

**A PRELIMINARY INVESTIGATION
REGARDING
THE DESIGNATION
OF
A PROPOSED AREA IN NEED OF
REDEVELOPMENT**

KNOWN AS

***THE ROUTE 23
REDEVELOPMENT
AREA***

PREPARED BY:
THE NELSON CONSULTING GROUP
2 VOLCANIC HILL ROAD
WANTAGE, NEW JERSEY
973 875 8685

PREPARED FOR:
THE WANTAGE TOWNSHIP LAND USE BOARD
WANTAGE TOWNSHIP MUNICIPAL BUILDING
ROUTE 23
WANTAGE, NEW JERSEY

APRIL 30 ,2015

TABLE OF CONTENTS

SECTION	PAGE
1.0 INTRODUCTION AND PURPOSE OF REPORT.....	1
2.0 EXISTING CONDITIONS AND ANALYSES.....	8
2.1 General Description and Applicability of Statutory Criteria	
2.2 Block 18 Lot 43 Description and Analysis	
2.3 Block 18 Lot 41 Description and Analysis	
2.4 Block 18 Lot 40 Description and Analysis	
2.5 Block 18.01 Lot 1 Description and Analysis	
3.0 STUDY SUMMARY.....	24
3.1 PLANNING CONSIDERATIONS	
3.2 CONCLUSIONS AND RECOMMENDATIONS	
APPENDICES	
A – ZONING REGULATIONS	
B – ZONING MAP	
MAPS – LOCATED BETWEEN PAGES 8 AND 9	
EXHIBIT 1 MAP OF STUDY AREA AND ENVIRONS	
EXHIBIT 2 AERIAL PHOTO	

The original of this report was signed and sealed in accordance with NJSA 45:14A-12

Kenneth P. Nelson PP License # 1314

1.0 INTRODUCTION AND PURPOSE OF REPORT

The purpose of this report is to analyze a portion of Wantage Township in order to determine if that area can be designated as an “Area In Need of Redevelopment” in accordance with the criteria set forth in NJSA 40A:12A-5 (The Local Redevelopment and Housing Law). Specifically, this preliminary investigation is aimed at designating this area as a Non Condemnation Area, as per the provisions of the applicable statute. The specific area in question is located in the portion of the Township immediately to the south of the boundary, in the vicinity of Route 23, that separates the Township from Sussex Borough. The specific properties, as directed by the Wantage Township Committee, that comprise this area are located in Blocks 18 and 18.01 and are listed as follows, along with the current zoning and size of each:

PROPERTY	SIZE	ZONE
Block 18 Lot 43	5.97 Ac.	LI
Block 18 Lot 41	1.65 Ac	LI
Block 18 Lot 40	10.12 Ac	LI
Block 18.01 Lot 1	<u>1.89 Ac.</u>	LI
Total 19.63 Ac.		

It must be noted, at the beginning of this report, that the Borough of Sussex and the Township of Wantage are cooperating in connection with the possible designation of this proposed redevelopment area, which includes the above referenced properties, in addition to seven lots located in the Sussex Borough identified as follows:

PROPERTY	SIZE	ZONE
Block 104 Lot 1.01	5.73 Ac.	LI&U
Block 105 Lot 1.03	1.47 Ac.	LI&U
Block 106 Lot 1.02	.37 Ac.	LI&U
Block 106 Lot 11	.28 Ac.	R-2
Block 106 Lot 12	.25 Ac.	R-2
Block 106 Lot 13	.44 Ac.	R-2 / LI&U
Block 106 Lot 14	<u>.21 Ac.</u>	LI&U
Total 8.75 Ac.		

However, please note, a separate report is being issued for the Sussex Borough properties and each municipality will conduct separate hearings and make separate decisions regarding the possible designation of this area as “An Area In Need of Redevelopment”. Nevertheless, there will be references throughout this report to the Sussex Borough portion of the area and the reason for those references will become clear as the description of this area is presented in the following pages

As a point of clarification, the portion of the proposed redevelopment area located in Sussex Borough was the subject of a previous, broader analysis in 2013. The purpose of

that analysis, which encompassed a portion of the Borough from the municipal boundary with Wantage, north to a location just to the south of the Sussex Inn, was to determine if that portion of the Borough could be designated as An Area in Need of Rehabilitation. The conclusion of that analysis was that it could and the Borough Council ultimately did so in 2013. An excerpt of interest from that analysis follows:

From page 4 of the March 12, 2013 Route 23 Rehabilitation Area report

The area in question, as already noted, includes 39 properties stretching from the vicinity of Route 23, as it passes by Borough Hall and the Gulf Station to the north, all the way to the southern boundary of the Borough. This is a distance of approximately 2,000 linear feet – or just short of a half mile - and the total amount of land area consists of approximately 34 acres. The acreage calculation is not precise and is based on the aforementioned length of 2000' multiplied by an average width of 750'. The acreage figure includes the ROW for Route 23 and Walling Ave, as well as Brookside Ave, which vary in width from 20' to 50'. So, without the aforementioned rights of way, the acreage calculation drops to approximately 31 acres. The overall study area is depicted on a map identified as Exhibit 1, which is included in Appendix B. This map shows the entire Route 23 Area and its environs. .

Portions of the Route 23 Area, currently, are somewhat isolated and difficult to reach, whereas other portions are very visible and very accessible. Specifically, the portions of Block 102, 103 and 104 that have frontage on Route 23 or the north end of Walling Ave are visible to the travelling public, and are included in this second category. The first category - those properties that are currently somewhat isolated from the rest of the Borough - depend on less travelled roadways for access. However, that situation will change soon with the major road improvement / realignment project being undertaken by the New Jersey Dept. of Transportation, involving Route 23. That project – see Exhibit 2 in Appendix B – will result in existing Route 23, as it currently traverses the Borough from the southern boundary of the community to the vicinity of Route 284 (East Main St), being reconstructed and redesignated as Route 23 North. In other words Route 23 as it currently exists within this area will no longer be a two way roadway and will become one way in a northerly direction only. Parallel to what will be Route 23 North, in the vicinity of what is now Walling Ave and an unimproved road that traverses Block 104 Lot 101, a new roadway will be constructed that will be designated Route 23 South. That roadway will connect with Route 23 in Wantage Township, near the A&P Shopping Center, and from that point south will continue to be a two way, undivided road, as it is now. The same is true with respect to Route 23 north of the study area, which will also continue to be a two way undivided roadway, as it is now currently configured.

So, this Route 23 project is a “game changer” in that a previously isolated portion of the Borough, a part of the Borough that is not fully productive, will become very accessible and very visible. At the same time, that portion of the Route 23 Area that currently fronts on Route 23, will become somewhat less visible and accessible because only northbound traffic will pass by those properties. The Route 23 project, which by the way has been in the planning stages for decades, is partially the reason why the Borough is now actively investigating the designation of the Route 23 Area as An Area In Need of Rehabilitation.

Subsequent to the designation of the area in question as An Area in Need of Rehabilitation, the Sussex Borough Planning Board prepared a Redevelopment Plan for this area and the Sussex Borough Council adopted that plan in 2014. The scope of that plan will be discussed later in this document. Suffice it to say, that it provides a conceptual view of the future of a portion of this area as a mixed use – residential/commercial area - that would be consistent with the historic character of Sussex Borough. However, it must be noted that a portion of that plan contains much more detail than the other parts of that document, with respect to the redevelopment of Block 104 Lot 1.01 – the lot which immediately adjoins Wantage Township on the west side of Route 23 Southbound. That portion of the plan envisions a large scale retail project at that location and the criteria to be followed are provided in substantial detail.

So, subsequent to the planning work conducted by Sussex Borough in connection with the aforementioned rehabilitation area designation and the formulation and the adoption of a redevelopment plan, the next question to be answered was what were the subsequent steps needed that would result in the actual redevelopment of this acreage ?

That’s where Wantage Township entered the picture. Although Block 104 Lot 1.01 in the Borough could be redeveloped by itself, without the Wantage acreage, it became evident that the redevelopment potential would be much greater with the Wantage acreage added to the equation. Discussions ensued between Sussex Borough and Wantage Township officials and the joint decision was made for each municipality to proceed with the necessary steps to designate the respective areas within the two municipalities as An Area In Need of Redevelopment, with the stipulation that it would be a Non Condemnation Redevelopment Area. In addition to the redevelopment potential being enhanced as a result of the two municipalities cooperating, both municipalities agreed that the redevelopment designation, as compared to the rehabilitation designation, already enacted by the Borough, would make the attractiveness of this acreage to developers even greater by being able to offer greater tax abatement possibilities.

Although it was further decided that each municipality would proceed separately in connection with this effort, the two municipalities would act cooperatively, especially in connection with the preparation of a redevelopment plan that would necessarily follow the redevelopment area designation

In undertaking this effort, Wantage Township is fully aware of the need to comprehensively investigate this area. The Township is also aware that recent case law makes it clear that such designations must be fully supportable by the documentation that is compiled in connection with such an effort. This report provides that documentation.

Specifically, in compiling this report, a variety of tasks were undertaken. First each property in the study area was visited and photographed in order to document the appearance and condition of any structures existing on the property. The next step was to review the Township Tax Assessor's property record cards for each lot and make note of relevant information. A return site visit to each property was undertaken to more closely inspect the existing physical conditions. Unless otherwise noted, only exterior conditions were evaluated.

The Township Zoning Officer and Tax Collector, as well as the Construction Code Official were also consulted to determine the extent of any activity under their jurisdictions involving these properties during the last several years. Among the items of interest were code violations, failure to pay property taxes, tax liens, tax sales, foreclosures and the issuance of any zoning or building permits. In addition, information was also consulted regarding any Land Use Board activity involving any of the properties. The compiled information is noted for each property where it is relevant with respect to whether or not the property meets the applicable statutory criteria for An Area In Need of Redevelopment.

So, the end result of an analysis of this type involves determining how the properties that are studied meet or don't meet the criteria established by NJSA 40A: 12A-5. Those criteria are listed as follows:

a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.

c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or community in general.

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C. 52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C. 40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 431 (C. 40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C. 40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C. 40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

An authoritative source on the redevelopment process in New Jersey is a document entitled The Redevelopment Handbook authored by Slachetka and Roberts on behalf of the New Jersey Dept of Community Affairs. In that document, in Section 5, there is a

discussion of the statutory criteria and how to interpret the above referenced statutory language. In terms of guidance the authors begin by indicating that “an area may be in need of redevelopment if:

- The buildings and structures located within it have been allowed to deteriorate to such a degree that they pose a threat to the public health and safety
- It includes vacant commercial and industrial buildings that are abandoned or have become so obsolete that they cannot reasonably be rented or sold”

However, the authors go on to further clarify that the statutory language is broad enough so that even “relatively well maintained properties and structurally sound buildings and viable commercial and residential uses” may qualify if there are various defects related to site design, property size and shape or if other land use related factors have discouraged the private sector from considering these properties for investment or redevelopment purposes. The authors conclude their observations with the following thought:

“In summary, an area in need of redevelopment when private market forces and conditions of ownership have led to abandonment disinvestment or underutilization of properties within an area.....it may be that an area is not being utilized to its full development potential. As a result, the area may not be effectively contributing to the municipality’s economy or its long range community development objectives. Thus, public action is required”

However, it must also be noted that recent case law has somewhat tempered this expansive view of how liberally the redevelopment criteria can be applied but municipalities still retain a great amount of discretion in that regard. A recent New Jersey Supreme Court case (62 – 64 Main St v. Hackensack) has reaffirmed that as long as the conditions, which are described in the Local Redevelopment and Housing Law, are met within a potential redevelopment area, a municipality can still employ the redevelopment area designation in order to facilitate the redevelopment of an area, such as the one that is the subject of this preliminary investigation.

It also needs to be noted that if a property, by itself does not meet any of the statutory criteria, it may still be included in a designated redevelopment area, as noted in NJSA 40A:12A-3 – because of how a “Redevelopment Area” is defined. The last sentence of that definition states the following:

“..... A redevelopment area may include lands, buildings or improvements, which of themselves are not detrimental to the public, health, safety or welfare but the inclusion of which is found necessary, with or without changes in their condition, for the effective redevelopment of the area of which they are a part. “

The following property descriptions and related information pertaining to the study area will determine if all or some of the properties in question can qualify as part of an area that may be designated, by Wantage Township as “An Area in Need of Redevelopment.”

2.0 EXISTING CONDITIONS AND ANALYSES

2.1 GENERAL DESCRIPTION AND APPLICABILITY OF STATUTORY CRITERIA

The area in question, as already noted, is adjacent to Route 23. It consists of approximately 19.63 Acres and four separate lots. One lot is vacant. Three of the lots have one or more buildings located on them and there are three different owners involved with this area. The area is depicted on a map identified as Exhibit 1 and an aerial photograph identified as Exhibit 2. Please note, it will be necessary to refer to these exhibits throughout this report.

The configurations of the lots vary and are generally irregular in shape. The topography is generally level and the properties can be described as being partially developed, except for Block 18 Lot 41 which is vacant. In addition, Block 18 Lot 43, which contains a substantial portion of the study area acreage, has a large unpaved area associated with it, much of which was previously used for truck and trailer parking and storage.

The properties in question are in the LI – Limited Industrial Zone. The requirements for this zone are included in Appendix A and the impact of these requirements on each property are discussed in Section 2.2 to 2.5 of this report

As already noted, Block 18 lot 43 is the primary but not sole focus of this preliminary investigation. This property is associated with a companion parcel immediately adjacent to it in Sussex Borough. Furthermore, the one story concrete block building, constructed in the early 1960's, which is associated with this property is only partially located within Sussex Borough (55%). The remainder of the building (45%) is located in Wantage. The total floor area associated with the entire building is approximately 43,000 sq ft. (Note: there is a discrepancy between the owner's calculations and the Borough tax records) The description of the building included herein will focus on the entire building, as if all of it is located in Wantage Township. In short, no attempt has been made to determine which building components are located within the boundaries of the two respective municipalities. The report done for Sussex Borough uses the same approach with respect to the building description. Specifically, the description of the entire building in that report is presented as if all of it is located within Sussex Borough.

The following descriptions and analyses – Sections 2.2 to 2.5 - provide the necessary information needed to conclude whether or not each specific property, within the study area, can be included as part of An Area in Need of Redevelopment, based on its own merits. In connection with that issue, the specific statutory criteria that apply to each property are noted at the end of each section

2.2 BLOCK 18 LOT 43: DESCRIPTION AND ANALYSIS

As noted previously, this property – see Exhibits 1 & 2 - is the primary but not sole focus of this preliminary investigation. In 2013, its companion parcel in Sussex Borough was included as part of a designated “Area In Need of Rehabilitation”, which was established

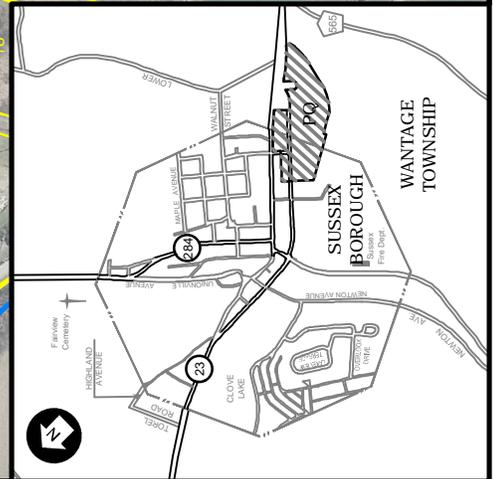
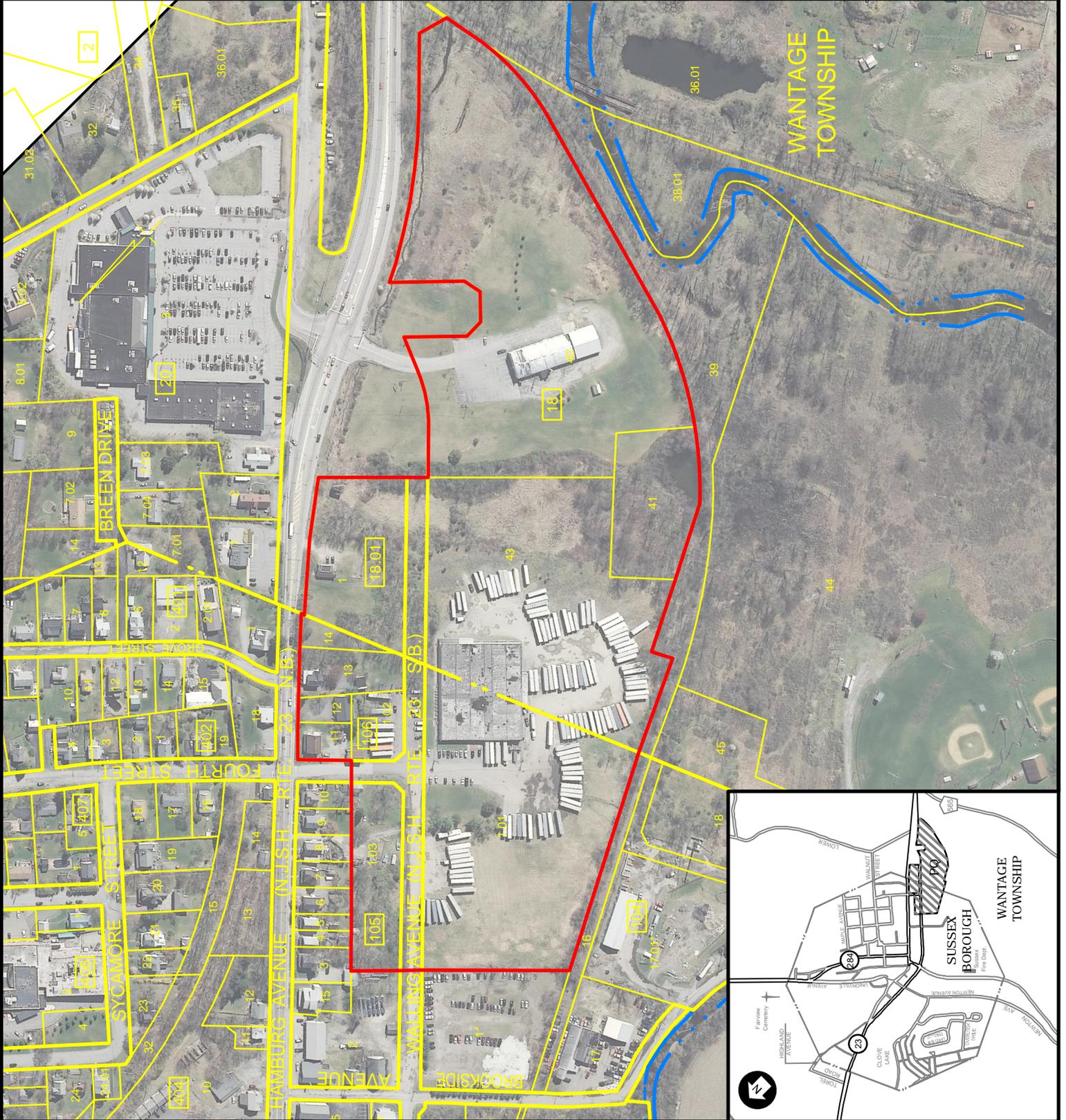
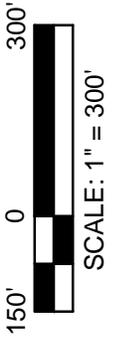
**THE SUSSEX/WANTAGE
ROUTE 23
AREA IN NEED OF
REDEVELOPMENT**

PREPARED BY:

THE NELSON CONSULTING GROUP
2 VOLCANIC HILL ROAD
WANTAGE, NEW JERSEY



HAROLD E. PELLOW & ASSOCIATES, INC.
CONSULTING ENGINEERS
C.O.A. #24GA27959300
AUGUSTA, N.J.



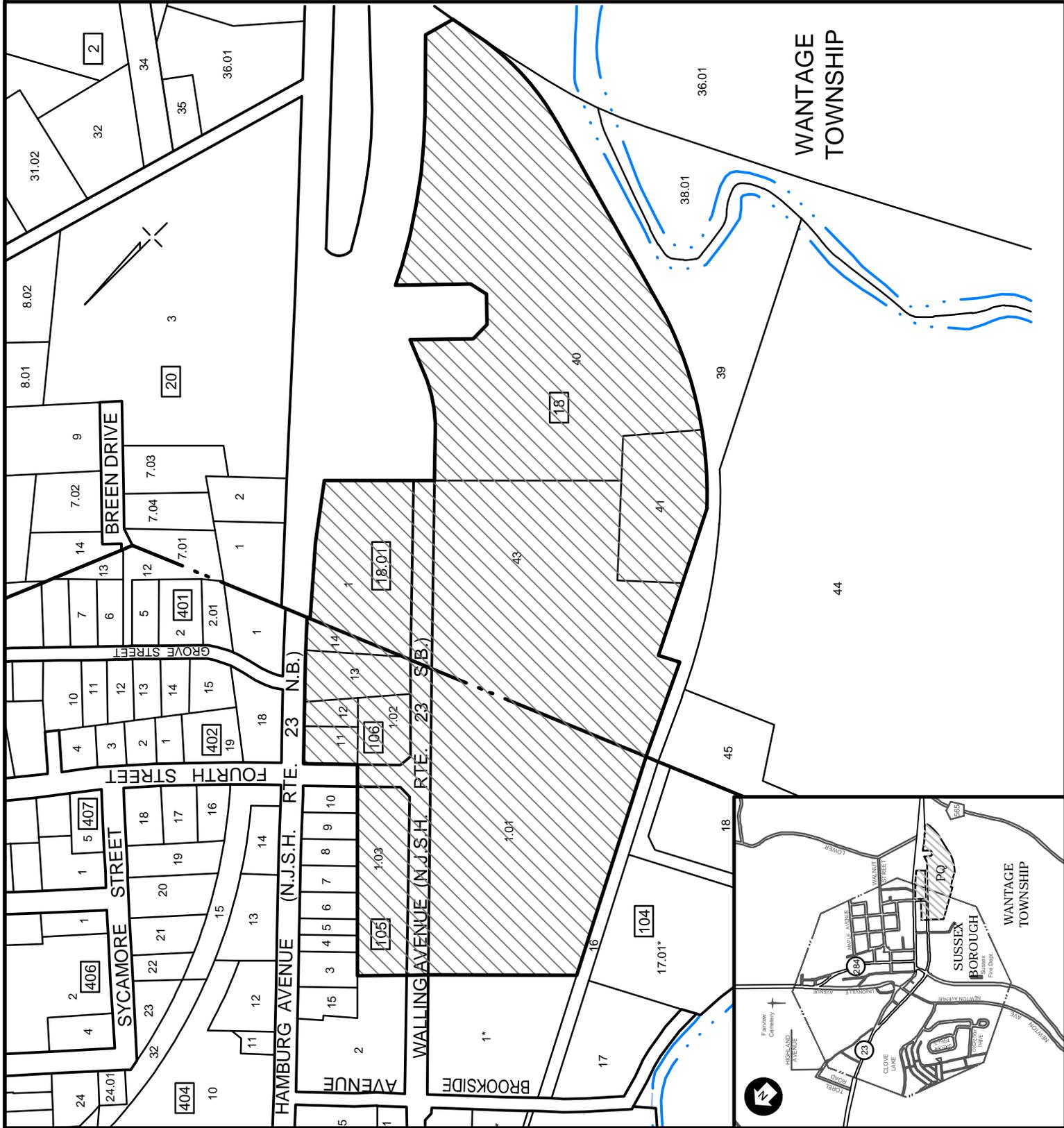
**THE SUSSEX/WANTAGE
ROUTE 23
AREA IN NEED OF
REDEVELOPMENT**

PREPARED BY:

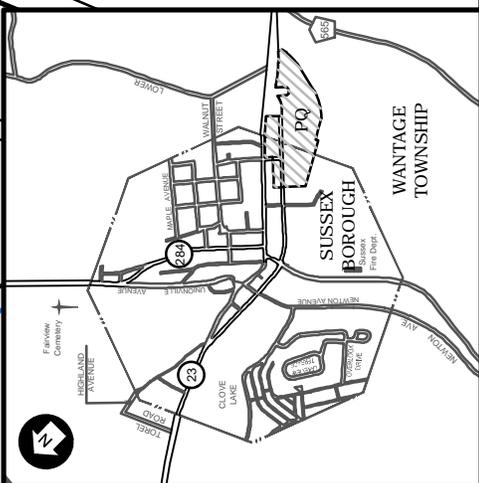
THE NELSON CONSULTING GROUP
2 VOLCANIC HILL ROAD
WANTAGE, NEW JERSEY



HAROLD E. PELLOW & ASSOCIATES, INC.
CONSULTING ENGINEERS
C.O.A. #24GA27959300
AUGUSTA, N.J.



WANTAGE
TOWNSHIP



by the Sussex Borough Council. A brief description of this property contained in the applicable documents from 2013 is worth repeating and is presented as follows:

This property accommodates an industrial type building, which is home to an existing commercial packaging operation. The site is substantially vacant and underutilized. The building itself occupies less than 25% of the site and the remainder of the site is vacant. Portions of this vacant area are used for the storage of large trailers, when they are not in use, but most of the areas used for parking are not paved, which creates an unfavorable impression of the site.

The building is actually located partially in the Borough, with approximately half of the structure located in adjoining Wantage Township. Furthermore, the building appears to be nearing the end of its useful life. Although it is not in a substantially deteriorated condition, its appearance is that of a basic, non-descript, masonry structure very common during the mid 20th century. Its loading areas are substandard when compared with modern industrial and warehouse design. Buildings in other locations of New Jersey of this description and appearance have either been substantially upgraded in recent years or have been demolished and replaced. In addition, the infrastructure serving this site is inadequate, particularly with respect to a stormwater system, which is non-existent

As the linchpin of the southern part of the study area, this site has the potential, because of its size and location, to be the focal point of an area, which could significantly change the role of this part of the Borough. This site constitutes a significant portion of the study area, covering approximately 24% or 8.3 acres.

The Zoning Officer indicates that this property has been the subject of several property maintenance complaints and there are also construction violations associated with the buildings. The violations have not been abated and there may also be a contamination problem on the site, identified by NJDEP, from a past use as a gas station.

However, it must be noted that An Area In Need of Redevelopment uses a different set of criteria than a proposed Rehabilitation Area, therefore the aforementioned description is only useful in providing an overall view of this site and a much more detailed analysis was required in connection with this preliminary investigation

The author of this report, as a result, visited the subject property on several occasions during the early part of 2015. On 2/10/15, a detailed inspection of the interior of the building was conducted in the presence of a representative of the building owner and a number of observations were made and a number of photographs were taken of the interior, which are presented on the following pages:



1



2



3



4



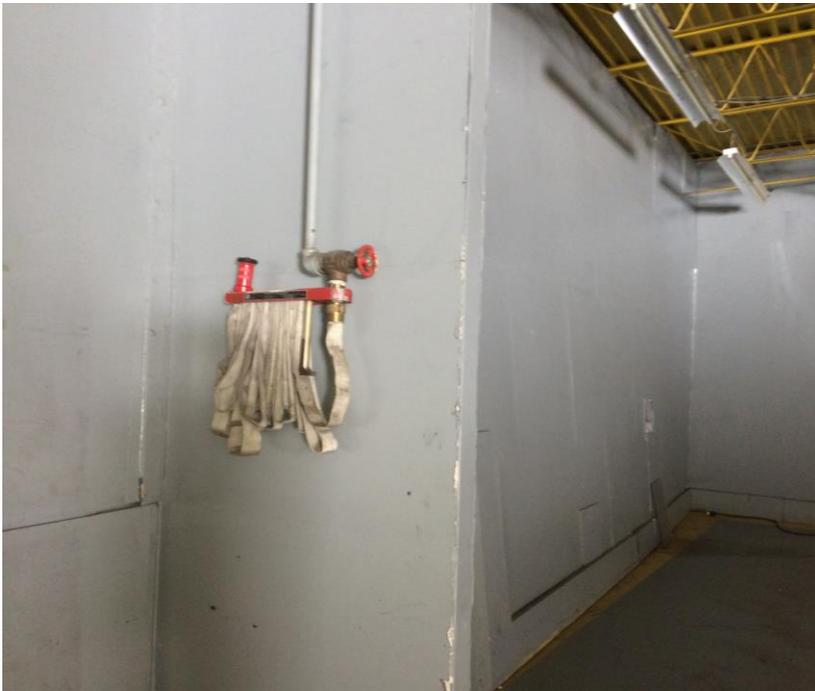
5



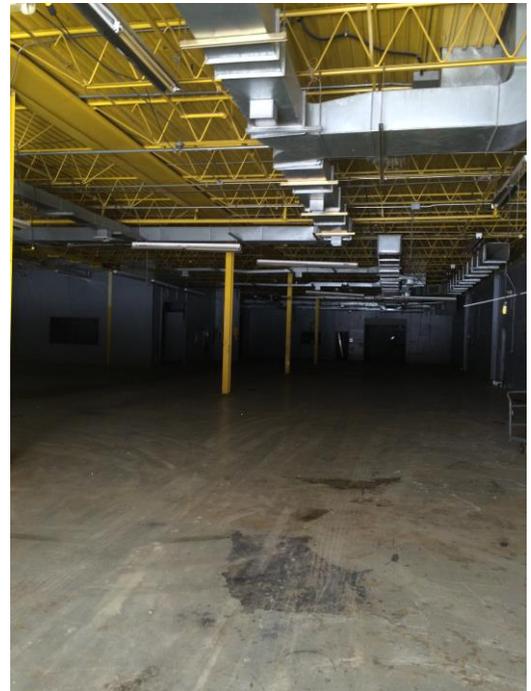
6



7



8



9

The photographs of the interior presented herein depict a building that is substandard and deficient in many respects. Although the building was occupied by an industrial use until early 2014, it could not be reoccupied without substantial improvements in order to bring it up to code, based on discussions that the author had with various Borough and Township officials and the owner's representative. In addition, there are several issues related to the building design and construction, which make its continued use for most industrial related uses problematic.

During the February inspection, the author of this report observed and the previous photographs illustrate the following deficiencies:

- The building has a low ceiling height (approx. 10'), which is not sufficient for 21st century storage / warehouse facilities (photo 9)

- A substandard / antiquated fire suppression system exists that is in need of replacement and upgrading (photo 8)
- The electrical system is substandard based on current code requirements (photo 6)
- There is an antiquated heating system and one which is nearing the end of its useful life. Furthermore it may not be in compliance with OSHA standards (photo 2)
- There is inefficient lighting in the warehouse area, which could create dangerous working conditions (photo 1)
- Deteriorated and damaged facilities exist in the office areas of the building (photo 7)
- The building floor area is divided into a half dozen spaces and there are inadequately sized connections between those spaces. There are also support pillars spaced closely together throughout the building. These conditions would make the operational activities for most industrial operations more inefficient than desirable (photo 1, 3 & 9)
- There is a lack of insulation throughout the building and there is also a presence of asbestos (photo 9)
- There is a general lack of maintenance that is noticeable and needed repairs have not been done. There are indications that the roof is leaking and water damage has occurred, based on plastic sheeting that was observed hanging from the ceiling and a visual inspection of the walls and ceiling conditions at several locations in the building. The type of roof design and materials associated with the roof of this building are prone to settlement thereby leading to water from the roof infiltrating the building from above. The corrugated metal / tar roof would require substantial repair or replacement in order to correct the water damage problems (photos 4 & 5)
- Unsafe and unsanitary conditions exist and there is an indication that some mold conditions may also be present (photos 7 & 9)
- At the time of the inspection several areas contained abandoned machinery and equipment (photo 3)

In summary, the interior of the building is not suitable for re-occupancy until conditions affecting health and safety are corrected if, in fact, it is financially feasible to do so. With respect to other building deficiencies that would affect business operations within the building, for the most part they cannot be corrected because of the building design and method of construction. As an example, in order for any food handling / processing operation to occupy this building in the future, various industry related quality control requirements, pertaining to ventilation, building design and building maintenance would need to be addressed, which would require a substantial reconstruction of the building.

With respect to the exterior of the building and the site surrounding the building, the following photos depict the conditions that existed during a site visit on March 19, 2015



1



2



3



4



5



6

Photos 1 to 6 depict the four façades of the building and the areas immediately adjacent to the building, as seen approximately from the north (photos 1 & 2), west (photos 3 & 4), south (photo 5) and east (photo 6). In addition, photo 6 depicts the location of the building in proximity to the new Route 23 Southbound, as it passes the site. A detailed description of the building exterior will be presented in the following pages

Beyond the building proper, as already noted, there is a substantial amount of acreage associated with Block 18 Lot 43. The following photos depict the nature and condition of that acreage



1



2



3



4

Photos 1 and 2 are looking in a southerly and westerly direction respectively. Photos 3 and 4 are looking in a northwesterly and northerly direction.

As can be seen from the photos on this page and the preceding one, the site and building conditions are in a somewhat deteriorated condition and there is a visible lack of maintenance. Much of the area used in the past for the parking and storage of trailers (and

still used as seen in photo 2) is unpaved and in a deteriorated condition and to a certain extent is unsafe for travel.

The building is also deteriorating in certain locations and several parts of the building facades have been inappropriately altered with additions and alterations, which convey a sense of there having been little interest in the aesthetic features of the structure. But even those exterior sections of the building that have been reasonably maintained (i.e. the north side) are not attractive either and they visibly illustrate the antiquated design and excessive age of the building. It's obvious that not much thought went into the building design originally, because there was not much reason to do so, given the nature of the use of the building and its location. This was of little or no concern when the building was essentially hidden from public view. However, now that Route 23 Southbound passes by just several feet from the building, this is now a negative factor, which does not favor retaining the building as it currently exists.

Another factor involving the site conditions associated with this property is illustrated by the photo below of a sign, which is located on the property



The issues related to the environmental investigation / cleanup advertised by this sign are discussed in detail in a memorandum report by Langan Engineering prepared for the property owner and dated 3/12/15. The findings of that report are adopted by reference and the full report can be found attached to this document. In summary, the report provides an in depth history of the property and its usage and contamination problems associated with it. The report identifies the remedial activities that have been done and are still underway. Suffice it to say, that this property has been and to a certain extent is

still constrained by environmental contamination issues but those issues are correctable and with additional effort should not be a hindrance in terms of the redevelopment of this property.

As noted earlier, this property is in the LI Zone. The LI zoning district allows a variety of uses and the minimum lot size requirement is two acres. The remaining regulations related to this zone are presented in Appendix A and the portion of the Township zoning map that includes these properties is included in Appendix B. Although the LI zone doesn't present any particular impediments to the redevelopment of this property, it is a somewhat antiquated zone and doesn't reflect the greater development potential that this site now has given the Route 23 project that has significantly enhanced access to this lot.

Given the inspections conducted as previously described, as well as additional research that has been undertaken regarding this property and presented herein, it is the opinion of the author of this report that Block 18 Lot 43 qualifies, on its own, to be designated as part of An Area In Need of Redevelopment. The reasons and the specific statutory criteria that form the basis for this opinion are presented as follows:

The criteria contained in The Local Redevelopment and Housing Law (NJSA 40A:12A-5) are specific as to when a property can qualify under the provisions of the statute. Those criteria are listed in Section 1.0 of this report. With respect to the application of those criteria to this property, there are three criteria that apply, thereby qualifying this property to be included in a designated redevelopment area. Specifically, the existing conditions are such that it is clear criteria "a" applies because the building is "*substandard, unsafe, unsanitary and obsolescent*". The building in effect is reaching the end of its useful life and only substantial renovation work could eliminate the substandard conditions that exist, as described herein. Furthermore, the building is substandard and obsolete because (i) electric power to the building is limited; (ii) the truck parking area is not paved; (iii) the fire suppression system and HVAC systems are at the end of their useful lives; (iv) the building is highly energy inefficient; and (v) the pervasive mold infestation presents an unsanitary and unsafe working environment.

In addition, although the building has only been vacant for slightly more than a year, the vacancy occurred in part because it was no longer suitable for a 21st century industrial operation. Consequently, criteria "b" applies, since the building has been "*.....allowed to fall into so great a state of disrepair as to be untenable*". Specific facts pertaining to this criterion include: (i) the roof is at the end of its useful life; (ii) there is visible evidence of pervasive water intrusion; (iii) there is pervasive mold infestation; (iv) the fire and HVAC systems are at the end of their useful lives; and (v) the general condition of the building has deteriorated rapidly since it was vacated. The information provided herein supports that conclusion

Finally, as discussed in some detail herein, this property is unusual from the perspective of jurisdiction. The property and the building are divided between two municipalities. Given this divided jurisdiction, formulating a comprehensive plan for this property, although not impossible, becomes problematic other than through the statutory redevelopment process. Criterion “e”, then, applies to this unique situation in *that “a growing lack of proper utilization of areas caused by title, diverse ownershipor other similar conditions.....”* is a contributing factor as to why this property will remain fallow unless it is part of a designated redevelopment area. It must be acknowledged, however, that the NJ Supreme Court’s Gallenthin decision calls into question the general use of criterion “e” to support the conclusion that a property qualifies to be part of a designated redevelopment area. Nevertheless, because this specific situation is so unusual, it is the opinion of the author of this report that criterion “e” is applicable and defensible here.

In summary, Block 18 Lot 43 qualifies to be included in a designated redevelopment area because it is consistent with the provisions of NJSA 40A: 12A-5, specifically criteria a, b and e.

2.3 BLOCK 18 LOT 41 DESCRIPTION AND ANALYSIS

This site consists of approximately 1.65 acres and it is more or less rectangular in shape. It is located immediately to the west of a portion of Block 18 Lot 43.

This property appears to be landlocked, since it does not have frontage on any dedicated public or private roadway. It does, however, have frontage on what previously had been a railroad ROW. Exhibits 1 and 2 depict the location of the property. This site is owned by Sussex Borough and it is not clear how or when the Borough acquired it.

The property is relatively level and appears to contain some wetland areas and a small pond. It was difficult to access this site from the ground or determine its exact boundaries. Therefore, there are no ground level photos of it. However, the aerial photo contained herein - Exhibit 2 - does indicate that most of the site is heavily wooded and the aforementioned pond is located toward the southwest corner of the site. Finally, this property is in the LI zone and the same comments contained in the analysis for Block 18 Lot 43 apply to this property as well, except for the constraint that this site is undersized for the zone.

In summary, it is the opinion of the author of this report that criterion “c.” applies to this property, although admittedly it is a somewhat unusual situation since the property is owned by a municipality but it is not within the boundaries of the municipality that is the owner. Criterion “c” reads as follows: *“Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil,*

is not likely to be developed through the instrumentality of private capital Lot 41 meets the criterion because it has been substantially underutilized for many decades and it appears to have no means of legal access to it. It is also doubtful that it can be developed, except in conjunction with the remainder of the redevelopment area. In fact, the primary value of this property may prove to be in connection with the wetland buffer averaging process that will undoubtedly be associated with the redevelopment of this area. Finally, criterion “e” can also be applied here, as well, for some of the same reasons as described in connection with Block 18 Lot 43

2.4 BLOCK 18 LOT 40 DESCRIPTION AND ANALYSIS

This property consists of approximately 10.12 Acres and it is oddly shaped, with several unusual angles. A portion of this property was acquired by NJDOT in connection with the Route 23 widening project, which accounts for some of its odd shape. A former railroad ROW, which borders the site accounts for its curvilinear shape along its southwest border. This site is located immediately to the southeast of Lots 41 and 43.

The property has almost direct access to the intersection of Route 23 Northbound and Route 23 Southbound. However, direct access to the site from Route 23 Northbound is less direct than access from Route 23 Southbound.. Exhibits 1 & 2 depict the location of the property.

The property has a varied terrain but is relatively level in connection with the developed portions of the site. Much of the property can be described as an open field, with some wooded portions along the perimeter. Some wetlands may also exist on the property around portions of the site perimeter but the extent of those wetlands has not been confirmed.

A 12,212 sq ft one story, concrete block / masonry structure - approximately 60'x 200'-exists on the property. Its design can be described as very basic and simple. In the past, the structure was as an automobile salesroom, with an adjoining maintenance and repair facility. It essentially plays the same role today, operating under the name Sussex Motorsports. However, its role is in relationship to motorcycles and similar vehicles, rather than automobiles. Surrounding the building is a paved and gravel area that is used for parking and also for the occasional display of merchandise for sale. The building is in reasonably good condition for a structure that appears to have been built in the middle part of the 20th century. Photos of the building and the site follow on the next tow pages

This property is in the LI Zone. The LI zoning district allows a variety of uses and the minimum lot size requirement is two acres. The remaining regulations related to this zone are presented in Appendix A and the portion of the Township zoning map that includes this is included in Appendix B. Although the LI zone doesn't present any particular impediments to the redevelopment of this property, it is a somewhat antiquated zone and doesn't reflect the greater development potential that this lot and adjoining lots now have.



THE FRONT AND NORTH SIDE OF THE SUSSEX MOTORSPORTS BUILDING



THE ENTIRE NORTH SIDE OF THE SUSSEX MOTOTRSPORTS BUILDING



LOOKING TOWARD THE SOUTH



LOOKING TOWARD THE EAST AND ROUTE 23

The site is substantially underutilized and the building is setback from Route 23 an unusually long distance – nearly 200’ or more. Furthermore, although the site is large and in close proximity to Route 23, it has limited access to that roadway, as already noted. In addition, several factors related to the building on the site - constructed with obsolescent materials; a narrow, rectangular shape and how it is positioned on the site - makes its expansion and / or renovation problematic, based on current building and site design standards.

The Tax Assessor indicates the total value of the property is \$ 830,500, with the building accounting for approximately 46% of the total value, as of 2014, which is one indicator that the property is substantially underutilized, given the land to building ratio.

In summary, it is the opinion of the author of this report that criterion “d.” applies to this property, although admittedly it is difficult to reach that conclusion with an operating business located on the site. Criterion “d” reads as follows: *“Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”*

The basis for this opinion is focused on the words obsolescence, faulty arrangement or design and obsolete layout. This is a site that, given its location, one would expect to have been redeveloped and utilized to its maximum capacity years ago. That hasn’t happened and it is not clear why. The impediments may relate to its unusual configuration and other factors related to the placement of the existing building on the site and other site constraints. Now that the Route 23 project has added other access constraints to the mix, the redevelopment of this site, on its own, may be further delayed.

However, if it is determined that criterion “d” doesn’t fully apply, it is the opinion of the author of this report that the site can still be included as part of the redevelopment area using the provision of the Local Redevelopment and Housing Law which states:

“..... A redevelopment area may include lands, buildings or improvements, which of themselves are not detrimental to the public, health, safety or welfare but the inclusion of which is found necessary, with or without changes in their condition, for the effective redevelopment of the area of which they are a part. “

Granted it is somewhat unusual to use this provision when the property in question constitutes about 50% of the proposed redevelopment area. However, this site adjoins Lot 43, which will be part of any redevelopment plan for this area. The coordination of what will happen on Lots 43 and 40 is essential for the proposed redevelopment area to be fully successful. Furthermore, given the access issues associated with Lot 40, it is contemplated that any redevelopment plan for this area will provide for some connectivity between the two lots. So, for these and other reasons as stated herein, it is recommended that this site be included as part of the Route 23 Redevelopment Area

2.5 BLOCK 18.01 LOT 1 DESCRIPTION AND ANALYSIS

This property consists of approximately 1.89 Acres and is generally rectangular in shape. It is located immediately to the east of Block 18 Lot 43 and was at one time part of that lot. It has frontage on both Route 23 Northbound and Route 23 Southbound and is separated from Lot 43 by Route 23 Southbound. Exhibits 1 and 2 depict the location of the property.

The property accommodates a one and a half story, single family, Cape Cod style residential structure, with a garage underneath, and the remnants of one or more accessory structures. The residence consists of 1,335 sq ft. It was difficult to determine the exact age of the structure but it appears to be of mid 20th century vintage. However, based on an exterior inspection of the structure, there is some evidence that the existing residence may have been an expansion of an earlier structure that occupied the site. The structure is in fair condition but there is evidence of some detrioraion and neglect, particularly with respect to siding and roof issues.– see photos that follow



LOOKING NORTHWEST FROM ROUTE 23 NORTHBOUND



LOOKING SOUTHWEST FROM ROUTE 23 NORTHBOUND

The property also accommodates a billboard – see photo below. The billboard appears to be in good condition and is actively utilized. In the vicinity of the billboard and to the west of the residence, a small wetland area is evident, which imposes constraints on the future development potential of the site, as well as accessibility. Access to the site is primarily from Route 23 Northbound. Although the site fronts on both Route 23 Northbound and Southbound, it is doubtful that NJDOT will allow any access to this site from Route 23 Southbound and any expanded access from Route 23 Northbound may be problematic as well.



LOOKING SOUTH FROM ROUTE 23 NORTHBOUND TOWARD BILLBOARD

The Tax Assessor indicates the total value of the property is \$ 172,700, with the land being valued at only \$ 75,000, as of 2014, which is one indicator that although the site is located between two segments of a state highway, its value has been diminished by accessibility and site constraint issues. In addition, the Tax Assessor has valued the billboard at \$ 3,500.

The site is located in the Limited Industrial Zone. This zone allows a variety of uses and has a minimum lot size requirement of two acres. The detailed requirements for this zone can be found in Appendix A. Residential uses are not permitted in this zone and the continued use of this property for residential purposes as currently exists, however, is questionable and not recommended. If this property is going to be redeveloped, there is the strong possibility that it will have to be done in coordination with some of the properties that are part of the proposed redevelopment area in Sussex Borough

Given all of the above information, it is the opinion of the author of this report that this property qualifies to be included in the redevelopment area because according to criterion 'd' it complies as a result *"..... of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community"*.

However, if it is determined that criterion "d" does not apply, it can be included in the redevelopment area, based on its importance to the preparation of a comprehensive redevelopment plan for this area, especially with respect to Lot 1.02, as authorized by the provisions of NJSA: 40A: 12-3.

In summary, an argument could be made that this property meets criterion "d". However, given that it is relatively new construction and was recently approved by the municipality, it is difficult to do so. Nevertheless, it can be included as of the redevelopment area because of the provision in NJSA 40A;12A-3, which states:

"..... A redevelopment area may include lands, buildings or improvements, which of themselves are not detrimental to the public, health, safety or welfare but the inclusion of which is found necessary, with or without changes in their condition, for the effective redevelopment of the area of which they are a part. "

Given the fact that this lot is somewhat isolated on the edge of the proposed redevelopment area indicates that its future redevelopment potential lies with its inclusion as part of a comprehensive redevelopment plan that includes additional properties to the north. Its importance, as a "gateway" property, which all travelers see as they proceed into Sussex Borough, is a consideration that should be included in any future redevelopment plan.

3.0 STUDY SUMMARY

3.1 PLANNING CONSIDERATIONS

This proposed redevelopment area includes the remnants of an obsolete industrial operation, a few residential property, now impacted by the dualization of Route 23, a vacant parcel and an underutilized property, which contains an operating business. In 2009 and again in 2013, Sussex Borough made an attempt to visualize the future of Block 104 Lot 1.01 and several nearby properties in the Borough. In fact, the Route 23 Redevelopment Plan, adopted by the Borough goes into some specific detail about the possibility of some type of major retail complex in this area. It also, with less specificity, speculated about residential and mixed commercial / residential development in this general area as well,

Now that Wantage Township is cooperating with the Borough to add additional properties to the mix, there is even more development potential to contemplate. But before a redevelopment plan can be devised for this area, which consists of nearly nine acres in the Borough and nearly twenty acres in the Township, both the Borough and the Township must move ahead, via public hearings, in order to determine what comments, support or concerns any interested parties may have regarding the designation of this area as An Area In Need of Redevelopment. And this “Preliminary Investigation” was authorized in order to determine the feasibility of doing so and provides the basis for the discussion that needs to occur about creating a designated redevelopment area in accordance with NJSA 40A:12A et seq. Once the area has been designated by both municipalities, then a joint redevelopment plan can be devised, which will ultimately lead to the comprehensive revitalization of these adjoining parts of the Borough and Township

Finally, it must be noted that the properties in Wantage Township are not currently located within a designated sewer service area. Concurrent with the redevelopment area designation, the Township should pursue the inclusion of these properties in a sewer service area in order to fully enhance their redevelopment potential in connection with any proposed redevelopment plan.

3.2 CONCLUSIONS AND RECOMMENDATIONS

Clearly, all but one – possibly two - properties associated with this area qualify on their own to be included in a designated redevelopment area, based on the documented conditions that exist at these locations and the applicability of the criteria established by NJSA 40A: 12A-5. And any property that doesn’t qualify can be included, because of its integral relationship to the other lots. So, the recommendation of this “Preliminary Investigation” is for the Township Land Use Board to conduct a public hearing, as required by statute ; evaluate the input from the public and assuming that there is no evidence presented at the hearing that contradicts the contents of this report, to then proceed with a favorable recommendation to the Township Committee, which will lead to the designation of this area as “An Area In Need of Redevelopment” This concludes the report for the proposed Route 23 Redevelopment Area and the recommendation that it be favorably considered for designation as “An Area In Need of Redevelopment”

APPENDIX A
TOWNSHIP ZONING REGULATIONS

13-11 SCHEDULE OF STANDARDS LI LIMITED INDUSTRIAL DISTRICT.

13-11.1 Permitted Uses.

- a. Executive and/or administrative offices of business, research, industrial and manufacturing uses.
- b. Executive and/or administrative offices of banking, professional and governmental uses.
- c. Research laboratories provided that no operation shall be conducted, or equipment used, which would create hazardous, noxious or offensive conditions beyond the boundary of the property involved.
- d. General aviation.
- e. Industrial plants of a type which create no hazardous, noxious or offensive conditions beyond the boundary of the property involved, and carry on processes within completely enclosed buildings, including:
 1. The manufacturing, assembly, extruding and/or treating of articles or merchandise from previously prepared materials, such as: canvas, cloth, cork, fur, wood, glass, leather, paper, plastic, rubber, metal, stone, shell and wax.
 2. The manufacturing and/or assembly of toys, novelties, rubber molded products, rubber or metal stamps and other molded products.
 3. The manufacturing and/or assembly of electrical appliances, electrical instruments and component parts, radios, televisions and phonographs.
- f. Indoor commercial recreation (skating rink, tennis, health facilities).
- g. Wholesale distribution, including warehousing or storage of goods.
- h. Accessory retail uses.
- i. More than one professional use may be located in one building.
- j. Agricultural uses.

- k. Public uses.
- l. Uses permitted in the HC zone district.
- m. Agriculture, as set forth in [subsection 13-5.1b](#).

13-11.2 Accessory Uses.

Incidental pilot plants wholly within the confines of the principal structure, accessory to research laboratories, not to exceed ten percent of the floor area of the principal structure.

13-11.3 Prohibited Uses.

Any use not specifically permitted is prohibited.

13-11.4 Area and Yard Requirements.

Every lot in this district shall meet the following standards.

- a. Minimum lot area - 2 acres.
- b. Minimum lot width at street line - 250 feet.
- c. Minimum front yard from the street line - 100 feet.
- d. Minimum side yard from the lot line - 50 feet each.
- e. Minimum rear yard from the lot line - 50 feet.
- f. Maximum building coverage - 20 percent of total lot area.
- g. Minimum floor area - 2,500 square feet.

13-11.5 Building Height.

No building or structure in the LI district shall exceed 35 feet in height except as provided in [subsection 13-13.16](#).

13-11.6 Required Parking Ratios for the LI Zone.

- a. One space per each 200 square feet of gross floor area for office use or accessory retail use.
- b. One space per 400 square feet of gross floor area constructed in accordance with subsection 16-5.9 and this code.

c. In warehousing and industrial uses where application of the foregoing requirement would be impracticable, the land use board may permit a reduction in the amount of parking area actually constructed but shall require at least one parking space per employee assigned to the site and one parking space for each vehicle owned and operated by the site. A reserve area shall be provided for the balance of the required parking. Site grading, drainage and landscape to be shown on the site plan for the reserve area.

d. There shall be provided sufficient off-street parking to accommodate the maximum demand without use of on-street curbside spaces, driveways, lawn area or other areas not designated and constructed as off-street parking spaces.

13-11.7 Offstreet Loading Zone Requirements.

See [section 13-19](#).

13-11.8 Conditional Uses.

The following use may be permitted as a conditional use, subject to the conditions and procedures set forth in section 13-24.

- a. Farm manager residence and seasonal employees' residence.
- b. Major solar energy systems.

APPENDIX B

PORTION OF TOWNSHIP ZONING MAP

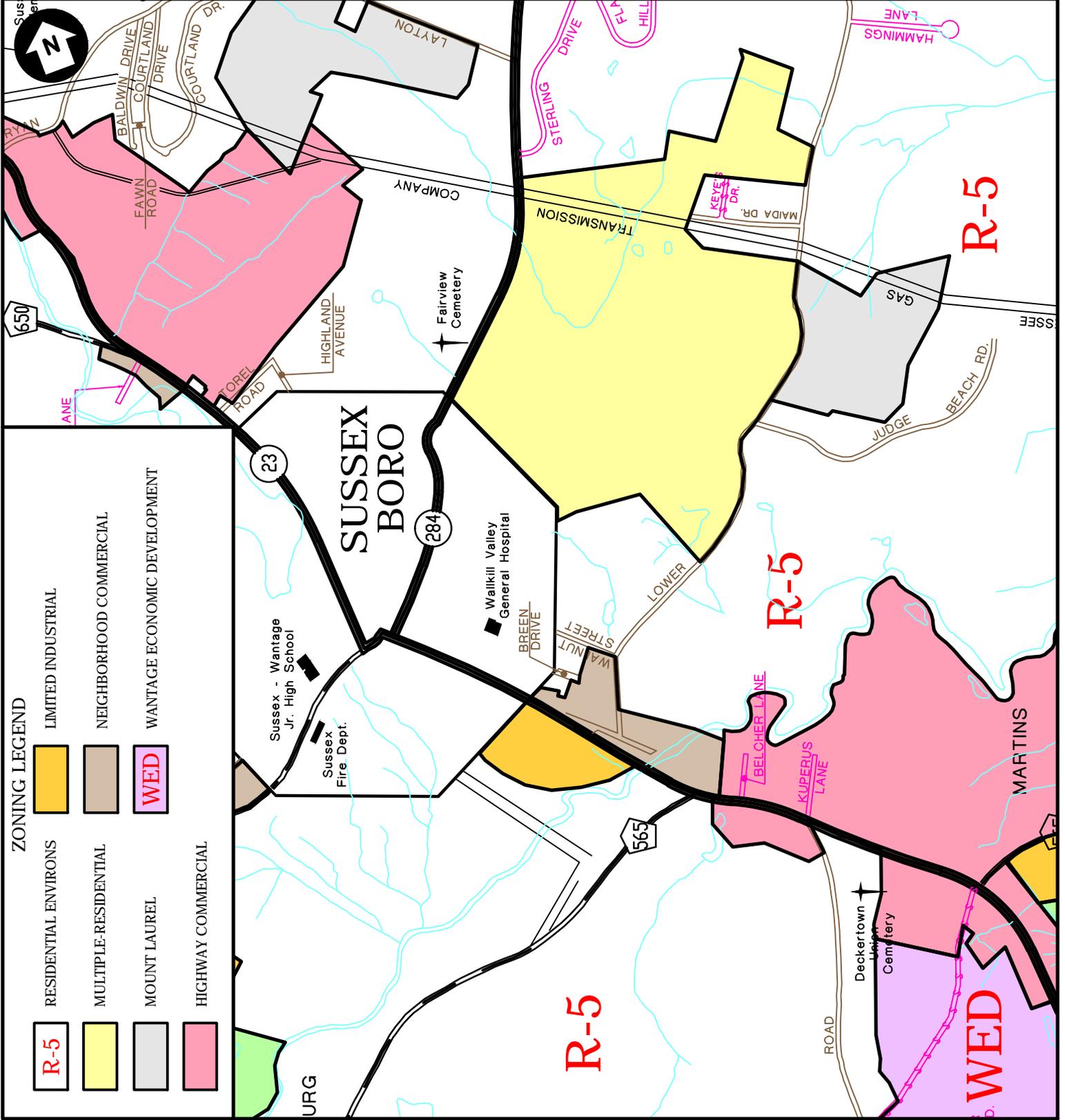
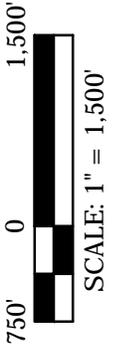
**THE SUSSEX/WANTAGE
ROUTE 23
AREA IN NEED OF
REDEVELOPMENT**

PREPARED BY:

THE NELSON CONSULTING GROUP
2 VOLCANIC HILL ROAD
WANTAGE, NEW JERSEY



HAROLD E. PELLOW & ASSOCIATES, INC.
CONSULTING ENGINEERS
C.O.A. #24GA27959300
AUGUSTA, N.J.



ZONING LEGEND

	RESIDENTIAL ENVIRONS		LIMITED INDUSTRIAL
	MULTIPLE-RESIDENTIAL		NEIGHBORHOOD COMMERCIAL
	MOUNT LAUREL		WANTAGE ECONOMIC DEVELOPMENT
	HIGHWAY COMMERCIAL		WANTAGE ECONOMIC DEVELOPMENT

To: Paul J. Wiebel, RBND, LLC

FROM: Dennis Webster, Langan

CC: Jason Engelhardt, Langan, and Sean M. Damon, Langan

DATE: March 12, 2015

Re: Environmental Summary
1 Wiebel Plaza
Sussex, New Jersey
Langan Project No.: 240031501

Langan Engineering and Environmental Services (Langan) has prepared this memorandum for RBND, LLC to document remedial investigation (RI) activities completed to-date and additional efforts to be conducted for the RBND, LLC property located at 1 Wiebel Plaza, Sussex Borough and Wantage Township, Sussex County, Pennsylvania (the "Site") under New Jersey's Site Remediation Program (SRP). A summary of the Site conditions and history, as well as the RI activities and proposed next steps are provided below.

General Site Description and History

The Site occupies approximately 16 acres and is located in a mixed residential and commercial section in Sussex Borough and Wantage Township, New Jersey. Access to the Site is provided along New Jersey Route 23 via a paved access road (Wiebel Plaza) entering from the northeast of the Site.

The southeastern portion of the Site is occupied by a 42,000 square foot one-story building that was constructed in 1961. The building was formerly used by Econo-Pak for food packaging operations until February 2014, when the building was vacated. The northwestern portion of the building consists of office space area, while the remainder of the building was used for warehouse storage, shipping/receiving, and food packaging. The building foundation consists of poured concrete slab-on-grade with sealed joints and the building walls are made of concrete block.

Wiebel Plaza and paved parking areas are located to the north-northwest of the building. Located immediately to the west, south, and east of the building is a gravel parking lot that was used for tractor trailer parking and a truck turnaround area. The northwestern portion of the Site predominately consists of a grass meadow, with a few trees, shrubs, and additional gravel parking areas. A residential dwelling, grass, and gravel covered areas are located along the northern and northeastern portion of the Site. Extending from northwest to southeast through the northeastern portion of the Site is the newly constructed New Jersey Route 23 highway. A wetland area and stormwater drainage channel is located in the southeast portion of the Site. Clove Brook is located about 500 feet west of the Site and Papakating Creek is located about 1,000 feet south of the Site. The Site is flat to gently sloping to the west and southeast. The

Technical Memorandum

Environmental Summary
1 Wiebel Plaza
Sussex, New Jersey
Langan Project No.: 240031501
March 12, 2015
Page 2 of 5

average elevation of the Site is approximately 408 feet above mean sea level (ft amsl). Grades are highest along the northeastern portion of the Site and gently slope towards the southwest.

Based upon groundwater elevation data collected at the Site, overburden groundwater generally flows to the west and bedrock groundwater generally flows to the northeast along bedrock strike, which runs northeast to southwest. There is a downward gradient from overburden to bedrock groundwater. The overburden varies in thickness from 0 to 25 feet and generally consists of a thin layer of surficial material or fill underlain by natural silty, sandy and clayey glacial deposits over shale bedrock. Exposed shale bedrock outcrops are located in the eastern portion of the Site. The bedrock mainly consists of weathered shale of the Martinsburg Formation and is located in the Ridge and Valley Physiographic Province of New Jersey.

The Site has a varied history of operations dating back to the initial construction of the building in 1961. The general Site uses over the past 50 plus years are summarized below:

- 1960's – Estes Corporation constructed building in 1961 and Community Products Corporation (hair curler manufacturer) was the building tenant.
- 1970's – Isothermics and Marubeni America Corporation (chimney heat re-claimers and scrubbers) were the building tenant.
- 1980's – Wiebel Associates purchase and utilize the Site for manufacturing and assembling point of purchase displays.
- From the 1990's up until February 2014, the Site operated as a point of packaging facility for a wide variety of foods.
- In February 2014, all operations on-Site ceased and building was vacated.
- The Site has been vacant from February 2014 to the present.
- The Site is currently owned by RBND, LLC of 19 Park Drive, Franklin, New Jersey 07416.

Summary of Environmental Investigation Activities

In 1986, the Site was issued a New Jersey Department of Environmental Protection (NJDEP) Environmental Cleanup Responsibility Act (ECRA) Case No. 86119 for impacted soil and groundwater. Three environmental consultants (The Earth Technology Corporation, Enviro-Sciences, Inc., and Cotilla Associates) completed various phases of environmental investigations at the Site between 1980's and 1993 under ECRA. The environmental investigation activities identified several Areas of Concern (AOCs) at the Site. During this time period several soil and groundwater investigations were completed at the Site. Petroleum hydrocarbon impacted soils were identified and in 1992 were reportedly excavated, stockpiled on-Site, and then ultimately re-used as fill material in the rear yard of the Site. Groundwater investigations identified low levels of chlorinated volatile organic compounds (CVOCs) in overburden groundwater. On February 25, 1993, the NJDEP issued a No Further Action (NFA)

Technical Memorandum

Environmental Summary
1 Wiebel Plaza
Sussex, New Jersey
Langan Project No.: 240031501
March 12, 2015
Page 3 of 5

designation for ECRA Case No. 86119, even though there were potential CVOCs impacts in groundwater and petroleum hydrocarbon impacted soils at the Site.

Between 2010 and 2012, Eikon Planning and Design, LLC (Eikon) conducted an environmental assessment at the Site. Eikon documented the results and conclusions of their environmental site assessment activities in Environmental Summary Letter Reports dated March 27, 2012 and August 22, 2012. Results and conclusions from Eikon's environmental site assessments identified several AOCs that required further investigation. Eikon recommended that the Site be entered in the NJDEP SRP to properly address the AOCs.

Langan completed a Phase II Environmental Site Investigation (ESI) of the Site in September 2012 and a Limited Soil and Groundwater Investigation in April 2013. Areas investigated as part of the Phase II ESI were based on the results of Eikon's March 27, 2012 and August 22, 2012 Environmental Summary Letter Reports. The results of the investigations identified soil and groundwater contaminants above their respective NJDEP soil and groundwater remediation standards. Specifically, soil impacts included concentrations of trichloroethene (TCE) and several metals (aluminum, beryllium, manganese, nickel, mercury, and lead) which exceeded one or more of the NJDEP Soil Remediation Standards (SRSs). The overburden groundwater impacts consisted of select CVOCs including TCE, tetrachloroethene (PCE), vinyl chloride, and several metals (aluminum, manganese, lead, iron, sodium, and arsenic) which were detected above their respective NJDEP Groundwater Quality Standards (GWQSs).

Based on the results of 2012 Limited Phase II ESI, the Site was entered into the NJDEP SRP by RBND. Below is a summary of the NJDEP SRP submittals and RI activities completed to date.

Between 2013 and 2015, Langan completed the following RI activities and NJDEP SRP submittals:

- Submitted a Release Notification Form to the NJDEP in October 2013. The NJDEP issued the Site a Case Tracking No. 140833 and a SRP-PI No. 622638.
- Submitted Licensed Site Remediation Professional (LSRP) Retention Form to the NJDEP in November 2013. On November 8, 2013, the NJDEP issued a letter to RBND confirming that Sean M. Damon (LSRP License No. 577038) has been retained as the Sites LSRP.
- RBND submitted the required SRP annual remediation reporting forms and fees to NJDEP in 2013 and 2014.
- Langan completed a detailed historical data review and identified ten AOCs. The approximate location of the AOCs are depicted on Figure 1 attached to this memorandum and a summary of the AOCs is provided below:
 - AOC-1 - Non-Operation Areas;
 - AOC-2 - Former Drum Storage Area No.1;
 - AOC-3 - Former Drum Storage Area No. 2 and Historic Excavation Area;

Technical Memorandum

- AOC-4 – Former Septic Tank and Dry Well;
 - AOC-5 – Former 10,000-gallon Heating Oil Above Ground Storage Tank;
 - AOC-6 – Former 1,000-gallon Fuel Oil Underground Storage Tank (UST);
 - AOC-7 – Former Drum Storage Area No. 3;
 - AOC-8 – Former Pit Location;
 - AOC-9 – Interior Floor Drains; and
 - AOC-10 – Former 550-gallon Heating Oil UST.
- Langan identified that overburden and bedrock groundwater at the Site is impacted with low levels of CVOCs which were detected above their respective GWQs. Figure 2 attached to this memorandum depict the monitoring well locations and the groundwater analytical results that have been detected above their respective GWQs.
 - Langan conducted a passive soil gas screening survey of the Site. Results of the soil screening survey identified several areas of the Site which required further soil and groundwater investigation.
 - In January 2014, Langan on behalf of RBND completed the required NJDEP SRP public notification activities which included posting the required NJDEP SRP public notification sign at the Site.
 - Conducted a vapor intrusion (VI) investigation of the Site building. The VI investigation indicated the VI pathway is incomplete, and vapor intrusion into the building is not of concern. Langan submitted all NJDEP required VI forms and reports documenting the VI investigation activities and results to the NJDEP and Sussex County Health Department.
 - Completed natural and background evaluations for select metal compounds in soil and groundwater at the Site.
 - Performed an initial receptor evaluation.
 - Completed additional phases of soil investigation to further characterize and delineate identified soil impacts at the Site.
 - Conducted spatially weighted averaging attainment approach and impact to groundwater evaluation (SESOIL/AT123D modeling) for soil at the Site.
 - Based on the soil investigation activities completed to date, impacted soil at the Site AOCs has been characterized and delineated to NJDEP SRSs. Figure 3 attached to this memorandum depict the soil boring locations and the soil analytical results that have been detected above their respective SRSs.
 - Installed nine overburden and seven bedrock monitoring wells to delineate CVOCs in groundwater at the Site.
 - Completed five Site-wide groundwater sampling events. Groundwater sampling events completed to date have indicated that CVOCs in groundwater are either stable or have decreasing trends.

Technical Memorandum

Environmental Summary
1 Wiebel Plaza
Sussex, New Jersey
Langan Project No.: 240031501
March 12, 2015
Page 5 of 5

- Removed one 550-gallon heating oil UST and collected confirmatory soil samples. Confirmatory soil sample analytical results were all below their respective NJDEP SRSs.
- Properly characterized and removed all investigative derived waste consisting of drill cuttings (soil), purged groundwater, and UST fuel oil sludge/water.
- Submitted Discharge to Groundwater (DGW) Permit by Rule application to the NJDEP on December 29, 2014 and an addendum to the DGW on February 6, 2015 in order to perform a fluorescent dye-tracer test. The NJDEP approved the DGW Permit Application on February 13, 2015.

In the future, Langan will complete the following RI and reporting activities in accordance with the NJDEP SRP.

- Approximately 125 cubic yards of impacted soil along the southeastern side of the Site building will be excavated and properly removed and disposed off-Site. The soil in this area of the Site is impacted with low levels of TCE, beryllium, and nickel which were detected above their respective NJDEP SRSs.
- Three additional site-wide groundwater sampling events will be completed to complement the five previous groundwater sampling events. The purpose of the groundwater sampling events is to support the establishment of a Classification Exception Area (CEA) and ultimately to obtain a limited restricted use Response Action Outcome (RAO) for Site groundwater.
- A fluorescent dye-tracer test will be completed in overburden and bedrock monitoring well networks to evaluate contaminant fate and transport and migration pathways, hydrogeological properties and the connectivity of the overburden and bedrock aquifers at the Site. The results of the dye-tracer test will be used to support the establishment of a CEA and ultimately to obtain a limited restricted use RAO for Site groundwater.
- Prepare a combined Site Investigation/Remedial Investigation and Remedial Action Work Plan (SI/RI and RAWP); assuming favorable results of the tracer test and additional groundwater sampling that support a CEA application. A CEA application would be included with the SI/RI and RAWP submission. The SI/RI and RAWP would document investigation activities completed to identify and delineate impacted media and the proposed remedial actions to address potential impacts.
- Preparation of a Groundwater Remedial Action Permit (GW RAP) using a natural attenuation remedial approach.
- Prepare a Remedial Action Report (RAR) following completion of remediation activities and demonstration of compliance of NJDEP SRSs and GWQSS.
- Following the completion of the RAR, and approval of the GW RAP by NJDEP, the LSRP could then issue an unrestricted use RAO for soil and a limited restricted use RAO for groundwater at the Site.



Legend

- Bedrock Monitoring Well Location
- Overburden Monitoring Well Location
- Property Boundary
- Off-Site Properties
- Right of Way
- Approximate AOC Extent

130 0 130
SCALE IN FEET

Notes:
1. World aerial imagery basemap is provided through Langan's Esri ArcGIS software licensing and ArcGIS online. Source of aerial imagery is [insert source Microsoft from 20110320. Credits: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community
2. Block and lot data based off of the Sussex Borough Tax Map.

LANGAN

One West Broad Street, Suite 200
Bethlehem, PA 18018-5717
T: 610.984.8500 F: 610.984.8501 www.langan.com

Langan Engineering & Environmental Services, Inc.
Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.
Langan International LLC
Collectively known as Langan

Project

1 WIEBEL PLAZA

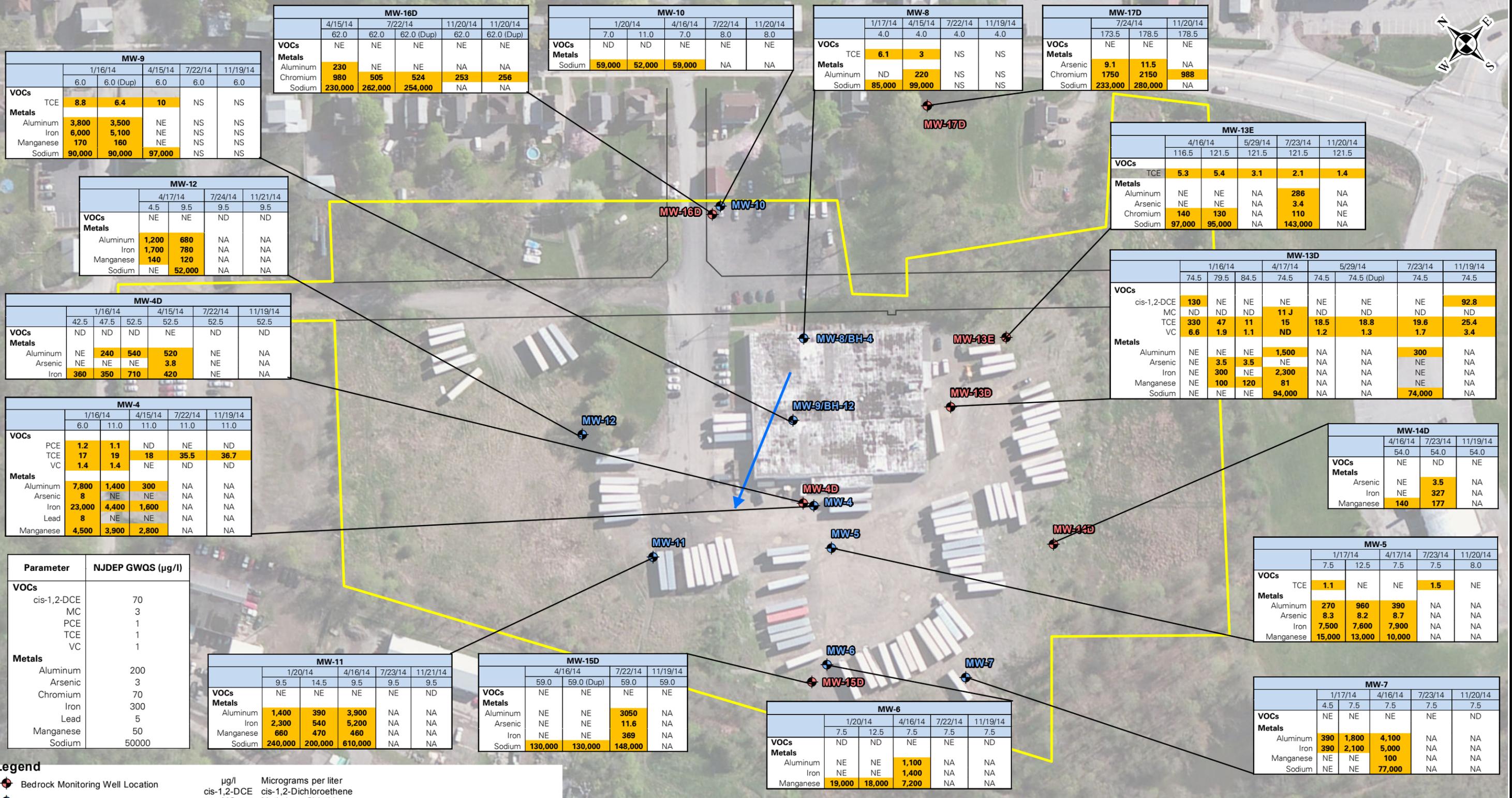
SUSSEX BOROUGH/WANTAGE TOWNSHIP

SUSSEX COUNTY NEW JERSEY

Drawing Title

AREA OF CONCERN MAP

Project No.	240031501	Figure 1
Date	10/14/2014	
Scale	1"=130'	
Drawn By	BJS	



MW-9					
	1/16/14	4/15/14	7/22/14	11/19/14	
VOCs	6.0	6.0 (Dup)	6.0	6.0	6.0
TCE	8.8	6.4	10	NS	NS
Metals					
Aluminum	3,800	3,500	NE	NS	NS
Iron	6,000	5,100	NE	NS	NS
Manganese	170	160	NE	NS	NS
Sodium	90,000	90,000	97,000	NS	NS

MW-16D					
	4/15/14	7/22/14	11/20/14	11/20/14	
VOCs	62.0	62.0	62.0 (Dup)	62.0	62.0 (Dup)
Metals					
Aluminum	230	NE	NE	NA	NA
Chromium	980	505	524	253	256
Sodium	230,000	262,000	254,000	NA	NA

MW-10				
	1/20/14	4/16/14	7/22/14	11/20/14
VOCs	7.0	11.0	7.0	8.0
Metals				
Aluminum	ND	ND	NE	NE
Sodium	59,000	52,000	59,000	NA

MW-8				
	1/17/14	4/15/14	7/22/14	11/19/14
VOCs	4.0	4.0	4.0	4.0
TCE	6.1	3	NS	NS
Metals				
Aluminum	ND	220	NS	NS
Sodium	85,000	99,000	NS	NS

MW-17D		
	7/24/14	11/20/14
VOCs	173.5	178.5
Metals		
Arsenic	9.1	11.5
Chromium	1750	2150
Sodium	233,000	280,000

MW-13E				
	4/16/14	5/29/14	7/23/14	11/20/14
VOCs	116.5	121.5	121.5	121.5
TCE	5.3	5.4	3.1	2.1
Metals				
Aluminum	NE	NE	NA	286
Arsenic	NE	NE	NA	3.4
Chromium	140	130	NA	110
Sodium	97,000	95,000	NA	143,000

MW-12				
	4/17/14	7/24/14	11/21/14	
VOCs	4.5	9.5	9.5	9.5
Metals				
Aluminum	1,200	680	NA	NA
Iron	1,700	780	NA	NA
Manganese	140	120	NA	NA
Sodium	NE	52,000	NA	NA

MW-4D					
	1/16/14	4/15/14	7/22/14	11/19/14	
VOCs	42.5	47.5	52.5	52.5	52.5
Metals					
Aluminum	NE	240	540	520	NE
Arsenic	NE	NE	NE	3.8	NE
Iron	360	350	710	420	NE

MW-13D							
	1/16/14	4/17/14	5/29/14	7/23/14	11/19/14		
VOCs	74.5	79.5	84.5	74.5	74.5	74.5 (Dup)	74.5
cis-1,2-DCE	130	NE	NE	NE	NE	NE	92.8
MC	ND	ND	ND	11 J	ND	ND	ND
TCE	330	47	11	15	18.5	18.8	19.6
VC	6.6	1.9	1.1	ND	1.2	1.3	25.4
Metals							
Aluminum	NE	NE	NE	1,500	NA	NA	300
Arsenic	NE	3.5	3.5	NE	NA	NA	NE
Iron	NE	300	NE	2,300	NA	NA	NE
Manganese	NE	100	120	81	NA	NA	NE
Sodium	NE	NE	NE	94,000	NA	NA	74,000

MW-4					
	1/16/14	4/15/14	7/22/14	11/19/14	
VOCs	6.0	11.0	11.0	11.0	
PCE	1.2	1.1	ND	NE	ND
TCE	17	19	18	35.5	36.7
VC	1.4	1.4	NE	ND	ND
Metals					
Aluminum	7,800	1,400	300	NA	NA
Arsenic	8	NE	NE	NA	NA
Iron	23,000	4,400	1,600	NA	NA
Lead	8	NE	NE	NA	NA
Manganese	4,500	3,900	2,800	NA	NA

MW-14D			
	4/16/14	7/23/14	11/19/14
VOCs	54.0	54.0	54.0
Metals			
Arsenic	NE	3.5	NA
Iron	NE	327	NA
Manganese	140	177	NA

Parameter	NJDEP GWQS (µg/l)
VOCs	
cis-1,2-DCE	70
MC	3
PCE	1
TCE	1
VC	1
Metals	
Aluminum	200
Arsenic	3
Chromium	70
Iron	300
Lead	5
Manganese	50
Sodium	50000

MW-11					
	1/20/14	4/16/14	7/23/14	11/21/14	
VOCs	9.5	14.5	9.5	9.5	9.5
Metals					
Aluminum	1,400	390	3,900	NA	NA
Iron	2,300	540	5,200	NA	NA
Manganese	660	470	460	NA	NA
Sodium	240,000	200,000	610,000	NA	NA

MW-15D				
	4/16/14	7/22/14	11/19/14	
VOCs	59.0	59.0 (Dup)	59.0	59.0
Metals				
Aluminum	NE	NE	3050	NA
Arsenic	NE	NE	11.6	NA
Iron	NE	NE	369	NA
Sodium	130,000	130,000	148,000	NA

MW-6					
	1/20/14	4/16/14	7/22/14	11/19/14	
VOCs	7.5	12.5	7.5	7.5	7.5
Metals					
Aluminum	NE	NE	1,100	NA	NA
Iron	NE	NE	1,400	NA	NA
Manganese	19,000	18,000	7,200	NA	NA

MW-5					
	1/17/14	4/17/14	7/23/14	11/20/14	
VOCs	7.5	12.5	7.5	7.5	8.0
TCE	1.1	NE	NE	1.5	NE
Metals					
Aluminum	270	960	390	NA	NA
Arsenic	8.3	8.2	8.7	NA	NA
Iron	7,500	7,600	7,900	NA	NA
Manganese	15,000	13,000	10,000	NA	NA

MW-7					
	1/17/14	4/16/14	7/23/14	11/20/14	
VOCs	4.5	7.5	7.5	7.5	7.5
Metals					
Aluminum	390	1,800	4,100	NA	NA
Iron	390	2,100	5,000	NA	NA
Manganese	NE	NE	100	NA	NA
Sodium	NE	NE	77,000	NA	NA

- Legend**
- Bedrock Monitoring Well Location
 - Overburden Monitoring Well Location
 - Overburden Groundwater Flow Direction
 - Property Boundary
 - Right of Way
 - Concentration exceeds NJDEP GWQS
 - VOCs Volatile Organic Compounds
 - NE Compound does not exceed GWQS
 - ND Compound not detected at Method Detection Limit
 - NA Compound not analyzed
 - J (EPA) - Estimated value below the lowest calibration point. Confidence correlates with concentration.
 - NS Well not sampled

µg/l Micrograms per liter
 cis-1,2-DCE cis-1,2-Dichloroethene
 MC Methylene Chloride
 PCE Tetrachloroethene
 TCE Trichloroethene
 VC Vinyl chloride
 NJDEP New Jersey Department of Environmental Protection
 GWQS Groundwater Quality Standard
 Dup Duplicate Sample

Notes:
 1. World aerial imagery basemap is provided through Langan's Esri ArcGIS software licensing and ArcGIS online. Source of aerial imagery is Microsoft from 20110320. Credits: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community
 2. All concentrations are in micrograms per liter (µg/l).
 3. Results noted for only those compounds which have been detected and exceed their respective NJDEP GWQS
 4. Unable to sample monitoring wells MW-8 and MW-9 during July and November 2014 quarterly sampling event due to low water table.



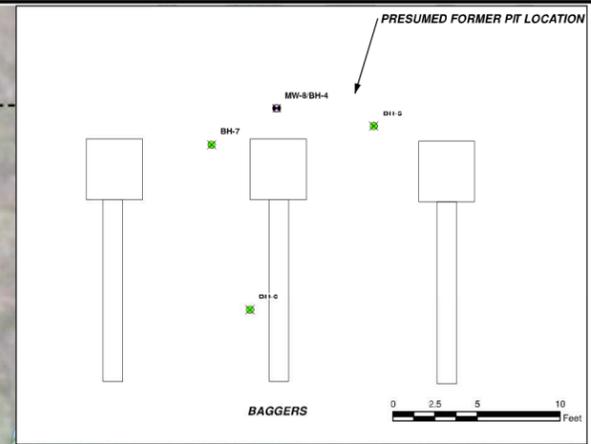
LANGAN
 One West Broad Street, Suite 200
 Bethlehem, PA 18018-5717
 T: 610.984.8500 F: 610.984.8501 www.langan.com

Langan Engineering & Environmental Services, Inc.
 Langan Engineering, Environmental, Surveying and
 Landscape Architecture, D.P.C.
 Langan International LLC
 Collectively known as Langan

Project
1 WIEBEL PLAZA
 SUSSEX BOROUGH/WANTAGE TOWNSHIP
 SUSSEX COUNTY NEW JERSEY

Drawing Title
GROUNDWATER SAMPLING LOCATION AND RESULTS PLAN 2014

Project No. 240031501
 Date 12/12/2014
 Scale 1"=120'
 Drawn By BJS
 Figure 2



Chemical Name	BH-38A	DUP 1
Sampling Date	3/25/2014	3/25/2014
Parameter	Vinyl Chloride	Q
Result	2.5-3.0	2.5-3.0

Chemical Name	BH-38B	DUP 1
Sampling Date	3/25/2014	3/25/2014
Parameter	Vinyl Chloride	Q
Result	2.5-3.0	2.5-3.0

Chemical Name	BH-38
Sampling Date	12/10/2013
Parameter	Vinyl Chloride
Result	7.5-9.1

Chemical Name	BH-38C
Sampling Date	3/25/2014
Parameter	Vinyl Chloride
Result	3-4.38

Chemical Name	MW-5
Sampling Date	9/19/2012
Parameter	Beryllium
Result	2-3 ft Q 5-6 ft Q
Value	0.72

Chemical Name	MW-6A
Sampling Date	3/25/2014
Parameter	Beryllium
Result	2.5-3.0
Value	NE

Chemical Name	MW-6
Sampling Date	9/19/2012
Parameter	Beryllium
Result	2-3 ft Q 5-6 ft Q
Value	0.76

Chemical Name	MW-6R
Sampling Date	3/25/2014
Parameter	Beryllium
Result	2.5-3.0
Value	NE

Chemical Name	MW-6C
Sampling Date	3/25/2014
Parameter	Beryllium
Result	2.5-3.0
Value	NE

Chemical Name	SOC-13A
Sampling Date	7/9/2014
Parameter	Beryllium
Result	2.0-2.5
Value	NE

Chemical Name	SO-13A	DUP
Sampling Date	7/9/2014	7/9/2014
Parameter	Trichloroethene	Q
Result	2.0-2.5	2.0-2.5
Value	1.1	2.2

Chemical Name	EP-13A
Sampling Date	3/25/2014
Parameter	Trichloroethene
Result	2.0-2.5
Value	0.022

Chemical Name	EP-13
Sampling Date	9/17/2012
Parameter	Trichloroethene
Result	3-3.5 ft Q
Value	0.0875

Chemical Name	EP-13B	DUP 2
Sampling Date	3/25/2014	3/25/2014
Parameter	Trichloroethene	Q
Result	1.0-1.5	1.0-1.5
Value	0.9	NE

Chemical Name	SOC-13B
Sampling Date	7/9/2014
Parameter	Beryllium
Result	1.0-1.5
Value	NE

Chemical Name	SOC-41
Sampling Date	7/9/2014
Parameter	Trichloroethene
Result	ND
Value	NE

Chemical Name	EP-12
Sampling Date	9/17/2012
Parameter	Trichloroethene
Result	2-2.5 ft Q
Value	1.1

Chemical Name	EP-13C
Sampling Date	3/25/2014
Parameter	Trichloroethene
Result	0.5-1.0
Value	0.022

Chemical Name	BH-45
Sampling Date	12/11/2013
Parameter	Trichloroethene
Result	0.5-1.0
Value	ND

Chemical Name	DRUM-3A
Sampling Date	3/25/2014
Parameter	Mercury
Result	0.0-0.5
Value	Q

Chemical Name	Drum 3
Sampling Date	11/24/2010
Parameter	Mercury
Result	0.0-0.5
Value	0.244

Chemical Name	BH-14
Sampling Date	9/17/2012
Parameter	Mercury
Result	2.0-3.0
Value	Q

Chemical Name	DRUM-3B
Sampling Date	3/25/2014
Parameter	Mercury
Result	0.0-0.5
Value	Q

Chemical Name	DRUM-3C	DUP 1
Sampling Date	3/25/2014	3/25/2014
Parameter	Mercury	Q
Result	0.0-0.5	2.5-3.0
Value	NE	NE

Parameter	NJDEP IGWSSL (mg/kg)
Beryllium	0.7
Mercury	0.1
Nickel	48
Trichloroethene	0.01
Vinyl Chloride	0.005

- Legend**
- Soil Boring/Well Point Location
 - Monitoring Well Location
 - UST Post Excavation Soil Sample
 - UST Post Excavation Groundwater Sample
 - Sanitary Sewer
 - Current Floor Drain Line (Field Observation)
 - Historic Floor Drain Line (Field Observation)
 - Right-of-Way
 - Approximate Extent of Beryllium Delineation
 - Approximate Extent of Mercury Delineation
 - Approximate Extent of Nickel Delineation
 - Approximate Extent of TCE Delineation
 - Approximate Extent of Vinyl Chloride Delineation
 - Area of Concern (based on Eikon's 2012 file review)
 - Approximate Property Boundary
 - Wetlands
 - Historic Excavation Area
 - Approximate Excavation Area (1992 Aerial)
 - 0.01 Concentration exceeds NJDEP Default IGWSSL
 - NE Compound does not exceed IGWSSL
 - ND Compound not detected at Method Detection Limit
 - mg/kg milligrams per kilograms
 - NJDEP New Jersey Department of Environmental Protection
 - IGWSSL Impact to Groundwater Soil Screening Level

LANGAN
ENGINEERING & ENVIRONMENTAL SERVICES

One West Broad Street
Suite 200
Bethlehem, PA 18018
P: 610.984.8500 F: 610.984.8501
www.langan.com

Project: **1 WIEBEL PLAZA**
SUSSEX BOROUGH/WANTAGE TOWNSHIP
SUSSEX COUNTY NEW JERSEY

Drawing Title: **JULY 2014 AND HISTORICAL SOIL ANALYTICAL RESULTS**

Project No. **240031501**
Date: **8/20/2014**
Scale: **1"=30'**
Dm. By: **3**
Last Revised: