

**New Jersey Highlands Council  
Brownfields Redevelopment  
Technical Advisory Committee  
Meeting Summary  
08 August 2005**

The first meeting of the Brownfields Redevelopment Technical Advisory Committee (TAC) was held on August 8, 2005, in the Highlands Council office in Chester, New Jersey. The TAC meetings are designed to provide specialized technical input to the Highlands Council within a broader program of public outreach efforts, such as “partnership” meetings with local officials and “network” meetings with the general public. Highlands Council staff in attendance was Steve Balzano, Maryjude Haddock-Weiler, Kim Ball Kaiser, and Adam Zellner. Chris Danis, Regional Planner and brownfields coordinator for the Council, served as moderator and point of contact for the Committee. Participating as technical advisors were Charlie Butts, Maria Coler, Sally Dudley, Michael Herson, Fran Hoffman, John McGahren, Michael Novak, Robert Prezant, Steven Ramiza, John J. Schilp, John M. Speer, Albert Telsey, Joseph Torlucci (representing John Jimenez) Max Yocum, and Robert Zelley.

Two principal questions concerning brownfields redevelopment were discussed. The first was how to best pursue the *identification of brownfield sites*:

- **The definition of a brownfield is not uniform.** Municipalities, NJDEP, the USEPA and the State may utilize different criteria to designate a ‘brownfield’. Particularly as related to known or perceived contamination and vacant or underutilized land determination.
- The Highlands Council should employ a cross-cutting definition with certain criteria (drawn from the definitions referred to above) that shall be met in order to obtain brownfield status.
- The State legislation has produced a definition that should be at least consulted, if not used outright.
- Non-traditional brownfields like agricultural sites and abandoned residential areas should not be excluded from the Highlands’ consideration.
- In addition, the Highlands Council should include a **procedure** for identifying individual brownfield sites in the upcoming Regional Master Plan. Recommendations about such a procedure were made:
  1. On-the-ground verification of the conditions outlined in the Highlands’ brownfield definition should be part of the process. Passaic County and the NJ Department of Community Affairs are currently conducting ‘sweeps’ of this nature, and could be consulted.

2. Standardizing this screening process into a procedure that can be followed by any public or privately contracted agency would ensure more uniform site assessments.
  3. Compiling a comprehensive database of all reviewed sites and the observed and documented site conditions should be a priority. Existing lists could be examined and the gaps between them filled.
- **Other considerations** that were considered relevant to a brownfields designation include:
    1. Nature and extent of on-site contamination.
    2. Hydrogeology and soil conditions under a brownfield that influence the impact of on-site contamination, especially with regards to ground and surface waters.
    3. Past uses of a site that may help to reveal unforeseen contamination or other site-specific difficulties.
    4. Include identification of historic sites that may include past use of hazardous materials as part of construction and historic use of pesticides.
    5. Future plans and redevelopment potential. A variety of options for redevelopment should be considered including affordable housing, commercial centers, and restoration to a natural state (for which new legislation has provided additional funding- Senate Bill 277).
    6. A 'blind to the [Highlands Preservation and Planning Area] line' approach with regards to identifying and pursuing redevelopment options on brownfield sites.

The second question pursued was how to *promote brownfields redevelopment*. Three groups- builders, property owners, and municipalities- were specifically targeted:

- **Builders** are dissuaded from engaging in brownfields redevelopment projects by the additional red-tape and time-consuming permitting processes they encounter. It was suggested that the permitting process be streamlined so that approvals may be granted faster with less cost to the developer.
- Liability is a major concern to builders as well. Brownfields often produce unexpected costs associated with site complexities like previously undetected contamination. As much information as possible should be made available before

builders commit to a project. Also, a mechanism for insuring a builder's investment may make brownfields projects less financially dangerous.

- Funding for the aforementioned permitting process, information gathering efforts, and liability protection should be sought out and made more easily accessible to those looking for it.
- Knowledgeable and experienced support staff should be available to work with developers and expedite the funding, permitting, and construction process. Perhaps a dedicated Highlands Council Site Remediation Program team at DEP.
- Interest in brownfield sites would be further increased through TDR incentives that allow builders more density per credit on brownfields.
- **Property owners** are generally unwilling to participate in the identification process because having their land designated a brownfield is a negative advertisement and leaves them at a disadvantage in negotiations to sell it.
- Consequently, they are tentative to spend resources towards identifying possible contamination on their properties.
- Owners of designated brownfield sites need to be provided with information about their options and potential funding sources. In this way, brownfield designation can be cast in a positive light as it becomes associated with opportunities that are not available without it.
- **Municipalities** need to provide a favorable setting- consistent zoning, sufficient infrastructure- in order to foster development interests. Improved ratables from development on underutilized sites can provide incentive in this regard.
- Towns should also be educated about the importance of minimizing groundwater contamination and be reminded of their power, granted by the Kelo decision, to exert eminent domain on a polluting property.

#### Action Items:

- Provide Brownfields redevelopment TAC members with examples of existing brownfield lists and established mechanisms for site identification and classification.
- Identify key databases, reports or other resource materials that may be beneficial for the TAC to consider.
- Identify which issues can most readily be solved during a 6 to 8 month period, primarily using assessments of available data.
- Identify the issues that must be addressed over a longer schedule, and which must be based on newly acquired data.

- Identify which issues will pose the greatest constraints on having a complete and defensible Regional Master Plan by June 2006.
- Identify any other key experts that you feel may be appropriate for the TAC.

The Highlands Council would like to thank everyone who participated in this opening meeting of the Brownfields Redevelopment TAC. We greatly appreciate any follow-up comments and questions about this summary report. Please contact Chris Danis via email: [chris.danis@highlands.state.nj.us](mailto:chris.danis@highlands.state.nj.us). Notice of future meetings will be provided to the public on the Highlands Council website, [www.highlands.state.nj.us](http://www.highlands.state.nj.us), and via email to Committee participants.