

**MINUTES OF THE
CRANBURY TOWNSHIP
ENVIRONMENTAL COMMISSION**

December 19, 2022

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Environmental Commission was held in Town Hall, 23A North Main Street, Cranbury, N.J., on Monday, December 19, 2022 at 7:00PM.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, adequate notice in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-6) was provided on January 5, 2022 and updated August 12, 2022 of this meeting's date, time and place, and the agenda was mailed to the news media, posted on the Township bulletin board, mailed to those requesting personal notice, and filed with the Municipal Clerk.

CALL TO ORDER

With a quorum present, Board Chairperson Paul Mullen called the meeting to order at 7:00PM, and Mary Anne Brown acted as Recording Secretary of the meeting.

MEMBERS IN ATTENDANCE

Paul Mullen, John Krasting, Becky Mathers-Lowery (7:02PM), Jason Mildenberg, Theresa Vaccaro, Josh Kohut, Michael Cargill present. James Gallagher and Jessica Hess were absent.

NON-MEMBERS IN ATTENDANCE

Franco Rausco, owner Block 9/Lot 1.01 & Block 9.01/Lots 1 & 2; Andrew Grover, Insite Engineering; Basil Ellmers, Envirotatics, Inc.

MINUTES

Board Chairperson Mullen inquired if there were any edits or changes to the November 21, 2022 minutes. Hearing none, on a motion by Board Member Kohut, seconded by Board Member Mildenberg, the November 21st Minutes were approved unanimously.

REPORTS

Township Committee Liaison Report

No report.

Development Review Committee Report

No report.

Planning Board

No report.

Zoning Committee

No report.

Parks Commission

Board Chairperson Mullen stated that he will contact the Parks Commission regarding the final plans for the new trail through Village Park for Environmental Commissions review.

OLD BUSINESS

Preserve Management

Board Chairperson Mullen stated that in the new year he will coordinate the purchase of the materials for the Princeton High School Worldwide Foundation Club to build park benches. Also, a trail maintenance day will be scheduled in the Spring utilizing Princeton High School Worldwide Foundation Club as volunteers.

Sustainable Jersey

No report.

Spotted Lanternfly

Board Chairperson Mullen stated that he discussed, with Kathy Easton, Shade Tree Commission Chair, the possibility of the Shade Tree Commission and the Environmental Commission coordinating activities in Village Park in 2023. He explained that the Shade Tree Commission's goal is to remove all Tree of Heaven trees by the end of the year. He relayed that the Environmental Commission's goals are to band any remaining trees in the springtime and contract with a tree company in late summer to do an injection of insecticide to all remaining trees.

NEW BUSINESS

ZBA363-22: Request for Riparian Zone variance at 175 N. Main Street

Subsequent to an email from the EC to the Zoning Board, Board Chairperson Mullen attended the December 7th Zoning Board meeting to provide testimony regarding a riparian zone violation that occurred at 175 North Main Street. The EC had strongly recommended that the Zoning Board deny the Applicant's request for a variance as it would set a disastrous precedent, allowing property owners to violate the Riparian Zone Ordinance and then subsequently request a variance. The Zoning Board further agreed to grant the Applicant a variance for the extensive and unauthorized removal of vegetation within the riparian zone, subject to the condition that the area be remediated as quickly as possible following a remediation plan provided by the Zoning Board's Landscape Architect and with the approval of the Environmental Commission and the Shade Tree Commission.

PB365-22: Warehouse at corner of Station Road & Hightstown-Cranbury Station Road

Board Chairperson Mullen introduced Franco Rausco, owner Block 9/Lot 1.01 & Block 9.01/Lots 1 & 2, Andrew Grover, Insite Engineering and Basil Ellmers, Envirotactics, Inc. present this evening to discuss a proposed warehouse on the corner of Station Road & Hightstown-Cranbury Station Road.

Basil Ellmers, Director of Site Remediation with Envirotactics, Inc. gave an overview of his qualifications and background.

Mr. Basil discussed the Riparian Zone and contaminants onsite. Based on the sites history which dates back to the early 1900's as a fertilizer manufacturer and pesticide sales. The pond in question was man made and created in the early 1950's as part of the industrial process that was performed there.

Mr. Basil discussed the levels of contamination in the Riparian Zone and the State of New Jersey DEP's strict surface water, sediment soil and ground water standards. He discussed "Cranbury Township Ordinance 150-39.1 – Riparian Zone and the exemption in the Ordinance for Remediation". It is his professional opinion that the level of contamination of this Riparian Zone allows for an exemption from the township to allow remediation of the site.

Mr. Basil provided a detailed report of the site, including the history, investigation, and aerial photographs. He discussed the remedy to the contamination which requires disturbance to the Riparian Zone in order to meet NJ DEP's standards and effectively remediate it.

Board Chairman Mullen stated that the Environmental Commission's main concern is the Applicant's claim that the poor condition of the pond qualifies it as an exception to Cranbury's Riparian Zone Ordinance (RZO). He stated that the purpose of the RZO is to protect the area around the water body, not to allow the water body itself to be eradicated. After further discussion, Board Chairperson Mullen stated that the best options available to the Applicant are to either petition the state to re-evaluate the water body, claiming it should no longer be classified as a pond, or to apply for a variance from the RZO. Board Chairman Mullen further advised the Applicant that, unless the Applicant can prove that the pond and the surrounding riparian zone are incapable of providing an effective wildlife habitat, the EC will, in all likelihood, advise the Planning Board not to grant such a variance. Should the Planning Board decide to grant a variance, the EC will recommend that it be conditional upon the Applicant creating a pond comparable in size somewhere else on the site, complete with a 150' riparian zone capable of supporting the indigenous wildlife.

APPLICATIONS

No applications.

PUBLIC COMMENT

None this evening.

ADJOURNMENT OF MEETING

With no further business, Board Chairperson Mullen requested a motion to adjourn the meeting. On a motion by Board Member Vaccaro, seconded by Board Member Krasting, with all in favor, the meeting was adjourned at 8:30PM.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify that I am the duly appointed Secretary of the Cranbury Township Environmental Commission, and that this document, consisting of three (3) pages, constitutes a true and correct copy of the minutes of the monthly meeting held on December 19, 2022

Mary Anne Brown

Environmental Commission Board Secretary