

Bordentown City EC and NJDEP: Working Together

ANJEC Congress
Mercer County Community College
October 28, 2006

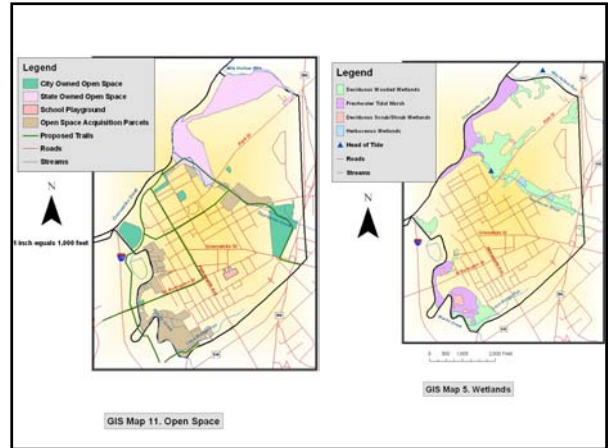
Overview

- Bordentown City: most densely populated municipality in Burlington County
- 4000 people in .9 square mile
- Mostly built out
- 5 streams or rivers
- RiverLINE light rail station
- Historic main street

Overview

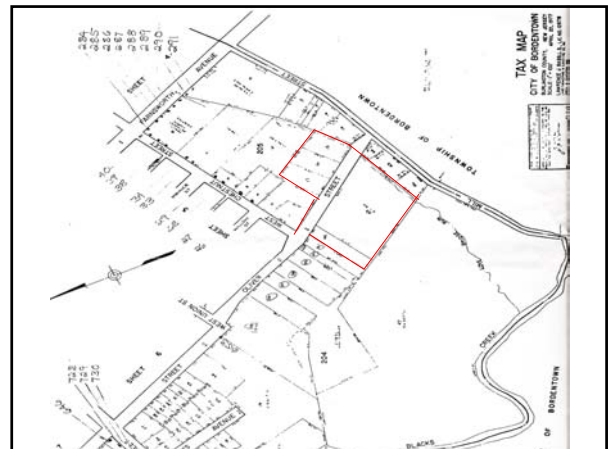
- Bordentown City EC 4 years old
- Great support from Mayor and Planning Board Chair
- EC Chair is liaison to Planning Board
- Very active EC
- OS Plan and ERI adopted in last 2 years
- Currently working on Conservation Element (ANJEC Smart Growth grant)





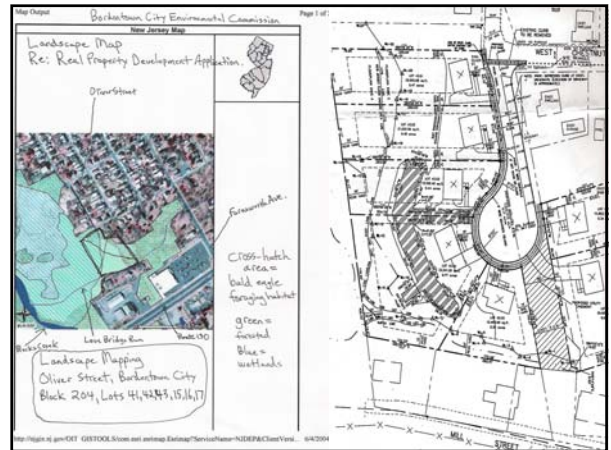
Case #1:
Oliver Street/Real Property, Inc.

- **Proposal:** 8 houses on 3.6 acres
- Tidal freshwater wetlands, eagle foraging habitat on edge of property
- Agreement with Bordentown Sewer Authority from 1993 not to provide sewer service to lots with wetlands
- Horrendous basin design (steep angle, 10-15 feet from rear door of 2 homes)



Smoking Gun?

- BCEC discovers significant discrepancy between site plan submitted to Planning Board and copy submitted to DEP



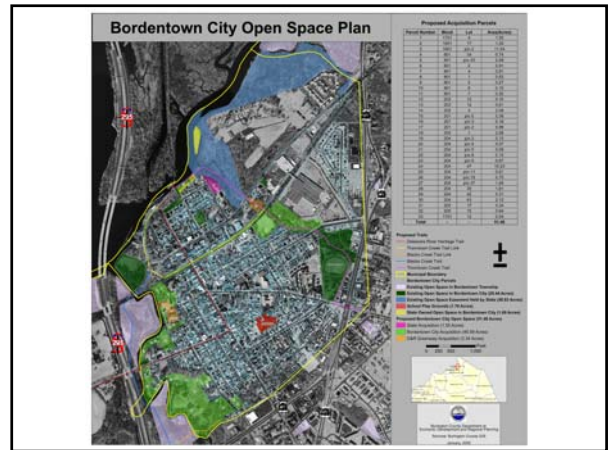
BCEC Actions

- Research and expertise of EC members
- Discovery of site plan discrepancy
- Meeting with DEP LURP case managers
- Letter to DEP (with landscape map)
- Letter to Sewerage Authority
- Local press coverage
- In the meantime, developer clears the land...



Outcome

- **Application:** denied by Planning Board (2004), mainly due to concerns raised by BCEC
- Developer Sues City (2004-2005)
- City adopts an Open Space Plan (2005)
- DEP indicates that they will uphold more strenuous buffers
- **Hooray!** Property acquired by D&R Greenway end of 2005 (\$500k, State and County funds, no cost to City!)
- **Now:** Proposal for new passive park (Oliver Street Park), with benches, bird boxes, interpretive signage, and trails connecting across Blacks Creek to Bordentown Twp.



Case #2: Third Street/Singer

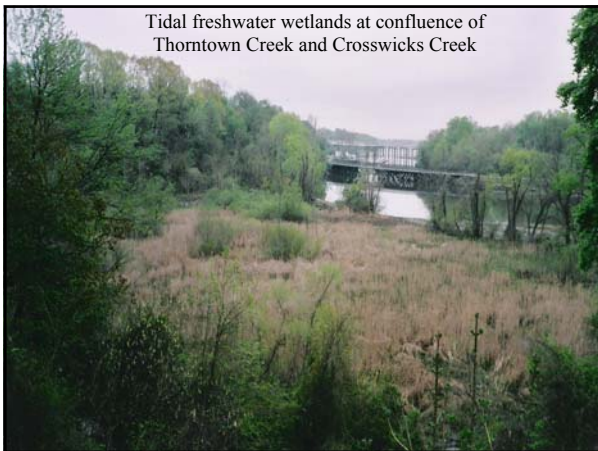
- **Proposal:** Subdivide 1.5 acre lot into 3 lots for estate houses
- **Application:** Approved by Planning Board, conditioned on DEP permits
- **BCEC Followup:** ensure LOI is accurate



Local Conditions

Immediately adjacent to site:

- Steep slopes
- Tidal freshwater wetlands
- Bald eagle foraging habitat



Tidal freshwater wetlands at confluence of
Thorntown Creek and Crosswicks Creek



Thorntown Creek



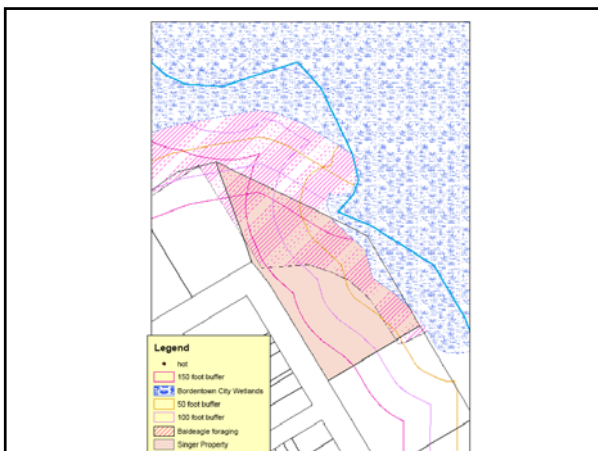


Initial DEP Action

- Preliminary LOI: NO freshwater wetlands!
No buffer!

Then...

- BCEC Letter to DEP: Please revisit site, including map with buffers
- BCEC members scout site for wetlands indicators soils, vegetation (tough in winter!)
- BCEC members accompany DEP visit



Outcome

- DEP issues final LOI with 150-foot buffer, also subject to coastal & F&W regulations
- Only 1 developable lot, instead of 3
- Developer has not submitted new delineation requested by DEP
- Project no longer financially feasible

What Has Worked for Us

- Get the facts. Do the homework.
- Use ANJEC, DEP, other resources for guidance
- Use DEP's own info to support your case (i.e., Landscape mapping, iMap, etc.)
- Photos and maps worth a 1000 words.
- Gauge level of local political support. Do not be timid if you are right!
- Make phone calls, get to know the DEP personnel. Identify yourself as EC member.
- Letters: letterhead; copy everyone; follow-up with calls, OPRA request if necessary

Bordentown City Environmental Commission

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Email: bcec@mail.com

