

## Highland Park Environmental Commission

Meeting of April 18, 2001

Minutes

Present: Michael Rosenberg, Jonathan Abrahams, Laurel Kornfeld, Loren Muldowney

Absent: Arnold Henderson, Anthony Puniello, Wendy Rosen

Guest: Anne Barron

1. The meeting was called to order at 8:20 PM.
2. The minutes of the March 21, 2001 meeting were approved.
3. Correspondence
  - a) We received a letter from ANJEC informing us of a list of communities that are vulnerable to a builder's remedy lawsuit because they lack certificates from the Council on Affordable Housing; this list can be found at [www.njlanduselaw.com](http://www.njlanduselaw.com). Municipalities have a constitutional mandate to provide affordable housing. ANJEC takes issue with the methods in which this mandate is used to take local control away from municipalities, disregarding steep slopes, tree protection ordinances, limitations on water supply and sewer capacity, and sound planning principles. Such disregard is not necessary for the presence of affordable housing.
  - b) We received a letter from the Middlesex County Urban Forestry Advisory Committee informing us that funding is again available for tree planting projects and asking us to submit proposals. The maximum available grant is \$3000. Mike will talk to members of the Shade Tree Advisory Committee since they usually take the lead in applying for these grants.
4. Site Plans
  - a) Catherine Pitt  
63 Cleveland Avenue  
Docket No.: #181-20, 23-00  
Block and Lot: B-181, L-20, 23  
This is a proposed one-story addition to a residence and is an addendum to an application filed on November 20, 2000.  
Comment: This addendum does not address our previous concerns that maximum impervious coverage should not exceed that permitted by the zoning ordinance.
5. Old Business
  - a) Biosurvey Grant. Council approved our contract with Thonet at its April 3 meeting. We sent three copies of the contract to Thonet for them to sign and return. They have the paperwork and will sign it and send it back to us. Mike asked Blaine Rothhauser, the person who will be doing the fieldwork, to meet with us before starting the project.
  - b) Cultural Resources Survey. The DEP rejected our application, saying that they do not have enough money to fund all the projects that are requested. Mike informed Catherine Bull of the Historic Preservation Committee.
  - c) Open Space Inventory. Loren found out that we will not be able to get the data we want in electronic form. Vital, an outside vendor, has these records, but will only provide hard copies. They will not provide them electronically because that

- involves proprietary software. CME only has fragmentary information on open spaces in town. The question also arose as to how to define open spaces. Do we count houses with large back yards, corporate non-residential spaces, and large lots? Loren will call the Star Ledger reporter who wrote an article on the different definitions of open space for more information. Jon recommended we review Arnold's list, comment on it via email, and be prepared to vote on certain sites at our next meeting. He suggested using three categories—areas we believe should be open space, areas we know should not be on an open space list, and areas about which we are not sure. Laurel will look at the tax lists and maps to investigate discrepancies or questions Arnold has. We decided to review Arnold's list, come up with a list of about 12 easy candidate spaces, and be prepared to vote on this at our next meeting.
- d) Middlesex County Land Acquisition for Open Space. Middlesex County has had difficulty in efforts to purchase Red's Marina, and therefore, the county now plans to condemn the site. Anne said that the Phase I and II environmental studies on Red's Marina are public documents and should be released. Anne recommended writing directly to the MCIA and making a Freedom of Information request for copies of the studies because according to state law, we have the right to see the document in the form in which it was generated. Anne recommended the MCIA do an air quality study on that property as well. She also questioned the status of the Barwood easement. Since the deal between Gutman and the Planning Board was to set this area aside as a conservation easement, why should the county then have to buy it? Mike responded that the easement area is intended to be part of the town's greenway, and that not all of it is wetlands.
  - e) Environmental Education Center. No new information.
  - f) Mission Statement. The Commission finalized and voted to approve Mike's draft as our mission statement.

## 6. New Business

- a) The Shade Tree Advisory Committee will do a cleanup at the Native Plant Reserve on River Road from 10 AM-noon on Sunday, April 22. Laurel will inform the high school environmental club about this.
- b) Loren was appointed to the Lower Raritan Middlesex County Water Resources Association, a committee that falls partly under the jurisdiction of the Middlesex County Planning Board. Mike and all Commission members congratulate her on the appointment.
- c) Anne provided us with an update on Buck Woods. Save Open Space has hired attorney Sal Anderton to come in as an intervenor in the court case. The case has been transferred to Judge Wolfson, and the first pre-trial conference was yesterday (April 17). There is no new information from the Planning Board on the state of the litigation.

As a next step toward preserving Buck Woods, Anne recommended we submit an environmental ordinance such as one for stream corridor protection, and ask Council for a first and second reading. Several towns, such as Hopewell, have established this type of ordinance. Anne has the phone number of Ted Stiles,

president of the New Jersey Chapter of the Nature Conservancy, who can provide us with more information on this. She informed us that Hopewell also has an ordinance providing for a 10-minute introduction to all site plan applications by both the developer and by the Environmental Commission. Laurel will bring in copies of sample stream corridor protection ordinances provided by ANJEC to our next meeting. Anne recommended that if lot sizes are increased by an ordinance, the amount of impervious coverage allowed on the lots must then be decreased.

The Freehold Soil Conservation District initially denied Morris' application as being insufficient, Anne said. Morris met with state employee Hunter Berkhardt, who has jurisdiction of the Freehold Soil Conservation District, in March, and this led to their decision to extend his application period to May 16. This is being done so he can come up with creative solutions to the soil erosion problems presented by the development. The extension will give Morris more credibility in front of a judge. Save Open Space is looking for the letter from Stacy Brady of the FSCD to Borough Engineer Bruce Koch. She said Morris is still unwilling to construct a detention basin.

- d) Noise Ordinance. The EPA at one time designated several federal centers for the study of noise pollution. There is one such center at Rutgers run by Eric Zwerling, who provided the model noise ordinance for Highland Park. He gave Loren a copy of this model ordinance, and she will bring it to our next meeting. Loren will also find out the cost of the decibel machines. Laurel will bring a copy of the Board of Health noise ordinance to the next meeting.
7. The meeting adjourned at 10:20 PM. The next meeting will be on Wednesday, May 16, 2001, at 8 PM in Borough Hall.