

## **Highland Park Environmental Commission Minutes of Meeting November 19, 2003**

Present: Jonathan Abrahams, Arnold Henderson, Tony Puniello, Mike Rosenberg Loren Muldowney

1. **MINUTES.** The meeting was called to order at 8:15 p.m. Minutes of October meeting were approved as submitted.

### **2. CORRESPONDENCE**

The DEP bureau of Communications and Response notified the borough of a hazardous spill (gasoline) in the Raritan River from an overturned boat 1000 yards north of the U.S. 1 bridge, DEP Case #03-10-26-1235-10. We note the potential danger to our tidal marsh, especially if such spills become more common after the proposed dredging meant to increase boat traffic to New Brunswick.

### **3. SITE PLANS**

- a) William Allen  
411 S 7  
Docket #54-40-03  
B54 L40  
Deck. No Comment.
- b) Jonathan Teitelbaum  
608 Magnolia  
Docket # 45-24,25-03  
B45, L24-25  
Enlarge deck over concrete. No comment.
- c) Sanjeev Chadha  
236 S 8  
Docket #52-43-03  
B52, L43  
Deck; impervious cover changing from 42 to 46%. No comment.
- d) Netivot Montessori  
201 S 3  
Docket #33-1-03  
B33, L1  
Conversion to school use. No comment.
- e) Jennifer Colon  
252 S 9  
Docket #58-4,5-03  
B58, L4-5  
Subdivision separating back portion of lot. No comment.
- f) Irene Pomper  
611 S Park  
Docket #146-4-03  
B146, L4  
Subdivision along Mill Brook. Comment: Concern over future use of property and proximity to the stream.
- g) Margaret Lambert  
232 Raritan  
Docket #22-7-03

- B22, L7  
Interior changes. No comment.  
Materials received are an addendum and we lack the original, so we find comment difficult.
- h) Neil Muller [cover sheet mislabeled as Margaret Lambert]  
120 S 9  
Docket #56-9-03  
B56, L9  
Removal of garage to create paved parking area. Comment: Impervious cover concerns: consider pervious paving. Materials received are an addendum and we lack the original, so we find comment difficult.
- i) Westminster Management (Highland Gardens Apartments)  
Benner Street  
Docket #32-2-03  
B32, L2  
Sign. No comment.
- j) Raymond Morris  
131 Barnard  
Docket #104-32,33-03  
B104, L32-33  
Addition. Comment: Concern over impervious cover.
- k) Gabriela Flores  
222 Karsey St.  
Docket #70-16-03  
B70, L16 Expand nonconforming use. No comment.
- l) Morgan Lincoln Group  
26 Lincoln Ave.  
Docket #183-23-03  
B183, L23  
Proposed construction on vacant lot. This is a revised application with three units (not four as previously proposed). Comment: Preserve existing evergreen street trees if at all possible and during construction avoid compacting soil within their drip lines. For shrubs, prefer native to nonnative species (seek advice of STAC).
- m) Dennis and Justina Kong (Kam Soon Auto Service)  
117 Woodbridge Avenue  
Docket #91-19-03  
B91, L19  
Bay extension and office enlargement. Comment: The proposed replacement of asphalt by landscaping is an improvement.
- n) Raritan Associates  
901 Raritan Avenue  
Docket #135-20,21,22,23-03  
B135, L20-23  
Received too late for comment; has already been decided by Planning Board.
- o) Francis Parker Memorial Home Expansion  
443 River Road  
Docket #189-3-03  
B189, L3  
The following comments are in addition to those submitted earlier.
- (1) General information needed. CME's recent list of requests for information must be met.
  - (2) Lighting. Use luminaires that fully conform to Highland Park ordinances. The design shown has the actual light source in a transparent lower portion, causing unacceptable and illegal side spill. Designs giving the proper downward cone are available in many styles, including

ones resembling that on the plan, but with the actual light source moved up into the cap for side shielding.

- (3) Proposed planting list. Applicant should consult STAC for native species to replace nonnatives. These nonnatives include (as STAC reports to us) Kousa dogwood, Yoshino cherry, Norway spruce, barberry (widely listed on invasive-species lists), three of the four hollies (Japanese, dwarf Japanese, and blue princess), and Sargent juniper. Extra care is needed so close to the Ecological Preserve.
- (4) Rear property line. Field-mark the rear property line as an aid in preserving trees now marked for elimination. This was discussed between representatives of applicant, borough planner's office, and STAC during an invited site visit 11/18, when markers could not be found, making it hard to tell which trees were on the Ecological Reserve, or to see the relation of proposed parking to the trees.
- (5) Subsurface. Provide information on percolation rate, etc. We have not seen the PMK subsurface study that the November EIS calls reference 4. Is it available? Is percolation rate established either by this study or by later tests? If not, assumptions for fractured shale (not solid shale) seem appropriate.
- (6) Archaeological and historical resources. Conduct a formal archaeological investigation. Whatever response is eventually received from state offices, the site and surrounding woods are known to be near colonial sites (Ross Hall, Raritan Landing, early tavern and roads) and areas used by Native Americans (Assunpink Trail and spur trail along Raritan River). The Highland Park Cultural Resources Inventory (1993) designates the Kilmer Woods complex as likely to contain early materials not destroyed by later development. Both colonial and Native American sites were in fact found during archaeological investigation for the Route 18 Expansion at the other end of the Ecological Preserve.
- (7) Endangered/Threatened species. Take into account the several endangered/threatened species known present in Highland Park, some as close as Johnson Park and the Ecological Preserve, and preserve potential habitat (especially trees of all sizes). The EIS now lists none known and indicates no response as yet from the state office. Seven species, however, were recently (August 25, 2003) reported to the state by Joanne Williams, a regular contributor to this area's NJ Audubon Regional List. Of particular interest are four tree-using endangered/threatened species: red-headed woodpecker, bald eagle (both seen close by in Johnson Park), peregrine falcon, and cooper's hawk (both seen in various wooded or wood/field areas of Highland Park). Two published area lists may contain additional endangered/threatened birds or other creatures: 1978 Rutgers Ecological Preserve brochure by Prof. Ted Stiles, and Prof. Charles Leck's Rutgers-area bird list (reprinted in appendix to Highland Park Natural Resource Inventory [1992]).
- (8) Stormwater detention. Provide better delineation and description for the underground pipe field and parking above.
- (9) Road connection to Castle. Board should not allow this road to create conditions for high construction density on the Castle property, or objectionable traffic flow from such future construction through nursing home property and along the edge of the Ecological Preserve.
- (10) Tree mapping and preservation. Applicant should continue refining the accuracy of the tree maps and should direct field crews to watch for the inevitable few trees in "surprise" locations. We understand earlier inaccuracies are being corrected on a revised colored map (e.g., a large tree, perhaps mulberry, is now shown northeast of the Crockett house). The "sampling method" used for trees in the densely wooded portions involves making counts for typical circles, so field crews should be directed to watch for trees at undocumented points and make field decisions to work around them where possible, to protect both individual trees and understory growth around them.
- (11) Planting of screening trees. Applicant should consult STAC on evergreen screening. Proposed evergreens shown along the road and Castle property line seem intended as screening but seem unlikely to function well (as reported by a member of STAC). As they

mature they will likely drop lower limbs (leaving screen gaps) while upper limbs spread (interfering with adjacent deciduous trees).

#### 4. OLD BUSINESS

- a) **Recreational Trail Grant Status Report.** Loren Muldowney spoke with Larry Miller of DEP and received a 6-month extension but expects to complete work on this trail from the Southside Bikeway to Donaldson Park before the end of next month.
- b) **Greenway/Environmental Education Centers Project.** The landscape architect for River Road, MKW, expects to send the borough revised drawings on November 24 in preparation for a meeting December 1. The design of the River Road center has been somewhat enlarged, and some extra funding located, probably allowing now for a full building rather than an open shelter. The plans coming November 24 will be the first drawn under this larger role for the architectural component.
- c) **Green Community Working Group.** This borough committee has begun meeting. Grants have been obtained for 1) grid-connected solar panels on Borough Hall and the center building at the Native Plant Reserve and 2) street tree plantings to reduce the heat island effect. Short-term goals of the Green Community Working Group are the various specific projects covered by these grants. Longer term goals include finding ways to measure Highland Park's achievements toward improved sustainability by 2020.
- d) **Parker Homes.** The next Zoning Board session on this nursing home expansion is scheduled for November 24, unless the applicant requests extra time to respond to questions by the borough engineer or for other reasons. For our comments, see site plans, item o.
- e) **Buck Woods.** No news on this proposal to develop homes in a wooded ravine.

#### 5. NEW BUSINESS AND ANNOUNCEMENTS

- a) **Greenway/Ayers Beach Natural Area.** Members have noticed citizens beginning to visit this new public open space, created by the recent county purchase of the former Red's Marina. Walking to it from Donaldson Park, however, is difficult because the marsh-edge trail is muddy and awkward. The marsh and some adjacent land is being considered for county purchase but currently is still the property of Barwood Corporation (though governed by a conservation memorandum of the Planning Board). This makes it difficult to plan for a better trail, relocate it above the wet area, or even determine the correct property line and hence what space is available for a trail.
- b) **SLAPP (Strategic Litigation Against Public Participation) Suit.** News was reported of a developer's suit against an environmental volunteer. The suit risks setting a precedent inhibiting citizens from reporting environmental conditions, endangered species, etc. The developer is suing a volunteer in the state's Herpetology Atlas Project after her report of a vernal pond caused the state to forbid the developer from building a road in this protected habitat and its buffer area. Many of the state's environmental groups have petitioned the state attorney general to dismiss the suit.
- c) **Backyard Wildlife Habitat Program.** Arnold reported that the National Wildlife Federation has certified the first Highland Park home (his). The program encourages planting yards with native plants, plants offering berries for birds, and various means of providing food, shelter, and water to support birds and other wildlife even in urban and suburban environments.

The meeting adjourned at 10:30 p.m. Next meeting December 17, 2003, 8 p.m., in Borough Hall.