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June 28, 2006

Mr. Carlos Rodriguez, Chair  
Princeton Township Zoning Board of Adjustment  
400 Witherspoon St  
Princeton NJ 08540

Re: Morgan Estates Application, Bk 5601, lots 2 and 4, Bunn Drive

Dear Chairman Rodriguez:

The Stony Brook-Millstone Watershed Association has reviewed the use variance application submitted for the proposed Morgan Estates senior housing project and we are concerned that the proposed development would harm the considerable natural values of the Princeton Ridge.

We believe that granting of the proposed variance would be clearly inconsistent with and would substantially impair the Princeton Township Master Plan and zoning, which reflect the Township's long-standing desire to minimize the impacts of development on the environmentally sensitive Princeton Ridge.

The state's Municipal Land Use Law discourages granting of a "d" variance such as that proposed by the applicant. As you know, a super majority of the zoning board is required to approve such a variance, applicants must satisfy both the "positive criteria" and the "negative criteria" in the statute, and the site chosen must be particularly appropriate for the intended use.

The proposed use variance would increase the development "footprint" and impervious cover on the lots in question, would fragment regionally important forested habitats, negatively impact wetlands, and increase stormwater runoff and stream erosion. For these reasons the Watershed Association opposes the proposed use variance and urges the zoning board to utilize its broad discretion to reject the application.

We note that in hearings before the Zoning Board, the applicant has quite often suggested that the proposed development is consistent with the Governor's Lane housing to the west and the recently approved K. Hovnanian project to the north. While we disagree with these assertions, the issue is beside the point. The Morgan Estates project would be inconsistent with and would harm adjacent low density residential housing and the intact forested areas owned by All Saint's Church, Mercer County, and Princeton Township to the east. For these and a number of other reasons, the site was rejected for an "overlay" senior housing zone when considered several years ago.

Details of our concerns are outlined below:

**Protective Zoning** – The specific parcels for the proposed Morgan Estate development are located on the Princeton Ridge and are currently zoned to limit growth primarily to protect the forested wildlife habitats, wetlands, steep slopes, and the shallow diabase bedrock that constrain development in this area. While the applicant has suggested that the parcels, in the aggregate, have slopes less than 8%, the steep slopes of the Ridge surround them.

The Princeton Township Master Plan Reexamination Report of October 2001 outlines several Conservation Goals to identify, protect, and preserve environmentally sensitive areas and natural systems; to limit disturbances of steep slopes, floodplains and wetlands; and to protect important wildlife habitats, streams, and wetlands.

Under the current zoning, perhaps six homes could be built on lot 4, and 18,950 sq ft of office space on lot 6. The proposed density for the Morgan Estates envisions a density of 6.9 units per acre, a significantly higher density. Under the proposed development scenario, more than half of the land that are not constrained by wetlands appears to be covered by impervious cover, well above the current and appropriate zoning limits.

According to 2004 stormwater guidance from the Environmental Protection Agency, “Research in recent years has consistently shown a strong relationship between the percentage of impervious cover in a watershed and the health of the receiving stream. Scientists generally agree that stream degradation consistently occurs at even relatively low levels of imperviousness (10 to 20%). Increased impervious surfaces alter stream hydrology resulting in lower flows during droughts and higher peak flows during floods. Roadways and other impervious areas channel pollutants directly into streams without their being processed during transport through the soil.”

**Impacts to Wetlands and Vernal Pools** – Enclosed for your review is a map obtained from the Rutgers University website that depicts the location of vernal pools identified by the NJDEP (#873, 844, 869) on the Princeton Ridge near the proposed Morgan Estate development. (Attachment A) The impervious diabase rock causes snowmelt and runoff pools to become perched above the rock strata. Vernal pools offer critical ephemeral (springtime) breeding ponds for frogs and salamanders, and require a 150-foot buffer.

The NJDEP Letter of Interpretation (LOI) that delineates the wetland classifications and boundaries was approved by the NJDEP on January 2, 2002, prior to the adoption of rules in the fall 2002 that currently protect vernal pools. Therefore, the old wetland delineation does not address this critical habitat area. Developers are permitted to rely on the LOI for a period of five years; unless new data becomes available that questions the reliability of the LOI. This LOI is scheduled to expire in January 2007, and the applicant would need to request a renewal from the NJDEP in the fall 2006. Because vernal pools are present nearby in similar diabase and forested areas, the Township should require investigation of the wooded areas and wetlands for perched vernal pools. We are concerned that the proposed development could destroy these critical wildlife habitats.

**Fragmentation of Regionally Important Forested Habitat** – Enclosed for your review is a map of forested wildlife habitats identified for threatened and endangered species. (Attachment B) The NJDEP Landscape Project database has recorded wood turtle, eastern box turtle (species of concern), Cooper’s hawk, and Barred owl, on the Princeton Ridge. This area contains *regionally important* forested habitat for central New Jersey. The dark green shading depicts these areas, as important for many bird species that require large, unfragmented deep forests to live and breed. The two most detrimental impacts that threatened these rare species are 1) loss of habitat and 2) fragmentation of forests, or tree clearing. Tree clearing associated with the proposed Morgan Estates development would not only affect the habitat viability of these specific parcels but it will also reduce the viability of adjacent forest habitats.

**Stormwater Management Concerns** – Stormwater management, flooding and stream bank erosion are major issues in Princeton, especially for homes in the Princeton Ridge area and further downstream along Harry’s Brook. The steep slopes and shallow bedrock cause stormwater runoff to be very fast and flashy. Homes along Governor’s Lane and downstream from the proposed Morgan Estates are located very close to the stream and already experience significant flooding problems and residents are concerned that flooding will be increased by the proposed Morgan Estates.

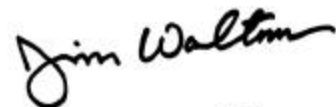
The developer has proposed to build stormwater basins to retain stormwater on site, and reduce stormwater impacts offsite. However, the plans do not identify how the stormwater will be conveyed into the wetland areas without impacting these fragile environments, or what measures will be taken to prevent further erosion and flooding of the downstream residents.

For these reasons, the Stony Brook-Millstone Watershed Association opposes the proposed application for a use variance and urges the zoning board to deny this application.

The Stony Brook Millstone Watershed Association is a member supported non-profit organization dedicated to protecting clean water and the environment in the 265-square mile region drained by Stony Brook and the Millstone River. We are committed to improving community awareness of environmental issues, protecting water quality and quantity, and supporting informed land use decision-making.

The Watershed Association appreciates this opportunity to provide these comments and looks forward to an opportunity to provide public comment on this application.

Sincerely,



James R. Waltman  
Executive Director