Environmental Commission

July 12, 2018
Meeting

Minutes

Prepared by:

Paul Demarest
Opening Remarks

Chairman MacDonald called to order, at 7:50pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Thursday, July 12, 2018 at Borough Hall.

Attendance

Present
Paul MacDonald- Chairman
Steven Isaacson- Full Member
Scott Devlin- Full Member/Council Liaison
Sophie Heymann- Full Member/Planning Board Liaison
Nancy Pergament- Full Member/Shade Tree Commission Liaison
Ethel Abrams- Alternate #1
Bobbie Bouton-Goldberg- Alternate #2/Historic Preservation Commission Liaison

Absent
Thomas Colwell- Full Member
VACANT- Full Member
VACANT- Associate Member
VACANT- Associate Member

Miscellaneous

With the recent resignations of Keren Kuperman, Steven Lopez and Shucai Zhu, both Chairman MacDonald and Councilman Devlin stressed the Commission needs members and any nominations should be provided to the Mayor’s office; Ms. Pergament suggested residents be solicited in the newsletter issued by the Mayor’s office.

Chairman MacDonald said being the Commission’s June 14, 2018 meeting was not convened due to a lack of a quorum, minutes were not prepared.

A motion was made by Ms. Heymann and seconded by Ms. Pergament, to approve the minutes for the May 10, 2018 meeting. The motion passed unanimously.

Chairman MacDonald opened the meeting to the public for questions and/or comments. No one wished to be heard.

Old Business

Trails
Chairman MacDonald said the new trail map signs to be placed upon associated pedestals/stanchions are ¾”, a ½” thicker than the existing signs being replaced; he explained the frame around the top portion of the pedestal/stanchion into which the new sign would be inserted will likely need to be retrofitted to accommodate the larger sign. Ms. Heymann said Marek Skowron, the building maintenance employee with the Department of Public Works (DPW), would be assigned the task of retrofitting the existing frames and top portions of the pedestals/stanchions rather than having an outside vendor providing the solution at a greater expense. As a reminder, she said 3 existing pedestals/stanchions will have their trail map signs...
replaced and 2 additional signs have been purchased but still require pedestals/stanchions to be constructed. Ms. Heymann suggested Mr. Skowron build the 4th and 5th pedestals/stanchions as well, noting they can be as simple as 2 pieces of vertical 4x4 lumber with slightly angled platforms comprised of ¾” thick plywood. Chairman MacDonald agreed, saying the actual trail map sign requires a platform being it is not structural. Ms. Heymann said the Commission previously determined the location of the 4th sign would be along Demarest Avenue between the Stop & Shop supermarket and New Jersey Harvest Church near the trailhead accessing Olaf & Ingeborg Hagen Park. Ms. Heymann and Chairman MacDonald opined that the paper street portion of Blanch Avenue and Haring Street near Schauble Park are worthy locations for future trail map signs. The Commission decided the 5th sign would be situated in Ruckman Park near the playground and trailhead that accesses recently-installed trails in and around Buzzoni Farm Park.

**Eagle Scout Project (Mac Bain Farm)**

Ms. Heymann stated Connor Goranson (492 High Street), a Life Scout for Troop 63 in the Boy Scouts of America organization, is finalizing construction of a pergola and storage benches at the Farm; she commended his craftsmanship and urged Commission members to view his work. She said the outstanding items are the building of a table and regrading of the subject area, the latter of which will be done by John Mc Caffrey, caretaker and resident of the Farm. Ms. Bouton-Goldberg expressed concern about the change in elevation (slope) nearby, specifically, the impact of drainage from rainfall down towards a dilapidated shed. Ms. Heymann said the vine planted by Mr. Goranson to provide shade for the pergola would take a few years to grow full, and that he suggested sailcloth be draped atop the pergola to provide an attractive means of shade in the meantime.

**Foam Food & Beverage Container Ban**

Councilman Devlin stated the proposed ban has yet to be considered by the Ordinance Committee, noting it is a complex matter; for instance, he questioned if it should be handled criminally (via Police Department) or be addressed in the Borough’s Health Code. Ms. Heymann countered, saying 6 to 8 ordinances adopted by various municipalities in New Jersey were part of the research collected by both she and former Commission and Council member, David Barad and forwarded to the Ordinance Committee to serve as a model for Closter. Councilman Devlin replied 1 of the sample ordinances incorporated the ban into its health code; he noted the same approach taken by New York City was recently overturned as a result of a lawsuit. Ms. Heymann informed that 1 of the samples has been in effect for many years. Ms. Pergament reminded that the Commission had previously asked for additional data on how such a ban would benefit Closter; Councilman Devlin said the Borough Attorney, Edward Rogan, Esq., had yet to provide his legal opinion on a potential court challenge. Ms. Heymann questioned why a ban would be so controversial given the foam products in question, such as Styrofoam, are vastly more harmful to the environment than plastic bags because they do not decompose.

Ms. Heymann stated the New Jersey Legislature recently approved a bill assessing fees to shoppers who opt to use plastic bags, but it has yet to be signed into law by Governor Phil Murphy. She said several environmental organizations have lobbied the Governor to veto said bill mainly because they fear the money raised by the State (it would receive $0.04 of every $0.05 fee collected per bag with $0.01 paid to merchant) would be placed into its general fund rather than going towards efforts such as removing lead from schools and public buildings; Councilman Devlin said the current proposal calls for both senior citizens and food stamp recipients to be exempt from the $0.05 fee, and he reiterated the proposal under consideration by the Governor is not an outright ban, noting such would be much more difficult to pass. Ms. Abrams felt the regulating of plastic straws should be included in the legislation. Chairman
MacDonald agreed, saying if food establishments do not make straws readily available, customers are unlikely to request them.

Chairman MacDonald said the downtown eatery, Red Maple Luncheonette, provides Styrofoam containers to its patrons, and Councilman Devlin noted supermarkets regularly offer their meats in foam containers; Ms. Pergament said Whole Foods Market uses butcher/wax paper to wrap its meats which are freshly sliced. In response to Ms. Abrams, the Commission did not know if the recycling of plastic bags is required by statute. Ms. Heymann commended the DPW on its effort to ensure residents separate plastics from refuse during the collection process which is required by ordinance. Councilman Devlin stressed the Borough only recycles #1 and 2 plastic as defined by the American Section of the International Association for Testing Materials (ASTM) Resin Identification Coding System. Chairman MacDonald said he often notices plastic improperly mixed together as well as uncleaned at the DPW facility. Ms. Pergament stated there are nearby locations which accept #’s 1 to 7 plastic. Ms. Heymann said the Borough unofficially accepts higher than #2 plastic by way of commingled recycling, which had been quite beneficial until recently when China became less willing to accept recyclables originating from the United States. She said the Borough’s outgoing and incoming recycling vendor (Miele Sanitation, Inc. and Interstate Waste Services, Inc. respectively) confirmed that the process is quite expensive, and she opined commingling is no longer optimal because it involves many types of plastic that are not reusable; she believed the Borough would soon revert to restricting the type of recycling it accepts.

**Mac Bain Farm**

Ms. Bouton-Goldberg informed that additional buckets for visitors’ picking need to be purchased. Ms. Heymann revealed that opening day for the 2018 season of the Farm occurred recently and there was a significant public turnout; she reiterated the Farm, which is currently in very good condition, is open on Wednesdays, Saturdays and Sundays. She reminded that Mr. Mc Caffrey is in contract with the Borough to reside on-site free of charge in exchange for providing $25,000.00 in documented Farm-related services, which she said he regularly exceeds by a large margin; despite that, she said there is not enough labor time to maintain beds, stake tomatoes, properly line cucumber vines, etc. As of late, she noted children with special needs from the North Jersey Friendship House organization have been tying already-staked tomatoes and weeding. Ms. Heymann remarked that crop growth on-site, such as lettuce and kale, is quite abundant and occurring much earlier this season as opposed to last year when it peaked in August. Ms. Pergament questioned what her role as a docent on weekends at the Farm should entail; Ms. Heymann replied herself and Ms. Bouton-Goldberg would assist in familiarizing her with those crops available to the public and those needing care so she can field questions as well as learning to monitor visitors to prevent the picking of both undersized items and those being rationed by the Farm. Ms. Bouton-Goldberg suggested a non-threatening approach to visitors picking improperly is to inform them that their collection would be confiscated and donated to the Borough’s Food Pantry; Ms. Heymann concurred, saying the Senior Citizens’ Center is also a recipient.

Ms. Bouton-Goldberg said Mr. Mc Caffrey reported the fencing on-site to be in good condition with no repairs necessary, noting the Commission obtained funding this year for regular maintenance. Councilman Devlin suggested the Commission utilize available funds on pressing issues like electricity and water source installations at the Farm, reminding that unused monies do not carry over to the next calendar year. Ms. Heymann said the Borough Administrator, Arthur Dolson, is actively pursuing the irrigation system proposal for the Farm, which would include a spigot; she noted the system is to be connected to the water well on-site instead of the expensive task of tying into the water utility service located in Hickory Lane. Councilman Devlin
reminded that the Commission received approximately $21,000.00 in open space funds for 2018 in addition to roughly $5,300.00 for its operating budget.

**New Business**

**Pet Curbing**
Mr. Isaacson expressed frustration about dog owners not curbing their pets properly to prevent feces and urine spots on front lawns. Ms. Heymann said there are existing ordinances in place to enforce such. Mr. Isaacson opined individuals not abiding by the regulations should be filmed in the act and the infraction posted on the Borough website to deter future noncompliance. Councilman Devlin disagreed, stating the municipality should not partake in such. As an alternative, he suggested a reminder be attached to the annual pet licenses issued by the Health Department; Mr. Isaacson agreed, promising to contact the Borough’s new Registrar of Vital Statistics/Licensing Secretary/Board of Health Secretary, Alexandra Goodman, to discuss the possibility.

**Liaison Reports**

**Governing Body**
Councilman Devlin said the Ordinance Committee is reviewing 5 issues, 1 of which is the prevention of clearcutting prior to a construction project being reviewed by a land use board; he explained 40+ trees were recently approved for removal at 98 Wainwright Avenue by the Borough’s Licensed Tree Expert, William Fuchs, in preparation for the construction of a new 1-family house; he noted while Mr. Fuchs required a certain number of tree plantings for mitigation, the Planning Board has yet to consider the application for Major Soil Movement Approval.

**Planning Board**
Ms. Heymann reported there is concern about the health of existing trees along the frontage of 11 Willis Drive, which was recently approved for Major Subdivision (resulting in the creation of 3 lots with addresses of 11, 15 and 17 Willis Drive), once they are relocated to the new rear yards as proposed; she noted the applicant is returning to the Board to discuss the matter.

**Shade Tree Commission (STC)**
Councilman Devlin said this year, about 40 trees will be planted and trees within 10’ of thoroughfares will be pruned in Election District #6; he explained Closter is divided into 6 election districts, thus, each receives attention every 6 years. He said quotes are required for the tree service, but the proposed planting and pruning do not reach the threshold required for public bidding. He said the cost of the tree plantings depends on the species as well as whether they will be delivered having root balls (wrapped in burlap) or root bags. In response to Chairman MacDonald, Councilman Devlin stated the STC’s uniform rule of having jurisdiction of all trees located within 10’ of a thoroughfare, regardless of the Borough’s right of way and the actual width of the roadway, is impacted by factors such as when a thoroughfare was installed and whether it handles heavy traffic or is classified as secondary/tertiary. Mr. Isaacson revealed that a tree, rooted on a property next to his residence and 13’ in from Columbus Avenue, fell on his house and automobile during a recent storm. He said New Jersey case law is clear that a tree owner has no liability for damage caused to a neighbor’s property. He said he had to pay approximately $35,000.00 to replace his own damaged property while his neighbor had no financial burden, including with homeowner’s insurance. Ms. Pergament understood, saying negligence on the part of his neighbor could not be proven by Mr. Isaacson’s insurance carrier. Mr. Isaacson agreed, saying if he had sent a letter to his neighbor
informing him the subject tree was rotten and should be removed as a preventive measure, the neighbor could have been obligated to remove the tree. He stated if a neighbor’s tree grows beyond a shared property line over onto his own property, he can trim it back to said line; using the same rationale, he said if a tree located on private property grows into the Borough’s right of way, the Borough should be responsible for pruning. He commented public utilities are notorious for carelessly cutting branches impacting their lines, which can result in a tree becoming imbalanced because it regrows in different directions. Councilman Devlin replied he would ask the STC to consider Mr. Isaacson’s recommendation.

**Historic Preservation Commission (HPC)**

Ms. Bouton-Goldberg said the HPC will be assisted in obtaining a grant through the New Jersey Historical Commission’s Caucus Archival Projects Evaluation Service (CAPES) by evaluating the HPC’s ephemera and which is to be preserved/stored. She hoped more delicate items in its possession can be housed in the Closter Public Library; she noted many items have been kept by HPC members inside their residences over the years and, more recently, at the Harold Hess Lustron House (421 Durie Avenue).

**Plan Review**

**Planning Board**

132 HERBERT AVENUE: This is an application for Minor Subdivision Approval involving the creating of 2 lots. The Commission made the following comment: 1.) consider mitigation for proposed tree removal.

**Zoning Board of Adjustment**

597 PIERMONT ROAD: This is an application for a Use Variance and Site Plan Approval involving the construction of a new building (preschool). The Commission made the following comments: 1.) consider installation of green roof and/or solar panels; 2.) ensure material of proposed outdoor playground area is non-artificial; 3.) provide additional tree plantings to enhance shade on-site; 4.) reconfigure/relocate proposed egress lane onto Piermont Road to protect existing nearby tree.

**Adjournment**

There being no further items to discuss, a motion was made by Ms. Bouton-Goldberg and seconded by Councilman Devlin, to adjourn the meeting at 9:12pm. The motion passed unanimously.