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The Borough of Mendham

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Environmental Commission, Open Space and Shade Tree

Eric Arena, Chairperson

February 16, 2023

Lisa Smith
Planning and Land Use Coordinator

RE: ECOSST REVIEW – ACCORDIA REALTY ASSETS LLC / SOCIETY OF SISTERS OF CHRISTIAN CHARITY OF NJ APPLICATION

Dear Lisa,

The ECOSST Commission retained Mr. James Cosgrove, P.E. of One Water Consulting LLC to assist us in reviewing the potential environmental impacts associated with the Accordia Realty Assets LLC / Society of Sisters of Christian Charity of NJ Application project on Block 2301, Lot 13

Please forward Mr. Cosgrove's review to the Joint Land Use Board for their review of the Accordia Realty Assets LLC / Society of Sisters of Christian Charity of NJ Application.

Sincerely,

Ted Metzler
ECOSST – Environmental work group lead



February 15, 2023

Mr. Eric Arena
Borough of Mendham
Environmental Commission, Open Space, and Shade Tree Committee
2 W. Main Street
Mendham, NJ 07945

**RE: ACCORDIA REALTY ASSETS LLC / SOCIETY OF SISTERS OF CHRISTIAN CHARITY OF NJ
APPLICATION FOR MINOR SUBDIVISION, USE AND BULK VARIANCES
MALLINCKRODT CONVENT
350 BERNARDSVILLE ROAD
BLOCK 2301, LOT 13
MENDHAM BOROUGH, MORRIS COUNTY**

Dear Mr. Arena:

As you requested, One Water Consulting LLC (One Water) has reviewed the above-referenced application on behalf of the Borough of Mendham Environmental Commission, Open Space, and Shade Tree (ECOSST) Committee. Accordia Realty Assets LLC has proposed a multi-family residential redevelopment project on Block 2301, Lot 13 at the Mallinckrodt Convent in the Borough of Mendham, Morris County, New Jersey. The applicant is currently applying for a Use Variance and Minor Subdivision of the existing 109.92-acre property. The minor subdivision would create a new 23-acre residential lot (proposed Lot 13.01). The existing former motherhouse and several ancillary dwellings, barns and garages will be restored and repurposed for residential use (111 total units).

We have prepared this letter to provide comments related to potential environmental issues associated with the application. Some of our comments may become more obvious at the site plan application stage; however, we encourage the Borough to take these comments into consideration now with the subdivision and variance application.

We have reviewed the following documents to date:

1. Planning Report: Existing Conditions and Project Proposal, 350 Bernardsville Road, Mendham Borough, Morris County, Proposed Use Variance and Subdivision by Heyer, Gruel & Associates, September 23, 2022.
2. Borough of Mendham Historic Preservation Commission Photographic Documentation, 350 Bernardsville Road, Former Sisters of Charity Mother House by Heyer, Gruel & Associates, May 4, 2022.
3. Variance Plans, 350 Bernardsville Road, Lot 13, Block 2301, Borough of Mendham, Morris County, New Jersey by Gladstone Design, Inc., December 9, 2022.
4. Conceptual Subdivision Plan, 350 Bernardsville Road, Lot 13, Block 2301, Borough of Mendham, Morris County, New Jersey by Gladstone Design, Inc., December 9, 2022.

Comments

1. Unnamed tributaries to McVickers Brook run through the south and east portions of the property. These streams are designated by the New Jersey Department of Environmental Protection (NJDEP) as Category One (C1) waters and therefore have a 300-foot riparian zone associated with them, which has been mapped on the Overall Environmental Constraints Plan in the Variance Plans. Development in these areas will be restricted by NJDEP.
2. The project proposes new disturbance and roadways within the C1 riparian zone at the southwestern corner of the property. As a result, the applicant will need to obtain a Flood Hazard Area Permit for this work and comply with the Flood Hazard Area Control Act Regulations (N.J.A.C. 7:13).
3. Mapping of the NJDEP Flood Hazard Area associated with unnamed tributaries should be performed to determine if any portions of the project are within a regulated floodplain.
4. Wetlands and associated transition areas along the existing streams have been delineated and approved through an active NJDEP Letter of Interpretation. The project does not appear to propose any disturbance to existing wetlands or transition areas.
5. The proposed project is a major development and will be subject to the Borough Stormwater Ordinance, New Jersey Stormwater Management Regulations at N.J.A.C. 7:8 and the Residential Site Improvement Standards at N.J.A.C. 5:21. The applicant will need to demonstrate compliance with these regulations, including water quantity, water quality, groundwater recharge and green infrastructure standards. In addition, if discharges are proposed within the 300-foot C1 riparian zones, compliance with N.J.A.C. 7:13-11.2(j)4 will be required including reduction of the post-construction load of total suspended solids by 95% of the anticipated load from the development site. We have not been provided with a Stormwater Management Plan or calculations to review, which are required by the Borough's subdivision application checklist.
6. An Ecological Impact Statement (EIS) has not been provided for review. A comprehensive and detailed EIS should be developed as part of the site plan approval process as required by the Borough Code.
7. The applicant is proposing a change in use of the proposed property that may result in additional water or sanitary sewer service requirements. Determination should be made that the proposed project is consistent with the applicable Water Allocation Permit and Water Quality Management Plan. Potable water demand should also include fire flow requirements for the proposed use.
8. Lot coverage and building coverage zoning restrictions will be exceeded as part of the proposed subdivision. Impervious coverage is one of the main factors leading to the degradation of surface waters. Increases in impervious coverage can result in increase runoff volume, peak flows, and flooding. Increased impervious coverage also results in loss of groundwater recharge and higher pollutant loading to streams and surface waters. These factors are of particular importance given the nearby C1 streams and should be considered when evaluating the variances requested.

9. Note that the site is located in State Planning Area 5 for Environmentally Sensitive Areas and within the Highlands Planning Area.
10. The proposed project is a major development located within the Highlands Planning Area. The applicant should obtain a determination from NJDEP regarding whether any permits or approvals are required under the Highlands Act.
11. Steep slopes are present throughout the site and within the proposed limit of disturbance. Of particular concern are the roadways and parking garage that are proposed on very steep, wooded areas. Many of the slopes are in excess of 25% and it appears that the disturbance standards in Mendham's steep slope regulations will not be met. The disturbance of steep slopes can lead to many potential adverse impacts, including slope instability, erosion and mobilization of sediment, degradation of downstream surface waters, and compromise of the structural stability of existing and proposed infrastructure.
12. Significant disturbance to wooded areas is proposed as part of the redevelopment project. It appears that over an acre of wooded area will need to be disturbed which will result in excessive cutting of trees within the Borough. Many of the existing trees and wooded areas are located on steep slopes. Trees and vegetation are critical to the stability of steep slopes and should be preserved. The project will need to consider and comply with the Borough's Conservation and Protection of Trees Ordinance.
13. The wooded areas are mapped in the NJDEP Landscape Project, Version 3.3, as Indiana Bat Habitat which is both a state and federally listed endangered species. The project will need to obtain approvals through NJDEP and/or the National Fish and Wildlife Service for the proposed disturbance of federally listed T&E species habitat.
14. Given the historic nature of the building/site and the proposed residential use, applicant should conduct a Phase 1 Environmental Site Assessment to determine potential sources of contamination or hazard substances at the properties. A survey should be conducted to determine whether there is lead paint or asbestos containing materials within the existing buildings to be renovated and converted to residential use. All existing hazardous materials should be removed and disposed of in accordance with local, state, and federal regulations.
15. It is recommended that the applicant use green building technologies, such as using energy efficient lighting, equipment, and appliances; utilizing reused or recycled building materials for non-structural components; and improving treatment of stormwater on the property. Further information on green building technologies and certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is available through the Green Building Council (for more information, visit their web site at www.usgbc.org).

If you have any questions, please do not hesitate to contact me via telephone at 609-462-9383 or via e-mail at JCosgrove@OneWaterNJ.com.

Sincerely,

A handwritten signature in blue ink that reads "James Cosgrove" with a long horizontal flourish extending to the right.

James F. Cosgrove, Jr., P.E.
Principal