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MORRIS COUNTY

Huge Roxbury warehouse proposal in jeopardy as planning board pushes back. What happened

3-minute read**William Westhoven**

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ROXBURY — After more than a year of planning board hearings, a plan to build a huge warehouse complex on the vacant property of the old Hercules munitions plant appears to be in jeopardy.

Hartz Mountain Industries hopes to build 2.5 million square feet of warehouse space on the north end of the 909-acre tract, believed to be the largest parcel of commercially developable land left in Morris County. The Secaucus company is under contract to purchase the land pending approvals from the town to start building.

But during a Roxbury Planning Board meeting on Wednesday, the two sides appeared far apart, with attorneys arguing over fine points of the township's zoning laws and master plan that might trip up the project.

Mount Arlington Mayor Michael Stanzilis attended the meeting to raise concerns about the traffic impact on his neighboring borough, which shares Howard Boulevard as a thoroughfare connecting it to routes 80 and 46. Senior residents in a nearby age-restricted development are worried about trucks from the warehouse, Stanzilis said. Howard Boulevard also is the primary route for Mount Arlington students to reach Roxbury High School, he added.

"That's how they go," the mayor said. "You put a 17-year-old behind the wheel next to an 18-wheeler and it's not a good idea."

Tense exchanges between developer's lawyer, board attorney

Hartz attorney Steven Mlenak and Thomas Germinario, a lawyer representing the planning board, had tense exchanges throughout the three-hour meeting.

With Hartz having completed its presentation at previous meetings, Mlenak aggressively cross-examined a township engineer and two board planners who noted that, among other hurdles for the proposal, existing zoning laws do not permit warehouse space to occupy more than 60% of the property.

Roxbury's planning consultant, Joseph Burgis, suggested the "magnitude" of the project required approvals that would amount to effectively zoning the area, which he said was the purview of the township council, not the planning board. The plans faces "critical issues," he said, including the ordinance limiting the amount of warehouse space allowed.

Burgis said the Hartz proposal constitutes "nearly 100% warehouse space" and the township's master plan reflects the desires of the governing body that Roxbury "not become a warehouse town."

The Hercules tract, site of an explosives-maker that closed in 1996, represents about 8% of the total land area in Roxbury. "In fact, there are approximately 80 municipalities in the state of New Jersey that are smaller than this one piece of property," he said.

Mlenak focused on details of the master plan and local zoning, suggesting some restrictions went too far and were inconsistent with other New Jersey towns.

Hartz questions whether it's getting 'due process'

During a break in the proceedings, Mlenak told the Daily Record his company had concerns about whether it was receiving "due process" from the board and suggested an independent investigation of the plan might be called for. He declined to comment on whether Hartz Mountain would take legal action against the board if it denies the application.

Mlenak objected to several points of testimony by Burgis, planning consultant Russell Stern and Township Engineer Paul Ferriero as "hearsay" or not relevant to the application. He also objected to Germinario's interruptions of his cross-examinations, including that of Stern.

"Are you acting as his attorney or the board's attorney?" Mlenak asked Germinario. "Let him answer!"

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TNT, nitroglycerine still in the soil

Stern's observations included concerns that some of the property that would be preserved as open space under the Hartz proposal, with public walking trails, had not yet been fully cleared of pollution. TNT and nitroglycerine are among the contaminants identified in the soil of the former munitions complex, which opened in 1871 and closed almost 30 years ago.

Hercules LLC, which owns the site, is now a wholly-owned subsidiary of chemical manufacturer Ashland Global, which purchased the property in 2009. Ashland is still responsible for remediating the remainder of the tract for possible future redevelopment. Should Hartz Mountain gain approval, the warehouses would serve as a "cap" over a portion of the remediated land.

Mount Arlington mayor worried about traffic

Stanzilis, the Mount Arlington mayor, said his main concern was the safety of his residents, young and old.

"This is right on the border of Mount Arlington, maybe 50 feet in," he said, referring to the area off Howard Boulevard near the Mount Arlington Train Station. The locations also includes a large, busy interchange with Route 80, where the Department of Transportation is currently constructing a new \$24 million overpass.

In terms of traffic, "this probably impacts Mount Arlington more than Roxbury," Stanzlis said.

"It's already nuts," Stanzilis said of driving on Howard Boulevard. "There was just a fatal accident there last week. It's a winding, weavy road, no shoulder. It needs to be made safe first. We have a lot of seniors in age-restricted housing right around there and they are very concerned about their safety, mixing in the trucks coming out of this site."

Next hearing scheduled

The board will resume hearing the application at its meeting on July 17, which will include a full public-comment period.

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