



Guidance on Warehouse Development

The Office of Planning Advocacy has issued a guidance document on where and how warehouses should be located in New Jersey. Municipalities can use this guidance to direct warehouse development towards optimum sites and away from sites that are not appropriate in order to protect a community's quality of life while still benefiting from development. The guidance can be downloaded at <https://tinyurl.com/3b9t2axm>



Legislation to watch

A number of warehouse-related bills have been introduced into the legislature, from requiring county planning board approvals, to requiring the State Planning Commission, to adopting model ordinances for warehouse siting, to preserving farmland in danger of warehouse development.

Follow the status of pending bills using the keyword 'Warehouse' at:
<https://www.njleg.state.nj.us/bill-search>

Municipal Warehouse Ordinances

- **Mansfield** - Ordinance 2022-13
<https://tinyurl.com/268at4y5>
- **Franklin Township** - Ordinance 4371-22
<https://tinyurl.com/2xdu62y8>

These ordinances are samples for guidance. ANJEC advises to always seek attorney advice before suggesting/supporting new municipal ordinances.



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Warehouses

E-commerce has exponentially increased the demand for warehouse development. This has created a whole string of problems including increased truck traffic, toxic air pollution from diesel powered trucks, flooding caused by poor site design and more impervious cover, loss of natural habitats and farmlands. Both NJ rural and urban areas are feeling the pressure, as are overburdened communities.



Zoning ordinances are the key

Zoning ordinances can be adopted by a municipality's governing body limiting or restricting conditional uses, such as warehouses to specific areas.



It is the zoning/planning board's responsibility to evaluate and render decisions on applications for development. It has the authority under the Municipal Land Use Law to prepare a Master Plan and enact zoning and ordinances. *If a proposed warehouse complies with the applicable zoning and ordinances, and is consistent with the municipality's Master Plan, the planning board has little discretion to deny the application.*

Understanding local zoning and the Master Plan in your municipality is useful for applying the requirements for a proposed warehouse development at the local level.

How do you engage opposition to warehouse developments?

- Raise awareness and build consensus about the proposed development with your neighbors and community.
- Connect with local environmental nonprofits to seek advice or resources.
- Voice your concerns to your local and state elected officials.
- Consult with or hire an environmental land use lawyer to determine if there is a valid challenge to the decision of the town planning board, or any permits issued by regional and state agencies.



What regional laws might apply?

Regional rules may apply to a proposed warehouse, depending on its location. These rules regulate impacts to water quality, wetlands, stream corridors, threatened and endangered species and traffic to varying extents. Approval from the regulating agency or permits from the NJ Department of Environmental Protection (NJDEP) would be required in the following regions:

- The *Coastal Area Facility Review Act* and the *Coastal Zone Management Rules* apply to proposed developments in the coastal region of NJ.
- The *Pinelands Protection Act* regulates development in the Pinelands.
- The *Highlands Water Protection and Planning Act* regulates development in the NJ Highlands. The Highlands Council has adopted policies prohibiting warehouses in some areas, and setting new requirements in others regarding proximity to major roads and limits to impervious surface.
- *Hackensack Meadowlands District* is regulated by the New Jersey Sports and Exposition Authority. Its 2020 Master Plan directs new warehouse development toward brownfield and redevelopment sites.
- The *Delaware and Raritan (D&R) Canal State Park* is regulated by the D&R Canal Commission.

What state laws might apply?

Warehouse projects, like any other major developments, need to comply with state laws including:

- *Flood Hazard Area Control Act (FHACA)* requires review and/or a permit for construction near surface water draining at least 50 acres.
- *Inland Flood Protection Rule* regulates the elevation of construction in fluvial flood hazard areas and requires stormwater management utilizing year 2100 rainfall projections.
- *Water Pollution Control Act* prohibits all discharges of pollutants to surface waters unless in conformance with a NJ Pollutant Discharge Elimination System (NJPDES) permit.
- *Freshwater Wetlands Protection Act* extends protection to inland waterways and freshwater wetlands. The Act regulates all activities in wetlands and "transition areas," i.e., buffers adjacent to wetlands.
- *Endangered Species Conservation Act* requires additional review for developments that contain or are next to areas mapped as endangered or threatened wildlife species habitat on the Landscape Maps managed by the NJ Division of Fish & Wildlife.

