



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



### **BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION MINUTES – October 24, 2022 – 7pm**

#### **CALL TO ORDER**

Chairperson Debra DeWitt called the meeting to order at 7:02 pm in the Warren Craft Room, Bernards Township Municipal Building in accordance with the Open Public Meeting Act of 1975.

#### **FLAG SALUTE**

All those assembled saluted the flag.

#### **ROLL CALL**

**Present:** Debra DeWitt, Alice Smyk, John Crane, Todd Edelstein (Alternate 1), Corey Fischer, James LaMaire, John Valero Jr., Sarah Wolfson (Alternate 2)

**Absent:** Jennifer Asay, Nancy Cook

**Also Present:** Kaitlin Cartoccio, Recording Secretary

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

Motion to approve the September 26, 2022 minutes made by John Crane seconded by John Valeri Jr. All in favor, motion carried.

#### **REPORTS & MISCELLANEOUS CORRESPONDENCE**

##### **a. Subcommittee Reports**

- b. Applications** – To be added into comments under Lot Coverage - planting trees for impervious coverage.



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- c. **ANJEC** – The stormwater webinar from September was discussed, Debra DeWitt attended. Talked about forming a stormwater utility system similar to an open space tax. Residents would be taxed based on their impervious coverage. Funding is available for studies for towns to determine need. There are resources available to implement this system. Many homeowners break the impervious coverage ordinance anyway, this could be a possibility in the future. All about enforcement. Would it really do anything to deter people? Other members questioned about tax issues that could arise and not wanting to be a test subject for other towns. There are no current examples or towns utilizing this in New Jersey. Is there a comparison of Bernard’s requirements vs state? John Crane will put that together.
- d. **Native Pollinator Group** - None
- e. **Community Outreach/Education** - Sarah Wolfson had some extra seedlings which she’s been giving away.
- f. **Guerilla Gardening** – Non.
- g. **Pumpkin Smash** – Pumpkin Smash is scheduled for Saturday, November 5<sup>th</sup>. The event has been advertised in Friday Folders, in Tap Into and Basking Ridge Patch and other media sources.

### **OLD BUSINESS**

- a. **Status on Current Projects** – None.

### **NEW BUSINESS**

Alice Smyk recused herself at 7:38 pm.

#### **a. Applications**

- i. **Light - ZB 22-026 - 13 Victoria Drive** - Variance for exceeding max impervious coverage allowed.

The Environmental Commission notes that there are discrepancies in the application from the Applicant’s Engineering Firm and the Applicant’s Attorney and recommends an effort be made to coordinate the application.

The Commission notes the existing lot coverage exceeds the maximum amount. Increased impervious coverage increases the volume (quantity) of stormwater runoff, which can contribute to local and potentially area wide flooding. Site drainage is a



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concern with this application, therefore site features to promote the recharge of stormwater from the roof leaders should be evaluated. We suggest the applicant consider implementing a stone recharge area in the space where the driveway is being removed. The New Jersey Department of Environmental Protection Green Infrastructure website is a good reference for “green” stormwater management practices for homeowners.

Motion by John Crane, seconded by John Valeri Jr.

All in favor, motion carried.

Alice Smyk returned at 7:48 pm/

**ii. NJ American Water - ZB 22-014 - East Oak St (rear)- Bulk variance - Conditional use variance to install a permanent emergency generator.**

The Environmental Commission notes the presence of freshwater wetlands and a surface water body on the subject property. Best management practices to protect these sensitive ecological areas should be implemented during the site work (sediment and erosion controls) and post-construction (organic lawn care, protect and preserve natural soil, vegetation, and grading in buffer zones and within the stream).

The Commission notes that due to the site and surrounding topography storm water best management practices should be given extra consideration during site work and as part of final site grading and restoration. In addition, implementation of best management practices to preserve and protect trees during the site work should be considered.

This property contains a wetlands conservation easement and as such, the Commission would like to see an LOI. In addition, the Commission would like the Board to examine the Riparian Buffer.

Regarding the presence of and proposed development on the existing wetlands, the Commission defers to the NJDEP review of the Freshwater Wetland Individual Permit.

The Commission believes that the impact of this development on the environment would be contradictory to the stream buffer conservation ordinance which limits or prohibits certain activities, including erecting any permanent structure. The stream buffer conservation ordinance was created to better protect the stream buffers and enhance the water quality of the adjacent streams. The regulations provide reasonable controls governing the restoration, conservation, disturbance, and management of existing stream buffers along all perennial (flows continuously) and intermittent (does not always have water in it) streams, lakes, and ponds in the municipality. Therefore, the Commission does not support any intrusion into the stream buffer conservation area

The Commission anticipates that NJDEP will propose new design elevation rules in connection with the Department’s New Jersey Protecting Against Climate Threats (NJ



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PACT) initiative. Although not regulatorily required as of this date, we recommend that the applicant review anticipated design elevations to ensure the new structure meets the proposed regulations.

The applicant should testify to the noise level of the proposed generator at the maximum decibel rating when operating and take measures to minimize noise. The Commission suggests noise testing post installation to verify the design.

Motion by John Valeri Jr., seconded by Alice Smyk.

All in favor, motion carried.

### **PUBLIC COMMENT**

None

### **COMMENTS BY MEMBERS**

Sarah Wolfson mentioned she was growing plants and can keep giving them away. Additionally, the native plant sale should be continued. Todd Edelstein commented on the impervious coverage mentioned at the beginning of the meeting: where does it stop?

### **ADJOURNMENT**

Meeting was adjourned at 8:30 pm. Motion by John Valeri Jr., second by Corey Fischer. All in favor, motion carried.

Respectfully submitted,  
Kaitlin Cartoccio, Meeting Secretary



## *Bernards Township Environmental Commission*

**TO:** Zoning Board Chairperson and Members

**FROM:** Deb DeWitt, Chairperson  
Bernards Township Environmental Commission

**DATE:** October 26, 2022

**SUBJECT:** Applications Review

The Environmental Commission reviewed these applications at their October 24, 2022, meeting and forwards the following comments:

### **Light – ZB22-026, 13 Victoria Drive**

The Environmental Commission notes that there are discrepancies in the application from the Applicant's Engineering Firm and the Applicant's Attorney and recommends an effort be made to coordinate the application.

The Environmental Commission notes the existing lot coverage exceeds the maximum amount. Increased impervious coverage increases the volume (quantity) of stormwater runoff, which can contribute to local and potentially area wide flooding. Site drainage is a concern with this application, therefore site features to promote the recharge of stormwater from the roof leaders should be evaluated. We suggest the applicant consider implementing a stone recharge area in the space where the driveway is being removed. The New Jersey Department of Environmental Protection Green Infrastructure website is a good reference for "green" stormwater management practices for homeowners (<http://www.nju.gov/dep/gi/>)

### **American Water – ZB22-014, East Oak (rear)**

The Environmental Commission notes the presence of freshwater wetlands and a surface water body on the subject property. Best management practices to protect these sensitive ecological areas should be implemented during the site work (sediment and erosion controls) and post-construction (organic lawn care, protect and preserve natural soil, vegetation, and grading in buffer zones and within the stream).

The Environmental Commission notes that due to the site and surrounding topography storm water best management practices should be given extra consideration during site work and as part of final site grading and restoration. In addition, implementation of best management practices to preserve and protect trees during the site work should be considered.

This property contains a wetlands conservation easement and as such, the Environmental Commission would like to see an LOI. In addition, the Commission would like the Board to examine the Riparian Buffer.



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With regard to the presence of and proposed development on the existing wetlands, the Environmental Commission defers to the NJDEP review of the Freshwater Wetland Individual Permit.

The EC believes that the impact of this development on the environment would be contradictory to the stream buffer conservation ordinance which limits or prohibits certain activities, including erecting any permanent structure. The stream buffer conservation ordinance was created to better protect the stream buffers and enhance the water quality of the adjacent streams. The regulations provide reasonable controls governing the restoration, conservation, disturbance, and management of existing stream buffers along all perennial (flows continuously) and intermittent (does not always have water in it) streams, lakes, and ponds in the municipality. Therefore, the EC does not support any intrusion into the stream buffer conservation area

The Environmental Commission anticipates that NJDEP will propose new design elevation rules in connection with the Department's New Jersey Protecting Against Climate Threats (NJ PACT) initiative. Although not regulatorily required as of this date, we recommend that the applicant review anticipated design elevations to ensure the new structure meets the proposed regulations.

The applicant should testify to the noise level of the proposed generator at the maximum decibel rating when operating and take measures to minimize noise. The EC suggests noise testing post installation to verify the design.

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