

Memo

To: Mrs. Ashley Neale
Verona Board of Adjustment (BoA) Secretary

From: Plan Review Committee of the Verona Environmental Commission

c: Verona Environmental Commission Chair

Date: July 1, 2021

Re: **Case # 2021-16**
34 Linn Drive [Block 2301, Lot 20; Block 2302, Lot 1; Block 2303, Lot 1; and
Block 2304, Lot 11]
Verona, New Jersey

Zone: A-1 (Low Rise Multi Family)

The Plan Review Committee of the Verona Environmental Commission (VEC) reviewed the application for 34 Linn Drive in Verona submitted by Mr. Richard Schkolnick on behalf of Cam Gar at Verona LLC. which we received on June 9, 2021. We understand that the Applicant is seeking to obtain multiple variances for the construction of a 2-story, 2-unit apartment building as well as accessory patios, firepits, an exterior fireplace and patio areas. The comments below are provided for the Board's consideration:

- 1) We note that the Applicant cites the size of the entire 5.87-acre lot (Block 2303, Lot 1) when determining total new, improved lot coverage percentages, but does not take the entire 5.87-acre site into consideration when determining tree replacement or new impervious surface which would require stormwater mitigation. Sheet 6 of 10 submitted by Roth Engineering suggests that the limit of disturbance is 0.42 acres.
- 2) We understand this area of the 34 Linn Drive development used to be a pool and patio area. However, in our opinion, the submitted plans do not properly delineate the existing impervious surfaces on this lot in Sheet 3 of 10, titled, "Site Preparation Plan"; edges of impervious surfaces are not identified and may or may not be congruent with delineated fence lines. Most of the building site is identified as a "Concrete/Gravel Area" in which several Mature Trees and other woody vegetation exist.
- 3) The Applicant refers to the proposed site of construction as a "previously disturbed area". We note that according to the Applicant's tree removal schedule, an abundant amount of Mature Trees have established since that disturbance had occurred. This removal permit informs the VEC PRC that there are substantial areas of the site that do not contain impervious surfacing. Furthermore, according to the Verona Stormwater Ordinance No. 2021-09 § 455-12 in Article II, for the definition of "Previously Developed": "areas that simply have been (or have once been) cleared of vegetation are not considered Previously Developed if woody vegetation has been reestablished."
- 4) The Applicant is creating over 400 ft² of new impervious surface, and therefore, should adhere to the Verona Stormwater Ordinance No. 2021-09 for Minor Developments as described in § 455-17. The applicability of green infrastructure on this site should be addressed by the Applicant. For instance, has the Applicant considered permeable

pavement with a liner and underdrains beneath to detain stormwater flow before it discharges stormwater effluent into the existing system?

- 5) The Applicant proposes stormwater conveyance via 6-inch-diameter HDPE pipes that connect to an existing 8-inch-diameter corrugated pipe. We request that the Applicant perform and provide a capacity analysis for this unmitigated flow to an existing stormwater system to evaluate whether the additional flow will unduly stress the existing system.
- 6) Steep Slopes exist on Block 2303, Lot 1 and these areas should be specifically delineated by the Applicant in their plans pursuant to Verona Steep Slope Ordinance as described in § 150-23. Additionally, portions of the proposed improvements on the lot appear to exist on or near Steep Slopes.
- 7) We note that the Verona Tree Preservation Ordinance, Chapter 493, is not being upheld by the Applicant. The Applicant seeks to remove 34 trees of varying sizes.
 - a. According to the Ordinance, the trees that are marked as damaged on Sheet 3 of the Preliminary and Final Site Plans submitted, should be assessed by a licensed tree expert. The Applicant has self-determined this to be not applicable to said application.
 - b. As per the Ordinance, an Applicant may only remove two Mature Trees (6 inches or greater caliper or evergreen trees over 10 foot tall) per calendar year. The Applicant seeks to remove 34 Mature Trees 12 inches or less DPM (diameter at point of measurement).
 - c. According to the replanting schedule, trees removed with a 6- to 16-inch DPM require one tree replacement each. This replanting schedule would require 34 trees to be replaced on the property, when the applicant states on the Tree Permit submitted, that they intend to replace none.
 - d. Conversely, Sheet 10 of 10 submitted by Bowman Consulting Group describes that they intend to plant a total of 15 trees (6 deciduous trees, 1 evergreen Holly, and 9 Arborvitae).
 - e. If a licensed tree expert confirms that all of the 12 listed Cedar trees are damaged to such an extent that they would not survive, then the Applicant would still be required to replace 22 trees and not only 15.
 - f. We note, shrubs do not qualify as tree replacements.
- 8) We note that the Linn Drive is adjacent to the Hilltop Reservation, home to hundreds of White Tail deer. Deer especially like Arborvitae. They will feed regularly on Dwarf Japanese Holly, Rhododendron Catawbiense, and Hydrangea Arborescens. They are known to browse on Swamp White Oaks and Liriope Muscari. Please refer to Rutgers' deer resistance listings: <https://njaes.rutgers.edu/deer-resistant-plants/>. We recommend that the applicant replace the quantity of trees called for by Verona's Tree Ordinance and

that they select species that are more deer resistant. We also recommend that all trees be surrounded by deer fencing until they are well established.

- 9) The VEC PRC would like to know if the chimney emissions from the outdoor fireplace and or fire pit will flow back towards the proposed apartment building. What is the proposed height of the chimney on the fireplace?
- 10) The VEC PRC notes that the HVAC units are proposed for the front yard. We opine that the noise emitted from the HVAC units, located adjacent to the accessory recreational areas, will create a noise nuisance. The Applicant should provide testimony regarding possible noise pollution from the proposed HVAC units.
- 11) In addition, please see attached the Low Impact Planning and Construction Checklist. This suggested list was compiled by the VEC based on best available practices.