

Group gains grant to fight Waterview development

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MOUNTAIN LAKES -- Armed with a new grant from the New Jersey Highlands Coalition, a group of Mountain Lakes and Parsippany residents has renewed the fight against the proposed development of a 27-acre parcel of the Waterview tract at the intersection of Route 46 and Intervale Road.

The contested property lies on the Western side of Parsippany, which borders Mountain Lakes, and the borough actually owns 10 feet of the Waterview area along Intervale.

The developer, RD Realty, is requesting to rezone the property—a totally wooded area that is Parsippany’s last undeveloped section of the 132-acre Waterview Corporate Park—to allow for the development of a commercial strip mall and residential townhouses.

This year’s grants, ranging from \$700 to \$5,000 from the New Jersey Highlands Coalition, were awarded to 11 grassroots organizations who are “fighting against inappropriate development in the Highlands region,” according to Executive Director Julia Somers.

“Waterview has become a huge political issue,” said Nancy du Tertre, a Mountain Lakes resident. “I think people underestimate the strength of the passion behind this.”

After the Parsippany Township Council decided not to introduce an ordinance in April that would have allowed the property to be rezoned, the project has somewhat stalled—but the group protesting it has not.

Citizens for Health, Safety & Welfare is the non-profit organization spearheading the opposition of the project, a group comprised of Mountain Lakes residents, Parsippany residents, and concerned individuals from neighboring towns. The group’s trustees estimate that 500 or more households have come together to support the cause.

“We’re not talking about two or three angry people here,” said Ron Owens, a vice president of Citizens for Health, Safety & Welfare. “We’re talking about a lot of people who are extremely

concerned about this.”

The Move to Rezone

RD Realty is seeking to change property’s current zoning, “POD” or planned office development, to a “zoning overlay,” which would work on top of the existing zoning that permits corporate office space. This means the developer would have the ability to launch commercial and residential projects in the area, raising some big concerns.

“If you can put anything you want to on a piece of land, the value of the land goes up by twice the amount,” explained John Beehler, the treasurer of Citizens for Health, Safety & Welfare, adding that the developer is, in essence, “rewriting the master plan” for Parsippany.

“It’s not even reasonable,” Beehler, a resident of Intervale Road on Parsippany’s side, continued. “They ignore all current ordinances and zoning [with an overlay].”

The proposed project would include a 40,000-square-foot supermarket, likely Whole Foods, and a 137,000-square-foot “big box” department store (originally thought to be Target, but now rumored to be Lowe’s). For the residential portion of the project, the developer is seeking to build a neighborhood of townhouses—first 72 units, but then reduced to 65.

Owens said that it isn’t so much the proposed Whole Foods that is cause for concern, but rather, the big box store, the high density townhouses, and the accompanying developments that RD Realty wants to add.

“I’m not against Whole Foods,” Owens said. “Right now, we who live in Mountain Lakes have to drive four or five miles to the nearest supermarket.”

Rather, Beehler thinks the developer is using the idea of building a Whole Foods in the area to disguise all of the other elements in the plan that are harmful to the environment and to the town as a whole.

“Whole Foods would be positively a nice addition, but I think that’s the guise they’re hiding behind,” he said. “We’d like to see something that the area needs or wants and not something that would devalue the town and really do harm to the greater good.”

Du Tertre, secretary of Citizens for Health, Safety & Welfare, also questioned the need to rezone the Waterview property, when Parsippany has between 30 and 40 percent office and retail space vacancies.

“There doesn’t seem to be any real strong, strong reason for tearing down 27 acres of woodlands, when you’ve got 30 percent vacancies in retail all over Parsippany,” du Tertre said. “I think that’s a concern for a whole lot of people, because this area is very different in spirit and character from a lot of the other areas along Route 46.”

Key Concerns

The group considers the largest environmental impact of this project to be the potential harm on a major water source for Parsippany and Mountain Lakes. The property is above an underground aquifer that collects water and is a major water recharge area.

“This is a very, very critical part of land,” Owens explained.

Rezoning the Waterview property would permit the construction of parking lots for more than 1,100 cars and increase the amount of allowable impermeable surface from 45 percent (what the current POD zoning allows) to 75 percent.

By covering the area with asphalt and sidewalk, rather than keeping the trees, plants and soil that soak up rain water for the aquifer, water is prevented from being absorbed and has to flow somewhere else—along with all of the possible pollutants from cars, people and buildings.

“Gasoline from people’s cars, oil from people’s cars, antifreeze from people’s cars—those are all pollutants, and when they get down into the watershed, now we’re talking about contaminating our water reservoir,” Owens said.

Somers echoed the importance of maintaining the property as an important water source, saying that Parsippany is forced to buy much of its water supply, and the need would only increase if Waterview was developed.

She added that if the town was to use its own water entirely, there would be a 7 million gallon water deficit per day.

“The Citizens for Health, Safety & Welfare are a really committed group,” Somers said. “What they’re doing is really important.”

Aside from water contamination, air, noise and light pollution are all issues that would arise from developing the area. Owens said he believes none of these concerns would be relevant if the property would remain in POD zoning, since corporate offices are largely only populated in normal business hours and do not see as much car and truck traffic or brightly lit signage.

Also with the POD zoning, the buffer of woodland before a property can be developed is required to be between 150 and 200 feet along all boundaries. An overlay, though, would reduce the required buffer to 50 feet along Intervale Road, which would allow for the removal of more trees and for building to start closer to the property line.

“Would it be lovely if that area was maintained as forest? Sure, it would,” Owens said. “That would be great, but we’re also realists, and we’re realistic enough to say, ‘Well, okay, they’re going to build something, but let’s be responsible in what we build and how it’s built.’ That’s the bottom line—that’s the essence of who we are and what we’re about.”

Quality Of Life

Also at stake in this project is quality of life and property values for local residents, du Tertre said. Part of RD Realty’s plan is to create two more lanes on both eastbound and westbound sides of Route 46 to accommodate increased traffic and potentially channel surplus traffic onto Route 202, a proposed access road to Intervale Road, and Boulevard in Mountain Lakes.

“If you drive along [Route] 46 during rush hour, you know that it doesn’t move. Well, try adding to that,” du Tertre said. “It will change all the traffic patterns a lot.”

This coupled with the high density housing would make for overcrowding, du Tertre added. The original proposal called for 72 total townhouses with a density of seven housing units per acre, but the developers reduced the neighborhood down to six units per acre for a total of 65 houses to be in compliance with Parsippany’s maximum density limitation.

With the residential area also would come a retaining wall, since the Waterview property has steep slopes—that would be at least 22 feet tall—and the potential for school overload and the need for increased transportation.

“It doesn’t take a rocket scientist to figure out that this is just stupid,” Owens said.

Broader Impact

Du Tertre, an attorney, also pointed out that the wording of the proposed ordinance to approve an overlay was very ambiguous. She said she worried that, if the overlay was approved, the same ordinance could be applied to build up the entire Waterview Corporate Park.

“The language that they were using was extraordinarily vague, and it appeared that you could easily interpret it to apply to all of the other parcels within the Waterview Tract,” she said.

“Theoretically, if they get a precedent on this, they might try to use that for the entire property

and turn it into a giant, super sized...strip mall.”

Beehler also said the developer—by seeking to rezone the entire area rather than ask for variances that would accommodate derivations to zoning or land use ordinances—and hinging the “concept plan” for the site on to the approval of the rezoning request raises red flags for the future of the Waterview Tract as a whole.

“Instead of getting a million variances, you’re getting one approval to a concept plan,” Beehler explained. “This is going to define Western Parsippany; this is one of the last chances to dictate development.”

Du Tertre said even if the developer believes it will be easier to get approval of a rezoning request, she said they will face even more difficulty in the next stages of completing the project.

“It’s interesting, the way they’ve approached this, by requesting rezoning instead of asking for variances,” du Tertre said. “It’s sort of like sneaking in the backdoor. So, the rezoning in some respects may be easier for them to accomplish, but I know that they have serious political problems with their site design, and they will have to address those at a later point.”

Owens said even if the rezoning is passed, RD Realty will have to present the final project plan to Parsippany’s Planning Board and then to the Township Council for approval. Next, there are other reviews and studies that must be completed before any construction can actually begin.

“It’s a long, long, tough haul for them,” du Tertre said. “The good news is that [in] our group, the faces may change, but obviously, we’re not going away.”

The Next Steps

That much has certainly been true. The Parsippany Township Council is expected to discuss the rezoning request and the proposed project next month, at the agenda meeting on July 9 and then at the regular meeting on July 16.

All the while, though, Citizens for Health, Safety & Welfare has continued to consult legal and environmental experts to better prepare their case.

“We cannot anticipate our next move until we see what the ordinance is going to be, how it’s introduced, and what it contains,” Owens explained. “Then, we’ll figure our strategy from there.”

The new Highlands Coalition grant—one of the largest awards given out by the group this year, Somers said—will be put toward sustaining these services.

Though the Parsippany Township Council and Mayor James Barberio have publicly expressed their interest in the project as a way to generate more revenue for the town and bring \$1.2 million in ratables, Owens said the costs outweigh the benefits.

“The politicians don’t like it when the people oppose them,” he said. “The benefit to Parsippany is that...they can get a lot more ratables for their tax base. But, they’re not looking at the big picture; it’s very, very shortsighted.”

Citizens for Health, Safety & Welfare, Owens said, is looking ahead and is prepared to advocate for the best interests of Parsippany and Mountain Lakes residents. After rallying about 500 people to protest the Waterview project at a February Parsippany Township Council meeting and forcing the proposal to slow down a bit, the group is prepared to do so again come July.

“We have hundreds of people just standing by their computers, waiting for the email that says, ‘It’s time to rally the forces,’” Owens said.

The Citizens for Health, Safety & Welfare organization is led by four Parsippany-Troy Hills residents, including Beehler, Dave Kaplan, Dick Young, and Len Cipkins, and five Mountain Lakes residents: du Tertre, Owens, Jackie Bay, Margaret Gossett, and Gretchen Fry. For more information on the cause, visit www.dontrezonewaterview.com.

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