LAWRENCE BROOK WATERSHED PARTNERSHIP, INC.

"Responsible Stewardship of the Lawrence Brook Watershed"

85 Washington Avenue, Milltown, NJ 08850

Telephone: (732) 249-LBWP (5297)

www.LBWP.org

East Brunswick Planning Board,
1 Jean Walling Civic Center,
East Brunswick, NJ 08816

December 29th, 2018

Dear Members of the Planning Board,

Re: Proposed Residential Development "Hidden Oak Woods", at Harts Lane and Tices Lane, East Brunswick, Application #18-07V.

The Lawrence Brook Watershed Partnership (LBWP) is a 501(c)(3) nonprofit actively involved in the protection and restoration of the Lawrence Brook Watershed for 21 years. Primary concern for the LBWP has been the protection of the water quality as well as the surrounding habitat of the more than 30 tributaries, the four lakes and the main stream of the Lawrence Brook, which is and has been a drinking water supply for over 150 years.

The proposed development, "Hidden Oak Woods", at Harts Lane near Tices Lane would threaten water quality in the Lawrence Brook Watershed. Sawmill Brook flowing along the southern edge of Tices Lane Park and it's tributary, along the western edge of Harts Lane will be susceptible to disturbances and development proposed on the subject parcel. There are several quite steep slopes, now mostly covered with and protected by trees, which, if the land is developed, would almost certainly lead to erosion. The resulting runoff into the tributary and main stream of Sawmill Brook, would be detrimental to the drinking water supply.

Being a Pine Barrens outlier, the habitat around Harts and Tices lane which includes Tices Lane Park and the subject parcel, is unique to this area of New Jersey. The 2007 Middlesex County cross-acceptance map of The NJ State Development and Redevelopment Plan, indicates this area as a critical environmental site. During cross-acceptance, the county stakeholders could consider this area as a potential, deleted, or maintained critical environmental site and chose the latter (maintained), attesting to the importance of this area in terms of ecosystem services. The proposal to remove over 1000 trees of significant caliber from the subject parcel and to encroach on the land of the already protected Tices Lane Park is contrary to the consensus of 2007 and is totally unacceptable. Furthermore, because of trees well known carbon capturing ability, the idea of removing a small forest for the benefit of a housing development would appear to run counter to current concerns regarding climate change. It is our understanding that, rightfully so, climate change is an issue of concern to the East Brunswick Governing Body. This was evidenced by a January 2018 resolution regarding the climate crisis, and reinforces the idea that more suitable locations for a development of this type and size should be found.

In an effort to restore the watershed and aquatic life, LBWP is actively involved with the City of New Brunswick in efforts, endorsed by the National Oceanographic and Atmospheric Administration, to install fish ladders which would allow access of herring and shad to the Lawrence Brook and tributaries. Scoping studies have already confirmed feasibility. Sawmill Brook would be

the closest major tributary of the Lawrence Brook that would benefit from the influx of these fish for breeding. Developments like the proposed "Hidden Oak Woods" could threaten the success of this restoration effort by harming water quality.

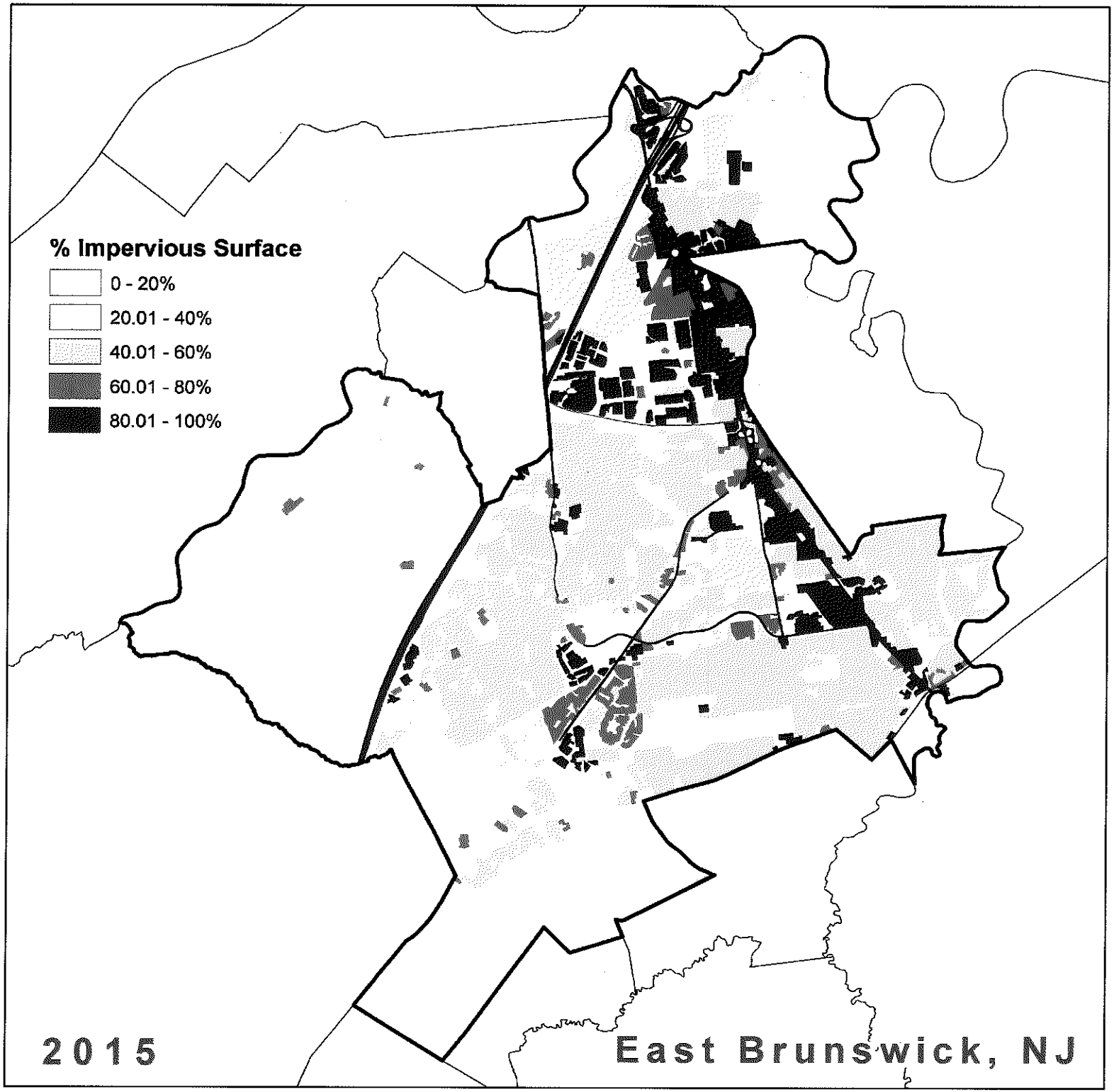
As a primary or secondary drinking water source for at least 100,000, including St. Peter's Hospital and Robert Wood Johnson Medical Center, the Lawrence Brook is eligible for Category I status. The LBWP has petitioned the NJ DEP and met with personnel at the highest levels to upgrade the status for this important water source. We maintain obtaining Category I status as a goal for our organization. Accordingly, we are in agreement with the East Brunswick Environmental Commission that 150 foot buffers be maintained along Sawmill Brook and its tributaries.

In terms of sound planning, the LBWP considers the subject site on Harts Lane to be unsuitable for residential development, as it is almost totally surrounded by industrial development. It is not safe for pedestrians, as there are no sidewalks on Harts Lane, only one sidewalk on Tices Lane and the distance to walk is much too far to shopping areas and transportation. There is also no safe way to bicycle to and from the proposed residential area. There is no public transportation. Adjacency to industrial sites would put children living in the proposed development at risk of harm if they stray outside of its confines. Traffic flow across the junctions of Harts Lane with Tices Lane and Milltown Road would be significantly negatively affected and these roads already have too many delays. The additional access road "Eagle Road" connecting from the property to Tices Lane is likely to contribute to accidents, as it is located at a curve in Tices Lane which has poor visibility of traffic around the curve.

In closing, the LBWP Board of Trustees are of the opinion that this residential development is inappropriate for this site for many reasons and that this site should be preserved permanently as Open Space. We understand from officials of the Township that there are several other sites in the Township much more suitable for residential development and affordable housing needs. These sites should be considered in order to spare the subject parcel from habitat destruction.

Sincerely,

Alan S. Godber,
President, Board of Trustees.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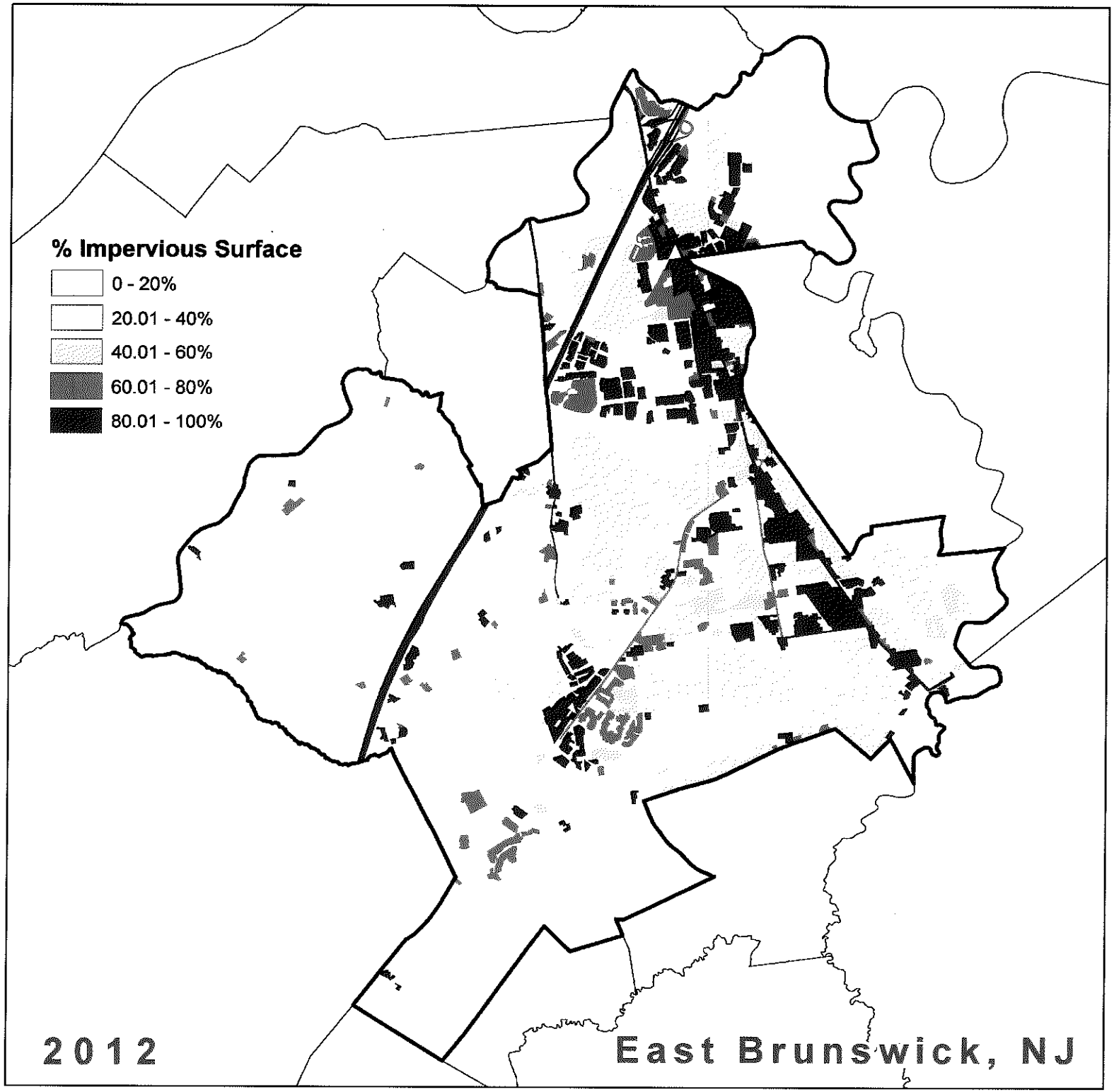
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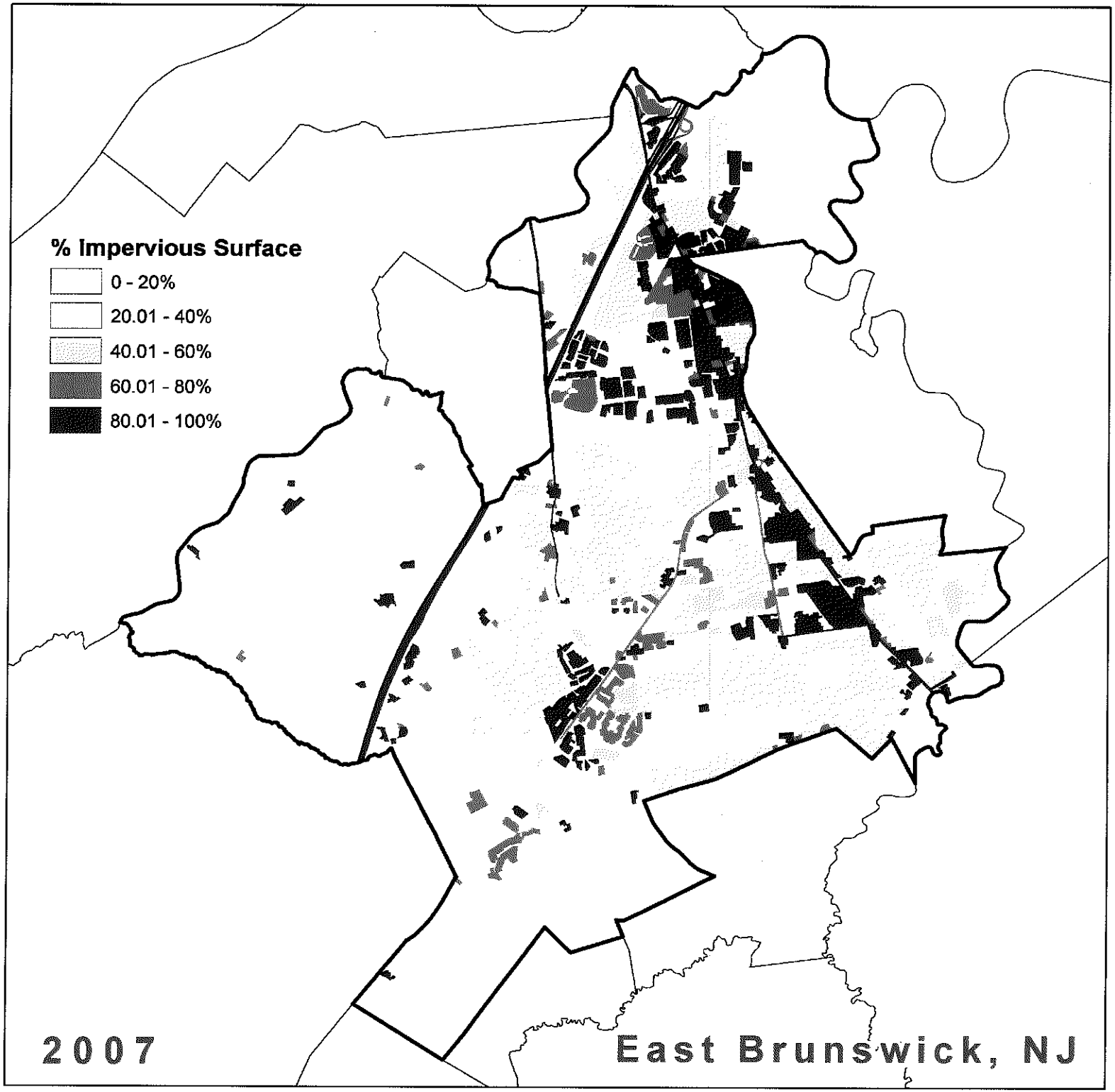
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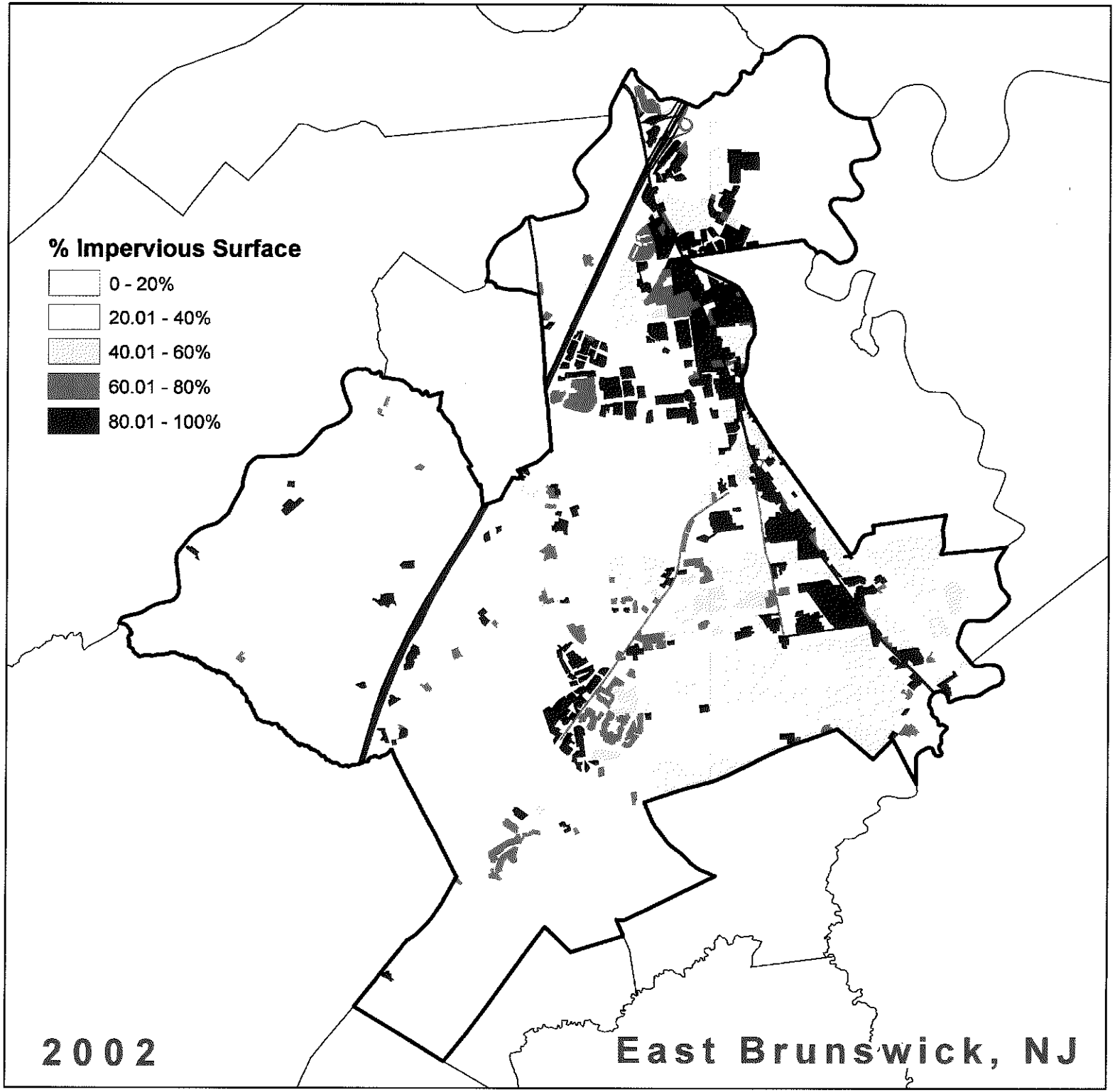
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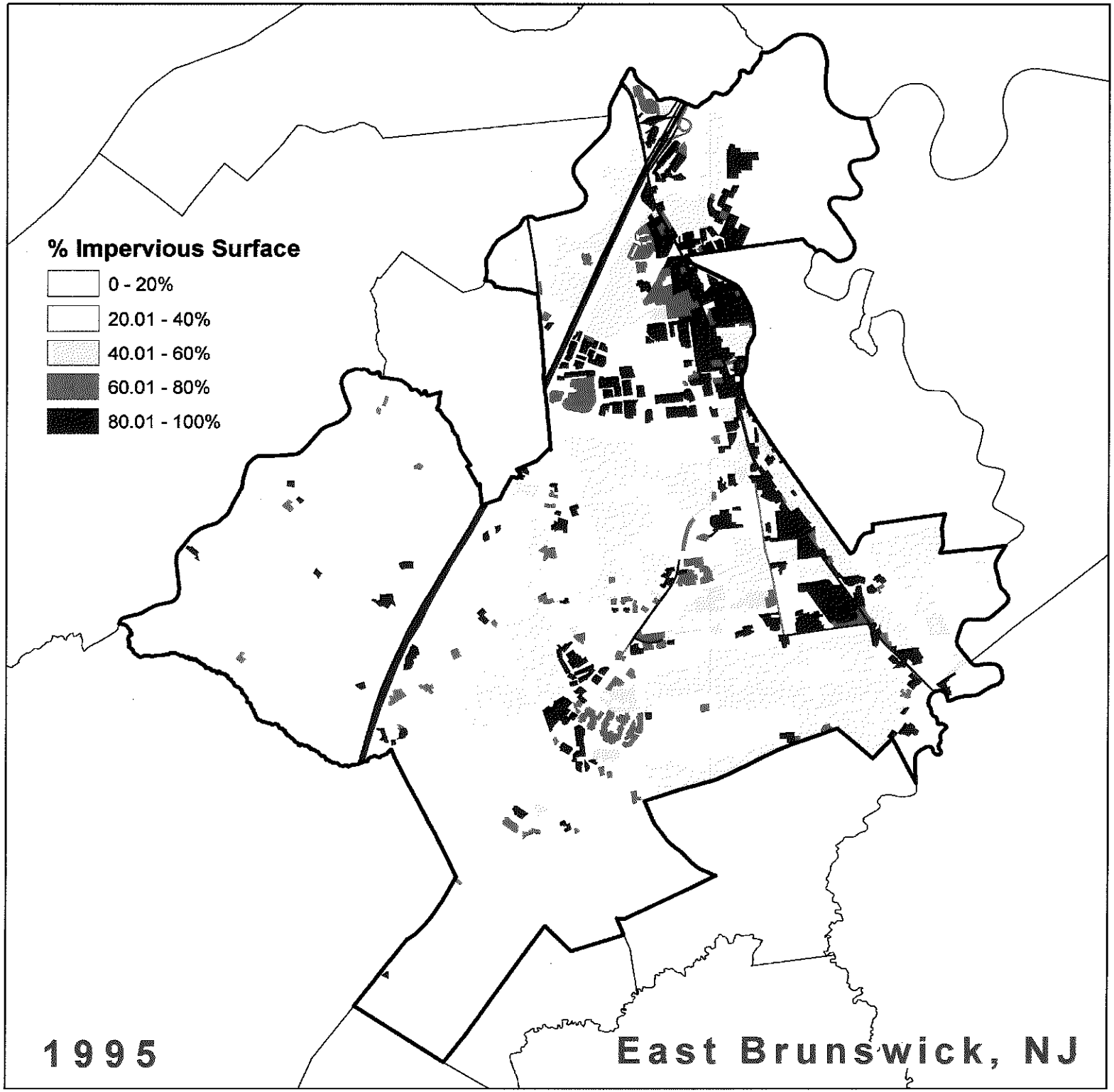
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1995
East Brunswick, NJ

LRWP
Lower Raritan Watershed Partnership

October 8, 2018

East Brunswick Planning Board
1 Jean Walling Civic Center
East Brunswick, NJ 08816

RE: Hidden Oak Woods Proposed Development

Dear East Planning Board –

On behalf of the Lower Raritan Watershed Partnership (LRWP), I am writing to request an updated wetlands delineation of the 45 acre "Hidden Oak Woods" proposed development site in East Brunswick's historic and environmentally critical Sawmill Brook Basin / Hickory Swamp. The Sawmill Brook Basin / Hickory Swamp natural area is located in the north-central portion of East Brunswick Township, part of the Lower Raritan Watershed. Based on our recent (2017) assessments of the adjacent Tices Lane Park, we believe that the existing (1996) wetlands designations for Sawmill Brook Basin / Hickory Swamp (the Hidden Oak Woods proposed development area), are outdated and inadequately characterize the soils, hydrology and plants of this distinctive environment. Our 2017 assessment of Tices Lane Park revealed wetlands soils and plants on almost the entirety of the property, including on upland slopes. We would expect to find similar within the 45 acre Hidden Oak Woods area and, as such, would expect that this would change the current wetlands designation of the area.

Furthermore, we are concerned that development at this location would occur in a protected area. The Sawmill Brook Basin / Hickory Swamp was geologically formed by the last ice age and contains not only freshwater wetlands but also features related to its pine barrens environment. Pine barrens environments are recognized in the New Jersey State Plan as Critical Environmental Sites. Critical Environmental Sites are exempt from the general land-base calculations associated with determining fair-share housing estimates. These fair-share housing estimates have been used by the Hidden Oaks Woods developers to justify the proposal to develop the area to include seven apartment towers (275 apartments), a clubhouse, significant impervious surfaces to accommodate roadways and parking for an estimated demand of 600 vehicles/day, retaining walls and the filling of wetlands.

The LRWP works to conserve, enhance and restore the natural resources of New Jersey Watershed Management Area 9, the Lower Raritan Watershed. We formed in 2014 to address industrial pollutants that left a legacy of contamination in the Raritan River and the Lower Raritan Watershed. Although dumping is much ameliorated, current contamination levels in many stream segments are unknown, and no comprehensive assessment of water quality for the LRW has been performed since the 1970s. Ongoing threats to the watershed include an average of 34% impervious surfaces, significant non-point pollution related to stormwater flows, and stream degradation related to up-slope development. An excellent example of up-slope development impacts faced by our Lower Raritan Waterways can be seen in the on-going degradation of the Tices Lane Sawmill Brook.

www.lowerraritanwatershed.org
hfenyk@lowerraritanwatershed.org

54 Hassart Street #A3
New Brunswick, NJ 08901
#908349.0281

Restoring the Raritan Through Stewardship and Science

LRWP
Lower Raritan Watershed Partnership

Our organization also works to bring attention to, and leverage opportunities for restoration of, our area streams and landscapes. In 2017 our organization worked with Rutgers University Student Daryl Krasnuk to develop two documents to guide restoration of the East Brunswick's Tices Lane Park Pinelands outlier. These documents include a "Tices Park Inventory and Analysis," and a "General Management Plan for Tices Lane Park" (both attached). Our intent with this work was threefold: 1) to improve our collective understanding of this unique Pinelands outlier area; 2) to establish baseline information to understand stream degradation of the Sawmill Brook from up-slope development; and 3) to begin to develop a curriculum for area schools (two are within walking distance) to utilize this special landscape as an outdoor classroom. Mr. Krasnuk's work makes clear the great potential of linking this Hidden Oak Woods Proposed Development property to a potential greenway that would connect three existing public open spaces, including Tices Lane Park (Green Acres funded) which will be degraded if the current project is approved.

Notwithstanding the tremendous environmental services provided by freshwater wetland and forested areas (stormwater filtration, air purification, opportunities for recreation and passive enjoyment), Tices Lane Park and the Sawmill Brook Basin / Hickory Swamp, serve as a tremendous educational resource for local schools. Sawmill Brook Basin / Hickory Swamp is the northern-most extant habitat of pine barrens in New Jersey, an environment formed during the Wisconsin Ice Age approximately 12,500 years ago. Sand and soil deposition also occurred during the broader Laurentide Ice Age. In addition to wind-blown sand and loess, the area is home to intermittent pools and may be home to "spungs" (natural waterways characteristic of pine barrens environments). Spungs have an especially rich potential for Paleo-Indian cultural material from approximately 13,500 years ago, when megafauna once roamed our area. It would truly be a shame to degrade such a unique historical and environmental resource when we could instead be using it for hands-on nature and cultural study with our school-age children.

I would be happy to discuss further.

Heather Fenyk

Heather Fenyk, Ph.D., AICP/PP
Founder and President, LRWP

www.lowerraritanwatershed.org
hfenyk@lowerraritanwatershed.org

54 Hassart Street #A3
New Brunswick, NJ 08901
#908349.0281

MEMORANDUM

To: East Brunswick Planning Board
From: East Brunswick Environmental Commission
Dated: May 18, 2018, **revised June 1, 2018**
Re: Application #18-07V
Hidden Oak Woods
Site Plan w/Variance

The Environmental Commission has reviewed the plans and materials for the proposed residential development proposed for property between Tices and Harts Lanes in the MDA zone and offer additional comments:

1. The Environmental Commission suggests the applicant obtain all necessary environmental permits for the entire property including but not limited to an updated Wetlands Letter of Interpretation and Flood Hazard Certification. The current LOI from DEP expired in 2017 and was based upon a delineation that is 22 years old.

2. The location of the proposed bio retention basins while at the low point of the site are located within densely wooded areas. The stormwater management should be redesigned to be placed under parking areas to preserve additional wooded areas.

3. The grading should be reviewed and tightened up to preserve additional vegetation. This will include the installation of additional retaining walls throughout the site.

4. The Environmental Commission suggests the buffer to the stream area be increased to 150' to protect the stream and preserve additional vegetation.

5. The Commission suggests the applicant provide "Anti-Idling signs on site within the Residential project.

6. The Commission suggest motor vehicle charging stations be provided on site.

7. The Commission suggests the utilization of some or all of sustainable/green design techniques including but not limited to the following:
   - LEED Design
   - Energy Sustainability-Solar, Geothermal

8. The Environmental Commission suggests the installation of bikeways, bike lanes both on site and on the surrounding roadway system. Bike racks should be provided on site.

"D"

9. The large retention basin requires the removal of a huge number of mature trees and extensive grading and excavation. The number of trees removed was **not** noted on the site plans and no tree survey has been provided. The number of trees should be tallied and a tree survey for the entire property should be provided that includes the location, size (DBH), species and condition of each tree so that an accurate assessment of the tree impacts can be obtained and quantified.

10. The impact to the adjacent Tices Lane Park will be significant, as the tree removal extends to the property line with the park, and two large basins will be constructed. The two "bioretention basins" will be constructed within heavily wooded areas resulting in the complete clearing of nearly three acres of forest. The clearing of forest along a stream corridor and adjacent to our township park by building large detention basins, is inconsistent with natural resource protection and will have irreversible impacts on Tices Lane Park, one of the last remaining and most-northerly remnants of the New Jersey Pine Barrens habitat in the state. Tices Lane Park was preserved to protect this unique Pine Barrens habitat and the clear cutting of forest up to the edge of the park will result in both direct and indirect impacts to that ecosystem. The forethought of our town leaders in creating this park and protecting it's unique habitat, should not be compromised by allowing forest clearing up to it's boundary.

11. The two large "bioretention" basins should be completely relocated out of forest areas and placed under roadways and parking areas to minimize impacts to the onsite forested areas and to preserve wooded areas that will significantly improve the environmental quality and environmental aesthetics of the site post development. Allowing dense mature forest to be clear cut for a "bioretention basin" is akin to cutting all the trees down around a house to put solar panels on a roof. Forested areas provide extensive natural water quality benefits as well as mediating the impact of flooding rainfalls. Allowing nearly three acres of dense mature forest along one of our streams to build "bioretention" basins is non-sensical when other engineering options such as underground detention are available and widely used in New Jersey.

12. The project has not provided a steep slope map and therefore it is not possible to determine the extent of grading on steep slopes. The site features extensive steep slopes that are currently wooded and stable. Although engineering options can be used to stabilize steep slopes that have been cleared, they are often

ineffective and result in erosion. The township created a steep slope ordinance to limit development in these environmentally sensitive areas recognizing that development in these areas must be carefully scrutinized. The Township Engineer is charged with determining if construction on steep slopes can be appropriately engineered but it is not clear how this assessment can be made without a steep slope map showing the extent, severity and soil types on the onsite steep slopes.

13. There should be a buffer of at least **150 feet** adjacent to the Tices Lane Park in order to maintain the integrity of the forest.

14. The developer should consider providing a playground with basketball & tennis courts within the complex so that the children in the area have a place to play (similar to Lenape Park in EB). A swimming pool will only be useful to some residents for just one season. There should also be a parking area for the public to utilize this newly created playground & park with access to Tices lane park.

15. There should be widened walkways & crosswalks so that children can safely walk to Churchill J.H.S. Widened sidewalks should be available to access public transportation on Rt. 18.

16. The developer should consider an organic lawn maintenance program to safeguard the area from pesticides. This will be consistent with Sustainable Jersey action points.

17. The developer should consider keeping a dedicated space as an organic community garden.

18. Provide **Electric Vehicle (EV)** charging stations.

Should the Planning Board have any questions do not hesitate to contact the Environmental Commission.

Documentation related to additional 425,000 gallons of water entering at Alfieri Site – not included in calculations. No staff site visit ever conducted:

From: Rich Walling [mailto:richwalling@hotmail.com]
Sent: Friday, December 07, 2018 9:29 AM
To: izimmerman@freeholdscd.org
Cc: jserio@freeholdscd.org
Subject: Technical question at Hidden Oak Woods development site, East Brunswick

Good day, happy Friday and Merry Christmas!

I would like to meet with Mr. Serio at his convenience to discuss an existing condition at the Alfieri property in East Brunswick.

The matter at hand is a major source of water run-off into the property apparently was never part of the drainage/water reports for this site.

As a matter of completeness, I would like to confirm whether or not this is actually the case.

We could either meet at your office or on-site where I can show Mr. Serio exactly the existing condition is. I do have photos and video of the gully in both dry and raining conditions.

Thank you.

Sincerely,
Richard

Response:

From: Ines Zimmerman <izimmerman@freeholdscd.org>
Mon 12/10/2018, 1:37 PM
To: 'Rich Walling';
Cc: jkriskowski@cmeusa1.com;
Tim Thomas;
steve.gottlieb@eastbrunswick.org

Mr. Walling: The condition you are describing is a municipal engineering matter. The District review of permanent measures for erosion control is conditioned upon the directives from the municipal engineer. They determine first what is needed in the municipal system. In the event that the municipality directs the applicant to install structures to address flooding or storage, then we review what the design engineer develops. If the municipal engineer asks us to join in a meeting to discuss this, we certainly will participate.

"E"

Thank you.

Ines M. Zimmerman, District Manager
Freehold Soil Conservation District
PO Box 5033 4000 Kozloski Road
Freehold, NJ 07728
Izimmerman@freeholdscd.org
732-683-8500
732-683-9140 fax

Email to John Kriskowski, CME

From: Rich Walling [mailto:RichWalling@hotmail.com]
Sent: Monday, December 10, 2018 3:41 PM
To: Kriskowski, John <jkriskowski@cmeusa1.com>
Subject: Additional Water Entering Block 29.01, Lot 38

Good day John

Site info for point of origin for water run-off not calculated.

21 MILL BROOK CT is Block 29.01, Lot 38.

Steve Gottlieb told me he never did a site visit.

Did any staff do site visits to determine existing conditions, or was the applicant's submissions solely relied upon?

Numerous, similar water erosion channels are to be found all along the perimeter of the site at points adjacent to neighboring higher ground as shown in the power point provided on Dec. 5th Planning Board meeting.

Warmest regards,
Rich

Response

From: Kriskowski, John <jkriskowski@cmeusa1.com>
Sent: Friday, December 14, 2018 6:25 PM
To: Rich Walling
Subject: RE: Additional Water Entering Block 29.01, Lot 38

Hi Rich,
Sorry it's taken me so long to get back to you. I wanted to check with our stormwater reviewers before I spoke for them and then the week got crazy.
I did visit the site during the initial review but did not walk the area in question. **The stormwater reviewers did not get the opportunity to visit the site prior to their review. They relied on the signed and sealed Stormwater Management Report as the basis for the review. I have since viewed the area from Frank Greek's Lot. I agree that the existing conditions will have to be addressed.** I'm not sure if it will be this Developer or Mr. Greek. Have a good weekend. John K.

Notification to Applicable Staff and Agencies

Rich Walling
Thu 10/25/2018, 5:31 PM
Larry Sachs;
Mike Baker;
izimmerman@freeholdscd.org;
jserio@freeholdscd.org;
Jones, Christopher;
debbie.mans@dep.nj.gov
[?]
In contravention of the strict requirement that all stormwater conditions be reported and addressed by an applicant, please refer to the attached document that identify a post-1983 water channel formed by runoff coming from two sources at Mr. Greek's adjoining office and parking lot.

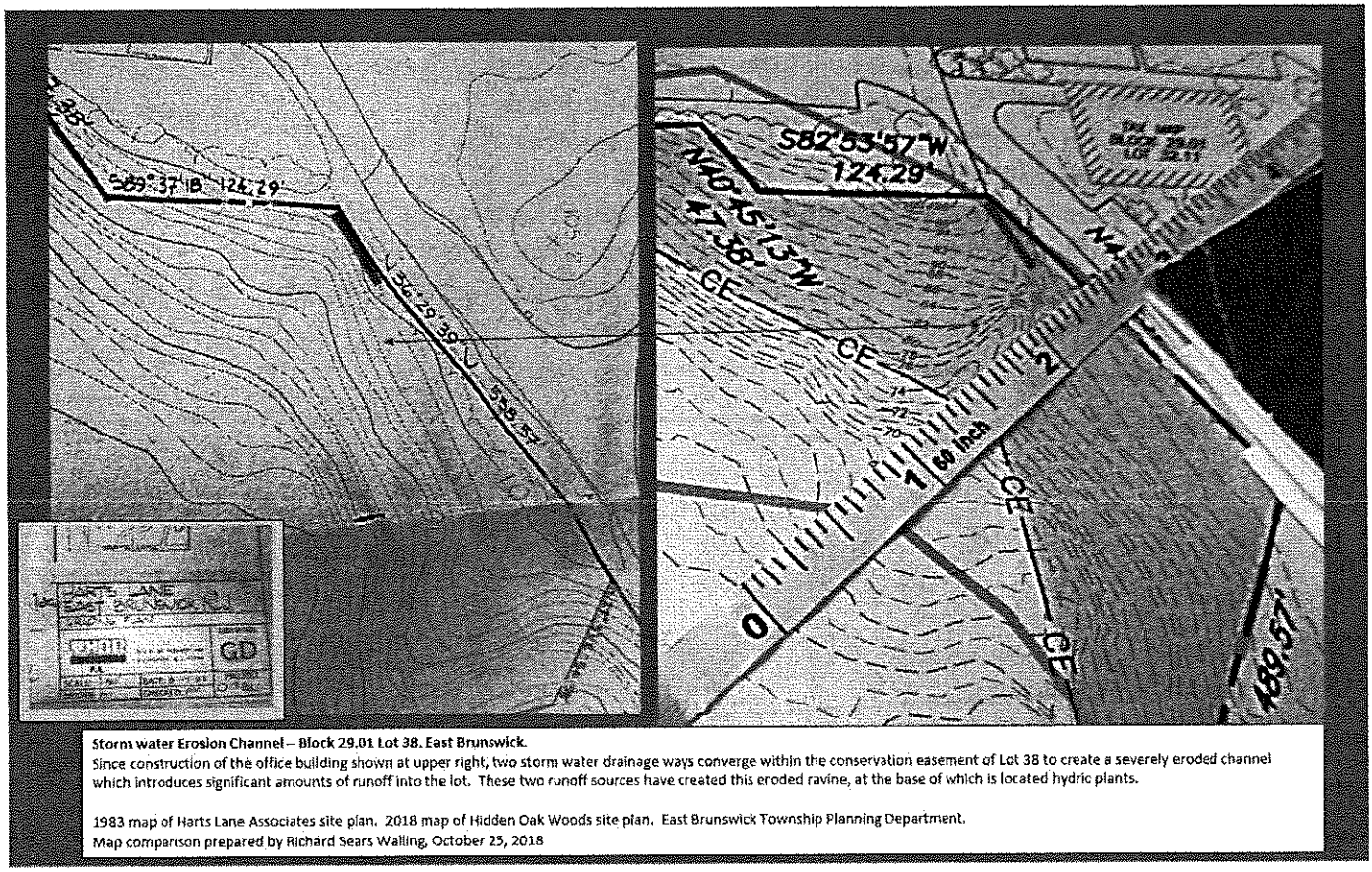
In addition to the severe erosion conditions outlined in the EB Natural Resources Inventory, and in the Environmental Commission's report on this application which have not been addressed to-date, this failure to comply with the Township Code and applicable environmental laws is a serious breach of legal standards for site plan review by outside agencies, and the township.

This information was appears/seems deliberately withheld so as to exclude this significant source of stormwater from being considered, and its management addressed by the applicant. All Hidden Oak Woods stormwater maps exclude this source.

Finally, as a result of this significant source of water entering the site at a severe slope, a large, hydric environment has been created which has never been addressed by any reviewing agency.

Thank you for your kind attention in this matter.

Sincerely,
Richard



Storm water Erosion Channel -- Block 29.01 Lot 38. East Brunswick.
Since construction of the office building shown at upper right, two storm water drainage ways converge within the conservation easement of Lot 38 to create a severely eroded channel which introduces significant amounts of runoff into the lot. These two runoff sources have created this eroded ravine, at the base of which is located hydric plants.

1983 map of Harts Lane Associates site plan. 2018 map of Hidden Oak Woods site plan. East Brunswick Township Planning Department.
Map comparison prepared by Richard Sears Walling, October 25, 2018

For further information about this particular issue, please feel free to visit Preserve East Brunswick Pine Barrens Coalition on Facebook. As members of the Planning Board, you are able to visit the site in question – I on the other hand, and our experts and membership have been specifically enjoined from entering the Alfieri property, even though Mr. Petrino disingenuously criticized Dr. Fenyk and Dr. Murphy for not conducting site inspections.

Here are the calculations of the amount of rainfall during 2018 from portions of the Greek and Mauser properties that directly enter Block 29.01, Lot 38.

To see what this amount looks like, please see the following link to NASA:
https://weather.com/.../watch-nasa-release-450000-gallons-of-...

Watch NASA Release 450,000 Gallons of Water in Under a Minute
Rocket launches generate a lot of heat, so NASA uses a lot of water to cool things down -- and it's incredible to see.

Preliminary Conservative Estimate of 2018 water runoff entering Alfieri property from adjoining Mauser and Frank Greek sites.

Total area: 11,205.70 sq. feet.

Total 2018 rainfall for Middlesex County (to Dec. 19, 2018), 60.7 inches.

https://www.weather.gov/marfc/NJPrecipitationYTD

"Take the dimensions of the footprint of your roof and convert them to inches. (So, a 50' x 20' roof is 600" x 240".)
Multiply the roof dimensions by the number of inches of rainfall. ...
Divide by 231 to get the number of gallons (because 1 gallon = 231 cubic inches)."

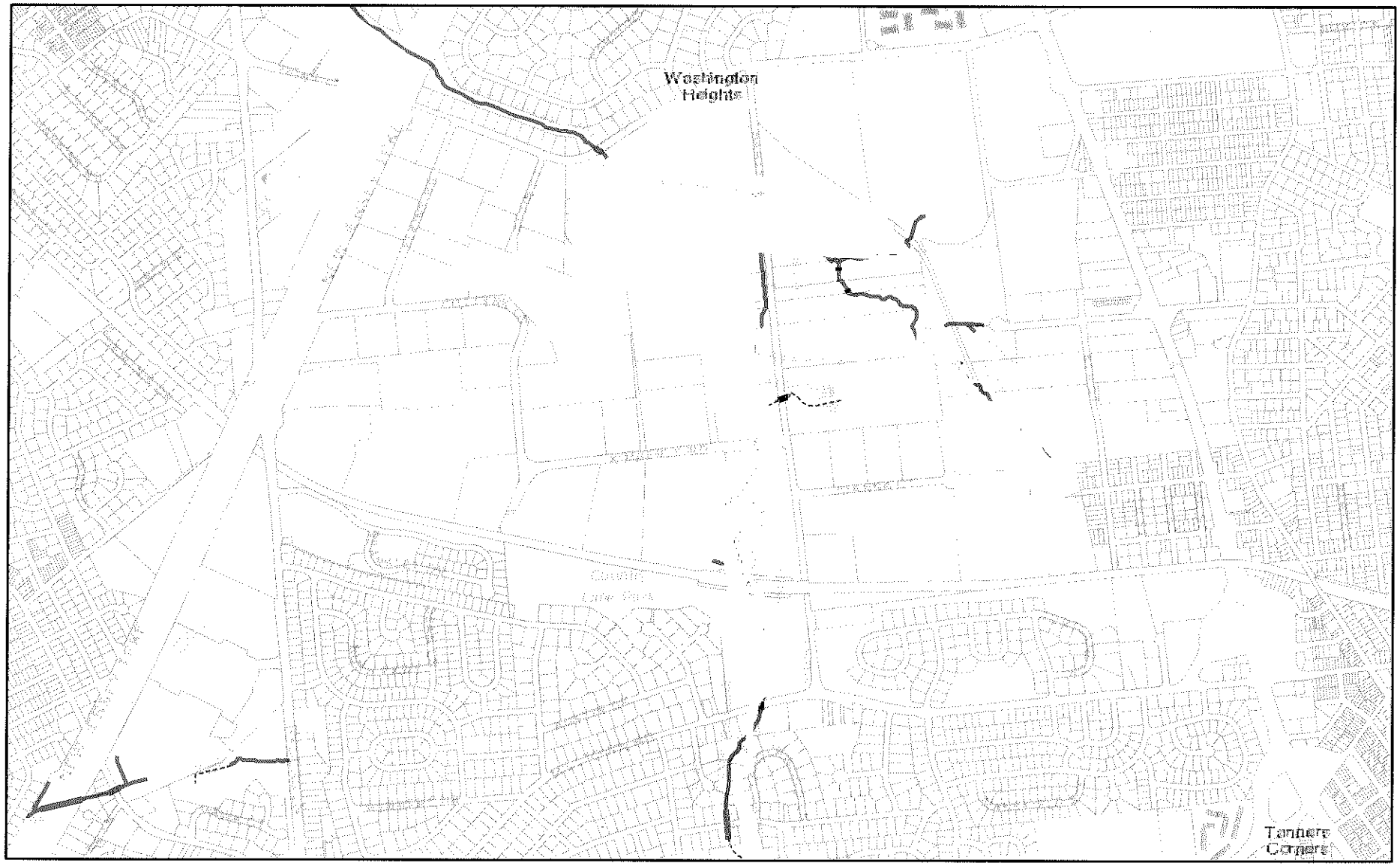
Results:
11,205.7 sq. ft = 1613620.8 sq. inches.
1613620.8 x 60.7 = 97946782.56 total inches of rainfall
97946782.56 / 231 = 424,012.045 gallons of water from the Mauser/Greek properties entering Block 20.01, Lot 38

Source area of runoff is shown in attached photo. The videos presented here were taken today. [on FB]

Again, this existing condition was never included in the applicant's submissions or via testimony. It severely impacts water management on and off site and has created wetland conditions not previously examined by any agency.

Regards,
Richard

NJDEP GIS Data Viewer



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Critical Environmental and Historic Sites

Critical Environmental Site

Parcels Data (Block and Lot)

Streams

Stream/River

Artificial Path

Connector

Pipeline

State of New Jersey, Esri, HERE

New Jersey Department of Environmental Protection

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NJDEP GIS Data Viewer

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Wetlands (2012)

Wetlands (2007)

Parcels Data (Block and Lot)

Streams

Stream/River

Artificial Path

Connector

Pipeline

State of New Jersey, Esri, HERE

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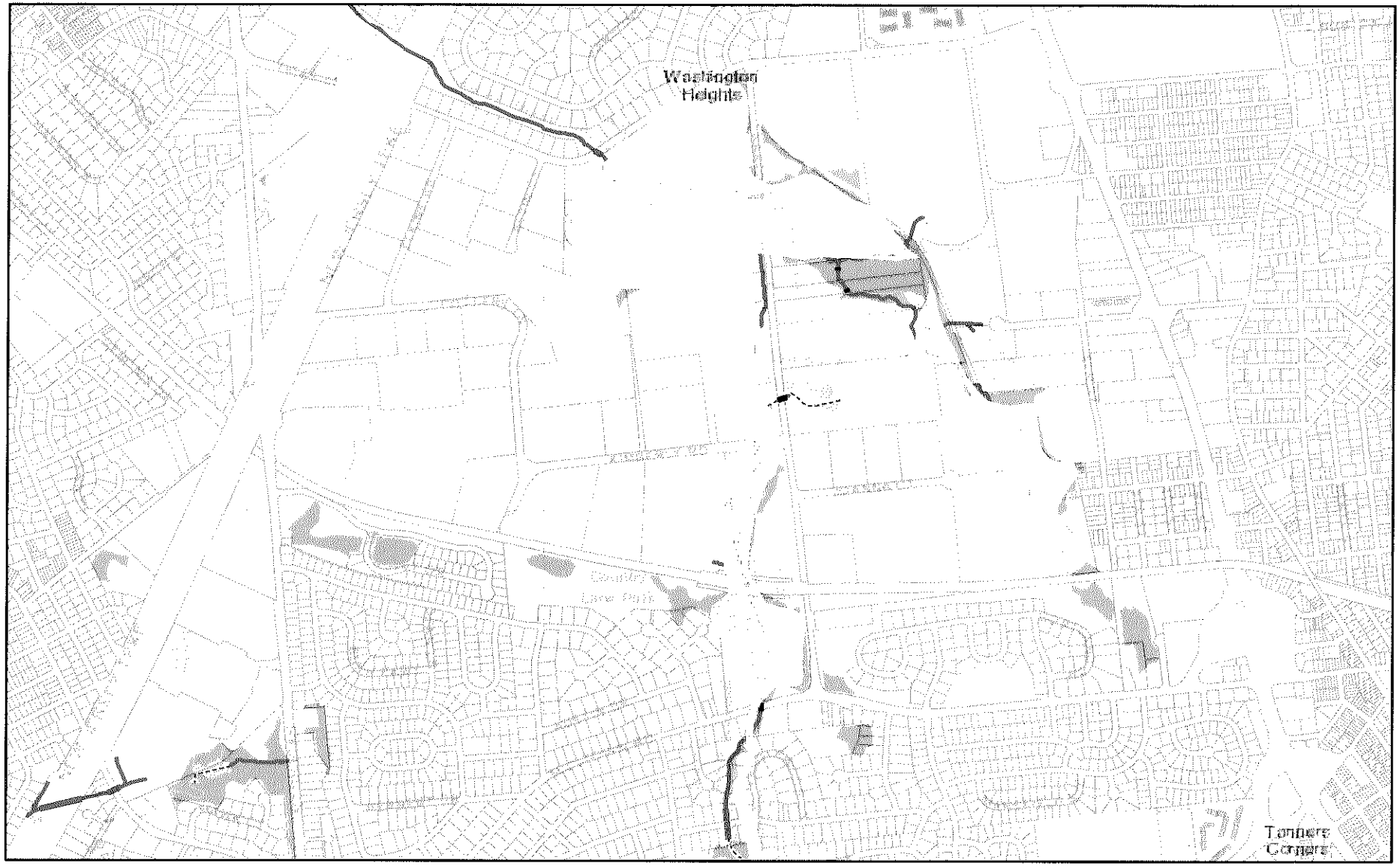
NJDEP GIS Data Viewer



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Critical Environmental and Historic Sites

Critical Environmental Site

Wetlands (2012)

Wetlands (2007)

Parcels Data (Block and Lot)

Streams

Stream/River

Artificial Path

State of New Jersey, Esri, HERE

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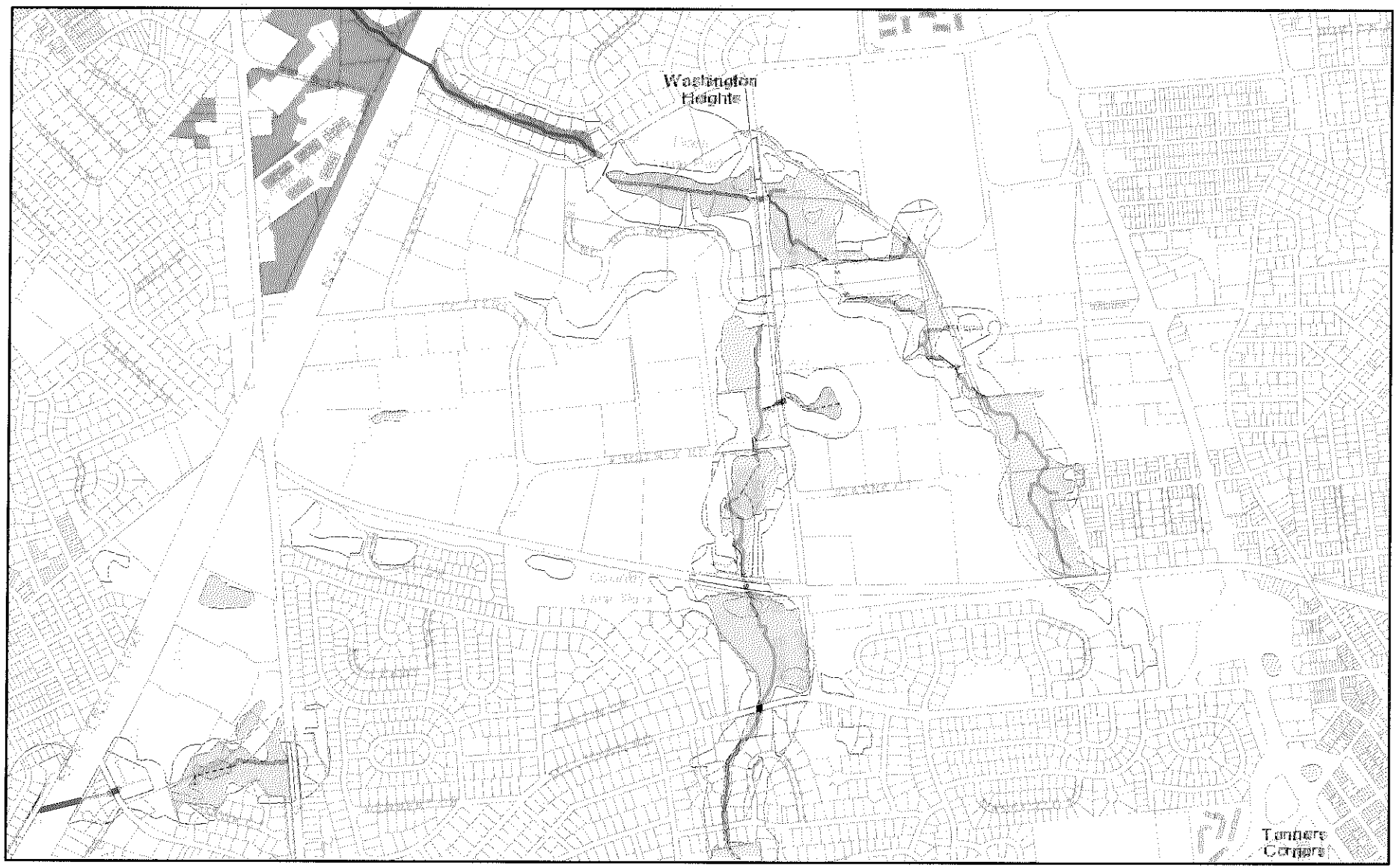

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Parcels Data (Block and Lot)

SBH - Piedmont Plains - Landscape Project

Rank 1 - Habitat specific requirements

Rank 2 - Special Concern

Rank 3 - State Threatened

Rank 4 - State Endangered

Streams

Stream/River

Artificial Path

State of New Jersey, Esri, HERE

New Jersey Department of Environmental Protection

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