

## PUBLIC NOTICE

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF COASTAL AND LAND USE PLANNING

### **Adopted Amendment to the Tri-County Water Quality Management Plan**

#### **Public Notice**

Take notice that on ~~NOV 20~~ **2012** pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules at N.J.A.C. 7:15-3.4, an amendment to the Tri-County Water Quality Management Plan (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Mansfield Township, Burlington County, adopts a new Wastewater Management Plan (WMP) for Mansfield Township. The Mansfield Township WMP includes the entire municipality as well as that portion of the Burlington County Solid Waste Facility franchise area that is located in Florence Township. This WMP was submitted as part of an Administrative Consent Agreement (ACA) between the Department and Mansfield Township. The ACA allowed for the processing of a WQM Plan amendment for the Centex/Carlton Homes development as agreed to in a settlement between Centex Homes LLC and Mansfield Township, with Mansfield Township to subsequently submit an updated WMP. The Centex/Carlton Homes amendment was adopted by the Department on March 14, 2008 (see 40 N.J.R. 812(b) and 2138(a)). This new WMP will replace the Mansfield WMP adopted on December 27, 1988.

Currently portions of Mansfield Township are served by several on-site Discharge to Surface Water and Discharge to Groundwater wastewater treatment plants. Mansfield Township is not currently served by a municipal utility authority nor sewerage authority that operates a Township-wide centralized sewage treatment plant or collection system.

The adopted WMP reflects all modifications made as part of the Centex/Carlton Homes amendment referenced above. Additionally, the WMP includes two new proposed wastewater treatment facilities and sewer service areas. A proposed 70,000 gpd (not 87,500 gpd as incorrectly stated in the July 6, 2011, preliminary notice) Discharge to Groundwater (DGW)

treatment plant for the Northern Mansfield Service Area would serve a proposed 700,000 square foot shopping center development located in the vicinity of Route 206 and Aaronson Road at Block 3, Lots 5.01 and 10.01, and Block 4, Lots 6.01 and 7. A new sewer service area is also included in the WMP for the proposed Margolis Warehouse Distribution Facility located between the New Jersey Turnpike and Interstate Route 295 at Block 47.01, Lots 3.01, 9.01, 9.02, 11, and 12. This facility would be served by a proposed 30,813 gpd (not 35,075 gpd as incorrectly stated in the July 6, 2011, preliminary notice) DGW treatment plant.

**This amendment** has been reviewed in accordance with Executive Order No. 109 (2000) and N.J.A.C. 7:15-5.18. The Mansfield Township WMP incorporates an environmental constraints/build-out (build-out) analysis to identify existing and future projected flow from the Township. This analysis is modified to account for the constraints on development that arise because of the presence of environmentally sensitive areas. The environmentally constrained areas that were considered include waterways, wetlands, and riparian buffers. This analysis delineates existing land use and shows the changes that would result from development in accordance with current zoning, taking into account the environmental constraints for each service area. The analysis is needed to assess the proposed sizing of receiving treatment facilities and the appropriate location and extent of the proposed service areas. Because specific plans for development are not available for all developable areas, maximum build-out for each developable lot was assumed. Maximum build-out was determined using the current zoning classification for each of these developable areas. The analysis determined that under current Mansfield Township zoning ordinances, an additional 314, 31, and 61 residential units may be constructed within the Crafts Creek, Assiscunk Creek, and Black's Creek Hydrologic Unit Code (HUC) areas, respectively. The Department agrees that vacant land areas zoned as residential and located on suitable soils meet the minimum area regulations for septic systems under the current Mansfield Township zoning ordinance.

In order to satisfy the Riparian Corridor Analysis, Mansfield Township had previously adopted Ordinance No. 2008-17, as noted in the proposal of this amendment. However, Ordinance No. 2008-17 has been rescinded, and Mansfield Township has adopted Ordinance No. 2012-3 to satisfy the Riparian Corridor Analysis and to ensure the protection of the riparian corridors along

all perennial and intermittent streams. As required, the adopted ordinance establishes and protects Water Resource/Buffer Conservation Zones ("stream corridor buffer") adjacent to New Jersey Surface Water Quality Standards designated waters (excluding man-made) and regulates development within those zones. The stream corridor buffers vary in width depending upon the water body's classification in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15.

To satisfy the Nonpoint Source Pollutant Loading/Hydromodification Analysis, an ordinance ensuring compliance with the performance standards of the Stormwater Management Rules, N.J.A.C. 7:8, was necessary. To comply with this requirement, Mansfield Township adopted Ordinance No. 2008-5. This ordinance indicates that the performance standards must be met through the use of non-structural measures, where possible. If non-structural measures alone are insufficient to meet the performance standards, then the proposed project must supplement with structural best management practices (BMPs) as necessary.

The Endangered or Threatened Species Habitat Analysis was performed utilizing the Department's Division of Fish and Wildlife, Endangered and Non-Game Species Program "Landscape Project" version 2.1. The Landscape Project identifies areas of critical habitat that support or potentially support Federal and State endangered or threatened species and other species of concern. Endangered and Threatened Species habitats reviewed under this analysis are Rank 5 (Federal endangered and/or threatened species), Rank 4 (State endangered species), or Rank 3 (State threatened species). This analysis determined that portions of the WMP planning area contain areas that serve as habitat for threatened and endangered species. These areas are not proposed as sewer service area. Additionally, Mansfield Township's Land Development Ordinance was amended by Ordinance 2008-16 to include provisions for conservation including requirements for an environmental impact assessment to be submitted with preliminary applications for major subdivisions and/or major or minor site plans. In addition, the Planning Board may require an environmental impact assessment for any application before the board. The goal of this ordinance is to ensure that endangered or threatened wildlife species habitat would not directly or through secondary impacts be adversely affected by the proposed development on the relevant site or in the surrounding area.

In order to evaluate the groundwater impacts for the development of those areas of Mansfield Township that are outside of the proposed sewer service area and are to be served by individual subsurface sewage disposal systems with wastewater planning flows of 2,000 gallons per day or less, the Nitrate Dilution Model, developed by the Department, was applied. This model estimates the minimum lot size necessary to support conformance with the ground water quality standards. With the adoption of the July 7, 2008, amendments to the Ground Water Quality Standards (GWQS) rules at N.J.A.C. 7:9C, as well as the re-adoption of the Water Quality Management Planning Rules at N.J.A.C. 7:15, areas that are designated for individual subsurface sewage disposal systems (septic areas) must now achieve a planning standard of 2 mg/L nitrate. It is, therefore, necessary to determine how much development relying on ground water disposal of wastewater can be supported on a HUC 11 basis within the planning area while attaining this planning standard, using one of the nitrate dilution models described in the rule. Achieving the planning standard ensures that existing ground water quality will be maintained on a regional basis, thus ensuring compliance with the amended antidegradation policy in the GWQS rules. The analysis was performed by Mansfield Township for the nitrate target of 2.0 mg/L and resulted in minimum required lot sizes of 5.8 to 6.7 acres. As stated above, vacant land areas zoned as residential and located on suitable soils meet the minimum area regulations for septic systems under the current Mansfield Township zoning ordinance.

Residents and businesses within the WMP planning area receive potable water from New Jersey American Water (NJAW) under PWSID 0318002 for the Homestead at Mansfield development and PWSID 0323001 for the rest of Mansfield Township. NJAW's water allocation limits and withdrawal rates were approved by the Department's Bureau of Water Allocation (Program Interest I.D. No. 5285, Activity No. WAP040002 for Homestead; Program Interest I.D. 5025X, Activity No. WAP090001 for the remainder of Mansfield Township). No additional water allocation is required by NJAW to serve the proposed developments in Mansfield Township beyond the current permitted allocations listed above.

Notice of this amendment proposal was published in the New Jersey Register on August 1, 2011, at 43 N.J.R. 1915(c). Notice of a public hearing on the proposed WQM Plan amendment was published in the New Jersey Register on May 21, 2012, at 44 N.J.R. 1663(a), and a public

hearing was held on July 26, 2012, in the Mansfield Township Municipal Court. During the comment period, the Department and Mansfield Township received the comments, summarized below with the Department's responses. Comments which are not relevant to the proposed amendment are not addressed in this notice.

List of Commenters:

1. Margaret Snyder, P.E. Emerald Environmental Solutions
2. Jeffrey Tittel, New Jersey Sierra Club
3. Justin Brown, Liberty Lake Day Camp employee
4. Donald Matney, et al., WeLoveLibertyLake.com petition signers
5. Mark Miller, property owner
6. Robert Tallon, Crafts Creek Spring Hill Brook Watershed Association, Inc.
7. Jonathan Howard, Mansfield Township resident
8. Brad Wolf, Mansfield Township resident
9. Wendy Miller, property owner
10. Pattie and Matt Devlin, property owners
11. Andy Pritikin, Owner/Director Liberty Lake Day Camp
12. Allison Callery, property owner
13. Gary Rosensweig, attorney for Liberty Lake Day Camp
14. Myra Dickert, Mansfield Township resident
15. Bob Talon, Mansfield Township resident
16. Philip Bracken, Mansfield Township resident
17. Boris Vilic, Mansfield Township resident
18. Meridith Gillespie, property owner
19. Matthew Angyal, Liberty Lake Day Camp employee
20. Steven Szafran, Mansfield Township resident
21. Gary DiSanto, Mansfield Township resident
22. Tony Quinto, Mansfield Township resident
23. Tony Villabon, Mansfield Township resident
24. Thomas Spadafora, Mansfield Township resident
25. Kurt Zelinsky, Mansfield Township resident
26. Gautam Mankad, Mansfield Township resident
27. Michael Meduri, Mansfield Township resident
28. Bryan Frantz, Mansfield Township resident

1. **Comment:** The proposed Margolis Warehouse project that is included in the draft WMP will increase flooding in the area, potentially impacting local residents, Liberty Lake Camp, and Route 295. Previous flooding on the site has resulted in the closure of the Highway and this project will only exacerbate that problem due to poor stormwater management planning. The flooding problems will only continue to increase where the

Department allows projects to proceed without ensuring stormwater generated by the additional impervious cover proposed can be retained on the site. (1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 18, 19)

**Response:** The Mansfield Township Wastewater Management Plan is a planning document that describes existing and future wastewater-related jurisdictions, wastewater service areas, and selected environmental features and treatment works. The Flood Hazard Area Regulations and the oversight of the Margolis Warehouse project by the local land use review board which administers local site design and planning requirements specifically address the concerns raised by commenters about the potential for increased flooding.

2. **Comment:** The DEP Landscape Map lists the area as Grassland of special concern, indicating there is high quality habitat on the site (of the proposed Margolis Warehouse project) and more detailed threatened and endangered species surveys need to be conducted on site. We believe the site could be habitat for critical turtle species as well as protected migratory birds. (2)

**Response:** The Division of Fish and Wildlife's Endangered and Nongame Species Program has developed the Landscape Project, which identifies State and Federal listed Endangered and Threatened Species habitat. The Landscape Project shows the proposed project site as Rank 2 (Special Concern) for grassland habitat. As per the Water Quality Management Planning Rules at N.J.A.C. 7:15-5.24(b), areas mapped as Rank 2 habitat are not considered environmentally sensitive for the purposes of delineation of sewer service areas. The Landscape Project data did not indicate the presence of turtle habitat on the site.

3. **Comment:** The proposed Margolis Warehouse development has not demonstrated compliance with the New Jersey Stormwater Management rules at N.J.A.C. 7:8. (2, 9, 13)

**Response:** Compliance with the Stormwater Management rules at N.J.A.C. 7:8 is a requirement of local municipalities granting development approvals under the Municipal Land Use Law. The Township has stated that it will oversee the construction of site improvements (which includes stormwater management facilities) to ensure that they are in compliance with local approvals issued by the Township Planning Board. Further, the proposed Margolis Warehouse development has met Department stormwater requirements through Freshwater Wetlands and Flood Hazard Area Permits issued by the Department.

4. **Comment:** The proposed Margolis Warehouse project will have a tremendous impact on air quality. The increased truck traffic and truck air pollution emissions will impact local residents and their children at the Liberty Lake Day Camp. There will be increased noise from trucks and traffic including diesel engines and backing up beeping. (2, 4, 9, 13, 18)

**Response:** The issues and concerns raised above are not relevant to (i.e. not the subject or criteria of) the Department's WQM Plan amendment review process and criteria. These issues may be addressed by the technical permit reviews of other Department programs and/or by the programs of other municipal, county, and State agencies.

5. **Comment:** The Summary of Significant Actions section in the WMP and in the public notice states that the discharge for the proposed Northern Mansfield Service area is 87,500 gallons per day (gpd), while the facility table for the service area states that the discharge would be 70,000 gpd. (6)

**Response:** The 70,000 gpd figure is the correct one. The Significant Actions section of the WMP as well as the public notice has been updated to reflect this fact.

6. **Comment:** The proposed Margolis Warehouse project will be affected by the New Jersey Turnpike Authority's road widening project. It will encroach on the proposed warehouses's eastern septic fields and a portion of one of the stormwater basins. The widening project should have forced the developer to change its project plans due to the elimination/reduction of the stormwater retention basins, resulting in changed stormwater calculations. (1, 4)

**Response:** The road widening project being undertaken by the New Jersey Turnpike Authority will affect a portion of the site. The widening project will affect the site in a manner that will require a redesign of the project's stormwater management system. These potential changes to the project's design have no relation to the Department's Wastewater Management Planning requirements and any realignment/redesign of the proposed stormwater management plans for the site would need to be considered as a revision or change to the Freshwater Wetlands and Flood Hazard Area permits already issued by the Department for the project.

7. **Comment:** In Mansfield Township's draft WMP submittal, in the facility table for the proposed Margolis Warehouse project the square footage of office space was reduced to less than half of what was originally proposed in an earlier draft. It is not clear in the documents why the office space was reduced. The calculation of wastewater flows from the proposed office space is very significant and should be verified. (1)

**Response:** The projected wastewater flows for the Margolis Warehouse project are accurately stated in Mansfield Township's WMP application. The square footage of office space is the maximum amount that can be built under the 30,813 gpd projected wastewater flow identified in the WMP.

8. **Comment:** Wastewater for the proposed Margolis Warehouse project will be treated with a Zeon Cyclet system prior to being conveyed to a single wastewater disposal field on Lot 9.01. There were no permeability tests performed in the area of the proposed disposal field on Lot 9.01. There were also no calculations submitted to indicate that the disposal field is large enough to treat the proposed flows. Considering the discussion of flows above and that there is only one disposal field on site, it is questioned whether

enough land area has been set aside for the disposal field. In addition, it has not been determined, with a mounding or other analysis, whether the disposal field will impact the functioning of the infiltration trenches alongside Buildings 1 and 2. The Department must require a simultaneous review by its Bureau of Nonpoint Pollution Control before allowing this WMP amendment to proceed. (1, 13)

**Response:** The WMP is a planning document that establishes the parameters for maximum amounts of land use intensities based on allowable sewage flows. An application for a New Jersey Pollutant Discharge Elimination System (NJPDES) permit is required for the project to be constructed, and all the technical questions raised by the commenter will be required to be answered when the project moves to the detailed engineering analysis phase, meaning the NJPDES application. The approval of a WMP should not be considered the approval of the actual septic disposal system.

9. **Comment:** There is a history of inadequate review and oversight of stormwater management plans by Mansfield Township for new development. This has caused groundwater pollution from improperly built and inspected water retention basins. Because of this, I do not believe the Township is capable of properly managing the development that will be associated with the approval of the subject WMP and therefore the plan should not be approved as is. (7, 8, 15, 16, 17)

**Response:** Compliance with the Stormwater Management Rules at N.J.A.C. 7:8 is a requirement of local municipalities granting development approvals under the Municipal Land Use Law. Although the municipality is the agency that implements the Stormwater Rules at the local level, if a town is not in compliance with N.J.A.C. 7:8 (i.e. doesn't have an adopted stormwater management plan and ordinance or is not enforcing the requirements of same), the Department has the ability to take action to ensure municipal compliance.

10. **Comment:** I am a resident in the Meadows at Mansfield development on Waverly Drive. Will I be required to hookup to the Township's sewer system? If so, will there be a cost associated with that requirement? (8)

**Response:** The Meadows at Mansfield development is not located within the proposed Columbus Center sewer service area. Therefore you will not be required to hook up to its sewer system.

11. **Comment:** I am a representative of the Four Seasons at Mapleton Civic Association. Four Seasons is an adult community that was sewered by the developer and is now serviced by New Jersey American Water. What happens to those of us who are already sewered and are paying for sewers? (14)

**Response:** The draft Mansfield Township WMP does not propose any change in status for the existing sewered developments within the Township.



12. **Comment:** The current Township Master Plan does not take into account the Transfer of Development Rights (TDR) development proposed by the WMP or building of a commercial property proposed by Margolis. In addition, the WMP does not take into account the zoning proposed in the current Master Plan. Thus, any future development of industrial or commercial properties (along Routes 68 and 206) - per the current master plan - will result in the revision of the waste water management plan WMP and subsequently could result in a tax burden to the Township residents and or could negatively impact the Township's natural resources. We recommend that the plan be remanded to the Township in order to reflect the Township's Master Plan and that no WMP is approved until it is in alignment with an approved master plan. (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** The TDR program is not proposed by this WMP Amendment. Through adopting the modifications made as a part of the Centex/Carlton Homes Amendment discussed in this notice above, one goal of this amendment is to improve the health and safety of the public by providing sanitary sewer to the Village of Columbus and eliminating failed septic systems.

The zoning to permit the Margolis Warehouse development adjacent to the I-295 interchange has been in effect since prior to 2001. All Master Plan elements and revisions have included this site as an industrially zoned property capable of supporting all of the permitted uses, including warehouses. The current approval for warehouses is consistent with both the Zoning Ordinance and the Master Plan.

The area around the intersection of Routes 68 and 206 is primarily the site for the National Automobile Dealer's Exchange (NADE). All of the NADE improvements have received site plan approval from the Mansfield Township Planning Board, and all of the improvements are consistent with the Mansfield Township Zoning Ordinance and Master Plan. The area is included in the WMP because the site has an existing private wastewater plant operated by NADE.

Any future development not included in this amendment or designed within the flow requirements of this amendment would require a future WMP Amendment. Any future amendment would most likely be the responsibility of the developer not the taxpayer. The proposed amendment does not restrict industrial or commercial development along Rt. 68 or 206. The proposed amendment is in conformance with the current Mansfield Township Master Plan.

13. **Comment:** The current WMP and the TDR plan have been developed in response to the legal settlement between the Township and the Centex Homes Corporation. There has been no participation by the broader community and no establishment of the essential nexus, and could thus be construed as an example of the judicial overreach by potentially imposing taxes on the residents of the Township to fund the additional Township services the new development will consume. (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** As noted in the response to comment 12, one goal of the proposed WMP amendment is to improve the health and safety of the public by providing sanitary sewer to the Village of Columbus and eliminating failed septic systems. WMP amendment approval was a stipulation in the Township's settlement with Centex Homes and would result in the Township's acquisition of the Reed Farm, which the amendment identifies as the location of a proposed Wastewater Treatment Plant to receive flow from the Village of Columbus. The community has been able to participate in this process by means of two WMP public comment periods, and a WMP public hearing.

The proposed TDR program, which is not part of this WMP, has been in the planning stages since as early as the 2001 Master Plan. The Planning Board has conducted the required hearings each time the Master Plan has been revised or amended. In addition, a Township-wide Visioning Process was conducted in 2007 where residents were invited to hands-on work sessions. At these work sessions, residents were given an overview of the TDR process and given the ability to design the proposed receiving area around the Village of Columbus. A consensus of the participants regarding potential land uses; intensity of land uses; circulation patterns, including bike and pedestrian access; and preliminary architectural design and building massing was developed. All of the supporting draft reports and design elements for the proposed TDR program have been developed to support the consensus Vision Plan for the Township.

As the TDR program is developed, public work sessions, informational meetings and finally required public hearings will be held at each step in the process. Based on public input, additional changes and revisions to the TDR program are likely.

Finally, the public is also welcome to comment at any regular Township Committee Meeting.

14. **Comment:** The Township is already facing issues with groundwater pollution resulting from improperly built and improperly inspected water retention basins. The Township's own planning documents indicate potential contamination of the aquifers. Given a history of inadequate oversight by the Township, one can reasonably deduce that the warehouse project and future development project has and will be inadequately monitored by the Township. The documentation pertaining to the market and financial feasibility pertaining to the projects were not available in the Township (as an open record). (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** All stormwater facilities are required to be designed in accordance with the Department's Best Management Practice (BMP) standards. These standards include maintenance responsibilities which will entirely be assumed by private interests, such as a homeowners association or the developers themselves. Any party responsible for the maintenance of these future facilities will be required to follow the approved maintenance plan.

15. **Comment:** What assurances can the Township provide residents that the WMP will not impact taxes in any way? (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** The Township has provided information indicating that the WMP Amendment will not impact taxes as it has already been budgeted. Proposed development, such as the Margolis Warehouse, was included in the amendment by Mansfield Township in an attempt to create ratables and lessen the burden of the tax payer. The Township maintains that any cost associated with the future utility will be burdened by the utility user only not the taxpayers in the Township at large.

16. **Comment:** Why did Burlington County Regional Planning Coordinator Ed Fox tell the public (at the July 26, 2012 WMP amendment public hearing) that the Township's WMP has nothing to do with the Township's planned TDR program. The entire February Planning Board Meeting was to discuss the Township's TDR plan. The minutes clearly state, "If we do not have sewer we do not have a TDR program." In addition, the Township's Master Plan's 2011 land use plan amendments, written with the assistance of Ed Fox, shows a clear correlation between Mansfield's WMP and TDR. Further, page 1 of the planning board hearing minutes reads, "A site and first phase funding for a planned sewer treatment facility to service the existing village of Columbus, and, at full build-out, the receiving area of the Township's planned TDR program..." (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** The TDR program is not considered by this WMP Amendment. As discussed above, a goal of this amendment is to improve the health and safety of the public by providing sanitary sewer to the Village of Columbus and eliminating failed septic systems. Any future development with the impact of the TDR would require a future WMP Amendment.

At this time, the proposed WMP would enable a wastewater treatment plant to be built to service the existing development in the Village of Columbus. Although the proposed TDR program envisions the plant proposed for Reed Farm to be expandable in the future to perhaps serve a portion of the TDR receiving area, it should be stressed that that the proposed WMP simply provides the ability to service the existing development in the Village of Columbus.

17. **Comment:** Why hasn't this WMP been put up to the residents of the Township for a vote, similar to that of the school budget? Clearly a plan that has such serious ramifications on the quality of our everyday life, as well as the future long term benefit to Mansfield, our homes, and our taxes, is one that should be put up to a more public forum and vote than apparently incomplete and at best misinformed documentations and representations. In today's current economic environment, it would be irresponsible to not give the broader community a greater say in such a fundamental and material change of the composition of our Township. (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** In accordance with the Department's regulations, a WMP Amendment does not require a vote of the public. However, these regulations do allow for public input by written comment and via a public hearing. All comments are required to be addressed directly.

As previously noted in the Department's response to comment 13, the public has been invited to participate in hearings and work sessions, will be invited to participate further in the TDR program development process, and is invited to comment at Township committee meetings.

18. **Comment:** How will the Township address overcrowding at schools that may result from the proposed future residential development? Certainly there will be larger class sizes that, unless additional teachers and aides are hired, as well as bus services provided, in which case then there would be additional costs to taxpayers. With respect to the concerns of overcrowding, will new schools be required, and at what cost to taxpayers? (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** The Township is not directly involved with school matters. This question should be directed to the local and regional school district. It is assumed by the Township that any additional students would result from new residents, and thus a larger tax base that could support these additional teachers and aides. A population increase typically results in an increase of industrial, commercial and office uses which increases rates and thus decreases the burden of the taxpayer. Should it be determined by the school district that additional facilities are necessary, a referendum is typically put to a public vote. Discussions involving the future population of a TDR receiving area, including the anticipated number of school children, will be developed as part of any future TDR discussion.

19. **Comment:** What assurances would current taxpayers have that their taxes would not be unduly raised to cover the costs of potential low-income housing residents to cover the new cost burdens pertaining to education, sanitation services, police, fire, and EMT services, etc.? (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** The Township has provided information indicating that the potential number of low and moderate homes that would result from a planned TDR program will be exactly the same as the number of affordable units that would be required to be built under existing Township Zoning standards and current Council on Affordable Housing (COAH) requirements. As such, the TDR program should not have any impact on the potential Township cost of providing services to affordable units.

20. **Comment:** How does the Township plan to address the previous findings regarding pollution and improperly inspected water basins?
- a. What is the timetable to adequately resolve findings that previous studies have revealed?
  - b. Furthermore, as previous inspections that have been performed have not been effective, what assurances can we as taxpaying citizens have that the Township will be able to competently and successfully remediate and perform future inspections? (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** The Township inspects and maintains a log of these findings on an annual basis in its Municipal Separate Storm Sewer System (MS4) Report, which is required and audited by the Department. Any violation that is considered a property maintenance issue can be addressed by the Township Code Enforcement Officer. Compliance with the Stormwater Management rules at N.J.A.C. 7:8 and N.J.A.C. 7:14A is a requirement of local municipalities granting development approvals under the Municipal Land Use Law.

21. **Comment:** With the additional volume of automobiles resulting from the proposed TDR plan as it pertains to both commercial and residential property, what studies (be it environmental, land surveys, etc.) have been prepared with respect to widening highways and residential roads so as to minimize adverse traffic effects that such significant additional volume will surely create? (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** As noted above, the TDR program is not proposed by this WMP Amendment. However, as indicated by the Township, any future TDR receiving area will provide bike and pedestrian access that is presently lacking in most of the Township. Required studies and recommendations regarding traffic generation resulting from a proposed TDR program will be addressed as a required element of the TDR program, including the need for new roads and any road widening recommendations.

It should also be pointed out that a partial by-pass around the existing Village of Columbus is proposed as part of the planned TDR program. The purpose of the by-pass is to remove as much through traffic from the existing Village of Columbus by routing it around Columbus between Route 206 and Columbus Road. The Township has been working with the County to ensure preservation of needed right-of-way for the by-pass and the design of the by-pass for at least the past 10 years.

Finally, it should be pointed out that the existing zoning anticipates traffic associated with permitted uses. As the Margolis Warehouse development satisfies zoning standards, any traffic associated with the development can be accommodated by the existing roadway system. It should be further noted that a location adjacent to an existing interstate highway interchange is an appropriate location for warehouses; the bulk of the Margolis Warehouse development traffic will either use I-295 or travel west on Columbus Road toward the Florence Turnpike entrance with connections to the PA Turnpike.

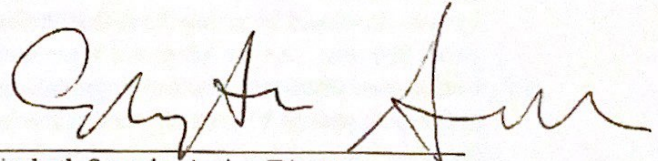
22. **Comment:** Assuming the Township has performed the task listed above (in comment 21) with respect to roads, will we as existing taxpayers be responsible for paying this additional cost for the future businesses and residences not yet committed to Mansfield? (8, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** As indicated by the Township, all future development will be required to pay its share of all public improvements, including roads, water lines, sanitary sewer lines and similar infrastructure. In the case of any future TDR developments, each developer will have to pay the entire cost of providing required infrastructure.

23. **Comment:** What is the Township doing to assist the owner of Liberty Lake Day Camp for any future lost business that results from the proposed commercial development adjacent to the camp? Many Mansfield residents have children attending this camp, and we are very concerned for their safety as a result of unnecessary and additional traffic resulting from the proposed warehouse, as well as additional future contamination that arises due to negligence, poor inspections, and any additional pollution to the lake as a result. (1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28)

**Response:** In accordance with the New Jersey Municipal Land Use Law, the Township will oversee the construction of the site improvements to ensure that said improvements meet the approvals of the Township Planning Board and the standards of the New Jersey Department of Transportation (NJDOT) and the Department.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.



Elizabeth Semple, Acting Director  
Division of Coastal and Land Use Planning  
Department of Environmental Protection

11/20/12

Date