



**BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION
MINUTES-FEBRUARY 11, 2019**

CALL TO ORDER

Parsekian called the regular meeting to order at 7:00 PM in the Owen Conference Room of the Bernards Township Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in accordance with the Open Public Meeting Act of 1975.

FLAG SALUTE

All those assembled saluted the flag.

ROLL CALL

Present: Kelly, Engdahl, Crane, LaMaire, Parsekian, Harris, Smyk, DeWitt, Mustafa (arrived 7:35)

Also Present: Todd Edelstein

APPROVAL OF MINUTES

Motion by Kelly second by Harris to approve the minutes of January 14, 2019
All in favor; motion carried.

REPORTS

a. Correspondence

- i. Long Hill EC Minutes Shared
- ii. DEP letter copied to EC re: Pingry Turf Field
- iii. Algonquin Gas Letter FYI
- iv. PSEG letter FYI Flood Hazard app

Members reviewed correspondence.

NEW BUSINESS

• Development Applications

b. Applications

- i. **CANADY** – ZB-19-002- 130 South Maple Ave – Demolish existing house and shed; build new
Motion by Harris second by Kelly to prepare comments based on discussion.
All in favor; motion carried.
See attachment—CANADY
- ii. **MILLINGTON QUARRY INC.** – ZB-18-026 – 135 Stonehouse Road - Minor subdivision; no development proposed.
Motion by Harris second by Mustafa to prepare comments based on discussion.
Crane abstained himself; remaining EC members voted in favor.
See attachment— MILLINGTON QUARRY INC.



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c. All other Applications postponed to March 11, 2019 EC meeting

- i. **UTZ** – ZB-19-001 – Vacant lot off Rickey Lane - New house construction; driveway variance
- ii. **PAREDDY&DUGGIRALA** – ZB-18-005 – 393 Martinsville Road – Multiple Variances
- iii. **YGLESIAS/DECOSTA** – ZB-19-004 – 3137 Valley Road – Relief for max coverage, rear yard setback, pool location
- iv. **MOLNAR** -ZB-19-003- 141 Spencer Road – sideyard setback

d. Charter Day Booth theme:

What to Recycle & What Not to Recycle? - John Engdahl

Discussion and ideas for Charter Day postponed to March 11, 2019 EC meeting.

e. ANJEC membership discussion – Annual dues \$350

Discussion postponed to March 11, 2019 EC meeting.

f. EC 2019 Goals

Parsekian asked members to come to the March meeting with goals for the EC in 2019.

PUBLIC COMMENT

None

COMMENTS BY MEMBERS

None

ADJOURMENT

Motion by Crane second by Kelly to adjourn the meeting at 9:08 PM.

All in favor; motion carried.

Respectfully submitted,

Leslie Meth/Vanessa Freire, Secretary



ATTACHMENTS:

CANADY

1. The EC has concerns about this application and demolition of this dwelling consistent with the following Master Plan Goals and Objectives:

(a) MP Goals: 1. To protect neighborhood and community character and to retain and improve on the attractive streetscape throughout the Township; 12. To maintain the mixed-use character and protect the unique quality and character of the villages of Basking Ridge and Liberty Corner; 13. To promote the preservation of the Township's historic sites and districts.

(b) Land Use and Management Objectives: 1. Land use policies should strive to maintain and enhance community character, protect the integrity of existing neighborhoods and prevent the intrusion of incompatible new development.

(c) Historic Preservation Objectives: 1. The distinctive character of the historic villages of Basking Ridge, Franklin Corners and Liberty Corner and the hamlet of Madisonville should be maintained; 3. Encourage the preservation of historic buildings and structures and promote the protection of archaeological, historic and other cultural resources; 4. Promote the adaptive reuse of historic structures in ways that respect architectural and historic integrity.

(d) Green Buildings and Environmental Sustainability Plan: 4. Historic preservation and adaptive reuse should be encouraged as sustainable green building techniques.

(e) Historic Preservation Policies in the Historic Preservation Plan Element: 2. Maintain cohesive neighborhoods; ensure a compatible and harmonious context for historic buildings, structures, sites and districts; and discourage new construction that would destroy the character of Bernards Township's neighborhoods; 3. Discourage unnecessary demolition, destruction or other actions disruptive of historic resource. In addition, the MLUL lists among its purposes:

To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land.

2. The EC notes that the dwelling at 130 South Maple Avenue is a 19th century "East Jersey Cottage" that is a "contributing resource" with "good integrity" as part of the Basking Ridge Historic District; and "Though the houses are of varied architectural styles, they maintain a collective unity and identity through their **scale**, and the repetition of elements..." (Source: "Basking Ridge Historic District National Register Nomination Form," Section 7, Inventory #128 and Section 7, p. 1). The Basking Ridge Historic District is listed in Table XI-1 in the Master Plan and is delineated on a map that is part of the Basking Ridge Historic District National Register Nomination Form (Note: The historic district was deemed eligible for listing on the National Register in 1994. The fact that property owners objected to listing and



therefore was not formally listed does not remove the district's eligibility status). In addition, the dwelling is #166 in the "Inventory of Historically Significant Homes in Bernards Township" as revised by the Township Engineering Department and Township Historian June Kennedy in 1998.

3. The EC strongly recommends that the Applicant consider an alternate approach to demolition and consult with the Historical Society of the Somerset Hills for information about and successful local examples of rehabilitating and/or adapting historic buildings that will maintain and enhance the existing neighborhood streetscape and community character. Should the demolition proceed, the EC requests that the Applicant document the framing and construction and submit the information to the Historical Society of the Somerset Hills, which is in line with previous requests from the Historical Society for documentation of certain demolitions.

4. In the event development/renovation were to proceed, the EC notes that the lot comprises less than half of the zone's required 0.5 acre, as well as substantially less than the required front yard setback and side yards. The lot has only 880 square feet of improvable lot area, far less than the required 5,000 sf. The proposed new construction does not resolve any of these detriments and dramatically increases the coverage to 32.5%, substantially more than the 12.9% existing coverage and the maximum 20% coverage for the zone.

The EC notes the engineered dry well included as part of the development plans, but to further address the impervious coverage and resultant stormwater runoff from the proposed property layout recommends the amount of impervious coverage in the plans be reduced. One suggestion would be to reduce the garage and driveway to one-car (versus two-car as proposed). Also, green infrastructure components such as rain barrels, rain gardens/bioretention basins, and pervious pavement should be considered as part of the design as detailed in the NJDEP's Stormwater Best Management Practice Manual (https://www.njstormwater.org/bmp_manual2.htm) and on the NJDEP's Green Infrastructure website (<https://www.nj.gov/dep/gi/index.html>)

5. In the event development/renovation proceeds, the EC notes the age of the structure and the likely presence of asbestos containing material (ACM) and lead based paint (LBP). ACM and LBP surveys of the interior and exterior portion of the existing structures should be completed. Proper abatement should be completed prior to and during any renovations/demolition activities to ensure the protection of onsite workers and the surrounding neighborhood. The EC did not see documentation of the current heating system and notes that due to the age of the structure heating oil may currently be used or have been used. The presence of underground heating oil storage tank(s) should be assessed. If encountered during any phase of the project, the tank should be addressed in accordance with NJDEP regulations.



MILLINGTON QUARRY INC.

1. The EC has concerns about the proposed subdivision, consistent with the following Master Plan (“MP”) Goals and Objectives:
 - (a) MP Environmental Resources Objectives #1: Identify and protect environmentally sensitive areas within the Township, including moderate and steep slopes, wetlands, flood plains, water bodies, ridge lines and areas of significant vegetation; #13: Plan and manage land uses to preserve, protect and enhance surface water and groundwater quality, in part by managing the impacts of development on headwaters tributaries; #15: Encourage the use of recommended management practices for agriculture, forestry and land development; #17: Promote sustainable landscape management and restoration practices that maximize use of native plant material and reduce reliance on fertilizers, pesticides, herbicides and irrigation.
 - (b) MP Green Plan Element Objectives: 1: Land use policies should strive to maintain and enhance community character, protect the integrity of existing neighborhoods and prevent the intrusion of incompatible new development; 3. Groundwater aquifers and surface water quality and quantity should be protected, through the proper management of aquifer recharge areas, wetlands and their transition areas and fractured bedrock groundwater aquifers.
2. The EC notes that although the zoning for the property remains M-1, Mining, the permitted use changed upon cessation of quarrying to uses permitted in R-3 Residential Zone. The EC has concerns about the minimum improvable area of the proposed Lot 6.01, computed per plan notes at 0.0 acres. This appears to be inconsistent with residential zoning, as well as Green Plan Element Objective #1, as quoted above. The EC notes that the Deed Notice/ Restriction states that the “Restricted Area” is 50.3 acres, while the “Restricted Area” on the proposed subdivision plan is shown as 42.65 AC +/- and on the Existing Conditions Plan, the MOA is 49.2 acres. This should be clarified.
3. The EC notes the proposed new lot 6.01 will access Stonehouse Road presumably via a new driveway next to existing residential lots at 6001, lots 3, 3.01, and 4, and opposite Hickory Drive. The new non-residential driveway would be used, presumably, by an unknown number and type of inspection, maintenance, and/or construction vehicles. Such a driveway would contradict Master Plan Goal #11, “to encourage the use of design techniques that result in energy and water conservation and minimize the impact of development on the everyday environment.”
4. The present status of the following issues that were identified during the quarry rehabilitation plan hearings is currently unknown: water quality; lake filling progress and anticipated final elevation; stormwater structures; and vegetation (including vegetative



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buffer/safety feature at the top of the cliff wall). In addition, the December 2018 Entire Site Restricted Use Response Action Outcome which was issued on the basis of consolidating contaminated soil and utilizing a institutional control (deed notice), an engineering control(cap), and long-term monitoring (biennial certifications) will only be applicable to the proposed Lot 6.01 after the proposed subdivision. As the items listed above are not resolved and/or will require long term monitoring the EC recommends that the proposed subdivision lot line is drawn to include the lake area and associated outfall structures in their entirety. This will ensure a single property owner in the future while the lake features develop and allow for much simpler routine lake maintenance operations (i.e. algae control measures, aeration system operation and maintenance) and/or remediation cap inspections, maintenance, and/or repairs in the future if required) and cliff wall safety issues. There are two questions with respect to the vegetated buffer/safety features associated with the cliff wall: Have those features been constructed? Is there a plan for construction/maintenance of those features should the property be subdivided?

The EC recommends documentation of the individual and entity identified as the Person Responsible for Conducting the Remediation on the newly issued or modified Soil Remedial Action Permit for new Lot 6.01. The EC recommends documentation of the financial mechanism and dollar amount allocated to comply with the NJDEP's Financial Assurance requirements for Restricted Use Response Action Outcomes.

5. The monthly inspection report conducted for the township engineer's office through February 2019 should be reviewed by the Zoning Board. As part of this subdivision application, the EC strongly recommends obtaining and reviewing updated data and narrative reports on water quality; lake filling progress and anticipated final elevation; stormwater structures; and vegetation. In addition, to assure environmental concerns are satisfactorily addressed, the EC strongly recommends that the current rehabilitation performance bond remain in place.