

Highland Park Environmental Commission
Meeting of January 21, 2004
Minutes

Present: Michael Rosenberg, Jonathan Abrahams, Arnold Henderson, Laurel Kornfeld,
Loren Muldowney, Anthony Puniello

Absent: Gabor Grunstein

Guests: Anne Barron, Justine Bumby, Barbara Johnson, Mary Ellen Tuccillo

1. The meeting was called to order at 8:25 PM.
2. The minutes of the December 17, 2003 meeting were approved.
3. 2004 Meeting Schedule. Mike put together a list of our meeting dates for 2004. We will continue to meet on the third Wednesday of every month, with the exception of August, when there will be no meeting, and September, when we will meet on the fourth Wednesday instead of the third due to the Jewish holiday. Laurel will fax the list of meeting dates to The Home News Tribune.
4. Correspondence
 - a) We received a copy of a letter from DEP regarding a Stream Encroachment Jurisdictional Determination under the Flood Hazard Area Control Act to Shira and David Pilsh of 909 South Park Avenue dated December 2, 2003. The letter addressed the Pilsh's in-kind replacement of the wooden retaining wall on their property along an unnamed tributary of the Raritan River and stated that a Determined Stream Encroachment Permit is not required for this project.
 - b) We received a letter from Middlesex County dated December 31, 2003, notifying us about two hearings regarding the relocation of a 30-inch natural gas pipeline in Edison Township to a Green Acres property. The relocation is being done to allow improvements to Route 1. The hearings will be on February 4 in the County Administration Building in New Brunswick and on February 19 at the Edison Township Municipal Building.
5. Site Plans
 - a) Tony Szemeretta
313 South 2nd Avenue
Docket No.: # 24-16-03
Block and Lot: B-24, L-16

The applicant proposes to build a dormer on the right side of the attic of a two-family house that is located in a single-family zone. No Comments.

- b) Jana Varlejs
612 South 1st Avenue
Docket No.: # 22-10-03
Block and Lot: B-22, L-10

This is an addendum to an application before the Zoning Board. The applicant is seeking a new variance for side yard setback. This application is for an addition to a house on a 50 X 100-foot lot. Also being sought are an additional side yard variance, a maximum height variance, and a variance for minimum off street parking. No Comments.

- c) Nicholas Stefanchik, Jr.
264 South 10th Avenue
Docket No.: # 63-3, 4, 5-03
Block and Lot: B-63, L-3-5

This is a proposal to subdivide a single lot into two lots, 3.01 and 4.01, and to construct a single-family residence on one of the new lots. There is currently a one and a half story home on lots four and five. Lot three is vacant. In order to put a conforming house on the new lot, the applicant will need variances for front and side yard setbacks. Two decent-sized trees will have to be removed for the construction of the new house.

Comments: Try to reduce the size of the driveway. Try to use a permeable surface for the driveway. Plant shrubs to screen the parking area from the street.

6. Old Business

- a) Trail Grant Status Report. Loren reported that the Department of Public Works has completed more of the retaining wall at the site. Anne said she was there recently, and it looks great.
- b) Greenway Environmental Education Center. Arnold reported that we have new detailed plans for the Center from the architect and the landscape architect. The plans include a glass-walled building on River Road with a storage area and a restroom (which will have opaque walls). There will also be a shade structure with solar cells. There was a revision made regarding the Center's design that involved money being transferred from one part of the budget to another. Mike reported that Highland Park received a grant of \$189,000 from the state to construct the Center. This grant comes from the \$175 million approved by the governor for open space preservation. The application was made to Green Acres to fund the building as a solar building. The money is being given in a combination of both loans and grants. Notice of the borough's award of this grant appeared in a recent Star Ledger article, which Mike displayed. We do not yet have a cost estimate for construction of the building. The county is also giving us about \$100,000 more to build a bathroom at the Center, which the borough will maintain. Jon asked whether there will be a public meeting on the plans for the Center to solicit input. We will look into this further at our next meeting. Some of us felt there should be a public presentation of the plans. We need to determine whether such a meeting will be held before the Borough Council or before one of the land use boards. Anne questioned how many trees are being cut down to build the Center; Arnold said many more are being put in than being taken out. Those coming out are mostly Norway Maples, which are an invasive species. Small ornamental trees will be put in. We agreed that if anything in the Native Plant Reserve is taken out of the ground, it should be transplanted.
- c) Green Community Working Group. A second meeting of the group is coming up. Laurel will give Loren copies of environmental ordinances previously submitted for consideration to the Council. Anne said she asked Councilman Steve Nolan about a package of environmental ordinances being worked on by the Council and questioned why the Environmental Commission was not informed about these. She emphasized that the Commission should ask to be included in planning these ordinances and should be concerned about the wording of these ordinances. Arnold noted that sometimes the borough does not comply with its own ordinances. For example, our ordinances for lighting are very good and specify that light is not supposed to spill off properties, yet the old-fashioned globes put up on Raritan Avenue several years ago violate this provision.
- d) Francis Parker Memorial Home. Arnold has a copy of the memorializing resolution. There are several areas with which we are concerned. The tree survey as of late November is still incorrect and missing information. Borough Engineer Bruce Koch submitted about 40 questions regarding the site. However, before voting on the application in December, the Zoning Board specified that unresolved issues except for storm drains would be left to Koch to resolve with Parker. Anne noted several flaws in the process by which the application was approved. She said two different lengths were given for the swimming pool; the applicant refused to provide an environmental expert; the Zoning Board did not consider the Environmental Impact Statement; adverse offsite impact was not studied at all; and the memorialization does not mention the EIS at all. She referred to page 1835 of our zoning ordinance, noting the last two paragraphs that deal with the

EIS and questioning whether the memorialization resolution meets the standards in the ordinance. Arnold reported that Parker agreed to have a 10-foot vegetated setback. He also noted that the tree survey was commissioned by the borough at Parker's expense. The memorialization states that Parker and Kaplan will get together to discuss the road between their properties, which will be used for emergency access only. Anne also reported that new plans were dropped off the day of the November meeting, too late for the public to have a chance to review them and make comments. She noted that the Zoning Board attorney said the usual 10-day waiting period was not required because these were revised plans. Then at the December meeting, the public was not permitted to comment at all. Arnold suggested an archeological observer be present during construction. He also recommended bringing in an engineer to estimate the cost of underground parking. Anne said the Zoning Board rules of order permit waiving of the EIS but then the Board must explain why it is doing so. She also noted that according to the Zoning Board's new rules, within 20 days of publication of the memorialization, members of the public may write a letter requesting a rehearing of the application if there is due issue. She is submitting a request for a rehearing due to the environmental impact not having been studied and would like the Environmental Commission to submit a similar letter. She also noted that the Board can use the zoning ordinance to stop something that is not to the benefit of the town. Arnold said the Zoning Board may decide to hold a rehearing only on environmental issues. After much discussion, we agreed to write a letter requesting a rehearing based on the EIS not having been fully explored and reviewed. We will note that we submitted three sets of comments and that we don't feel all of these were adequately addressed. Additionally, we will state that we don't find any evidence in the memorialization that these issues were addressed. Mike will draft and send the letter.

- e) Endangered Species in Highland Park. DEP states they have no reports of endangered birds in Highland Park. Arnold has a copy of a letter he wrote to Jose Fernandez, Assistant Director of the Endangered Species Program at DEP, responding to this. He sent an appendix of original documents regarding endangered birds in town and recommended we keep this in our correspondence file as part of our official record. Laurel asked whether we can officially adopt this appendix as an addendum to the NRI, and Mike agreed that we would address this at our next meeting. Tony noted that it would be good to add this to the NRI because the new Master Plan specifically references this document. Anything in our official record may come up during a site plan application. Arnold emphasized that this will show that Highland Park is aware of endangered and threatened birds in town. Mike brought a copy of a brochure on the Rutgers Ecological Preserve. He recommended that we have a file in the library on endangered species.
- f) Buck Woods. Anne said we could get more money from Green Acres if we get a non-profit organization to write a grant application for purchase of this property. The Fund for Highland Park is willing to consider applying. Anne also reported that Freeholder Camille Fericola would like Save Open Space to work with the Stony Brook Millstone Watershed group on this. Jack Morris is currently asking \$9 million for the Buck Woods property.

7. New Business. None

8. The meeting adjourned at 11:15 PM. The next meeting will be on Wednesday, February 18, 2004 at 8 PM in Borough Hall.