



## ***Bernards Township Environmental Commission***



### **BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION MINUTES – September 28, 2020 – 7pm**

#### **CALL TO ORDER**

Chairperson Ann Parsekian called the meeting to order at 7:02 pm via Zoom Conference call in accordance with the Open Public Meeting Act of 1975.

#### **FLAG SALUTE**

All those assembled saluted the flag.

#### **ROLL CALL**

**Present:** Alice Smyk, Ann Parsekian, Debra DeWitt, Joan Harris, John Crane, Mahwish Mustafa (arrived 7:08pm)

**Absent:** Jane Conklin, Nancy Cook, James LaMaire

**Also Present:** Kaitlin Cartoccio – Recording Secretary, Todd Edelstein - Resident

#### **APPROVAL OF MEETING MINUTES**

Motion to approve the August 24, 2020 minutes made by Debra DeWitt, seconded by Alice Smyk. Joan Harris and John Crane abstained. All in favor, motion carried.

#### **REPORTS & MISCELLANEUS CORRESPONDENCE**

##### **a. 37 Sunset Lane – Septic System**

Discussion regarding possibly moving the septic system closer to the house to avoid wetlands. There were also some questions regarding how many septic systems fail a year and how they must be filled in after their usage. No further comments.

##### **b. LCB Senior Living Holdings II, LLC – Freshwater Wetlands General Permit #10A**

No comments.

##### **c. Tilton Hospital Comments**

Discussion surrounding a property under new business where an old hospital may have existed in the past. The property was approved for construction in 2008 but no construction took place. The Commission discussed reviewing the meeting minutes and resolution from the Environmental Committee the last time this property was approved. No further comments.



## ***Bernards Township Environmental Commission***



### **NEW BUSINESS**

- a. SILVER LIVING LLC – ZB-20-015-14 North Maple Ave** – Bulk variance & max lot coverage to raze existing structure and replace with new single-family home

Review of the plan describes the razing of the home to the foundation to replace modern home if the foundation is sound. The current structure is a late 19<sup>th</sup> century house with a stone foundation. It could be difficult to put a modern home on an older foundation. Once house is substantially demolished or razed it becomes a vacant lot and the owners must abide by the vacant lot rules. Due to the age and proximity to historic church cemetery it is possible here could be graves or artifacts from the slave section of the cemetery purportedly located nearby.

In regard to this application, the Environmental Commission would like to see a tree removal and replacement plan. Long-term tree survivability should be the goal of any tree replacement plan and native hardwood species should be selected whenever practical. The Commission would ask the Board to remind the applicants that they are virtually at capacity on lot coverage and that any future additions such as patios, sheds, pools or any other impervious surface coverage items would put them over the limit. The Commission suggests they discuss this with the applicant and perhaps the applicant may want to consider reducing the amount of impervious surface coverage. There is no architecture drawing and the Board of Adjustment should review one to assure compatibility with the historic streetscape. The proposed demolition is not in compliance with the Master Plan's goal of preserving the historic villages of Bernards Township. Proper precautions should be taken in disposing of ingrown tanks, asbestos and lead paint. Pictures should be taken of the existing structure and copies should be submitted to the Historical Society.

Motion by John Crane, seconded by Alice Smyk.

All in favor, motion carried.

- b. A. SPOSATO REALTY CO.-ZB 20-016-31 & 35 East Craig St** – Lot 10.02-Lot frontage & Lot width, Lot 11-Lot width & side yard setback.

The Environmental Commission has reviewed this application and offers the following comments: There should be a key to identify the types of trees on the plan and there currently is none. The Wetlands Survey expired and must be redone. Calculations for drywells and testing needed. The subject of Tilton Hospital mentioned earlier should be brought to attention. The Commission would like the BOA to review the previous resolution and any related memos for environmental topics from the original approval.

Mahwish Mustafa's WiFi disconnected her from the meeting at 8:24 pm

Motion by Alice Symk, seconded by Debra DeWitt.



## ***Bernards Township Environmental Commission***



All in favor, motion carried.

### **PUBLIC COMMENT**

Todd Edelstein emailed asking if Ann Parsekian needed to recuse herself from the Tilton Hospital comments since she was once a part of the Historical Society. Ann Parsekian replied she did not need to recuse. Todd Edelstein suggested to check with IT for information about Tilton Hospital, that it may be in “the cloud”. He also mentioned Ann Parsekian having troubles with her computer screen is a reason for the meeting to be in-person at Town Hall.

### **COMMENTS BY MEMBERS**

There was discussion surrounding Governor Murphy possibly signing legislation for plastic/paper bag ban. John Crane said he is thankful we’re still doing Zoom for health reasons. Ann Parsekian agreed. Debra DeWitt noted it is easier to review plans onscreen via Zoom. John Crane mentioned that the public could also view the plans before the meeting since they are posted on the agenda on the Township’s website.

### **ADJOURNMENT**

Meeting was adjourned at 8:33 pm by Joan Harris , seconded by John Crane. All in favor, motion carried.

Respectfully submitted,  
Kaitlin Cartoccio, Meeting Secretary



## ***Bernards Township Environmental Commission***

**TO:** Zoning Board Chairperson and Members

**FROM:** Ann Parsekian, Chairperson  
Bernards Township Environmental Commission

**DATE:** September 29, 2020

**RE:** Applications review

The Environmental Commission reviewed these applications at their September 28, 2020 meeting and forwards the following comments.

### **Silver Living LLC, 14 No. Maple, ZB20-015.**

The Environmental Commission has reviewed this application and offers the following comments:

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 culture 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 resources.

In addition, the MLUL lists among its purposes:

- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement
- j. 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 14 North Maple Avenue is a Four Square/Colonial Revival house that is a contributing resource to the Basking Ridge Historic District (listed in Table XI-1 in the Master Plan), which is delineated on a map that is part of the Basking Ridge Historic District National Register Nomination Form (the historic district was deemed eligible for listing on the National Register in 1994). The dwelling is #106 in the inventory that is part of the nomination form. In addition, the dwelling is #104 in the Inventory of Historically Significant Homes in Bernards Township compiled by the Township Engineering Department and Township Historian June Kennedy in 1998. The inventory provides a date of c.1885-1910. The house is part of a noteworthy intact streetscape of 19<sup>th</sup> century vernacular dwellings that stretches along North Maple Avenue in the center of Basking Ridge Village.

3. The EC notes that the lot comprises less than half of the zone's required .5 acre, as well as substantially less than the required front yard setback and side yards. The proposed new construction does not resolve any of these detriments and dramatically increases the coverage to 37.4%, substantially more than the 19.3% existing coverage and the maximum 20% coverage for the zone. Site drainage is a concern for this application, and the Applicant may want to consider reducing the amount of impervious surface coverage. The absence of any outdoor amenities such as a patio, which would exacerbate lot coverage and impervious surface issues, should be discussed relative to future property owners.

4. The EC recommends that proper precautions be taken regarding investigation for and disposal of in-ground tanks, and protocols for existing asbestos and lead paint.

5. The EC notes the absence of a tree plan

6. The EC notes the absence of architectural drawings for the proposed new construction, and recommends that the BoA review such drawings to determine compatibility with the existing historic streetscape, per the Master Plan.

7. The EC does not support demolition of this building. The EC strongly recommends that the Applicant consider an alternate approach 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. At a minimum, the EC requests that the Applicant photograph/document the existing house and submit copies to the Historical Society of the Somerset Hills.

8. The EC notes the possibility of unmarked slave graves in the northeast corner of the Presbyterian Church's cemetery (Felmeth audio tour on church website). The exact location of any such graves is unknown. The existing stone wall between the cemetery and the subject property postdates the timeframe for any slave graves. The EC recommends that all contractors be informed of this possibility. In the (unlikely) event that such a grave is discovered, state law must be followed.

**Sposato Realty Co., 31 and 35 East Craig St., ZB20-016**

The Environmental Commission has reviewed this application and offers the following comments.

1. During the 2007/2008 hearing for Ridge Custom Home's subdivision application, there was discussion of information provided by the Historical Society of the Somerset Hills regarding the possible location on the subject properties of Dr. James Tilton's Revolutionary War-era experimental hospital dating to the winter of 1779-1780 (this experimental hospital is not the c.1777 small pox hospital, which likely was located on the east side of North Maple Avenue and was associated with Rev. Samuel Kennedy, pastor of the Presbyterian Church of Basking Ridge).

Attached is the 2007 memo from the historical society that provides background information for the Applicant's review. The EC recommends that the Applicant inform all contractors to be aware of the potential for artifacts. If any are found, they should be brought to the attention of the historical society.

2. The EC notes that item #14 of the Dec. 2, 2008 Resolution of Approval requires the Applicant to meet with the Historical Society of the Somerset Hills to discuss the home design plans to assure conformity of the designs with the neighborhood.

3. The EC notes the lack of a tree identification legend for this application.

4. The EC would like to know if the original LOI has expired by now; if yes, the EC recommends seeking a new LOI.

5. The EC would like to see calculations and testing for drywells on the properties.

Cc: David Schley, Township Planner  
Cyndi Kiefer, Secretary; for distribution to BOA members