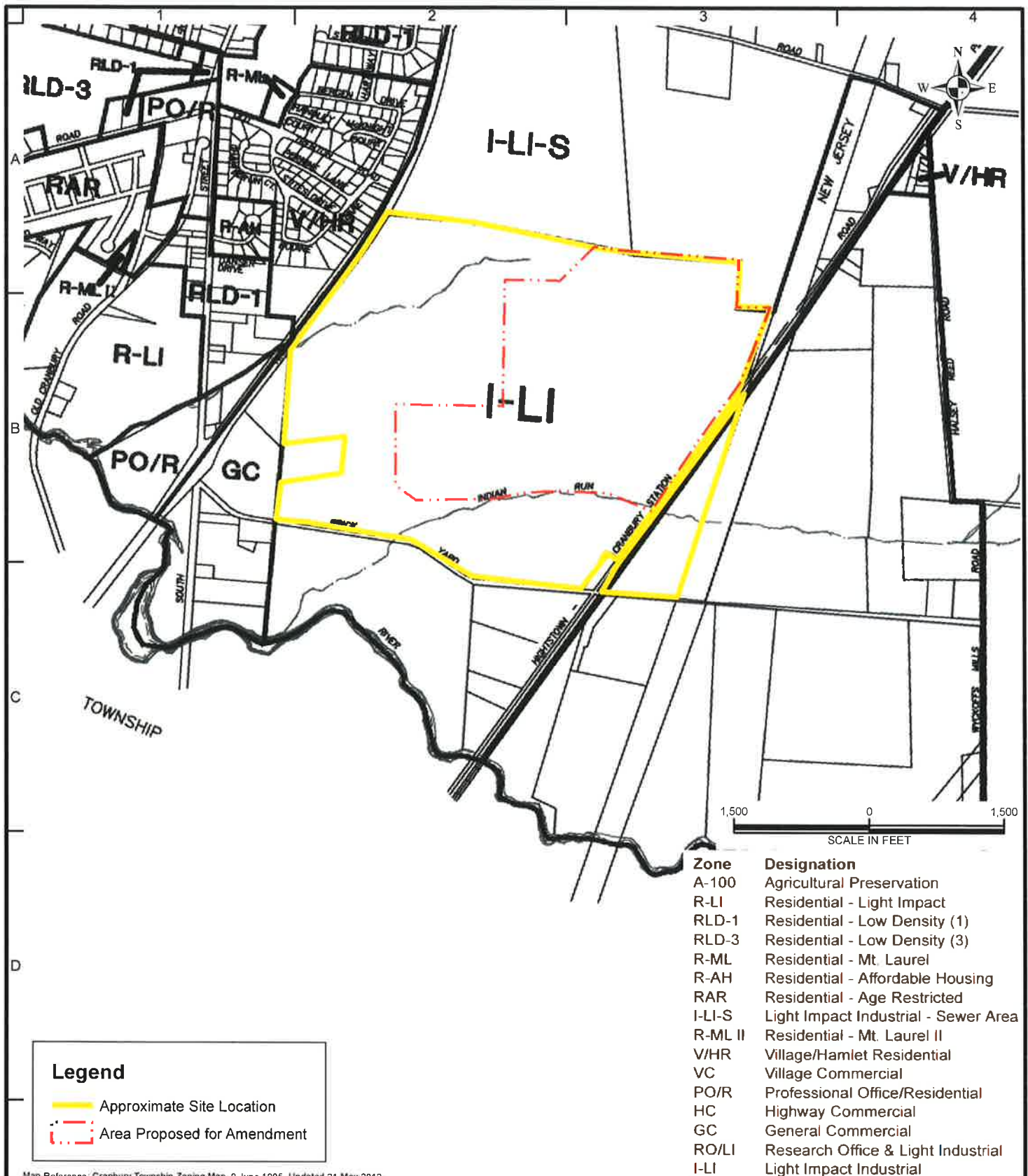
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11



Map Reference: Cranbury Township Zoning Map, 9 June 1995, Updated 21 May 2012.

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CRANBURY TOWNSHIP

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**CRANBURY
ZONING MAP**

Project No.
009177303

Date
06/02/2014

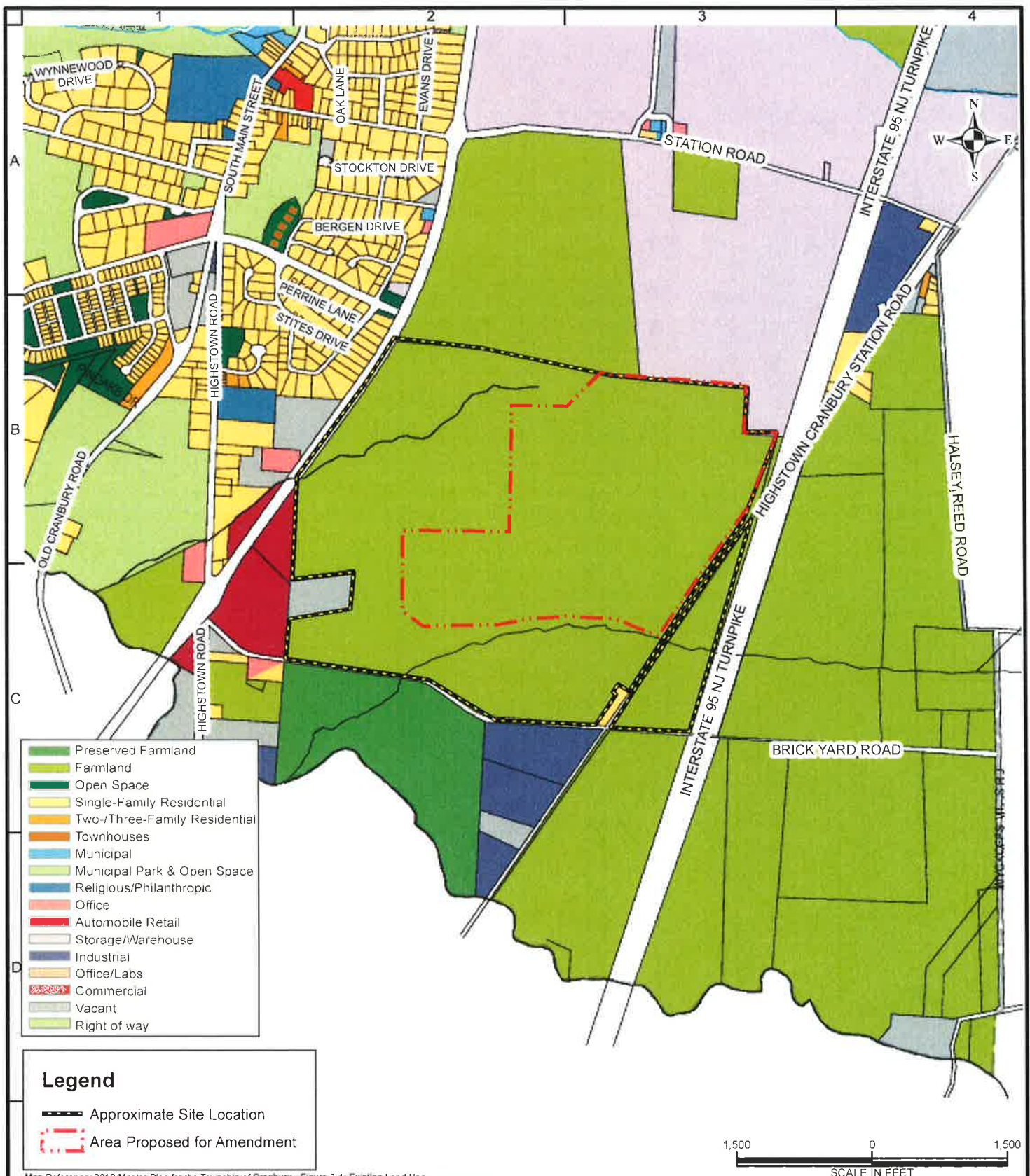
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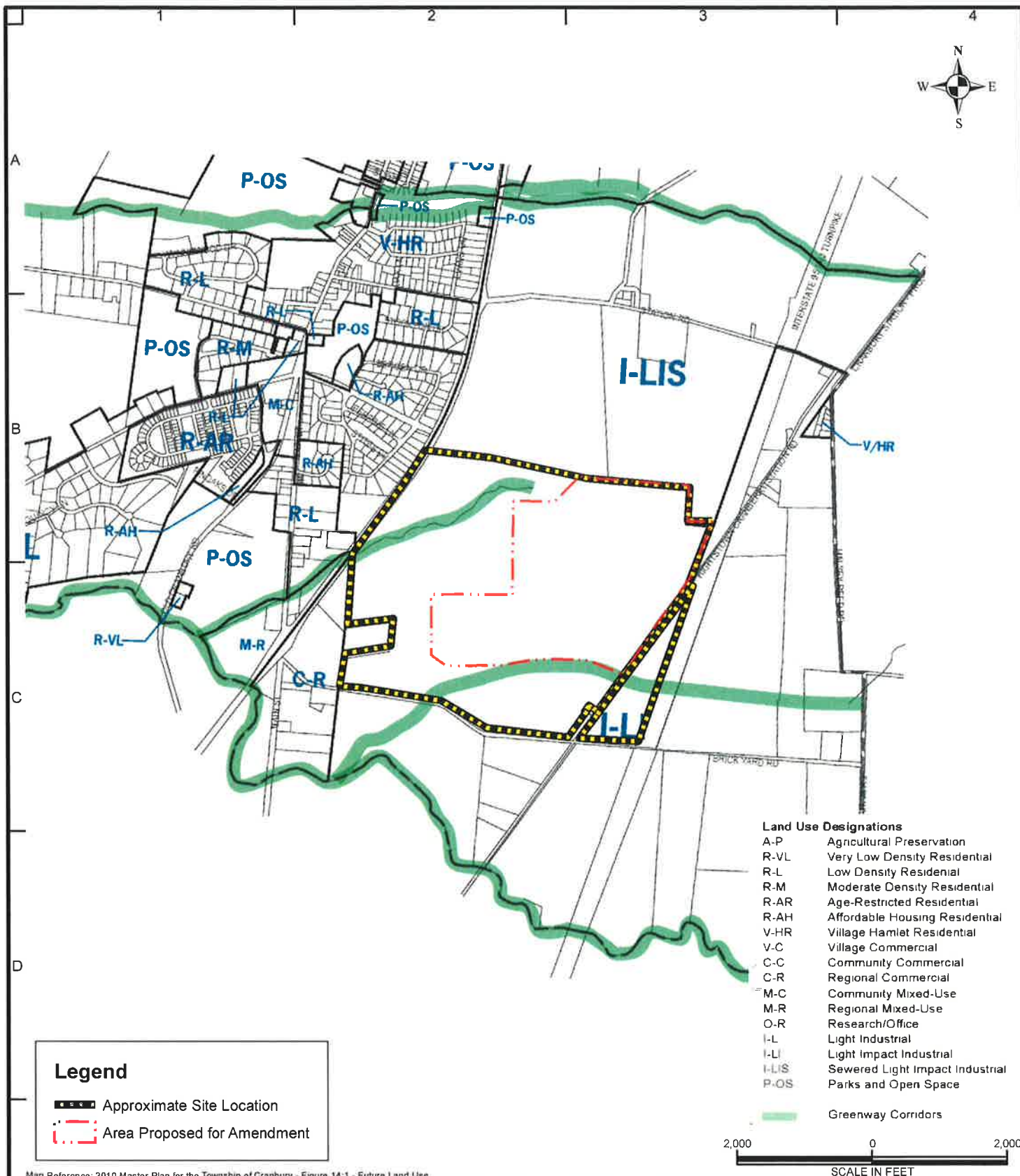
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CRANBURY TOWNSHIP

MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**CRANBURY
MASTER
PLAN FUTURE
LAND USE MAP**

Project No.

009177303

Date

06/02/2014

Scale

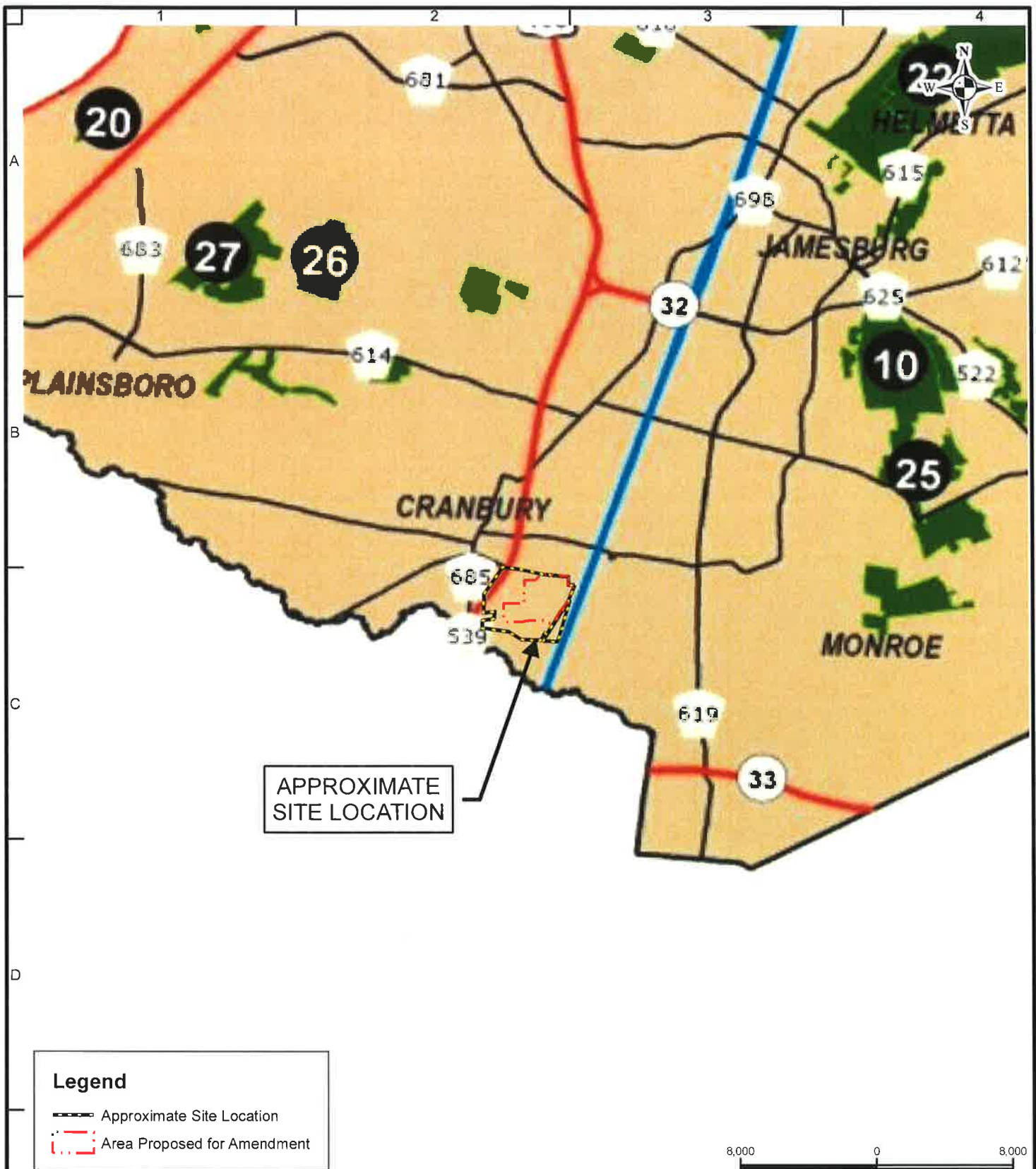
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14



Map Reference: <http://www.co.middlesex.nj.us/parksrecreation/parks.asp> - Middlesex County Parks and Recreation Department: Map of Middlesex County Park System Accessed 06/03/2014

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MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**MIDDLESEX
 COUNTY PARKS
 AND OPEN
 SPACE MAP**

Project No.

009177303

Date

06/02/2014

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MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**CRANBURY
MASTER PLAN
PRESERVED
FARMLAND MAP**

Project No.

009177303

Date

06/02/2014

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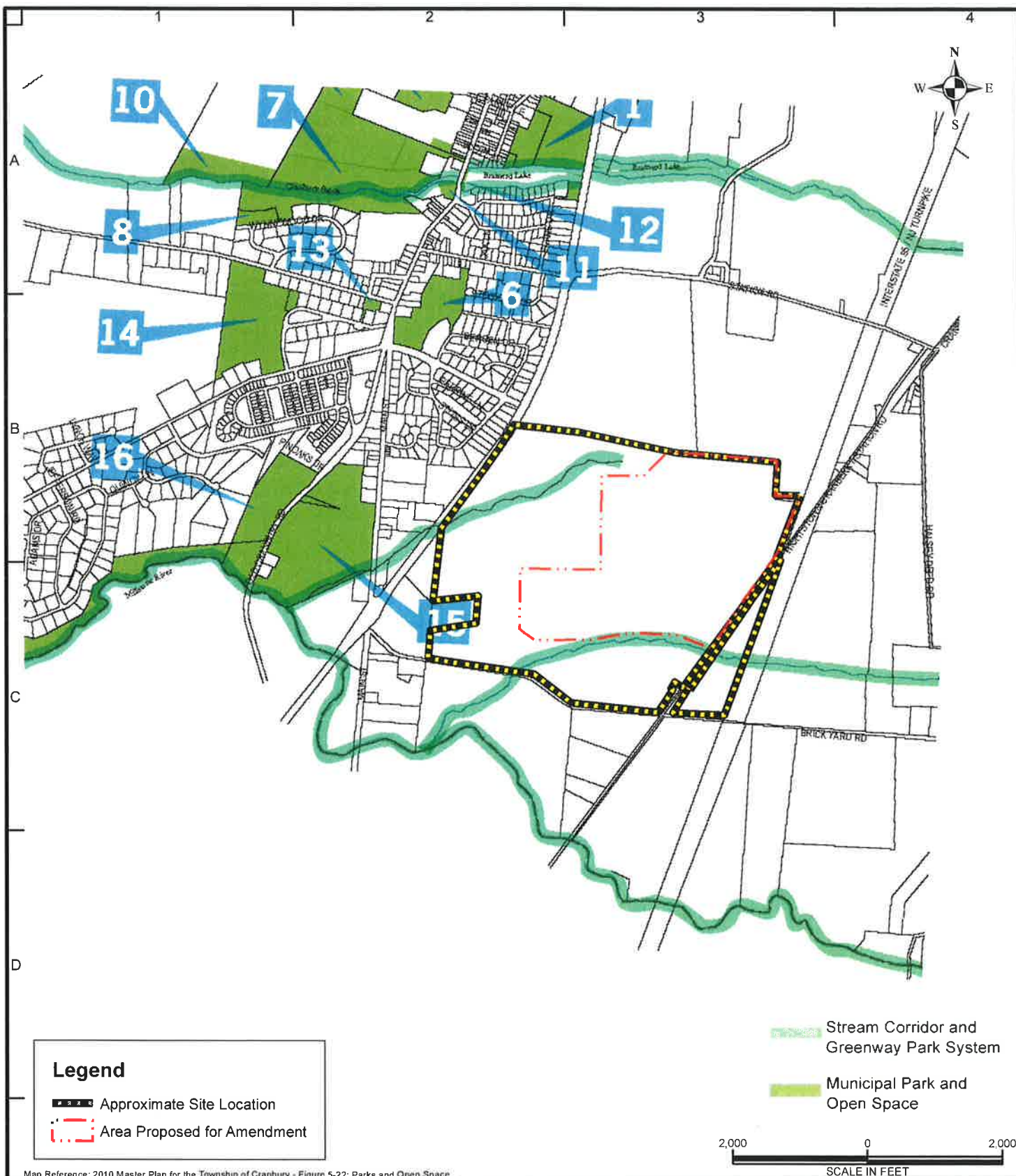
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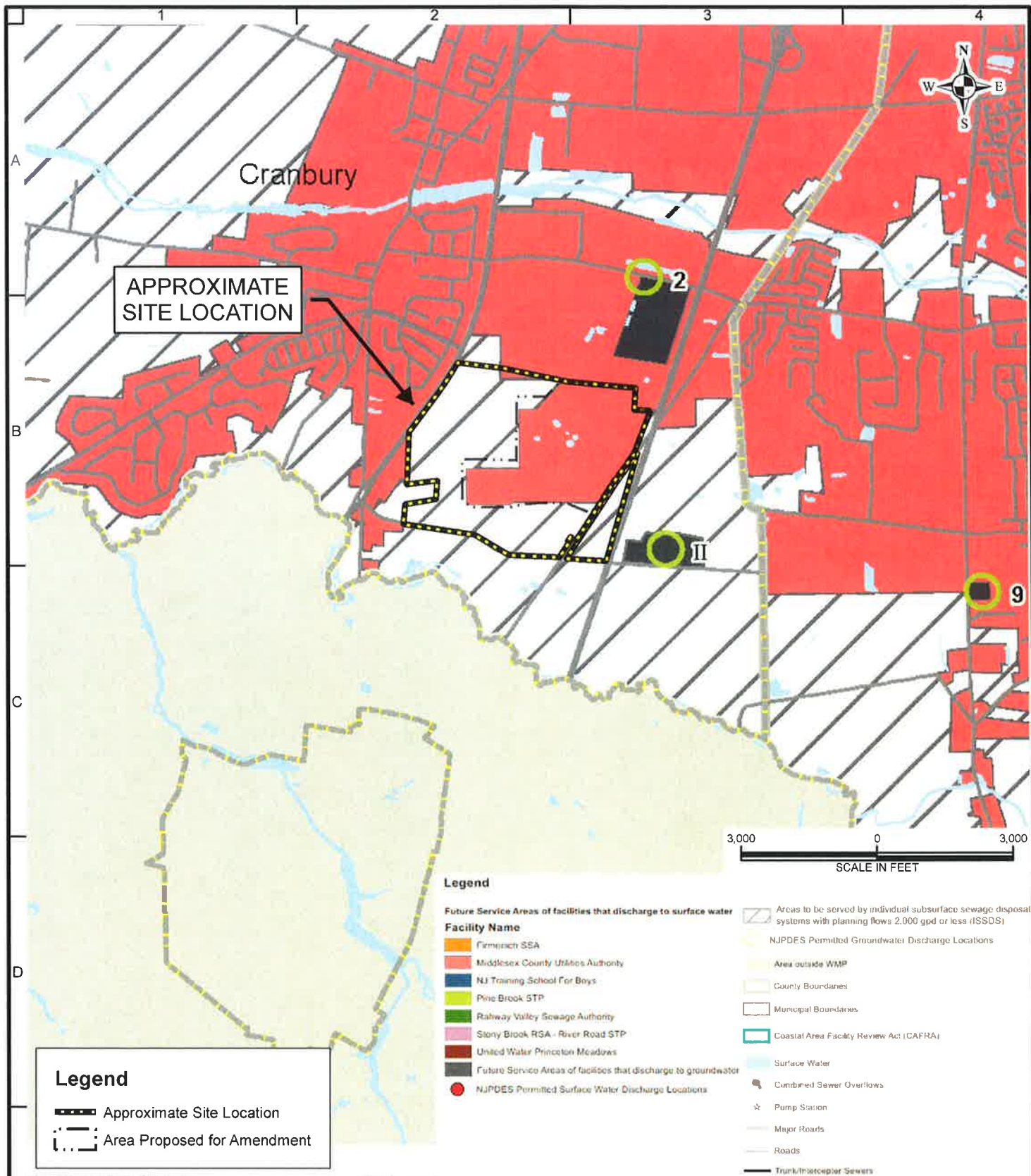
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Figure

16



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Map Reference: Middlesex County - Map 3 - Future Wastewater Service Area - August 21, 2013

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MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**MIDDLESEX COUNTY
 FUTURE
 WASTEWATER SERVICE
 AREA MAP**

Project No

009177303

Date

06/02/2014

Scale

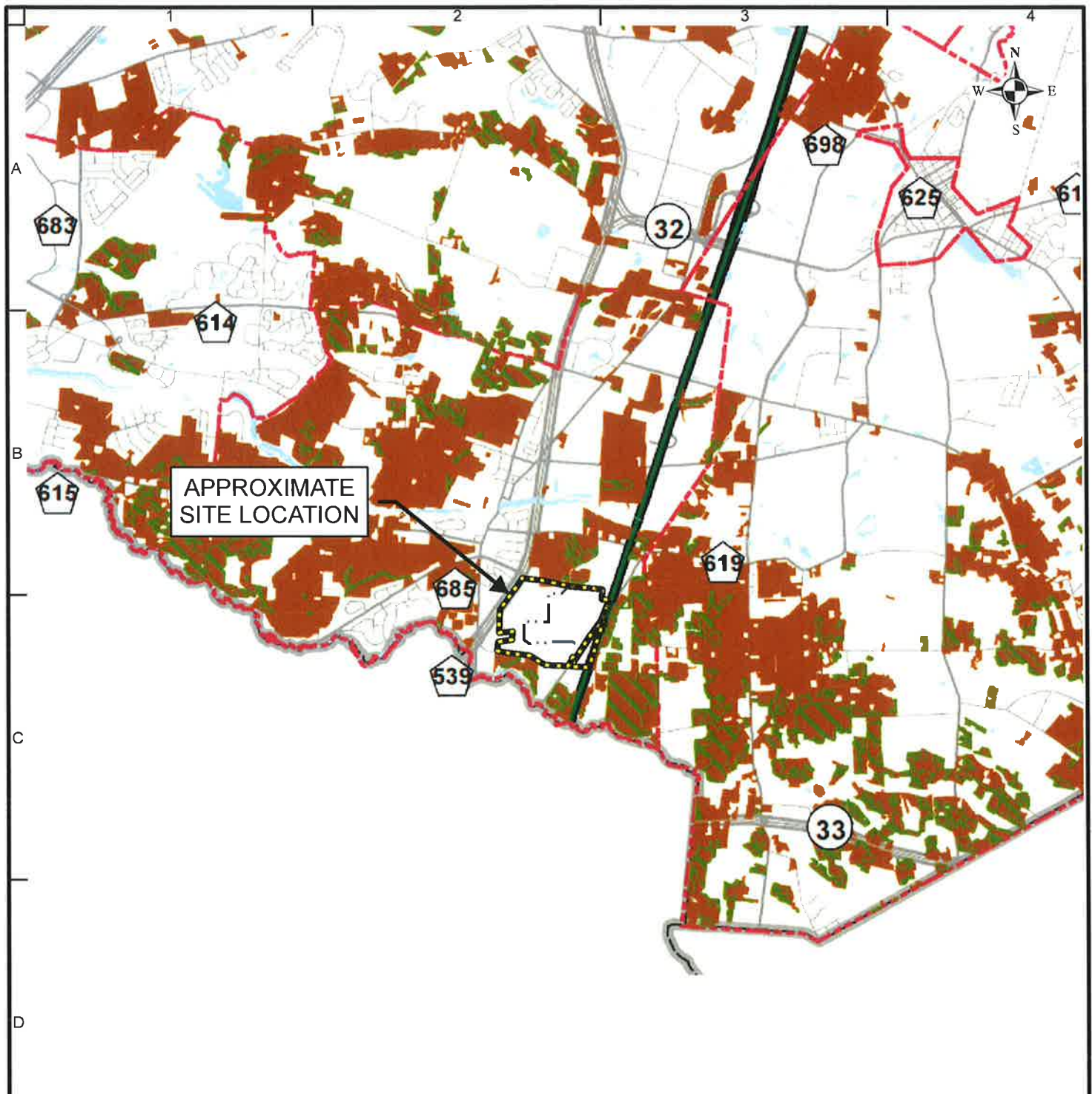
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Figure

18



Legend

- Approximate Site Location
- Area Proposed for Amendment

7,000 0 7,000
SCALE IN FEET

- Agricultural Modified Wetlands
- Agricultural Land

Map Reference: Middlesex County Farmland Preservation Plan 2008 Update - Map 1 Agricultural Land Use/Land Cover 2002 - September 9, 2008

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Project

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BRICK YARD**

Block 10; 12 Lots 10; 1
CRANBURY TOWNSHIP

MIDDLESEX COUNTY NEW JERSEY

Drawing Title

**MIDDLESEX
COUNTY
AGRICULTURAL
LANDS MAP**

Project No

009177303

Date

06/02/2014

Scale

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Figure

19

APPENDIX A

Land Use Permits/Approvals

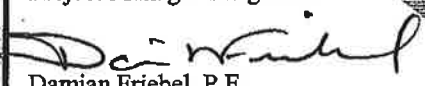
- NJDEP Flood Hazard Area Line Verification – dated 4 January 2008;
- NJDEP Wetlands LOI – dated 14 August 2008; and,
- NJDEP Remedial Action Workplan Approval – dated 21 April 2009;
- Middlesex County Preliminary Site Plan Approval – dated 18 March 2010;
- Cranbury Township Preliminary Site Plan Approval – dated 2 August 2012;
- Freehold Soil Conservation District – dated 19 December 2012;
- NJDEP Flood Hazard Area Verification and Individual Permit – dated 28 January 2013;
- NJDEP Individual Freshwater Wetland Permit – dated 28 January 2013;
- Delaware and Raritan Canal Commission Development Approval Recommendation – dated 14 November 2013.



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse

PERMIT



In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."			Approval Date JAN 04 2008	
Permit Number/s 1202-05-0005.1 FHA 070002 SEP		Type of Approval/s Stream Encroachment	Enabling Statute/s NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.	
Applicant Cranbury Brick Yard 1745 Shea Center Drive, Suite 190 Highlands Ranch, CO 80129		Owner (if different from applicant)		
Description of Authorized Activities and Limit of Disturbance This permit authorizes the delineation of the 100-year floodplain for two (2) unnamed tributaries to the Millstone River, located northeasterly of the intersection of Route 130 and Brickyard Road, within Lot No. 10 of Block No. 10, in the Township of Cranbury, Middlesex County, New Jersey.				
Project Location 22 Hightstown Cranbury Station Road Township of Cranbury Middlesex County Block No. 10 Lot No. 10		Received by County Clerk		
Project Manager's Signature  Damian Friebel, P.E. Telephone: (609) 984-0194				
This permit is not valid unless authorizing signature appears on the last page.				

STANDARD CONDITIONS:

1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Department. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

8. All excavated material shall be disposed in a lawful manner and outside any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
9. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of the fence on this site. This includes, but is not limited to the cleaning and inspection of all the barbed wire and chain link sections located with the floodplain at least 4 times a year and after every major storm.
10. The previous permit on this site authorized a temporary security fence for the duration of hazardous material clean up. Any permanent or future improvements to the site must incorporate plans for the removal of the fence.

11. The drawings hereby approved are the total of fifteen (15) sheets prepared by LANGAN ENGINEERING & ENVIRONMENTAL SERVICES, dated April 26, 2007, revised October 4, 2007, unless otherwise noted, entitled:

"FORMER UNEXCELLED CHEMICAL SITE TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY"


"WATERSHED AREA PLAN", sheet no. 39.01, dated April 4, 2007,

"FLOOD STUDY PLAN", sheet nos. 40.00, 40.01 & 40.03,

"FLOOD STUDY CROSS-SECTION UNNAMED TRIBUTARY # 1", sheet nos. 41.00, 41.01, 41.02, 41.03, 41.04 & 40.05,

"FLOOD STUDY PROFILE UNNAMED TRIBUTARY #", sheet no. 41.06,

"FLOOD STUDY CROSS-SECTION UNNAMED TRIBUTARY # 2", sheet nos. 41.07, 41.08, 41.09 & 41.10.



Madhu M. Guru, PE
Section Chief
Bureau of Inland Regulation

1/4/08
Date





State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

Mr. Michael Nevins
Langan Engineering & Environmental Services
619 River Drive Center One
Elmwood Park, NJ 07407

AUG 14 2008

RE: Letter of Interpretation - Line Verification;
File No.: 1202-05-0005.2FWW060002
Applicant: Cranbury Brick Yard, LLC
Block: 10; Lot: 10
Block: 12; Lot: 1
Cranbury Twp., Middlesex County

Dear Mr. Nevins:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, the Division of Land Use Regulation has determined that **the wetlands and waters boundary line(s) as shown on SHEETS 1 OF 4, 2 OF 4, 3 OF 4 AND 4 OF 4 on the plan map entitled: "LETTER OF INTERPRETATION WETLAND MAP FORMER UCC CRANBURY SITE DEVELOPMENT PROJECT CRANBURY, NEW JERSEY", dated JUNE 22, 2006, unrevised, and prepared by ENSR CORPORATION, is accurate as shown.**

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B -1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Division's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above DLUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

The Department has determined that wetland areas **"W-MI-01", "W-MI-02", "W-MI-03", "W-MI-04", "W-MI-05", "W-MI-06", "W-MI-07", "W-MI-B", "W-MI-E", "W-MI-O", "W-MI-P", "W-MI-Q" and "W-MI-R"** on the subject property are of exceptional resource value, and require a 150 foot transition area or buffer. Wetlands **"W-MI-B"** and **"W-MI-E"** constitute breeding habitat for State threatened species. In addition, the Department has determined that there are a number of wetland areas onsite which potentially meet the definition of a "vernal habitat" as found at NJAC 7:7A-1.4. Many of these pools have been identified as "potential vernal pools" (PVP's) by the Rutgers "Center for Remote Sensing and Spatial Analysis" (CRSSA) mapping of New Jersey's vernal pools. These include wetlands labeled **"W-MI-04"** (PVP 1120icp), **"W-MI-A"** (CRSSA PVP's 1113icp, 1114icp, 1115icp, 1123icp & 1124icp), **"W-MI-A4"** (CRSSA PVP 1112icp), **"W-MI-P"** (CRSSA PVP 1116icp), **"W-MI-S"** (CRSSA PVP 1118icp, 1121icp, 1122icp, 1125icp), **"W-MI-S4"** (CRSSA PVP 1119icp), **"W-MI-S5"** (CRSSA PVP 1117icp), **"W-MI-T"** (CRSSA PVP 649icp). Additional potential vernal habitats may exist onsite which are as yet unidentified by the CRSSA mapping or Department staff. The Department may survey these wetlands in the future at the appropriate time of year to determine if they meet the requirements for certification as a vernal habitat. If the Department performs such a survey, you will be informed of the survey results. These determinations may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

The Department has identified the following points as wetlands ditches: **S-OS100START to S-S113, S-N100START to S-N114END, S-N200START to S-N212END, S-O161 to S-O172END, S-O256 to S-O267END, S-Q100 to S-Q105END, S-Q200START to S-Q205END, S-R102 to S-R103, S-MI-F100START to S-F128END, S-E100START to S-E125END, S-D100START to D117END, S-C102 to S-C104END, S-L101 to S-L102END, S-B100START to S-B103END, S-B200START to S-B203END, S-K100+S-J to S-K103END, S-J101 to S-J106END, S-U101 to S-U111, S-U200START to U202END, S-W-115 to S-W-122, S-V105 to S-MI-V106END, S-G102 to S-G137, and S-G201 to S-G249.** These ditches are considered ordinary resource value wetlands and have no buffer associated. The Department has also identified State open waters on site which are referenced on the plans by the following points: **S-O100START to S-O119 and continuing through WETLAND W-MI-P, S-O201 to S-O210 and continuing through WETLAND W-MI-P, S-A100START to S-A113 and continuing through WETLAND W-MI-B and WETLAND W-MI-E.** A standard transition area is not required adjacent to State open waters pursuant to the Freshwater Wetlands Protection Act Rules. All remaining wetlands are classified as intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. In addition, the following wetland areas are isolated: **W-MI-A4, W-MI-A5, W-MI-CC, W-MI-01, W-MI-02, W-MI-03, W-MI-04, W-MI-05, W-MI-06, W-MI-07, W-MI-T, W-MI-S1, W-MI-S4, W-MI-S5, W-MI-I, W-MI-J, W-MI-K, W-MI-L, W-MI-M, W-MI-A1, W-MI-A2, W-MI-A3, W-MI-E1, W-MI-G, W-MI-AA, W-MI-V, W-MI-S2, and W-MI-S3.**

It should be noted that the determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information discovered during the referenced vernal habitat survey, or information supplied by the applicant. Under NJSA 13:9B-7a(2), if the

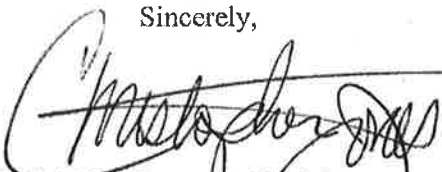
Department has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division of Land Use Regulation, P.O. Box 439, Trenton, New Jersey 08625.

This letter in no way legalizes any fill, which may have been placed, or other regulated activities, which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Allison Giehl of our staff at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Christopher Jones, Acting Manager
Bureau of Urban Growth & Redevelopment

c: Cranbury Municipal Construction Official

Adjudicatory Hearing Request Checklist and Tracking Form

I. Permit Decision or Other Department Decision Being Appealed:

Issuance Date of Decision Document

Document Number (If any)

II. Please provide Name, Address and Phone No. of:

Person Requesting Hearing

Name of Attorney (If applicable)

Address

Address

Phone No.

Phone No.

III. If you are the applicant or permittee, please include the following information with your hearing request:

- A. The date you received the permit decision or other decision which you are appealing;
- B. A copy of the decision document;
- C. The findings of fact and conclusions of law you are appealing;
- D. A statement as to whether or not you raised each legal and factual issue during the permit application process;
- E. Suggested revised or alternative permit conditions;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of our hearing request to the Office of Administrative Law; and
- I. This form completed; signed and dated with all of the information listed above, including attachment to:

1. New Jersey Department of Environmental Protection Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402

With a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of our participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form completed, signed and dated with all the information listed above, including attachments to

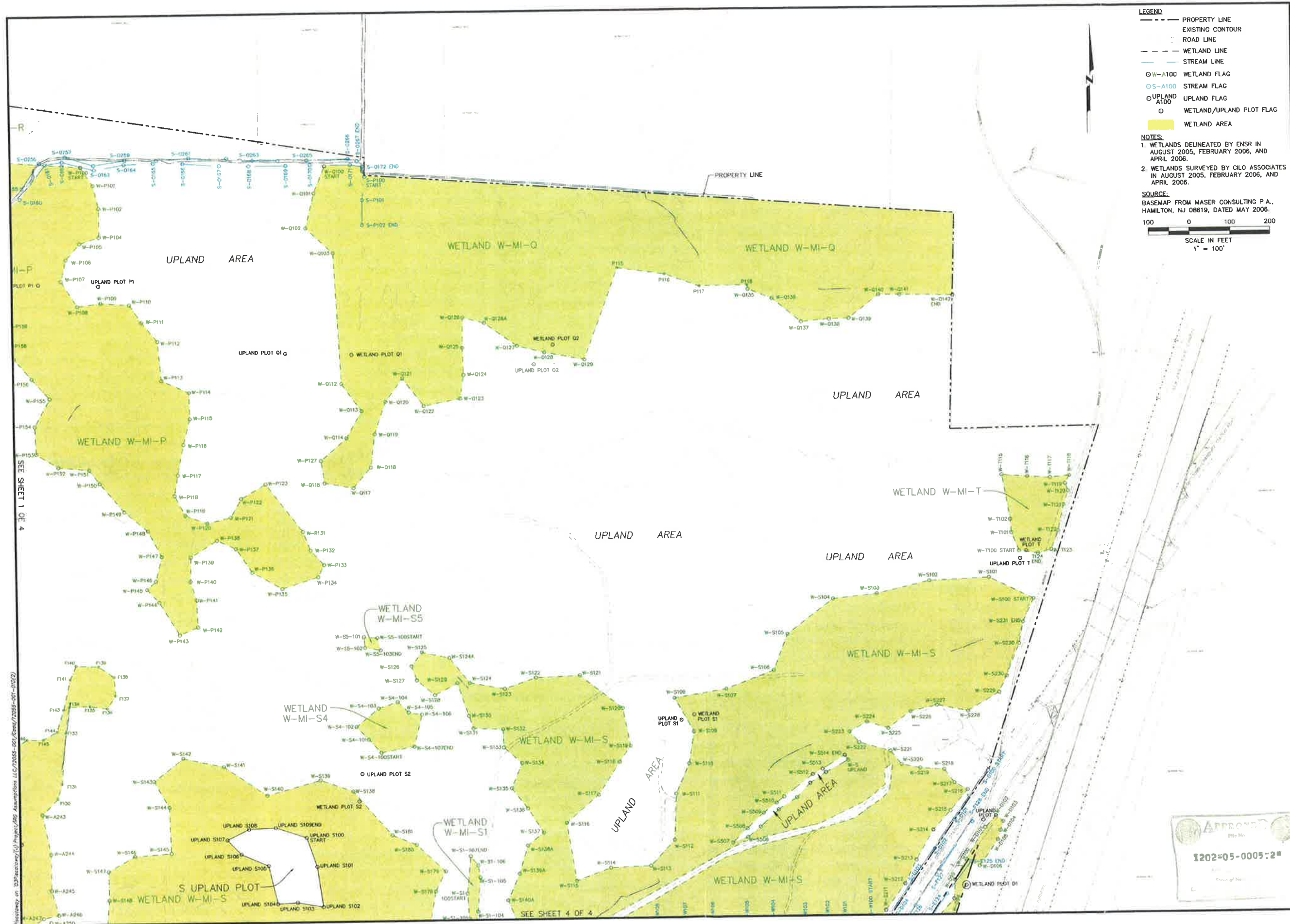
- 1. New Jersey Department of Environmental Protection Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402;

With a copy to:

- 2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____



LEGEND

- PROPERTY LINE
- - - EXISTING CONTOUR
- ROAD LINE
- - - WETLAND LINE
- STREAM LINE
- OW-A100 WETLAND FLAG
- OS-A100 STREAM FLAG
- OUPLAND A100 UPLAND FLAG
- WETLAND/UPLAND PLOT FLAG
- WETLAND AREA

NOTES:

1. WETLANDS DELINEATED BY ENSR IN AUGUST 2005, FEBRUARY 2006, AND APRIL 2006.
2. WETLANDS SURVEYED BY CLO ASSOCIATES IN AUGUST 2005, FEBRUARY 2006, AND APRIL 2006.

SOURCE:
BASEMAP FROM MASER CONSULTING P.A., HAMILTON, NJ 08619, DATED MAY 2006.

100 0 100 200
SCALE IN FEET
1" = 100'

THOMAS D. STRONG

BY: DATE: NO: DESCRIPTION: DESIGNED BY: DRAWN BY: J.E.B. CHECKED BY: H.S. APPROVED BY: J.D.

ENSR AECOM

ENSR CORPORATION
2 TECHNOLOGY PARK DRIVE
PISCATAWAY, NJ 08854
PHONE: (973) 599-3000
FAX: (973) 599-3100
WEB: HTTP://WWW.ENSRAECOM.COM

LETTER OF INTERPRETATION WETLAND MAP
FORMER UCC CRANBURY SITE
DEVELOPMENT PROJECT
CRANBURY, NEW JERSEY

PROJECT NUMBER: 12055-003-100
DATE: 06/22/06
SCALE: 1" = 100'

DRAWING NUMBER: 2
SHEET NUMBER: 2 OF 4

1202-05-0005-2

**State of New Jersey**

Department of Environmental Protection

Jon S. Corzine
GovernorMark N. Mauriello
Acting CommissionerEmergency Management Program
401 East State Street
P.O. Box 028
Trenton, NJ 08625-0028

April 21, 2009

Mr. Ken Elliot
Cranbury Brick Yard, LLC
1745 Shea Center Drive, Suite 190
Highlands Ranch, CO 80129**Approval**

Re: Cranbury Brick Yard Road - Former Unexcelled Chemical Corporation Property
Munitions and Explosives of Concern Remedial Investigation Report/Remedial Action Selection
Report/Remedial Action Workplan Addendum Dated March 20, 2009
Cranbury Twp, Middlesex County
Activity Number Reference: RPC090001
SRP PI# G000061684
Case Name: Unexcelled Chemical Corporation

Dear Mr. Elliot:

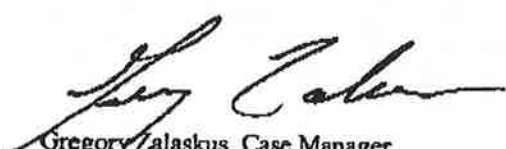
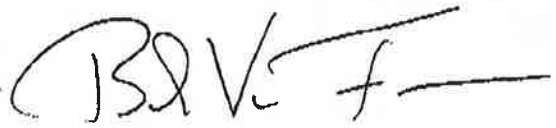
The New Jersey Department of Environmental Protection (Department) has reviewed the above referenced documents prepared for Cranbury Brick Yard, LLC (CBY) by Langan Engineering and Environmental Services, Inc. and Munitions Management Group, LLC respectively. These documents are an addendum to the May 4, 2007 Remedial Investigation Workplan (RIWP) and the May 15, 2007 Munitions and Explosives of Concern (MEC) Remedial Investigation Report/Remedial Action Selection Report (RIR/RASR)/Remedial Action Workplan (RAWP), the Department's December 29, 2008 Notice of Deficiency letter and, the February 3, 2009 project technical meeting. The Department has determined that the submittal is in compliance with the Technical Requirements for Site Remediation N.J.A.C. 7:26E and other applicable requirements. The Department hereby approves the MEC and Environmental RIWP, the RIR/RASR and RAWP effective the date of this letter.

As you are aware there are outstanding Land Use Regulation Program (LURP) compliance issues which will need to be satisfied as part of the implementation of the RAWP. However, the remediation effort as defined in the RAWP may proceed at this time with appropriate permits. Because there are MEC hazards currently on the ground surface, the Department requires a surface clearance to be conducted immediately if there are any delays in starting this remediation.

If you have any questions regarding this matter contact Gregory Zalaskus Case Manager, at (609) 984-2065

Prepared by,

Reviewed by,


Gregory Zalaskus, Case Manager
Emergency Management Program
Bob VanFossen, Assistant Director
Emergency Management Program

Stephen J. Dalina
Freeholder Director

Christopher D. Rafano
Deputy Director

Carol Barrett
H. James Polos
Ronald G. Rios
Mildred S. Scott
Blanquita B. Valenti
Freeholders



**COUNTY OF MIDDLESEX
DEPARTMENT OF PLANNING
LAND DEVELOPMENT AND REVIEW DIVISION
40 LIVINGSTON AVENUE
NEW BRUNSWICK, NJ 08901**

Carol Barrett
*Chairperson, Committee of
Engineering and Planning*

John A. Pulomona
County Administrator

George M. Ververides, P.P., A.I.C.P.
Director of County Planning

Stanley R. Olszewski
Supervising Planner

Steven D. Cahn
Planning Board Counsel

732-745-3812

FAX 732-745-3960

<http://www.co.middlesex.nj.us>

March 18, 2010

Ms. Josette Kratz, Administrative Officer/
P.B./Z.B.A. Secretary (Planning/Zoning Department)
Cranbury Township Planning Board
23-A No. Main Street
Cranbury, NJ 08512

RECEIVED

MAR 24 2010

*Please refer
to our file number in all
communications*

Re: Cranbury Brick Yard
Our file # CR-SP-109

Dear Ms. Kratz:

The Land Development Review Committee of the Middlesex County Planning Board has reviewed and approved the site plan application entitled, "Preliminary Site Plan Application for Block 10, Lot 10 and Block 12, Lot 1 Cranbury Brick Yard 22 Hightstown-Cranbury Station Road, Township of Cranbury, Middlesex County, New Jersey," and dated December 15, 2009.

Site Plan Approval is subject to compliance by the Applicant with the procedures and requirements of the Middlesex County Site Plan Review Resolution and the following:

1. Submission to this office of a **new application form and fee, using the revised plan category and five (5) sets of a revised plan** showing conformance to the following sections of the Site Plan Review Resolution:

Section 11-6 Site Plan Details

- (L) The County Trench Repair for Paved and Unpaved areas, Milling and Paving, Depressed Curb and Road Widening Details must be indicated on revised plans.

The New Jersey Department of Transportation Beam Guidrail, End Treatment Attachments, Non-Vegetative Surface, Pavement Markers and U-Post Sign Supports with Spacer Bar Details must be indicated on revised plans.

Middlesex County... "The Greatest County in the Land"

Ms. Josette Kratz
Cranbury Township Planning Board
March 18, 2010
Page 2
Our File # CR-SP-109

- (M) A dedication at the corner of Hightstown-Cranbury Station Road and Station Road (County Road# 615) must be provided to Middlesex county to accommodate the proposed WB-67 turning radius. This must be indicated on revised plans.
- (P) Attached please find Joseph A. Donato's memo, dated January 6, 2010, regarding survey requirements.

Section 11-7 Design Standards

.10 Utility:

Sanitary force mains are prohibited in the County Right-of-Way. the proposed system must be converted to a Gravity line in this area or relocated outside of the county Right-of-Way. This must be indicated on revised plans.

.11 Drainage:

In the event that the proposed independent outfalls are denied by the New Jersey Department of Environmental Protection, tie in of the Stormwater to the County maintained culverts will require reconstruction of the culverts to the current County standards.

Proposed Basins 2A and 2B must include concrete low flow channels having a minimum .5% longitudinal slope. This must be indicated on revised plans.

Proposed Basins 2A and 2B must include a 2% slope between the toe of the basin side slope and the concrete low flow channels. This must be indicated on revised plans.

Restrictive Covenant Language must be indicated on revised plans.

A Maintenance Plan for the proposed stormwater management system must be submitted using the New Jersey Department of Environmental Protection's "Stormwater Best Management Practices" manual as a guideline. This plan must include the name, address and telephone number of the person or persons responsible for the long-term maintenance of the system.

Ms. Josette Kratz
Cranbury Township Planning Board
March 18, 2010
Page 3
Our File # CR-SP-109

.12 Traffic Control:

Traffic counts for the intersection of Hightstown-Cranbury Station Road and Station Road will be provided to the County upon completion of the second warehouse and again upon completion of the third warehouse to determine the point in time that the proposed traffic signal will be warranted.

A Truck Circulation Plan must be submitted with the revised plans.

2. Submission to this office of a performance guarantee for acceptance by the Board of Chosen Freeholders. This guarantee is to cover the construction of required improvements along the County road. The amount of the guarantee will be determined at the time the above required revised plans are submitted to and found acceptable by this Board.

The Applicant's engineer shall submit a cost estimate of the required proposed improvements within the County Right-of-Way. This estimate shall be used to assist the County Planning Board in determining the final performance guarantee amount to be required.

3. Submission to this office of a signed and sealed letter from Cathy Marcelli, Township Engineer, who has reviewed and approved the proposed interior storm drainage system for this development, dealing with the stormwater runoff which will not negatively affect downstream properties and facilities within the drainage basin of the proposed development.

4. A Stormwater Maintenance Agreement shall be submitted, which will be filed at the Middlesex County Clerk's Office by this office, requiring the lot owners and/or lessee occupants to maintain any drainage system and any and all stormwater (drainage swales/detention/retention/recharge facilities) on the property. These agreements are to be prepared by the Applicant's attorney and are subject to review and approval by appropriate Counsel for Middlesex County. Enclosed in the Applicant's attorney's copy of this letter is language to be included in the Stormwater Maintenance Agreement. The Stormwater Maintenance Agreement, after receiving the Middlesex County Planning Board approval, will be filed at the Middlesex County Clerk's Office.

The following clause must also be placed on all revised site plans and/or final subdivision plats stating that a restriction has been filed, concerning the detention facility in favor of Middlesex County:

Ms. Josette Kratz
Cranbury Township Planning Board
March 18, 2010
Page 4
Our File # CR-SP-109

"A Stormwater Maintenance Agreement will be filed which sets forth documentation that any proposed drainage system and any and all stormwater (drainage swales/detention/retention/recharge facilities) will be adequately maintained in accordance with the standards of Middlesex County. Refer to the paragraph in the Stormwater Maintenance Agreement entitled 'Right of County of Middlesex to Maintain Drainage Basins'. Conditions that affect non-County facilities should be reviewed and approved by the appropriate jurisdictional agency."

5. The Applicant's responsibility to engineer, fund, and construct a traffic signal at the intersection of Hightstown-Cranbury Station Road and Station Road upon warrant will be outlined in a Developer's Agreement to be submitted to this office for review.

6. A dedication at the corner of Hightstown-Cranbury Station Road and Station Road (County Road# 615) must be provided to Middlesex County to accommodate the proposed WB-67 turning radius. A survey, metes and bounds description and deed document for this area must be submitted for review.

7. Proof of approval by the New Jersey Department of Environmental Protection and Energy shall be provided.

8. Proof of approval of this application by the New Jersey Department of Transportation.

9. Proof of approval of this application by the Delaware and Raritan Canal Commission.

10. Submission to this office of proof that a Road Opening Permit has been obtained from the Middlesex County Department of Highways and Bridges prior to any demolition, construction or reconstruction as herein approved within the Right-of-Way and/or any specific area under Middlesex County's jurisdiction of Station Road (County Road # 615). Conditions 1 through 9 must be completed before a Road Opening Permit will be issued. The applicant shall apply for the permit at the Middlesex County Department of Highways and Bridges on Apple Orchard Lane in North Brunswick.

Please note the following recommendations:

1) Rail:

Although the site has not been designed to accommodate rail, its proximity to the existing rail line makes it a possibility. The New Jersey Department of Transportation rail plan funds projects that extend rail spurs. It is recommended that future phases of site development entertain the possibility of utilizing rail.

Ms. Josette Kratz
Cranbury Township Planning Board
March 18, 2010
Page 5
Our File # CR-SP-109

2) Bus:

We recommend that a bus shelter be considered near the employee entrances to the warehouse buildings to provide access for the buses when a demand for service is generated.

3) Environmental:

It is recommended that the Applicant entertain the use of Rain Gardens in the parking lot areas. This can be done by directing Stormwater through gravity and the use of curb cuts into the gardens. This is a useful technique for managing Stormwater runoff that is environmentally responsible and provides aesthetic benefits as well.

Please note that any additional work to be undertaken within the County Right-of-Way and/or any specific area under the County's jurisdiction and not referred to above, will also require a Road Opening Permit.

This application has been approved subject to conditions 1 through 10 as detailed in this letter. In the event that any of the conditions are unsatisfied, (1) this approval shall be deemed null and void, and (2) the County may seek any rights and remedies under the performance bond.

We respectfully request that the issuance of a Building Permit be withheld until written notification has been received from this office acknowledging the fulfillment of the above conditions.

In addition, the Committee notes the following:

1. That the above approval does not in any way relieve the Applicant from constructing all improvements as herein approved in accordance with good and acceptable engineering standards.

2. That pursuant to N.J.S.A. 40:27-1 et seq. (40:27-6.2 and 40:27-6.6), the Middlesex County Planning Board does not have the right to review and approve drainage that affects a non-County road or a drainageway, structure, pipe, culvert or facility for which the County is not responsible. Any responsibility for inadequate drainage conditions that affect non-County facilities should be reviewed and approved by the appropriate jurisdictional agency.

Ms. Josette Kratz
Cranbury Township Planning Board
March 18, 2010
Page 6
Our File # CR-SP-109

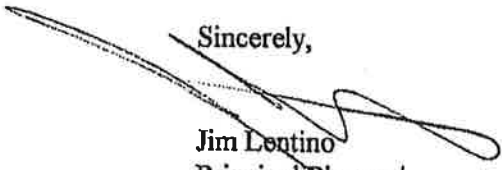
3. The Committee reserves the right, in the event of any future applications affecting all or any part of this site, to amend or to require additional amended or modified requirements or improvements or dedications, or to require new or amend any performance guarantees based on conditions at the time of said application or as a result of changed circumstances relevant at that time and to the then applicable County Resolutions.

4. **That prior to any and all additional work being done within the County Right-of-Way and/or any specific area under the Middlesex County's jurisdiction other than that which has been approved, the Middlesex County Department of Highways and Bridges shall be contacted.**

5. It has been determined that this application contributes material drainage to a downstream County Drainage Facility (#5-C-168/5-C-169, on Cranbury Road). However, this facility is considered to be satisfactory, and does not require a contribution at this time. In addition, please note that the Committee reserves the right to require contributions from future subdivision and site plan applications within this drainage area.

It is requested that if the municipality requires any additional revised plans other than those which are approved above, then they shall be submitted to the County for reconsideration by this Board accompanied by a new application form, the required fee, and five (5) copies of the plans.

Sincerely,



Jim Lentino
Principal Planner/
Land Development Review
For
George M. Ververides
Director of County Planning

GMV:JL:cn
Encl./A:crsp109.031

cc: David R. Campion, County Roads Department
John J. Reiser, County Engineer
John Kranz, The Middlesex County Mosquito Extermination Commission
Greg Farrington, Construction Official (Building/Construction Department)
Jeffrey Graydon, Zoning Officer
Cathy Marcelli, Township Engineer
Steve Ganch, Applicant
Bob Smith, Applicant's Attorney
Richard Burrow, Applicant's Engineer

Site Plan Staff Report and Resolution
Middlesex County Land Development Review Committee

File # CR-SP-109 Type Site Plan
Date of Action March 9, 2010

Applicant: Cranbury Brick Yard, LLC 1745 Shea Center Dr. Ste. 190 Highlands Ranch, CO 80129

Title Block of Application: "Preliminary Site Plan Application for Block 10, Lot 10 and Block 12, Lot 1
Cranbury Brick Yard 22 Hightstown-Cranbury Station Road, Township of Cranbury
Middlesex County, New Jersey" Dated December 15, 2009

Proposed Land Use: Warehouse

Staff Recommendation: **Conditional Site Plan Approval; subject to receipt of the following:
See (I-A, I-B, II, III, V-A, V-B, VI, VII, VIII)**

I. Revised Plans and Resolution Deficiencies			
A. Section 11-6 Site Plan Details	<u>L-Details, M-Dedication, P-Survey</u>	<u>Required</u>	
B. Section 11-7 Design Standards	<u>.10 Utilities, .11 Drainage, .12 Traffic Control</u>	<u>Required</u>	
C. Other		<u>N/A</u>	
II. Performance Guarantee		<u>Required</u>	
Statutory Auth. N.J.S.A. 40:27-6.6	Amount \$	<u>TBD</u>	
III. Drainage		<u>Satisfactory</u>	
Contribution Statutory Auth. N.J.S.A. 40:27-6.6	Amount \$	<u>\$0.00</u>	
Downstream County Drainage Facility:	<u>Cranbury Rd. # 5-C-169/#5-C-168</u>		
IV. Receipt of a Municipal Drainage Report		<u>Required</u>	
V. Agreements			
A. Stormwater Maintenance Agreement		<u>Required</u>	
B. Developer's Agreement		<u>Required</u>	
C. Future Improvements Agreement			
D. Slight Triangle Agreement			
VI. Dedication and Reservations of County Road Right-Of-Way		<u>Required</u>	
Distance From Centerline	<u>44 ft.</u>	Total Square Feet	<u>Radius</u>
Length of Dedication	<u>Radius</u>	Width of Dedication	<u>Radius</u>
Length of Easement		Width of Easement	
Pavement Width		Date Deed Is Due	<u>6/15/2010</u>
VII. Road Opening Permit		<u>Required</u>	
County Road Name and #	<u>Station Road (CR # 615)</u>		
Non-County Road Name	<u>Hightstown-Cranbury Station</u>		
Linear Feet of Frontage	<u>Off-Site</u>		
Linear Feet of New Street	<u>N/A</u>	# of New Driveways	<u>N/A</u>
VIII. Approvals and Other Considerations		<u>Required</u>	
A. MCMEC	<u>Required</u>	C. NJDOT	<u>Required</u>
B. NJDEP	<u>Required</u>	D. D&RCC	<u>Required</u>
Strategic Planning Area	<u>N/A</u>	Fee Submitted	<u>\$20,000.00</u>
Revised	<u>No</u>	Existing # of lots	<u>2</u>
Received	<u>12/23/10</u>	# of New Lots	<u>N/A</u>
Due	<u>01/22/10</u>	Dwelling Units	<u>N/A</u>
Total Acres	<u>391</u>	Existing Parking Spaces	<u>N/A</u>
Acres of Open Space	<u>0.00</u>	Proposed Parking Spaces	<u>921</u>
Census Tract #	<u>87</u>	Proposed Impervious Coverage	<u>5,369,205</u>
Zone	<u>I-L1</u>	SQ. FT. Existing Building	<u>N/A</u>
Block #	<u>10/12</u>	SQ. FT. Proposed Building	<u>2,831,673</u>
Lot #	<u>10/1</u>	Land Use	<u>Industrial</u>
Plans Prepared By	<u>Richard Burrow, PE</u>	Land Use Type	<u>Warehouse</u>
Approval		Disapproval	
Conditional Approval		Review	
Void		Reconsideration	
Withdrawal		Deed Extension	

Planning Board Staff

Jim Lentino, Principal Planner

Engineering Department Staff

Engineer

Site Plan Staff Report and Resolution
Middlesex County Land Development Review Committee

Our File # CR-SP-109

Applicant: Cranbury Brick Yard, LLC 1745 Shea Center Dr. Ste. 190 Highlands Ranch, CO 80129

Name of Application: "Preliminary Site Plan Application for Block 10, Lot 10 and Block 12, Lot 1
Cranbury Brick Yard 22 Hightstown-Cranbury Station Road, Township of Cranbury
Middlesex County, New Jersey" Dated December 15, 2009

WHEREAS the above-noted application has been filed with the Middlesex County Planning Board for site plan approval, and;

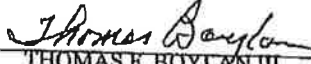
WHEREAS the administrative Staff of the Middlesex County Planning Board has reviewed said application pursuant to Chapter XI of the Site Plan Review Resolution and Chapter X of the Land Subdivision Resolution of the County of Middlesex and has prepared, filed and reported to the Land Development Review Committee of the Middlesex County Planning Board as set forth in staff report dated, March 9, 2010 and;

WHEREAS the Land Development Review Committee has reviewed the staff report, received any comment made thereon, and has considered any evidence bearing on said application;

NOW, THEREFORE, BE IT RESOLVED by the Land Development Review Committee of the Middlesex County Planning Board that the attached Staff report is accepted by the Subdivision and Site Plan Review Committee without modifications.

BE IT FURTHER RESOLVED that the Staff prepare a letter in accordance with the Resolution notifying all appropriate parties or agencies and containing any required instructions and that the Staff send a copy of this Resolution when executed.


STEVEN D. CARR, Esq.
County Planning Board Counsel


THOMAS F. BOYLAN III Chairman
Land Development Review Committee
MIDDLESEX COUNTY PLANNING BOARD

PLANNING BOARD COUNSEL: I certify that the specified improvements to be required by the Subdivision and Site Plan Review Committee, in my opinion, are within the power of the Planning Board as provided in N.J.S.A. 40:27-6 et sequitur

DATE ADOPTED: March 9, 2010
DATE EXECUTED: March 9, 2010

**PLANNING BOARD OF THE TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**AMENDED PRELIMINARY MAJOR SITE PLAN APPROVAL FOR
CRANBURY BRICK YARD, L. L. C.
BLOCK, 10 LOT 10 AND Block 12, LOT 1
PB 098-05 (AMENDED)**

WHEREAS, CRANBURY BRICK YARD, L.L.C. has filed an application for Amended Preliminary Major Site Plan Approval for the development of property known as Block 10, Lot 10 and Block 12, Lot 1 as same is shown on the tax maps of the Township of Cranbury in the County of Middlesex, State of New Jersey, located within the LI (Light Impact Industrial) Zone District; and

WHEREAS, the Applicant submitted an Amended Preliminary Site Application consisting of the materials listed on Exhibit A attached hereto and the application was deemed complete on February 27, 2012 ("Amended application) ; and

WHEREAS, the Cranbury Planning Board conducted public hearings on the application on the following dates: May 3, 2012, May 31, 2012 and June 27, 2012; and

WHEREAS, the Applicant was represented by Richard Goldman, Esq., and presented the testimony of Richard Burrow, P.E., Langan Engineering and Environmental Sciences

WHEREAS, the applicant presented Exhibits which are listed on the attached Exhibit "B" incorporated herein by reference; and

WHEREAS, the following Planning Board professionals were sworn and presented testimony during the public hearings:

1. Glenn R. Gerken, P.E., P.P., C.M.E., T & M Associates , Special Conflicts Engineer
2. A. Andrew Feranda, P.E., PTOE, CME of Shropshire Associates, LLC.

3. Richard Preiss P.P. of Phillips, Preiss Grygiel, LLC.

WHEREAS, the Board professionals presented reports as set forth in the attached Exhibit C, which are incorporated herein by reference; and

WHEREAS, during the course of the public hearings, the Board took testimony from members of the public, and the public submitted Exhibits which are listed on Exhibit "B", which is incorporated herein by reference; and

I. WHEREAS, the Board finds that the application is described as follows:

1. The applicant is requesting Amended Preliminary Major Site Plan approval for Cranbury Brick Yard project consisting of three warehouse/office buildings on Block 10, Lot 10 in the Township of Cranbury. The application also includes Block 12, Lot 1 which is proposed as a freshwater wetlands mitigation area. Lot 10 in Block 10 contains 373.46 (plus or minus) acres. Lot 1 in Block 12 contains 20.93 (plus or minus) acres.
2. The property is the subject of a Preliminary Major Site Plan approval PB 098-05 granted by the Planning Board on July 1, 2010 and memorialized in a Resolution which was adopted on August 19, 2010 ("Resolution PB 098-05").
3. The applicant's property is located within the Township I – LI (Light Impact Industrial) Zone District and the uses proposed are permitted within the zone. No variances have been requested in connection with the application. The applicant has requested several waivers, which are more fully discussed below.
4. Lot 10 in Block 10 is bounded by the Hightstown Cranbury Station Road and the New Jersey Turnpike to the east, Brick Yard Road to the south and New Jersey State Route 130 to the west. Lot 1 in Block 12 is bounded by the New Jersey

Turnpike to the east, Brick Yard Road to the south and Hightstown Cranbury Station Road to the west.

5. By virtue of Resolution PB 098-05, the applicant received approval for three single story buildings for warehouse use with a component for office use. The applicant has proposed amendments to the size of the warehouse buildings in this Amended Application as follows:

- a. Proposed Warehouse 1: overall gross floor area approved by Resolution 098-05 is 1,366,396 s.f. and the amended application proposes 1,366,388 s.f. The warehouse space previously approved is 1,325,796 s.f. and now is 1,325,788 s.f. The office space previously approved is 40,600 s.f. and no change is proposed.
- b. Proposed Warehouse 2: overall gross floor area previously approved is 1,008,236 s.f. and the amended application proposes 1,007,003 s.f. The warehouse space previously approved is 978,276 s.f., and 977,043 s.f is now proposed. The office space previously approved is 29,960 s.f. and no change is proposed.
- c. Proposed Warehouse 3: overall gross floor area previously approved is 457,041 s.f. and 456,175 s.f. is now proposed. The proposed warehouse space previously approved is 434,571 s.f. and 433,705 s.f is now proposed. The office space is 22,470 s.f. and no change is proposed.

6. Resolution P.B. 098-55 approved plans wherein the applicant proposed a dedication of 30 feet of ROW from Hightstown-Cranbury Road centerline to the

Township of Cranbury. The applicant presented the testimony of Richard Burrow regarding location of the "MEC" (Munitions and Explosives of Concern) on the site. Mr. Burrow testified that the proposed right of way is inside of the Remedial Action Work Plan area in which the MEC removal procedure is conducted, and that the proposed right of way area is within an area required to have a supplemental barrier by the NJDEP. The Board finds that there is no conclusive evidence presented during the course of the Planning Board hearings in order for the Board to find that the proposed right of way area is free from MEC material, and therefore the Board does not desire to make a recommendation that the right of way should be dedicated in fee. The discretion to accept a right of way dedication is within the discretion of the Township Committee, and the applicant has offered to dedicate either a right of way (easement) or a fee dedication of the right of way to the Township. The Board will defer this determination to the Township Committee to be addressed in the Developers Agreement by and between the Developer and the Township of Cranbury. The Board recommends to the Township Committee that the right of way area should be an easement, rather than a fee dedication, but the final decision on the nature of the title to the right of way is in the discretion of the Township Committee who in their sole discretion may require additional information from the developer in order to make a determination on the nature of the right of way.

7. The applicant's engineer, Richard Burrow, testified as to other plan amendments, which include a revised wetlands mitigation proposal, and the realignment of the western site circulation road to realign to the west between Buildings 1 and 2

resulting in a reduction in the number of trailer parking spaces by 50 to a total of 721.

8. The applicant proposed two alternatives for wastewater disposal on the plans which are approved by virtue of Resolution PB 098-05, and by virtue of this Amended Approval. The alternates were discussed again during the Amended Application hearings, and therefore this paragraph is included to clarify that both alternatives are contained on the plans that are approved by virtue of this Amended Approval. The site is expected to generate 36,000 gallons per day, based upon the traditional sanitary sewer measurements. A traditional sanitary sewer for connection to the public sanitary sewer system in Station Road (County Route 615) is shown on the plans, however, the site is not currently within the sewer service area of the Township as identified in the Cranbury Township Wastewater Management Plan and therefore connection to the public sanitary system is not permitted as the property is located outside of the Plan area. The applicant therefore proposed an alternative innovative green technology which would consist of composting toilets, waterless urinals and a greywater irrigation system with approximate daily water usage of 850-900 gallons. The system would be owned and operated by the owner of the site or approved designee, and would require approval from the New Jersey Department of Environmental Protection. The Applicant shall identify the alternative to be used for sewerage disposal for the site at Final Approval, and is subject to NJDEP approval for the composting toilets, or if the WWMP is amended to include this site in a sewer service area, is subject to approval for connection to the public sewer system.

9. The applicant has redesigned the plans to eliminate a waiver/exception which was denied by the Planning Board in Resolution PB 098-05 in this Amended Application: Section 150-56.C (13). “No building or parking area shall be located within 200 feet of the center of any stream or within a floodway.” The Applicant has redesigned the footprint of Building 3 to remove the encroachment into the 200 foot area so that no waiver relief is required in this amended application. In response to a public comment made by the Stony Brook Millstone Watershed Association representative as to whether the plans continued to violate Section 150-56.C (13) as a result of the location of loading areas, the Board reviewed the Township Land Development Ordinance. The Board reviewed the definitions of “parking lots” and “parking space” in Section 150-7, and reviewed the testimony presented by the Board’s Professional Planner that loading docks are not included within the prohibited “parking area” as the function of a loading dock and parking area are distinct and different. The Board finds that loading docks, not “parking area” is indicated on the plans, and that the loading docks are not precluded by Section 150-56.C (13) and therefore no waiver is required for the plans as proposed. In addition, the Board asked the Applicants Engineer for testimony regarding the treatment of storm water on the loading dock area, and the Board is satisfied that the proposed design collects and treats runoff from the loading dock area to the satisfaction of the Board’s Engineer.
10. The Township Environmental Commission and the Stony Brook Watershed Association have questioned whether the Application is in compliance with the Township Riparian Ordinance which is Chapter 122 of the Township Code. The

Board Engineer report dated May 25, 2012 addresses the Township Riparian Zone Ordinance Chapter 122, which covers riparian zone buffers required from stream corridors and reports the Ordinance contains exemptions for projects under NJDEP oversight. An exemption under Section 122-4.E allows “Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or federal oversight pursuant to Spill Compensation and Control Act (citations omitted) or the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (citations omitted.) The Chapter also contains an exemption for “Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection.” Chapter 122-4.C. The Applicant has presented testimony that the project falls within the exemptions of Chapter 122 because the development of the site is regulated by the NJDEP as a result of the Remedial Action Work Plan, and the location of MEC within the stream corridor. The Board requested, and the Applicant agreed, that the Applicant will provide verification of NJDEP approval in order to confirm the exemption from local regulation pursuant to Chapter 122, as a Condition of this Amended Preliminary Major Site Plan approval.

11. As submitted, the plans would have required a waiver from Section 150-43.A (10) which requires that for nonresidential zones, excess parking beyond the minimum required may be provided only with the approval of the Board. For Warehouse Number 1 (One), 428 spaces are required, whereas 435 are proposed. During the course of testimony, the Applicant agreed to remove the extra seven

parking spaces from a location to the satisfaction of the Board Conflicts Engineer and Board Traffic Engineer, which is acceptable to the Board. The Applicant therefore does not require a waiver from Section 150-43.A (10) because the plans will be revised to remove 7 parking spaces for Warehouse Number 1.

12. The applicant has requested the following waivers in connection with this Amended Application:

- a. Section 150-35.A(2) All fences over five feet in height and facing a public road shall be set back at least five feet from the property line and shall be landscaped along the outside of the fence. The Applicant proposes an existing 6 foot fence which is 1.3 from the proposed property line in the event of a right of way dedication in fee, and the applicant does not propose landscaping. The plans (Site Plan 2, Sheet 01.02) show a right of way dedication along the Hightstown-Cranbury Station Road frontage, and after the dedication the fence will be in violation. The fence location waiver is required if the right of way dedication in fee is accepted by the Township because the right of way would be removed from the Applicants ownership, thus relocating the lot line closer to the existing fence. If, instead, the right of way is accepted by the Township as an easement, the waiver request would become unnecessary because the fence location complies with the Ordinance in its current location. The Applicant has requested the waiver relief in the alternative because the Board has deferred the nature (fee or easement) of the dedication acceptance to the discretion of the Township Committee, which will occur subsequent to the conclusion of the Planning Board hearings on this amended application. The Applicant has requested a waiver from the requirement to install additional landscaping outside of the fence. The

Applicant will also install additional shrubs at the entrance way to the site to the satisfaction of the Board's Professional Planner.

- b. Section 150-57.D.2 (a) restricts landscaped berms to a maximum height of 8 feet and an average height of 5 feet. There are four proposed berms which exceed the maximum height requirement. The applicant proposes a berm just north of the southerly drive into the site approximately 10 feet in height, and a berm between the northerly and middle driveway approximately 12 feet in height. Another berm just to the north of the northerly drive and partially along Hightstown-Cranbury Station Road a berm is approximately 13 feet in height, and the berm at the most northerly portion of the site along the Turnpike right of way is approximately 18 feet in height.
- c. Section 150-62 requires that no soil shall be moved on or off the site, and the applicant proposes to import 50,000 cubic yards of soil.

- 13. The Applicant reviewed the May 14, 2012 "revised" report from the Cranbury Volunteer Fire Company, and agreed to comply with the recommendations of the Fire Company.
- 14. The Applicant reviewed the May 24, 2012 report from A. Andrew Feranda, PE, PTOE, CME of Shropshire Associates, and (Township Traffic Consultant) and reviewed the road improvements at the public hearing. The Applicant proposes roadway improvements at the intersection of Station Road and Hightstown- Cranbury Station Road and along Hightstown- Cranbury Station Road from the intersection south to the southern most site driveway. The Applicant shall provide a traffic signal layout for the intersection of Station Road and Hightstown -Cranbury Station Road pursuant to the recommendations of Mr. Feranda. The Applicant shall prepare an updated traffic report upon 75 percent occupation to include traffic counts of site traffic. The 75 percent report shall include updated analysis and review

of signal warrants for the intersection of Station Road and Hightstown-Cranbury Station Road to be reviewed by the Township Traffic Consultant. Should a signal be warranted, a traffic signal shall be installed by the Applicant. The Applicant shall provide a concept for a connector roadway and dedicate corresponding right of way for future connection to Liberty Way, to the satisfaction of the Township Traffic Consultant. Resolution PB098-05 required that the Applicant must pave the half width of Brickyard Road along the Applicants property, and the Applicant has offered to contribute the sum of \$300,000.00 to the Township, in lieu of the paving, to be used by the Township toward road system improvements impacted by this project. The Planning Board defers this option to the Township Committee, to be addressed in a Developers Agreement, and recommends to the Committee to accept the payment in lieu of paving Brickyard. This recommendation is based upon the Board's review of the testimony and exhibits regarding trip generation from this warehouse site, and that the relative benefit to the Township of using \$300,000.00 elsewhere for road infrastructure outweighs the benefit of additional paved cartway on Brickyard Road.

15. The Board heard public comment, and testimony from adjacent property owner Robert Dillon (owner of Block 10, Lot 11). Mr. Dillon presented Exhibits P-4 which is a sketch of Mr. Dillon's property, and P-5 which is a packet of ten photographs of his property at 32 Hightstown Cranbury Road. Mr. Dillon testified that the photographs show flooding during a rainstorm last summer. Richard Burrows, Applicant's Engineer presented Exhibit A-10 which is a proposed Watershed Exhibit, and the Applicant agreed to create a swale to flow from elevation 102 to 99, graded to be capable of being relocated if necessary, to alleviate the drainage situation at the rear of the Dillon property. The plans will be designed to the

satisfaction of the Board Engineer. Mr. Dillon was satisfied with the Applicants proposal, as was the Board.

16. The Municipal Land Use Law provides at N.J.S.A.40:55D-51 (b) that “the planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.” Said “exceptions” are also herein referred to as “waivers.”

NOW, THEREFORE the Board makes the following findings:

II. Waiver Relief Granted

1. The Applicant has requested relief, in the alternative, from Ordinance Section 150-35A regarding fence location. The Applicant has presented testimony on this request as the waiver request was denied in Resolution PB 098-05, and the Applicant desired to present supplemental and clarifying testimony. Mr. Burrow testified that the fence is currently constructed, as this may not have been made clear in the initial application hearings. Mr. Burrow testified that the fence location as it exists does not interfere with the function of the road, as it is located outside of the proposed right- of-way and the paved cartway area. Exhibit A-8 dated May 2, 2012 and Exhibit A-9 dated March 21, 2012 show the fence location. Most of the property in which the fence is located is already wooded or vegetated, so the Applicant has requested a waiver from the requirement to install additional landscaping outside of the fence.

The fence would come into noncompliance with the setback requirement only if the Applicant deeds land along the Hightstown-Cranbury Road frontage to the Township, and if so, the Applicant has requested a waiver. Mr. Burrow testified that removal of the fence and reinstallation of the fence would be impracticable and would require removal and disturbance of vegetative materials. At its closest point, the fence is located 1.3 feet from the proposed right of way lot line, whereas 5 feet is required. Mr. Burrow testified that the fence location as it exists does not interfere with the function of the road, as it is within the right of way, but not the paved cartway area. In the event that the Township accepts an easement for the right of way, no waiver from the setback requirement would be necessary. The Board finds that the current location of the fence does not interfere with the road cartway, and that removal and relocation of the fence would necessitate the disturbance of more vegetation, which the Board desires to avoid. The Board will grant a waiver for the fence location which will be required if the Township accepts dedication of right of way in fee. If the Township accepts an easement, no waiver would be required for fence location. As the area is already vegetated, the Board will grant the waiver request that no additional landscaping is required between the fence and roadway.

2. The Applicant requested a waiver from the requirements of the Cranbury Township Development Ordinance which prohibits the import of soil onto a development site at Section 150-62. The prior Site Plan application filed by the applicant with this Board requested a design waiver for the import of 550,000 cubic yards of fill material, and the Board denied that waiver request in the prior Resolution PB 098-05. The Applicant has redesigned the plans to greatly reduce the amount of fill requested by an innovative

grading plan for the area below the Buildings and a reduction in the elevation of the buildings and improvements to reduce the fill import requested to 50,000 cubic yards. Richard Burrow presented Exhibit A-4 which is a colorized exhibit showing fill and cut for the previous plan, and Exhibit A-5 which is the earthwork analysis for this amended plan to demonstrate the plan amendments. The Applicant agreed that no “dredge” fill will be used, and that the fill will be “clean” fill, and subject to the Township Engineer approval.

3. As stated in Board Conflicts Engineer Glenn Gerken’s May 25, 2012 report, the applicant has revised the finished elevations for:

Building 1- 110.5 (previous) to 109 to 104.96 (proposed)

Building 2 -109.5 (previous) to 109.5 to 106.33 (proposed)

Building 3- 107.0 (previous) to 104.0 to 101.58 (proposed)

Glenn Gerken’s report states that the applicant now proposed a very minimal slope across the length of the warehouse buildings of 0.18% to 0.25%, and that the changes in elevation create a significant reduction in the amount of fill requested by the Applicant.

The site piping patterns and collection points basically remain the same with only vertical elevation adjustments to meet the lowered site grades.

The Board has in the past permitted waivers from the Ordinance requirement, the largest permitted volume of soil permitted to be imported was 57,445 cubic yards (Trammel Crow, Block 6, Lots 6 and 10), and the imported soil was required to be certified as “clean” fill. The Board also recognizes that each application stands on its own and that each property is unique. The Board finds that this Applicant has significantly revised the site grades to eliminate the need for 500,000 cubic yards of fill, which was requested (and

denied) in the original application. The Board has heard testimony regarding the unique nature of this site and the wetlands and environmental constraint on the site, as well as the NJDEP oversight of MEC remediation on the site. The Board finds these to be peculiar conditions pertaining to this site. The Board has heard testimony from the Applicant, and has reviewed the Board Engineer report, and finds that some of the imported soil will also be used as "topsoil" which will be placed upon the non impervious surfaces within the MEC area, in addition to its use as fill. The Applicant has significantly revised the grading on this site so as to eliminate much of the prior need for fill, and has adopted an innovative building design with elevation changes within the buildings in order to reduce the fill requested for this site.

The Board's Engineer has also provides calculations regarding the import of the soil at page 7 of his May 25, 2012 report , and compares the previous request for 550,000 cubic yards with the amended request for 50,000 cubic yards as follows: "Previously, it was estimated that this would be approximately 25,000 truckloads of soil to be imported. With the reduced amount, this would be approximately 2,270 truckloads of soil, and if 200 trucks per day could be brought to the site as was previously indicated, this would take approximately 12 days to import the soil." The Board finds that the impact upon the road system, and the duration of the import process has been significantly reduced and that the current proposal remains subject to approval of the truck route by the Township Engineer. The Board finds that the request for importation of 50,000 cubic yards of fill for this site is reasonable in light of the peculiar site conditions, as well as because of the need for clean topsoil on this site after grading has been completed, and that the Applicant has employed innovative building design in order to significantly reduce the

import of fill, and the Board will grant the waiver requested. This will be conditioned upon a certification that the fill is "clean" to the satisfaction of the Township Engineer, and prior approval by the Township Engineer of the proposed truck route for the fill import.

4. The Applicant is requesting a waiver from the requirements of 150-57.D.2 (a) which restricts the height of berms. This waiver request was denied by the Board in the original Site Plan Application Resolution PB098-05, and the Applicant requested reconsideration of the waiver request and presented testimony to clarify the reasons for the waiver request. Mr. Burrow presented Exhibit A-3 , dated February 2, 2012, which is a current site rendering to show the location of the proposed berms. Mr. Burrow testified that the Applicant will be required, as a result of the MEC remediation plan, to remove the organic soil from under the area to be constructed. He testified that the Applicant is required to 'stockpile' the soil on site and the NJDEP does not allow the soil to be removed off site so it will be permanently stored on site. The Applicant does intend the two berms in the south to provide screening for the truck courts. Mr. Burrow stated that the additional height in the northern berms is to stockpile the MEC soil. He stated that northern berms will be fenced and will contain the (native) topsoil, which has been relocated to the berm, and covered with a meadow mix upon completion. Proposed landscaping has been provided for the berms and is shown on Sheet 24.08. Exhibit A-6 shows the height of the berms in comparison to the height of the proposed buildings and in comparison to the height of the NJ Turnpike. Exhibit A-7 is an aerial photograph dated April 2010, which contains a blue line depicting the area of the MEC. The Applicant provided testimony to clarify the requirement which was imposed by the

NJDEP to preclude the removal of the soil from the MEC area offsite. Both of the northern berms will be enclosed with a 6 foot high chain linked fence.

5. The Board has considered the testimony, reports and Exhibits presented. The Board finds that the height of the berms is driven by the NJDEP requirement to confine the “MEC” soil within specified areas on the site, and which precludes the removal of the MEC soil offsite. This is due to the unique circumstances of this site as a result of its prior use as a munitions factory, the 1954 explosion and the current Remedial Action Work Plan approved by the New Jersey Department of Environmental Protection. The Applicant has presented Exhibits, which reflect the current proposed berm height as compared to the building height and the Turnpike elevations to the satisfaction of the Board, The Applicant has also revised the plans to reflect the landscaping, seed mix and fencing, and stormwater runoff proposed for the berm locations to the satisfaction of the Board and Board professionals. The Board finds that for all of the above reasons, the berm height is driven by the peculiar conditions relative to this site and that the Applicant has designed the berms in a manner which is to the Board’s satisfaction and that the waivers requested from Section 150-57D2(a) are granted.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Cranbury, Middlesex County, New Jersey on this 27th day of June 2012, that the application of Cranbury Brick Yard, L.L.C. for Amended Preliminary Major Site Plan Approval, and waiver relief is approved subject to the following conditions:

1. Except as modified in this Amended Approval and the plans presented, all other terms and conditions of PB 098-05 remain in full force and effect.

2. The applicant shall enter into a Developers Agreement with the Township, and shall post a performance guarantee, and shall post engineering observation escrow accounts with the Township of Cranbury for both the proposed private improvements and public improvements. The Developers Agreement shall address the right of way for Hightstown- Cranbury Road and whether the Township desires to accept the Applicants offer to dedicate the right of way in fee, or by way of easement. The Developers Agreement shall also address the Developers obligation to either pave the half width of Brickyard Road as shown in the plans, or to contribute \$300,000.00 to the Township for the purpose of Township road infrastructure improvements, at the discretion of and to the satisfaction of the Township Committee. Final Plans shall be revised by the Applicant accordingly to the satisfaction of the Board Engineer, and half width pavement widening details shall be shown to the satisfaction of the Board Traffic Engineer is it is to be constructed.
3. Prior to the release of building permits, all necessary legal descriptions for any required deeds or deed restrictions shall be subject to review and approval by the Township Engineer and Township Attorney prior to filing, including storm drainage maintenance restrictions, site triangle easements, right of way dedication deeds, conservation easements, utility easements, and all other easements and deeds required in connection with this site plan application. All easement agreements for the installation of utilities with the New Jersey Turnpike Authority shall also be included. The Applicant shall impose a conservation easement upon Lot 10 to the satisfaction of the Township Attorney and Township Engineer. In the event that the NJDEP does not require conservation easements upon the areas marked as such on Lot 1, the

Applicant shall prepare and record, conservation easements on same to the prior satisfaction of the Township Attorney and Township Engineer.

4. The Applicant shall comply with the recommendations of the Cranbury Volunteer Fire Company as set forth in the May 14, 2012 ("revised") report.
5. Handicapped parking calculations shall be shown on the plans for each building; onsite signage to the satisfaction of the Board Traffic Engineer shall be shown on the plans, proposed roadway striping shall be shown on Sheets 30.00 and 30.01, the stop bar on Sheet 30.01 shall be revised and stop sign shown, truck turning template shall be shown, stripes and pavement markings shall be shown for the intersection of Brickyard Road and Hightstown Cranbury Road, as recommended in the May 24, 2012 Shropshire Report. The plans shall also be revised to show the location of the "concept" roadway for a Liberty Way connection to the satisfaction of the Board Traffic Engineer. The Applicant shall provide a traffic report upon 75 percent occupation to the satisfaction of the Township Traffic Engineer including signal warrant analysis for the intersection of Station Road and Hightstown-Cranbury Station Road. A complete set of traffic signal plans shall be provided should a signal be warranted and the applicant shall construct all intersection improvements and install all signal equipment required for the warranted traffic signal. Traffic signal plans shall be submitted to the Township Traffic Consultant for review and will ultimately require approval of Middlesex County and the New Jersey Department of Transportation. The plans shall be revised to remove seven parking spaces from Building One parking lot, to the satisfaction of the Board Engineer and Traffic Engineer Consultant.

6. The Applicant shall revise the plans, to the satisfaction of the Board Engineer, to include a grading swale at the rear of Block 10, Lot 11 from elevations 102 to 99.
7. The Applicant shall submit one copy, for the Board file, of the EIS which will be revised to contain the additional Master Plan information stated in the supplemental June 18, 2012 response letter prepared by Langan Engineering and Environmental Services such that the materials are combined for future reference.
8. The Applicant shall obtain Board approval for any changes to the plans as approved, or changes to conditions set forth in this Resolution.
9. The Applicant shall install additional landscaping shrubs at the front entrance to the site, to the satisfaction of the Board's Professional Planner.
10. The Applicant shall submit, for prior approval, a certification to the satisfaction of the Township Engineer that the proposed imported fill is "clean", and shall submit to the Township Engineer for prior review and approval the proposed truck route to be used to bring the fill to the site and for return trip of the delivery trucks.
11. The Applicant shall submit revised plans, subject to review and approval of the Board's professionals, to address the conditions set forth in this Resolution of Approval.
12. The Applicant shall adhere to all rules, regulations, ordinances or requirements, be they municipal, county or State as they pertain to the development which is being approved by virtue of this Resolution.
13. Any and all fees properly due and owing to Municipal Planning Board as a result of its hearings on this application shall be paid by Applicant in accordance with N.J.S.A. 40:55D- 53.2 and applicable Township Ordinances.

14. The Applicant shall submit evidence of NJDEP review of the riparian buffer to satisfy the exemption requirement of the Township Riparian Ordinance at Chapter 122, to the satisfaction of the Board Engineer.

TOWNSHIP OF CRANBURY PLANNING BOARD

By: 
Josette C. Kratz, Planning Board Secretary

Motion: Mr. Speer

Second: Mr. Hasselbach

Roll Call:

Ayes: Mr. Cook, Ms. Cooke, Mr. Hasselbach, Mr. Mulligan, Mr. Speer

Nays: None

Abstain: Mr. Harvey, Mr. Kehrt

Absent: Mr. Stewart

The above is a true copy of a resolution duly adopted by the Planning Board of the Township of Cranbury at its meeting held on August 2, 2012.



FREEHOLD SOIL CONSERVATION DISTRICT

(Serving Middlesex and Monmouth Counties)

4000 Kozloski Road, P.O. Box 5033

Freehold, New Jersey 07728-5033

Tel: (732) 683-8500

Fax: (732) 683-9140

E-mail: info@freeholdscd.org

Website: www.freeholdscd.org

CRANBURY BRICK YARD
1745 SHEA CENTER DRIVE
SUITE 190
HIGHLANDS RANCH CO 80129

12/19/12

Ref.#: 2012-0067
Proj.: CRANBURY BRICK YARD WAREHOUSES
Twp. : CRANBURY
Block: 10 / 12
Lots : 10 / 1

CERTIFICATION OF REVISED PLANS

Pursuant to the New Jersey Soil Erosion and Sediment Control Act; N.J.S.A. 4:24-39 et. seq., Chapter 251, P.L. 1975 and as amended by C. 264, P.L. 77 and C. 459, P.L. 79, the Freehold Soil Conservation District hereby grants certification of the revised soil erosion and sediment control plan for the above referenced project, subject to the following:

1. That the applicant carries out all land disturbance activities in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, promulgated by the State Soil Conservation Committee.
2. The owner/applicant must obtain a District issued Report of Compliance prior to the issuance of any Certificates of Occupancy by the municipality.
3. Changes in the certified plan relating to, or that will affect land disturbance on the site, must be submitted to the District office for certification.

A copy of the plan must be kept on the job site at all times.

This certification is limited to the controls specified in this plan. It is not authorization to engage in proposed land use unless the municipality or other controlling agency has previously approved such use. Also, the certification of the revisions does not constitute an extension of the original certification period for the project. Rather, it is only an acknowledgement that the changes to the plan design meet the requirements of the state standards. Failure to comply with the above conditions may result in the issuance of a **STOP CONSTRUCTION ORDER**.

Sincerely,


Ines M. Grimm
District Manager

cc: Planning Board
Construction Official
Municipal Engineer
Applicant's Engineer



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY
P.O. Box 420
MAIL CODE #401-04P
TRENTON, NEW JERSEY 08625
(609) 633-3801

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

January 28, 2013

Mr. Steve Ganch
Cranbury Brick Yard, LLC
1745 Shea Center Drive, Suite 190
Highlands Ranch, CO 80129

RE: Individual Freshwater Wetland Permit/Individual Flood Hazard Area Permit/Flood Hazard Area Verification
NJDEP File No: 1533-02-0010.1
Applicant: Cranbury Brick Yard, LLC
Project: Cranbury Brick Yard Remediation and Redevelopment
Cranbury Township, Middlesex County

Dear Mr. Ganch:

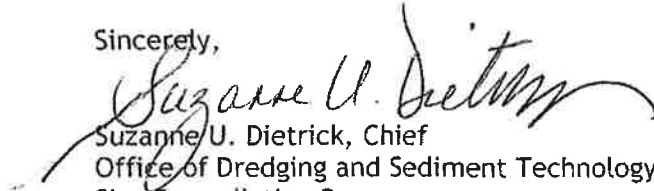
The Office of Dredging and Sediment Technology acting under the provisions of the Flood Hazard Area Control Act (N.J.S.A. 58:16A) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B) has determined to conditionally approve your application for an Individual Freshwater Wetlands Permit and an Individual Flood Hazard Area Permit and Flood Hazard Area Verification.

Acceptance of this permit and all permit conditions shall be assumed, unless the permittee requests an adjudicatory hearing to contest the permit and/or permit conditions, in accordance with the requirements of the Coastal Permit Program Rules (N.J.A.C. 7:7).

In order to promote cooperation in the management of our natural resources, a copy of this decision shall be shared with appropriate local and federal agencies.

If you should have any questions regarding this decision, please contact me at (609) 292-8838 or by email at suzanne.dietrick@dep.state.nj.us.

Sincerely,


Suzanne U. Dietrick, Chief
Office of Dredging and Sediment Technology
Site Remediation Program

Attachment: Approved Plans

c: Cranbury Township Municipal Clerk (w/plans)
Cranbury Township Construction Official (w/plans)
Greg Zalaskus, SRP (w/out plans)

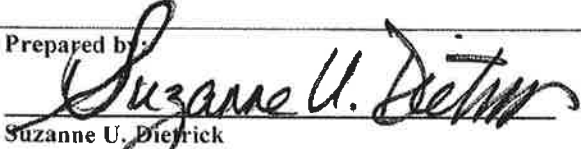
e-copy: Bureau of Coastal and Land Use Enforcement



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY
P.O. Box 420, Mail Code #401-04P
Trenton, New Jersey 08625-0420

PERMIT



<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date: January 28, 2013
		Expiration Date: January 27, 2018
Permit Number(s): 1202-05-0005.2 FWW 1100001 FHA 1100001 FHA 1100002	Type of Approval(s): Individual Freshwater Wetlands Permit Individual Flood Hazard Area Permit Flood Hazard Area Verification	Enabling Statute(s) N.J.S.A. 13:9B N.J.S.A. 58:16A N.J.S.A. 58:10A
Applicant (Hereafter Permittee): Cranbury Brick Yard, LLC 1745 Shea Center Drive, Suite 190 Highlands Ranch, CO 80129		Site Location: Cranbury Brick Yard 22 Hightstown Cranbury Station Road Cranbury Township, Middlesex County Block: 10;12 Lot: 10; 1
Description of Authorized Activities: <p>The remediation and redevelopment of a 395-acre former Unexcelled Chemical Corporation industrial facility located on Hightstown Cranbury Station Road in Cranbury Township. The remedial strategy for the site has been approved by the Department's Site Remediation Program as follows:</p> <ul style="list-style-type: none">• Environmental and Munitions and Explosives of Concern Remedial Action Work Plan approved April 21, 2009.• Unconditional NFA issued for "Triangle Area" next to N.J. Turnpike on February 2010. This was done to help facilitate the Turnpike expansion project.• Remedial Action Work Plan Addendum (for Munitions and Explosives of Concern) approved March 22, 2011. <p>The approved RAWP requires the clearing and remediating of Munitions and Explosives of Concern (MEC) in the former production area and in Zone B and C of the site. A supplemental barrier of fill material and constructed buildings and paved surfaces will be placed over the MEC contamination areas. The footprint of the MEC area is approximately 143 acres of the 395 acre site. The approved RAWP also requires that a portion of the southern tributary be surface cleared of any MEC, followed by the installation of a security fence around this portion of the tributary. The identified engineering controls for MEC contamination are also necessary to achieve the appropriate risk reduction as required by the USEPA pursuant to the "Handbook on the Management of Munitions Response Action, Interim Final, May 2005 (USEPA Handbook).</p> <p><i>Project Description continued on the next page</i></p>		
Prepared by:  Suzanne U. Dietrick Supervising Environmental Specialist		Received and/or Recorded by County Clerk
Date: <u>1/28/13</u>		
THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.		
This permit is not valid unless authorizing signature appears on the last page.		

PROJECT DESCRIPTION CONTINUED:

The redevelopment of the site consists of the construction of three warehouses of approximately 2.83 million square feet and associated infrastructure (access road, car/trailer parking). Stormwater management for the development consists of the construction of three wet basins and associated underground stormwater conveyance systems.

The remediation and redevelopment of the site will result in the temporary or permanent impacts to regulated areas as follows:

Filling of 42 acres emergent freshwater wetlands
Filling of 11 vernal pools (8.47 acres), which is part of the overall 42 acres of wetlands listed above
Filling of 2 acres of on-site ditches
Filling of 0.20 acres of wetlands transition areas.
Flood Hazard Area Disturbance of 0.57 acres
Temporary Riparian Zone Disturbance of 0.68 acres
Permanent Riparian Zone Disturbance of 0.42 acres

Mitigation will be required for the above referenced impacts from the project.

CONDITIONS APPLICABLE TO ALL LAND USE PERMITS:

1. In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at <http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf>. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process;
2. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, supporting documents and approved drawings; and
 - i. Plans and specification in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department in writing;
 - ii. If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Department that such condition(s) cannot be satisfied; and
 - iii. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as suspension and/or termination of the permit; This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation has occurred onsite;

3. It shall not be a defense for this permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;
4. The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit;
5. The issuance of this permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit;
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit;
7. This permit can be modified, suspended or terminated for cause. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit;
8. This permit does not convey any property rights of any sort, or any exclusive privilege;
9. A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request.
 - i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and
 - ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit;
10. The permittee shall allow an authorized representative of the Department, upon notification under current rule and upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action;
 - iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules;

11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department;
12. The permittee shall provide reports to the Department as follows:
 - i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;
 - ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter;
 - iii. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information;
13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. and must obtain any required approvals from the local Soil Conservation District;
14. If any condition of this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest;
15. This permit is not transferable to any person unless the transfer is approved by the Department;
16. The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project;
17. While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary;
18. All excavated material and dredge material shall be disposed of in a lawful manner. (For example, it should be placed outside of any flood hazard area, riparian zone, regulated water,

freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area);

19. If this document includes a Coastal Permit or a Flood Hazard Verification then, this document shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.

APPROVED PLANS

The approved plans entitled "Cranbury Brick Yard, Block 10, Lot 10, Block 12, Lot 1, Township of Cranbury, 22 Hightstown-Cranbury Station Road, Middlesex County, New Jersey" prepared by Richard Burrow, Langan Engineering and Environmental Services, consisting of the following:

- OVERALL SITE PLAN, DRAWING 1.00, dated 12/15/09, last revised 12/16/11
- SITE PLAN CROSS SECTIONS, DRAWING 4.02, dated 12/16/11
- OVERALL GRADING AND DRAINAGE PLAN, DRAWING 21.00, dated 12/15/09, last revised 7/27/12
- GRADING AND DRAINAGE PLAN 1, DRAWING 21.01, dated 12/15/09, last revised 7/27/12
- GRADING AND DRAINAGE PLAN 2, DRAWING 21.02, dated 12/15/09, last revised 7/27/12
- GRADING AND DRAINAGE PLAN 3, DRAWING 21.03, dated 12/15/09, last revised 7/27/12
- GRADING AND DRAINAGE PLAN 4, DRAWING 21.04, dated 12/15/09., last revised 7/27/12
- OVERALL SOIL AND EROSION CONTROL PLAN, DRAWING 23.00, dated 12/15/09, last revised 12/16/11
- EXISTING FLOOD STUDY PLAN, DRAWING 40.02, dated 12/15/09, last revised 12/16/11
- EXISTING FLOOD STUDY PLAN, DRAWING 40.03, dated 12/15/09, last revised 12/16/11
- EXISTING CONDITIONS WETLAND PLAN, DRAWING 42.10, dated 2/25/10, last revised 12/16/11
- EXISTING CONDITIONS FLOOD HAZARD PLAN, DRAWING 42.20, dated 2/25/10, last revised 12/16/11
- WETLAND PERMITTING PLAN, DRAWING 43.10, dated 2/25/10, last revised 12/16/11
- PROPOSED NET FILL PLAN GRID METHOD UNNAMED TRIBUTARY 2, DRAWING 55.01, dated 12/16/11, last revised 1/25/13
- PROPOSED NET FILL PLAN GRID METHOD UNNAMED TRIBUTARY 2, DRAWING 55.02, dated 12/16/11, last revised 1/25/13

Please refer to the RIPARIAN ZONE COMPENSATION PERMIT CONDITIONS and the FRESHWATER WETLANDS MITIGATION PERMIT CONDITIONS for the approved plans related to the mitigation requirements for this project.

CONDITIONS APPLICABLE TO FRESHWATER WETLAND PERMITS:

20. The total amount of disturbance associated with this authorization shall not exceed 44.04 acres of emergent, scrub/shrub, and forested wetlands (42 acres of palustrine forested wetlands (PF01) and 2 acres of ditches). Any additional disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the

Freshwater Wetlands Protection Act rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.

21. The permittee shall obtain all necessary consent from affected off site and easement property owners. No work is to occur without proper permissions.
22. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP, P.O. BOX 422, East State Street, Trenton, NJ 08625-0422. At least seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
23. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date with the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP, P.O. BOX 422, East State Street, Trenton, NJ 08625-0422. At least seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.

CONDITIONS APPLICABLE TO FLOOD HAZARD AREA PERMITS:

24. All excavated material and dredged material shall be disposed of in a lawful manner. For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
25. The Cranbury Brick Yard (CBY) site is currently included in the adopted Lower Raritan Middlesex County Water Quality Management (WQM) Plan to be served by a Discharge to Groundwater of 2,000 gallons per day or less. The County of Middlesex has proposed an amendment to the WQM Plan pursuant to the WQM Planning rules (N.J.A.C. 7:15) and P.L. 2011, c.203 titled "Future Wastewater Service Area Map, Middlesex County", that proposes to include the CBY site in the Middlesex County Utility Authority (MCUA) sewer service area. When adopted, this amendment would allow the CBY site to connect to the MCUA Sewerage Treatment Plant and make the current CBY proposal consistent with the WQM Plan, as required by the Water Quality Planning Act, N.J.S.A. 58:11a-1 et seq. The permittee may begin implementation of the approved RAWP upon issuance of the permit, provided however, that construction of facilities that would generate waste water may not commence until either the pending amendment to the WQM Plan is adopted or an alternative sewage treatment system for the site is approved by the Department.
26. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection

(and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.

27. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
28. All excavation shall be monitored for the presence of acid producing soil deposits. If such deposits are encountered, the permittee shall adhere to the mitigation and disposal standards outlined in 7:13-10.7 and the Flood Hazard Area Technical Manual.

CONDITIONS APPLICABLE TO THE SPECIFIC PROJECT:

29. The permittee shall comply with all conditions specified in the following Remedial Action Workplan approvals issued by the Site Remediation Program, and any amendments thereto (ex. Field Change Requests):
 - Environmental and Munitions and Explosives of Concern Remedial Action Work Plan approved April 21, 2009.
 - Unconditional NFA issued for Block 12, Lot 1, "Triangle Area," next to N.J. Turnpike on February 2010.
 - Remedial Action Work Plan Addendum (for Munitions and Explosives of Concern) approved March 22, 2011.
30. Beginning 30 days after the effective date of this permit, and bimonthly thereafter, the permittee shall submit a condition compliance letter via electronic mail on the last day of the given month which provides specific documentation or details to demonstrate compliance with all permit conditions specified in this permit. Said condition compliance letter shall be submitted to the project manager listed on the permit page. If the Department determines that the permittee is in non-compliance with any condition specified in this permit, appropriate enforcement action against the permittee will be initiated.
31. Prior to the initiation of any activities authorized by this permit, the permittee shall obtain approval from the Delaware River Canal Commission (DRCC Application #10-3943). A copy of said DRCC approval shall be submitted to the NJDEP, ODSST upon receipt of the approval from the Commission.
32. In order to protect wood turtle habitat within and adjacent to the unnamed tributary to the Millstone River, the following timing restrictions shall apply:
 - a. In-stream work (including stream bank excavation): In order to prevent adverse impacts to hibernating turtles, no construction activities, disturbance, grading, clearing or construction activity are permitted within the banks of the referenced watercourse between November 1 and April 1 of the calendar year. Non-mechanized removal of MEC or related hazardous materials may be permitted within this restricted period provided a qualified herpetologist thoroughly inspects the work area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program and

- relocated to suitable habitat outside of the proposed work area. Once this inspection is complete, authorized activities may commence.
- b. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to wood turtles or their resting, breeding or foraging habitats within the regulated areas (Freshwater Wetlands/Transition Areas/Riparian Zone) associated with the referenced watercourses, no authorized activities may commence from April 1 through May 30 and September 1 through November 15 of the calendar year unless the following measures have been taken:
 - i. Prior to the commencement of site preparation, disturbance, grading, clearing or construction activity the permittee shall erect a silt/debris fence around the footprint of all proposed activities (temporary and permanent) sufficient to exclude small wildlife species, and specifically wood turtle, from entering the proposed construction area.
 - ii. Immediately thereafter, a Department approved herpetologist must thoroughly inspect the fenced-in work area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program, and relocated to suitable habitat outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area.
 - iii. The fence must be monitored weekly and maintained until project completion.
 - c. The Department reserves the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
33. In order to protect the general game fish within the unnamed tributaries to the Millstone River, no grading, excavation, construction or clearing is permitted within any channel onsite between May 1st through June 30th of any given year. Furthermore, any activity outside a channel but within a riparian zone, which would likely introduce sediment into the channel and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
34. This verification establishes the flood hazard area design flood elevation, the 10 year flood elevation, the floodway limits and the riparian zone limits onsite as shown on the approved plans. A flood hazard area permit is required prior to undertaking any additional regulated activity within the verified flood hazard area or riparian zone onsite. Please note that regulated activities may be prohibited or restricted within the floodway and riparian zone onsite. Regulated activities are defined in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.4. Work outside both the verified flood hazard area and riparian zone does not require prior approval under N.J.A.C. 7:13.
35. Vegetation within 150 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 150 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
36. Potable water sources such as well water or public water supply is not to be used to fill up the stormwater wet ponds.

RIPARIAN ZONE COMPENSATION PERMIT CONDITIONS

37. The permittee shall compensate for the temporary disturbance of 0.68 acres and permanent disturbance of 0.42 acres of forested and scrub-shrub riparian zone through an on-site restoration project as shown on the plans entitled:
- a. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY, RIPARIAN ZONE IMPACTS AND MITIGATION PLAN 1" sheet 43.21, dated February 25, 2010, last revised January 25, 2013 and prepared by Langan Engineering and Environmental Services.
 - b. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY, RIPARIAN ZONE IMPACTS AND MITIGATION PLAN 1" sheet 43.22, dated February 25, 2010, last revised January 25, 2013 and prepared by Langan Engineering and Environmental Services.
38. The compensation project must be conducted prior to or concurrent with the construction of the approved project. The term concurrent means that at any given time, the compensation must track at the same or greater percentage of completion as the project as a whole.
39. Within 30 days of completion of the mitigation work under the Freshwater Wetland Mitigation Permit Conditions and in coordination with the conservation easement required in 49.b, the permittee shall sign a Department approved conservation restriction to protect the compensation area from future development that would remove the vegetation planted. (N.J.A.C. 7:13-10.2(t)3) The conservation restriction shall conform to the format and content of the Riparian Zone Compensation Area model located at <http://www.nj.gov/dep/landuse/forms/index.html>. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties) in the county wherein the lands of the compensation project are located. A metes and bounds description shown on a map must be included within the recorded conservation restriction. Within 10 days of filing the conservation restriction, the permittee must send a copy of the recorded conservation restriction to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
40. The permittee shall monitor the riparian project for at least 3 years beginning the year after the riparian zone compensation project has been completed (N.J.A.C. 7:13-10.2(u)5). The permittee shall submit monitoring reports to the Division of Land Use Regulation, no later than December 31st of each full monitoring year.
- a. All monitoring reports except the final one must include documentation and field data demonstrating that the goals of the riparian zone compensation project will be achieved as stated in the approved riparian zone compensation proposal and the permit requirements will be satisfied. If the permittee is finding problems with the compensation project and does not

anticipate the site will be a full success, recommendations on how to rectify the problems shall be included in the report with a time frame in which they will be completed.

- b. The final monitoring report must include documentation and data demonstrating the following:
 - i. That the goals of the riparian zone compensation project as stated in the approved riparian zone compensation proposal and the permit conditions have been satisfied.
 - ii. That at least 85 percent of the compensation plantings have survived and that at least 85 percent of the compensation area is established with native species similar to ones identified on the compensation planting plan. All plant species in the compensation area must be healthy and thriving. All trees must be at least 5 feet in height; and
 - iii. That the riparian zone mitigation area is less than 10 percent occupied by invasive or noxious species.
- 41. If the riparian compensation project does not meet the success criteria established above the project shall be considered a failure and the permittee shall submit a revised riparian compensation plan. The revised plan shall be submitted within 60 days of receipt of notification from the Division indicating the riparian compensation project was a failure.
- 42. If the Division determines that the riparian zone compensation project is not constructed in conformance with the approved plan, the permittee will be notified in writing by the Department and will have 60 days to submit a proposal to indicate how the project will be corrected.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

The project will result in the permanent disturbance of 44.04 acres of emergent, scrub/shrub, and forested wetlands (42 acres of palustrine forested wetlands (PF01) and 2 acres of ditches). Within the total disturbance of 44.04 acres of impacts, 15 separate vernal pool areas exist within eight (8) separate delineated wetland areas, amounting to 8.47 acres of ponding. The permittee shall mitigate for the above referenced impacts through on-site and off-site creation, restoration or enhancement project or with the purchase of credits from a mitigation bank serving the appropriate watershed management area in accordance with N.J.A.C. 7:7A-15 et seq.

ON-SITE MITIGATION PERMIT CONDITIONS:

- 43. All mitigation shall be conducted prior to or concurrent with the construction of the approved project in accordance with N.J.A.C. 7:7A-15.3(a) 1. Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole. For purposes of this section, the project is as authorized on the permit page and as shown on the approved plans.

44. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20 percent each year after the date mitigation was to begin in accordance with N.J.A.C. 7:7A-15.3(b).
45. The Department CONDITIONALLY approves the mitigation proposal entitled "Wetland Mitigation Plan for Site Remediation Activities, Former Unexcelled Chemical Corporation Site, Block 10, Lot 10 and Block 12, Lot 1, Township of Cranbury, Middlesex County" dated December 14, 2007, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services, and as shown on the plans as follows:
 - a. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY CONCEPTUAL OVERALL WETLAND MITIGATION PLAN" sheet 44.00, dated October 5, 2011, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - b. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY WETLAND MITIGATION AREA PLAN 1" sheet 44.01, dated February 25, 2010, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - c. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY WETLAND MITIGATION AREA PLAN 2" sheet 44.02, dated February 25, 2010, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - d. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY WETLAND MITIGATION AREA PLAN 3" sheet 44.03, dated February 25, 2010, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - e. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY WETLAND MITIGATION AREA PLAN 4" sheet 44.04, dated February 25, 2010, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - f. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY WETLAND MITIGATION AREA PLAN 5" sheet 44.05, dated July 27, 2012, 2010, with no revisions and prepared by Langan Engineering and Environmental Services.
 - g. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY PLANTING PLAN – DETAILS AND NOTES" sheet 45.01, dated February 25, 2010, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.

- h. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY PLANTING SCHEDULE AND NOTES" sheet 45.02, dated February 25, 2010, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - i. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY TYPICAL CROSS SECTIONS 1" sheet 46.01, dated December 16, 2011, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
 - j. "CRANBURY BRICK YARD BLOCK 10, LOT 10, BLOCK 12, LOT 1 TOWNSHIP OF CRANBURY 22 HIGHTSTOWN-CRANBURY STATION ROAD MIDDLESEX COUNTY NEW JERSEY TYPICAL CROSS SECTIONS 2" sheet 46.02, dated December 16, 2011, last revised July 31, 2012 and prepared by Langan Engineering and Environmental Services.
46. The permittee shall comply with the following conditions for the on-site mitigation proposal:
- a. Within 30 days of the effective date of this permit, the permittee shall submit a workplan for review and approval by the Department that addresses all of the items listed in the attached document entitled "Division of Land Use Mitigation Comments, Cranbury Brickyard Yard" (DLUR Mitigation Comments) dated August 16, 2012, and prepared by the Division of Land Use Regulation, Mitigation Unit. The workplan shall provide a schedule for implementation which shall span the timeframe specified in the DLUR Mitigation Comments document for proper collection of the necessary data.
 - b. Within 30 days of written approval of the workplan, the permittee shall implement the additional data gathering according to the approved workplan.
 - c. Within 60 days of completion of the studies specified in the workplan according to the approved schedule, the permittee shall submit an updated mitigation proposal for review and approval by the Department. Said mitigation proposal shall include all of the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located at <http://www.nj.gov/dep/landuse/forms/index.html>.
 - d. Upon review of the updated mitigation proposal submitted by the permittee in accordance with condition 5.c., the Department reserves the right to 1) approve the mitigation proposal in its entirety or 2) approve those portions of the mitigation plan deemed to have a high probability of success, and formally request financial assurance to be increased to the current amount specified in condition #8.a for those portions of the proposed mitigation plan deemed to have a low probability of success. The amount of additional financial assurance shall be the minimum necessary to purchase required off-site mitigation credits to replace the acreage of onsite mitigation deemed by the Department to have a low probability of success under the requirements of N.J.A.C 7:7A-15, et seq.
 - e. The Department shall immediately review all mitigation submittals so as to not delay implementation of the remediation of the site.

47. If the permittee is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Division's conceptual review and approval of any land being considered as a potential mitigation area.

48. The permittee shall comply with the following conditions related to the on-site mitigation plan:

- a. Within 60 days of effective date of this permit, the permittee shall post financial assurance in the amount of \$3,500,000.00 acceptable to the Department in accordance with N.J.A.C. 7:7A-15.13 et seq.
- b. Within 30 days of completion of the mitigation work within the conservation easement area, the permittee shall complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction that meets the requirements of N.J.A.C. 7:7A-15.14. The conservation restriction shall include the wetland and required transition area and conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: <http://www.nj.gov/dep/landuse/forms/index.html>. The applicant is required to include a metes and bounds description shown on a map. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Mitigation Unit, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-15.14(a))
- c. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing at least 30 days prior to the start of construction of the wetland mitigation project to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.
- d. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of mitigation construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.
- e. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants. Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site to the mitigation area. In addition, soil containing root fragments and above-ground vegetative material from invasive plants shall be carefully managed during earthmoving activities and disposed of in suitable locations on site as specified in the RAWP or on-site landscape areas as approved in the development plans. For information on the specific species that are considered to be invasive, please refer to the Invasive Plant Atlas at <http://www.invasiveplantatlas.org/index.html>.
- f. In the event that changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-15.15. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may

serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.

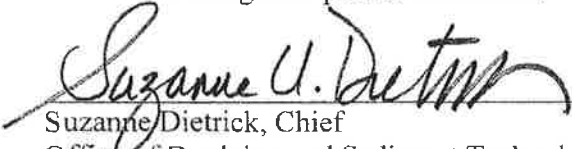
- g. Within 30 days of final grading of the mitigation project (or any portion of the mitigation project to be planted) and prior to planting, the permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- h. Within 30 days following the final planting of the mitigation project (or any portion of the mitigation project completed in a planting season), the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7A-15.16). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form. This form is located at <http://www.nj.gov/dep/landuse/forms/index.html> and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
 - ii. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes; and
 - iii. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983.
 - iv. Within 30 days following final planting of the mitigation project (or any portion of the mitigation project completed in a planting season), the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department's permit number.
 - v. The permittee shall monitor for 5 full growing seasons beginning the year after the mitigation project (or any portion of the mitigation project completed in a planting season) has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-15.16(c)). All monitoring reports must include the standard items identified in the checklist entitled, "Wetland Mitigation Monitoring Project Checklist", which can be found at <http://www.nj.gov/dep/landuse/forms/index.html>.
 - vi. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:
 - vii. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating

- Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;
- viii. The mitigation areas have an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;
 - ix. The mitigation areas have less than 10 percent coverage by invasive or noxious species.
 - x. The mitigation areas contain hydric soils or there is evidence of reduction occurring in the soil; and,
 - xi. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.
 - xii. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7A-15.16(f)). The Division will notify the permittee in writing if any portion of the mitigation project is considered to be a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial assurance, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

OFF-SITE MITIGATION PERMIT CONDITIONS

- 49. The permittee agrees to purchase six (6) acres of off-site mitigation credits from Cranbury Mitigation Bank, Wycoff Mill's Mitigation Bank or an alternative mitigation bank approved in writing by the Department as conditioned herein.
 - a. Within 60 days of the effective date of this permit, the permittee shall submit proof of purchase of one acre of mitigation credit to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation, P.O. Box 420, Mail Code 501-2A, Trenton, NJ 08625-0420.
 - b. Within one year of the effective date of this permit and annually thereafter on the same date, the permittee shall submit proof of purchase to the Department at the address above of an additional one acre of mitigation credits for a total of six acres of off-site credits.
- 50. As alternative to the purchase of the remaining 5 acres of off-site mitigation credits at a Department approved mitigation bank, within one year of the effective date of this permit, the permittee may request in writing approval from the Department to construct an off-site wetlands creation, restoration, or enhancement, preserve additional property or contribute to mitigation projects identified by other state/federal agencies, non-government organizations, colleges or local municipalities with the watershed. The written request shall detail all development plans, associated costs and schedule for implementation.
- 51. The permittee agrees to post financial assurance for off-site mitigation acceptable to the Department in accordance with N.J.A.C. 7:7A 15.13 et seq. as conditioned herein.
 - a. Within 60 days of the effective of this permit, the permittee shall post financial assurance acceptable to the Department in accordance with N.J.A.C. 7:7A-15.13 et seq. in the amount of \$1,734,012.00.

- b. The permittee may request a reduction in the amount financial assurance posted by submitting a written request to the Department providing proof of purchase of the mitigation credits from Cranbury Mitigation Bank, Wycoff Mill's Mitigation Bank or a Department approved alternative mitigation bank in the amount of the purchased credits.
- c. The permittee shall increase of the amount of financial assurance posted within 60 days of written notice from the Department if at such time the cost of the off-mitigation increases or the Department approves an alternative plan submitted in accordance with 10 above.
- d. The Department shall release all financial assurance upon permittee's full satisfaction of the off-site mitigation permit conditions.

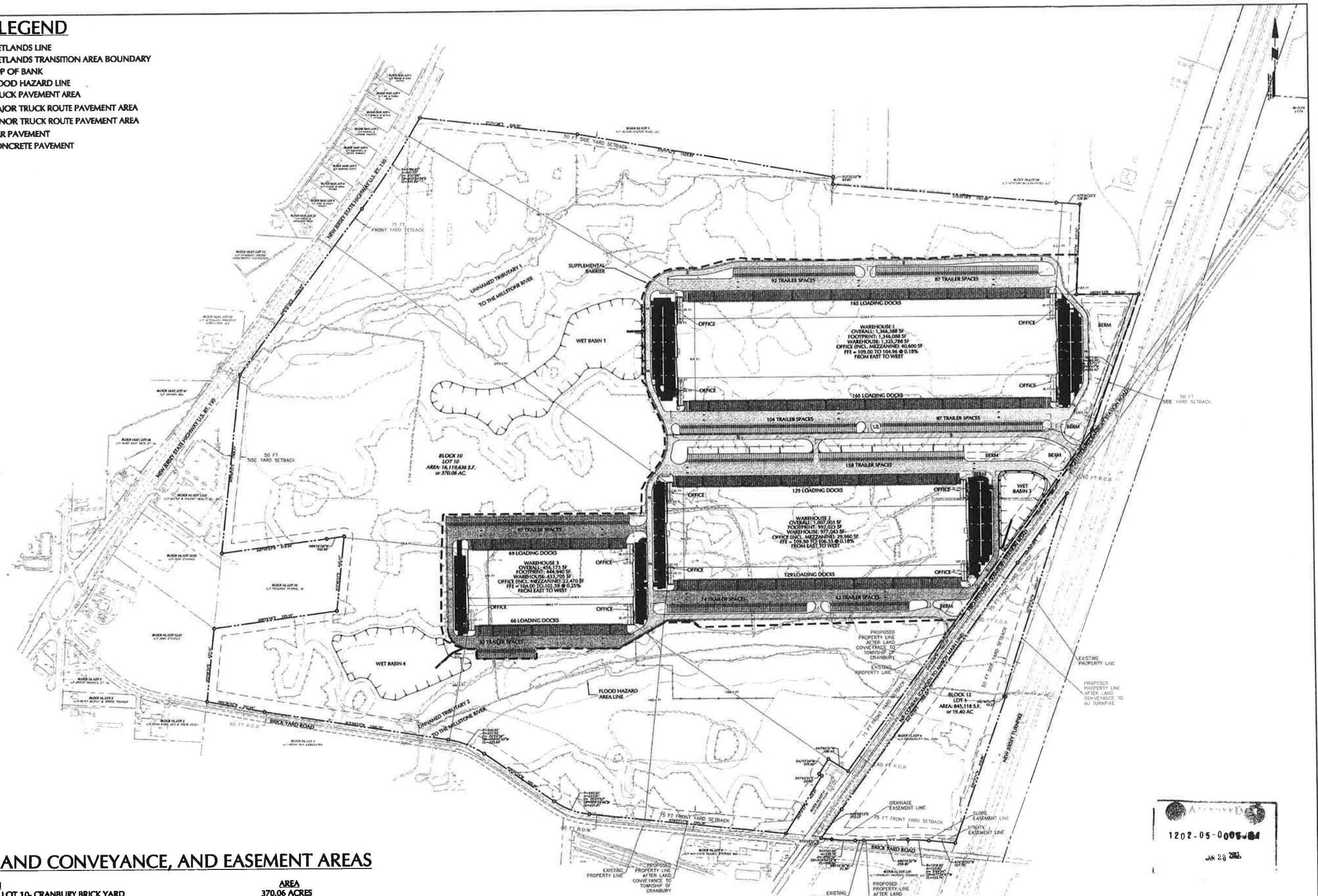

Suzanne Dietrick, Chief
Office of Dredging and Sediment Technology

Date

1/28/13

LEGEND

- WETLANDS LINE
- WETLANDS TRANSITION AREA BOUNDARY
- TOP OF BANK
- FLOOD HAZARD LINE
- TRUCK PAVEMENT AREA
- MAJOR TRUCK ROUTE PAVEMENT AREA
- MINOR TRUCK ROUTE PAVEMENT AREA
- CAR PAVEMENT
- CONCRETE PAVEMENT



1202-05-0006-01
JAN 28 2011

LOT, LAND CONVEYANCE, AND EASEMENT AREAS

LOCATION	AREA
BLOCK 10, LOT 10- CRANBURY BRICK YARD	370.06 ACRES
BLOCK 10, LOT 10- LAND CONVEYANCE TO TOWNSHIP OF CRANBURY	3.40 ACRES
BLOCK 12, LOT 1- CRANBURY BRICK YARD	19.40 ACRES
BLOCK 12, LOT 1- LAND CONVEYANCE TO NJ TURNPIKE	1.53 ACRES
BLOCK 12, LOT 1- DRAINAGE EASEMENT	0.36 ACRES
BLOCK 12, LOT 1- UTILITY EASEMENT	0.03 ACRES
BLOCK 12, LOT 1- SLOPE EASEMENT	0.13 ACRES

200 0 100 200
SCALE IN FEET

Date	Description	No.
12/16/11	Revised NJDEP Submission	5
06/22/10	Revised per Town comments	4
03/25/10	Revised per Town comments	3
02/25/10	NJDEP Submission	2
02/04/10	Revised per Highstown-Cranbury Union Board S.O.W.	1

DATE
RICHARD BURROW
PROFESSIONAL ENGINEER N.J. LIC. No. 24064459300

LANGAN
ENGINEERING & ENVIRONMENTAL SERVICES
River Drive Center 1
618 River Drive
Somerset Park, NJ 08876
P: 201-794-6900 F: 201-794-0306
www.langan.com

Project
CRANBURY BRICK YARD
BLOCK 10, LOT 10, BLOCK 12, LOT 1
TOWNSHIP OF CRANBURY
22 HIGHTSTOWN-CRANBURY STATION ROAD
MIDDLESEX COUNTY NEW JERSEY

Drawing Title
OVERALL SITE PLAN

Project No.	009177303	Drawing No.	01.00
Date	12/15/09	Scale	1"=200'
Drn. By	MLE	Of	

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING
ADDITIONAL DOCUMENTS



DRCC #: 10-3943

DATE: November 14, 2013

PROJECT NAME: Cranbury Brick Yard Remediation/Redevelopment

Latest Submission Received: November 8, 2013

Applicant:

Tate Goss, President
Cranbury Brick Yard, LLC
1745 Shea Center Drive, Suite 190
Highlands Ranch, CO 80129

Engineer:

Richard Burrow, PE
Langan Engineering & Environmental
Services, Inc.
River Drive Center 1
Elmwood Park, NJ 07407

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
22 Hightstown-Cranbury Station Rd.	Cranbury Twp	Middlesex	10/12	10/1

Jurisdictional Determination:

Zone B	Major	Nongovernmental

Subject to Review for:

Drainage	Visual	Subdivision	Stream Corridors
X			X

**THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN
COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL
HAS BEEN ISSUED.**

Documents Received: Email dated November 8, 2013 (1 page) and letter dated August 29, 2013 (4 pages) from Christopher Stevenson; Letter from Richard Burrow, PE to Marlen Dooley dated February 22, 2013 (3 pages); Email from Kelly McCormick to Marlen Dooley dated July 16, 2012 (2 pages); DRCC Individual Approval Application document dated March 11, 2010; Response to Comments document dated October 15, 2012; Site plans dated March 12, 2010, last revised October 15, 2012 (15 sheets); Stormwater Management Report dated December 15, 2009, last revised July 27, 2012; Stormwater Maintenance Plan dated December 15, 2009, last revised October 15, 2012; Conceptual Overall Wetland Mitigation Plan (Drawing 44.00) dated December 16, 2011, last revised July 31, 2012; DRCC Impact Plan (Drawing 44.01) dated March 12, 2013, last revised February 22, 2013; all prepared by Langan Engineering & Environmental Services Inc.; and Letter from Suzanne U. Dietrick, NJDEP Office of Dredging and Sediment Technology, to Steve Ganch, dated January 28, 2013 with attachments (17 pages).

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The application is complete and shall be presented to the Commission for their action with a staff recommendation of approval at the November 20, 2013 meeting, based upon the following analysis:

Existing: This 395-acre site is a former manufacturing facility that produced military munitions and other chemicals. Approximately one-third of the site was developed, including the facility and associated disposal areas. The site now contains remnants of a chemical plant, including asphalt roads, concrete floors and other building remains left over from the 1957 demolition. Residual munitions and explosives scattered throughout the site as a result of an explosion pose a threat to public health and safety. As part of remedial investigation/cleanup activities approved by NJDEP, nearly 100 acres have been cleared of vegetation, and approximately 29 acres of wetlands have been impacted. The remainder of the site contains successional fields and forested upland areas.

Proposed Project: This project involves the continued remediation and redevelopment of the site. The applicant has an NJDEP approved Remedial Action Work Plan (RAWP) which requires the clearing and remediation of contamination caused by munitions and explosives of concern (MECs) and the construction of a barrier on parts of the site within the limits of contamination, consisting of fill, new buildings and new paved surfaces. The post-remedial development consists of three warehouses totaling 2.83-million square feet of floor space, with truck loading areas, parking, and access roads. Upon completion of the project, approximately 201.8 acres of the site will be disturbed and approximately 121.5 acres of net impervious surface will be created.

Stream Corridor Impact: Two unnamed tributaries to the Millstone River cross the site, both of which drain over 50 acres and possess a stream corridor. Therefore, this project is subject to the Commission's stream corridor review. Unnamed Tributary "1" traverses the northwest corner of the site, adjacent to U.S. Route 130. Unnamed Tributary "2" traverses the site's southeast corner, flowing westerly under the New Jersey Turnpike and Hightstown-Cranbury Station Road. The submitted plan details the limits of the 100-year floodplain and the Commission's 100-foot buffer. The limits of the floodplain for each of the tributaries have been approved by NJDEP.

The applicant is proposing to conduct a significant amount of work within the stream corridor. As part of the RAWP, the applicant is removing vegetation, sifting soils for MECs and constructing a supplemental barrier to limit potential future MEC exposure, i.e. the warehouse development; the applicant will also perform required periodic monitoring for MECs. As part of the NJDEP land use approvals for the project, the applicant is recreating and enhancing wetlands, some of which are within the stream corridor and will require ongoing monitoring. Fencing will be placed to control access to areas of the corridor, stormwater outfalls for the warehouse will be located in the corridor due to the elevation changes and depth to groundwater associated with the stormwater system and a utility corridor will be placed within the stream corridor. The grading will be within 7.97 acres of the stream corridor, and the construction of two warehouses will be within 3.90 acres of the stream corridor.

Outfall structures associated with stormwater management structures and underground utility transmissions are an allowed conditional use pursuant to N.J.A.C. 7:45-9.4. However, N.J.A.C. 7:45-9 prohibits removal of native vegetation, grading and the placement of structures within the designated stream corridors. For these remaining intrusions, the applicant seeks a waiver based on compelling public need pursuant to N.J.A.C. 7:45-12.3. An applicant shall be deemed to have established compelling public need if, in part, the project serves an essential public health and safety need and there is no alternative available to meet the established need, N.J.A.C. 7:45-12.3 (c). The applicant states that the project must be remediated pursuant to an NJDEP Administrative Consent Order (ACO) and RAWP approved by NJDEP Site Remediation Program which requires the removal of vegetation, sifting of soils for MECs and construction of the supplemental barrier. In the waiver application, the applicant outlined three other alternatives that were considered and rejected by NJDEP due to their larger environmental impacts. The applicant notes that the alternative selected will leave the southern unnamed tributary in place and require MEC removal by hand annually within the first foot of soils in the waterway and adjacent wetlands thereby meeting the hazard reduction needed without a supplemental barrier over the stream. The stream will generally be undisturbed and the majority of the floodplain will be intact. The applicant further notes that for the areas temporarily impacted by grading, vegetation will be re-established naturally and include planting and seeding of native species.

As mitigation for the impacts, the applicant has proposed adding 12.7 acres adjacent to the stream corridor on the site. It is staff's opinion that the project meets the standard for compelling public need and that adding additional area to the buffer at slightly more than 1:1 ratio for the impact is appropriate mitigation for the intrusions into and required ongoing maintenance in the corridor.

Stormwater Runoff: The applicant proposes to control stormwater runoff flow and volume through the construction of four stormwater basins and two swales: Basins 1B, 3 and 4 which will be retention (wet pond) basins, Basin 1A which will be a wetland (extended detention) basin, and Swales 2A and 2B. Stormwater runoff from the site will be conveyed to the ponds and wetland basin through catch basins and an underground stormwater conveyance network of HDPE and concrete pipes. The two proposed swales will discharge to the drainage network, where it will discharge to Basin 4 and then discharge to the western end of the southerly tributary. Stormwater from eastern portions of the site will be conveyed to Basin 3, which will discharge into a pipe that discharges into an existing culvert underneath Hightstown-Cranbury Station Road. Stormwater from northern portions of the site will be conveyed to Basin 1A and 1B in the northwestern part of the site, which will be discharged to the northern tributary. The proposed stormwater management measures have been designed so that the post-construction peak runoff rates for the 2, 10 and 100-year storm events will be no greater than 50, 75 and 80%, respectively, of the pre-construction peak runoff rates. The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, and current New Jersey 24-hour rainfall frequency data for Middlesex County to compute peak runoff flow rates and volumes. The DelMarva unit hydrograph rainfall distribution was used for the existing conditions and

the Standard SCS unit hydrograph was used for the proposed conditions evaluation. Calculations show that the post-development flows will meet the reduction requirements and that the combined post-development flows will not exceed the combined existing flows. Therefore, the proposed stormwater management measures will provide enough peak flow attenuation to meet the specific runoff quantity standards of N.J.A.C. 7:45-8.6(a)1.

Water Quality: The Commission requires that all proposed full-depth pavement, including newly and re-constructed parking and access drives that are being renewed, must meet water quality standards in accordance with Commission regulations (N.J.A.C. 7:45-8.7). This includes reduction of the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm by a rate of 80% of the anticipated load from the developed site. Based upon the submitted application, new parking and access drive pavement is being proposed on the site. The submitted stormwater report notes that the design proposes to treat for water quality using Wet Pond Basins 1B, 3 and 4. The proposed swales will also provide some water quality treatment but have not been included in the TSS removal calculations. Basins 1B, 3 and 4 will provide a permanent pool of water that is 3.35, 2.26, and 1.30 times the water quality design storm, respectively. In order to achieve the required 80% TSS removal rate without additional extended detention, a wet pond must retain a permanent pool of water that is at least three times the water quality design storm. However, each basin does detain additional runoff, which provides additional water quality treatment (see Figure 9.11-2 of NJDEP Stormwater BMP Manual). Basins 1B, 3 and 4 retain 10% of the entire water quality design storm volume (not just peak water quality design storm) for 24 hours, 12 hours, and 24 hours, respectively, past the peak. This added detention provides approximately 90%, 82% and 81% TSS removal rate, respectively. The weighted TSS removal rate for the entire site is 83%. The proposed system therefore meets the specific water quality standards at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The existing soils for the project area are mostly classified as hydrologic soil group C and D type soils by the NRCS. Commission regulations require that stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or that any increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated. However, existing contamination on the site prohibits groundwater recharge to be implemented. In addition, soil permeability tests conducted onsite have revealed that the existing site soils have very low permeability rates. Therefore, the groundwater recharge requirements of N.J.A.C. 7:45-8.5 have been addressed.

Nonstructural Methods: The submitted NJDEP Nonstructural Stormwater Management Strategies Point System (NSPS) spreadsheet alone does not demonstrate that the site has maximized the use of nonstructural methods to achieve compliance with the requirements of N.J.A.C. 7:45-8.4. As such, a Low Impact Development Checklist has been completed and other low impact techniques have been proposed for the project. These techniques include vegetation and landscaping, impervious area management, time of concentration modification and preventative source control measures. In addition, due to the nature of

DRCC#: 10-3943

5

DATE: November 14, 2013


PROJECT NAME: Cranbury Brick Yard Remediation/Redevelopment

the contamination onsite, various nonstructural methods should be avoided. Therefore, in consideration of the contamination onsite, the project's proposed nonstructural measures are adequate and the project is therefore designed in accordance with N.J.A.C. 7:45-8.4.

Stormwater Management Maintenance Plan: A stormwater management maintenance plan document has been prepared for the best management practice (BMP) elements proposed for the Cranbury Brick Yard Remediation/Redevelopment project. The plan includes maintenance details for the proposed wet ponds, wetland basin and stormwater conveyance system. The submitted plan was prepared in accordance with the requirements of N.J.A.C. 7:45-8.8.

Staff Recommendation: Staff recommends approval.

Sincerely,



Marlene Dooley
Executive Director

c: Richard Burrow, PE, Langan Engineering and Environmental Services
Suzanne U. Dietrick, NJDEP Office of Dredging and Sediment Technology
Cranbury Township Planning Board
Middlesex County Planning Board

APPENDIX B

**CD Containing Digital Files of Existing and Proposed
State Plan mapping for Project Site**

LANGAN

Corporate Headquarters
619 River Drive Center I
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State Plan Policy Map
Amendment Request Report
Cranbury Brick Yard
Block 10, Lot 10 and Block 12, Lot 1
Cranbury, New Jersey

Appendix B
Digital Files of Existing and Proposed
State Plan Mapping for Project Site

8 July 2014
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