

Environmental Commission

March 17, 2015

(Minutes)

Prepared by:

Paul Demarest

Chairman MacDonald called to order, at 7:38pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Tuesday, March 17, 2015 at Borough Hall.

Attendance

<u>Present</u>

Paul MacDonald- Chairperson Steven Isaacson- Full Member Brian Stabile- Full Member (Shade Tree Commission Liaison) Thomas Hennessey- Full Member (Council Liaison) Ethel Abrams- Alternate #1 Bobbie Bouton-Goldberg- Alternate #2 (Historic Preservation Commission Liaison) Sivert Hagen- Associate Member Arthur Goldberg, MD- Associate Member

<u>Absent</u> Brenda Cummings- Full Member Thomas Colwell- Full Member Sophie Heymann- Full Member (Planning Board Liaison) VACANT- Associate Member

Miscellaneous

Given the Commission did not convene for its February 17, 2015 meeting due to lack of a quorum, it postponed a vote on minutes for the January 20, 2015 meeting until the April 21, 2015 meeting to allow for additional time to review.

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

Chairman MacDonald read into the record correspondence received by the Commission, specifically, a request by Closter Assisted Living, LLC to the New Jersey Department of Environmental Protection (NJDEP) requesting a Letter of Interpretation to establish a boundary line with respect to wetlands situated on 59 West Street, 11 & 15 Van Sciver Street, which are the subject properties of a Use Variance and Site Plan Review application before the Zoning Board of Adjustment upon which a new assisted living facility is proposed to be constructed. Chairman MacDonald felt the Board should be critical of the proposed 3-story building on lots that would have inadequate off-street parking, substantial tree removal and ground water problems. Mr. Hagen said the building would be situated close to a property line shared with Borough-owned land.

Chairman MacDonald continued saying a NJDEP Ground Water Classification Exception Area/Well Restriction Area Fact Sheet regarding 23 Naugle Street (Dykes Lumber, Inc.) was received. He also stated a request from Northern Valley Regional High School at Old Tappan to have its eligible senior year students participate in the Borough's volunteer program from May 18, 2015 to June 19, 2015 was received. He stated that he and his wife have supervised volunteers working on Borough trails in years past. He noted that, unfortunately, volunteers were not assigned to tasks at Mac Bain Farm last year. He said better coordination and planning is required this year and it is hoped the school system, including Northern Valley Regional High School at Demarest, can confirm the attendance of several students within a few weeks. Chairman MacDonald noted that Leslie Weatherly, a Borough employee and parent of a student whose special needs program regularly assists at the Farm without compensation, suggested a project to make signs for vegetable rows on-site, which would assist visitors in identifying crops; he noted that a \$1,200.00 line item for such was approved in the Commission's budget. Mr. Isaacson asked if open space monies could be used for said signage instead. Ms. Bouton-Goldberg felt the dollar amount to be rather excessive; Chairman MacDonald replied the figure does not consider labor costs, only material. Dr. Goldberg believed manufactured metal signs can be bought inexpensively for the same purpose, noting surprise that the \$1,200.00 had been justified by the Governing Body. He suggested estimates be obtained outlining specifics on costs for such a project. Ms. Bouton-Goldberg said given the labor costs saved at the Farm as a result of the special needs students' volunteerism, the budgeted monies could be construed as a donation of appreciation in exchange for quality signage. She noted the group of students is also installing insect hotels, made from scrap, at Buzzoni Farm Park at no charge. Councilman Hennessey noted that once the specifications for the signage are established, wooden signs could be installed and painted by the high school senior volunteers. Chairman MacDonald stated that signage consisting of metal and/or wood should withstand weather conditions much better than laminated card stock paper, which Ms. Weatherly indicated would be utilized by her son's group. Mr. Isaacson suggested the Department of Public Works (DPW) be consulted, given its experience with metal street signs. He said he would contact Voss Signs Co., the vendor recently hired to produce trail signs for the Borough, to provide a standard/template; he noted that stencils in frames can be utilized. Dr. Goldberg questioned who would supervise the special needs' students with such a sign project, stressing there seems to have been disorder with the high school senior service program in prior years. Ms. Abrams said local nurseries should be visited to view their signage setup. Councilman Hennessey stated galvanized metal stakes (36" to 42" in length) with 3'x5' cardboard inserts would be a simple design. Mr. Hagen expressed concern about incorporating the use of plastic (lamination) into the project. Ms. Bouton-Goldberg stated the Farm's use of paint stirrers as sign posts has not been successful. Chairman MacDonald said he would inform Ms. Weatherly that the Commission is inclined to have a different approach on how to provide new crop signage at Mac Bain Farm.

Chairman MacDonald stated the Commission received a press release from the NJDEP regarding illegal dumping throughout New Jersey. Also, he said a Freshwater Wetlands Checklist was received from Stantec, Inc. to the NJDEP regarding 400 Demarest Avenue (A&P supermarket) and an ongoing investigation into contamination from a prior dry cleaning establishment on-site. Chairman MacDonald revealed he previously assisted a representative of Stantec, Inc., Donald Moore, at said site in setting up sampling areas, some of which are located on adjacent lands owned by the Borough, to determine if a confirmed plume is traveling to nearby Olaf & Ingeborg Hagen Park. Mr. Stabile opined the Borough should not permit Stantec, Inc. to sample beyond private property onto Borough land via sentinel wells; he elaborated that materials such as dry cleaner solvent, usually stay where they are and move slowly beyond that. Councilman Hennessey expressed concern that the Borough would be charged by Stantec, Inc. to provide sampling on its grounds, suggesting that even if contaminants are found, they cannot be remove given there are wetlands in the vicinity. He further commented that there are monitoring wells at 422 Demarest Avenue (DTR Automotive

Services Center), which have revealed contaminants leaching towards Borough land; he said the NJDEP has provided said property owner with a 20-year timeline in which to maintain the wells. Mr. Isaacson said the Governing Body discussed at a recent meeting that the NJDEP is currently monitoring additional sites in Closter: 1.) Blanch Avenue (former Closter Swim Club); 2.) Ruckman Road (DPW facility); 3.) 121 Schraalenburgh Road (former service station); 4.) 48 and 58 Perry Street (former Colgate-Palmolive Co. facility). He reiterated that the State of New Jersey's history includes tremendous chemical dumping by industries, and the resulting damage must be assessed.

Referring back to the NJDEP correspondence, Mr. Stabile informed permit(s) have already been issued to Stantec, Inc. relating to 400 Demarest Avenue and the abutting Borough property. Chairman MacDonald stated that if the environmental consulting firm wished to use heavy equipment to do borings, rather than hand drilling as he previously witnessed, the Borough would not likely allow such to occur on its land. Mr. Stabile stated the NJDEP memo indicated sampling and monitoring installations will take place. Councilman Hennessey requested that said NJDEP correspondence be forwarded to the Borough Attorney for legal review. Mr. Stabile stressed the importance that Stantec, Inc. does not topple trees while doing its investigation. Mr. Isaacson suggested the NJDEP paperwork be forwarded to the Borough Engineer as well. Mr. Stabile warned it would be much more difficult to have any wells removed than to grant their installation.

Old Business

<u>Trails</u>

Mr. Isaacson stated that while the fallen snow has subsided, the Borough's trail system is still muddy, but once dried out, he would tour it and note where clearing fallen trees and brush is needed. He said he would also evaluate where markings are necessary as well as signage indicating merged trails with the Borough of Demarest. Chairman MacDonald reminded that a trail section near Tenakill Brook would benefit from having a boardwalk installed during wet periods; he said there are funds available carried over from previous year(s) along with open space monies. He reiterated that the absent Ms. Heymann is a strong proponent of developing the eastern portion of the Borough with trails, such as in the conservation easement. Several years ago, Councilman Hennessey said he was involved in the construction of 600' of boardwalk at the Nature Center in the Borough of Tenafly as part of a duck blind project, noting such materials are not costly. He noted \$340,000.00 in grant money for refurbishing, expanding and maintaining trails is available through the New Jersey Recreational Trails Program, for which the application filing deadline is April 30th. He questioned if either the Commission or Borough Administrator should be tasked with preparing the associated paperwork; Chairman MacDonald said that the Commission's previous chairperson, Elizabeth Ravit, PhD, who is a grant writer and professor at Rutgers University, handled such during her tenure; he said he would approach Ms. Heymann about grant writing for the Commission. Dr. Goldberg reminded that Ms. Heymann would need specifications and suggested the Nature Center, specifically its president, Mary Mayer, should be consulted being boardwalks were recently installed in areas of the Center with similar ground conditions. Mr. Isaacson said that several trail sections upgraded with boardwalks along with bridges worked on by Eagle Scouts in recent years, have failed to withstand moderate rainstorms unlike planks recently reinforced at the Demarest Nature Center, which has not experience uplifting. He reminded the planks should not be comprised

of pressure treated lumber because it contains arsenic. Councilman Hennessey reiterated that because Tenakill Brook is a flowing stream rather than a stationary pond, the planks must be properly anchored to avoid them washing away. Mr. Stabile inquired about installing elevated gravel paths in lieu of boardwalks, noting it would involve large amounts of gravel, labor and use of heavy equipment; Councilman Hennessey advised against such being fill could not be introduced into wetlands.

Dr. Goldberg informed that several years ago, the Borough contemplated spanning a short pedestrian bridge over Dwars Kill, replacing the previous which had washed away. He said negotiations with the Borough of Norwood, where 1 connection of such a bridge would be situated in its Central Woods (area is overseen by the Meadowlands Conservancy Trust), were undertaken. He stated the integrity of Blanch Avenue was to be preserved as would the Revolutionary War era path stretching from Piermont Road to Tappan Road. However, he explained that grant money obtained and forwarded to Norwood was spent on different endeavors, and the proposal was abandoned. Dr. Goldberg stressed that the Governing Body with the Commission's input, not vice versa, should see such a project to fruition. He informed that the reason for the proposed location of a new bridge at that time, which was 50' east of a private bridge relating to the Borough-designated historic landmark known as the John Ferdon House (102 Blanch Avenue), was to appease Norwood and prevent its parkland and housing complex from being impacted. He said Norwood was also concerned about the pedestrian bridge being used by motor vehicles, which he felt to be a nonsensical argument. Dr. Goldberg continued saving the David Scholz Bridge that crosses over Tenakill Brook by Tenakill Street and Demarest Avenue, built for approximately \$110,000.00, is similar to what would be required for Dwars Kill. Ms. Bouton-Goldberg said that to have the Borough's anticipated historic designation of Blanch Avenue coincide with such a bridge would emphasize the beauty and history of the thoroughfare.

Councilman Hennessey inquired about a 2 ¼ acre vacant flag lot (155 Hickory Lane) adjacent to Mac Bain Farm that had been assessed by the Borough for purposes of acquiring it as a land extension protected by the NJDEP's Green Acres Program. Dr. Goldberg revealed a neighbor of his purchased the parcel, 50% to 75% of which is wetlands, roughly 5 years ago and it apparently up for sale again; he commented the house on-site appears to be in poor condition. Councilman Hennessey explained the site, both land and improvements, was assessed at \$950,000.00.

John Mc Caffrey, caretaker and resident of Mac Bain Farm, introduced himself and explained that 155 Hickory Lane had been contiguous with the Farm prior to James and Ellen Brooks, owners of 119 Hickory Lane (former privately-owned farm) purchasing it from Kenneth and Marjorie Mac Bain. He explained the Brooks later sold the parcel to James Turner, who constructed stables on-site and subdivided the lot (converting 155 Hickory Lane into a flag lot and creating a 2nd lot known as 165 Hickory Lane). He said a residence was eventually built on the flag lot for Fernando and Grace Sisto. Mr. Mc Caffrey noted the flag lot, having a configuration whereby 2 streambeds meet at 1 point resulting substantial wetlands, is beautiful but not farmable. Councilman Hennessey questioned if the rear portion of the lot abutting the Farm consists of wetlands; Mr. Mc Caffrey replied the 300' frontage is high and dry.

Liaison Reports

Governing Body

While Councilman Hennessey stated there were no new matters to report, Mr. Isaacson mentioned that the Governing Body recently approved of the Bergen County Mosquito Control's intention to aerial spray in and around Oradell Reservoir; he said it apparently do so last year, but he had been under the assumption the method used was trucks with foggers.

Planning Board

In light of Ms. Heymann's absence, Councilman Hennessey reported that The Great Atlantic & Pacific Tea Co. and Jesse Rosenblum (65 Knickerbocker Road) have filed a lawsuit with the Superior Court of New Jersey- Appellate Division, following their recent loss in the Court's Law Division relating to the Planning Board's approval for the redevelopment of the Closter Plaza shopping center (19 Ver Valen Street). He commented that the property owner/developer, Edens Co., intends to proceed with demolition and new construction at its own risk despite the continuing appeal. Dr. Goldberg said the Court's Appellate Division could take 1 to 1 ½ years to issue a decision, noting while the appellants' arguments pertain to matters of jurisdiction and parking deficiencies, the grocer's intention is, in part, to delay the existence of Whole Foods Market, which is slated to be an anchor tenant on-site. Councilman Hennessey stated issues on property tax appeals have yet to be resolved, and Mr. Issacson said a determination to collect development fees relating to the Council on Affordable Housing (COAH) has not been made.

Shade Tree Commission (STC)

Mr. Stabile said the STC wishes to start a pilot program to rehabilitate neighborhoods, beginning with Heaton Court; he explained that the thoroughfare's 20 existing shade trees (pear), which have a relatively short lifespan of 20 years, would be replaced with native hardwoods (oak, maple, etc.) within 3 to 4 years. He clarified that the newly planted trees along the Borough's right-of-way will be situated, with the consent of the abutting property owners, further in from the curb line. Chairman MacDonald asked if the Borough insists on planting a shade tree between a curb and sidewalk in instances where the abutting property owner objects. Mr. Stabile said the Borough would be obliged to plant between the sidewalk and building, noting the property owner must maintain the curb; he said, ultimately, the decision whether or not to plant on public land falls with the Borough.

Mr. Stabile informed that a tree planting will occur at both Hillside Elementary School and Tenakill Middle School in celebration of Earth Day (April 22nd) and Arbor Day (April 24th); he commented that the STC will distribute 200 tree saplings (courtesy of a state grant awarded to Closter kindergarteners) free of charge at said events. Mr. Stabile said the STC, as should the Commission, is considering providing a float for the Borough's Memorial Day parade. Mr. Hagen said the Green Team has marched in the parade for several years.

Mr. Stabile revealed that the State of New Jersey now allows both STC members and DPW employees to attend seminars, which results in the STC garnering continuing education units and potentially grant money; he explained that the STC often contracts with the DPW to do much of the pruning and planting authorized on public grounds throughout the year.

<u>Mac Bain Farm</u>

Chairman MacDonald questioned how to ensure volunteers from the high school senior service program would be assigned to Mac Bain Farm, which was not the case in 2014. Mr. Mc Caffrey reminded that normally 10 youths would work on-site, and often they would return in the future to view the progress of their labor; he stated he has never prepared an invitation or scope of activities for the program. Chairman MacDonald stressed the need to itemize tasks for the

volunteers. Mr. Mc Caffrey believed the previously-discussed vegetable row signage project to be a priority. He suggested using thin white transparent thermoplastic (Plexiglas), and the signs could consist of 4"x6" or 3"x5" placards with metal, with the special needs' students providing the artwork (stenciling, illustration, bi-lingual wording, etc.). Mr. Hagen emphasized that the use of plastic should be avoided. Mr. Mc Caffrey said the relevant plantings, such as string beans, cucumbers and squash, are staggered meaning once a few rows have reached 4" in height, another is planted. He estimated that 75 to 100 signs would be required; Mr. Stabile opined that given the large numbers of signs, the used of galvanized metal would be too costly. Mr. Mc Caffrey suggested contacting an unnamed sign manufacturer located in the Borough of Moonachie, which sells blanks of pre-cut or customized plastic; based on the use of plastic, he guessed the cost for the vegetable row sign project not to exceed \$500.00.

Ms. Bouton-Goldberg asked if the \$200.00 received in donations at last year's Harvest Festival for purchasing berry bushes can be matched by the Borough. Mr. Mc Caffrey hoped said bushes could be planted along the borders and arch of Mac Bain Farm (nearby the sunflowers and portions of the wood line). He explained berries are perennial crops, like asparagus, planted in the spring and so long as they are tilled, are permanent. He further commented that deer do not forage on certain species of berries, which could be planted outside the Farm's fencing along walking areas by the streambed on the westerly side where sunlight is abundant. He noted certain berries originating from Oregon, such as boysenberries and blackberries, grow to the size of quarters and can be decorative by being trellised. Mr. Mc Caffrey suggested obtaining Heritage raspberries, which are not very thorny but very strong and double-bearing (bearing fruit during spring and autumn). Mr. Isaacson felt such plantings could be funded through open space monies because they are developing a farm, noting such should be mentioned during the Governing Body's upcoming budget preparations; Councilman Hennessey agreed, saying that being the item is edible, it cannot be considered part of the capital budget.

A motion was made by Ms. Bouton-Goldberg and seconded by Mr. Isaacson, to request that the Governing Body allocate \$400.00 from open space funding (supplementing the Commission's \$200.00 in donations) to acquire berry bushes for planting at Mac Bain Farm. The motion passed by acclamation.

Ms. Bouton-Goldberg informed that Metropolitan Farm (119 Hickory Lane) now has beehives on-site. She reminded that Closter is 1 of 3 municipalities in New Jersey that prohibits beekeeping. Mr. Mc Caffrey stated that once Mac Bain Farm was acquired by the Borough, he assumed the existing hives on-site were grandfathered and could remain despite the change in ordinance by the Board of Health, but he relocated them to the Borough of Alpine where his landscaping business has operated and housed beehives for 35 years; he revealed recently Alpine banned them as well and he removed them again. Mr. Mc Caffrey stated the hives he had at the Farm died off in the winter. Mr. Hagen clarified that beekeeping is permitted in Closter under the proviso that incredibly strict conditions are met. Ms. Abrams said the Board needs to be educated about bees. Mr. Hagen reminded that the Commission recently made a presentation to it about introducing hives at Buzzoni Farm Park, which it rejected. Mr. Isaacson believed the Board cannot decipher between honey bees and wasps/vellow jackets. Ms. Bouton-Goldberg stated the City of Englewood recently amended its health code to allow for beekeeping. Mr. Mc Caffrey said that only a 15' to 20' property line setback is required to ensure safety; he explained the honey bee's sole purpose is to collect pollen and nectar and clean their young. He revealed he is against a minimum lot size requirement because they do not fly horizontally but rather vertically and away above treetops. Councilman Hennessey questioned if crops must be planted in order

for bees to pollinate; Mr. Mc Caffrey responded the honey bees in the region are currently pollinating red maples in the spring, then tulip poplars, of which there is a large forest in Mac Bain Farm and the Alpine Scout Camp. He explained both tree species make up an enormous pollen and nectar flow, and the incidental crops help to pollinate them. He revealed that an acre of cucumber crops where pollinate is not sold and honey bees are not present, such would yield 300 to 400 lbs. of cucumber; he said introducing the bees and other cultivars of bees that do not colonize, such as carpenter bees, the same crop would yield 2,000 to 3,000 lbs. immediately. He noted that there were 56 children residing in the vicinity of Mac Bain Farm circa 1960 when it had 20 to 25 bee colonies and no problem with bites/attacks existed. Dr. Goldberg revealed he recently traveled to Sicily and visited a bee farm where the keeper demonstrated how benign honey bees are by blowing cigarette smoke into the hive to activate it while many onlookers were present. Mr. Mc Caffrey clarified that the Farm was ultimately permitted by the Board of Health to have 2 hives for every 5 acres of land. He pleaded with the Commission to contact the New Jersev Department of Agriculture (Division of Bee Inspection) and its apiarist, Timothy Schuler, as well as the New Jersey Beekeepers Association; he also suggested it attend seminars in exchange for monies to acquiring a hive through the New Jersey Scholars Educators Excellence Dedication Success (SEEDS) program. He reflected that prior to the news media highlighting the colony disorder crisis and the plight of the honey bee, he had tremendous attorney fees in fighting Alpine's charge that he was harboring honey bees and creating a public nuisance. Chairman MacDonald believed an informal approach should be initiated between the Board's chairperson and the Mayor's office.

Dr. Goldberg stated he has been assigned to the Planning Board's Ordinance Draft Review Subcommittee, and he believed the Borough Code regarding fees and bonding requirements for tree removal is not adequate; he also contended that mitigation requirements for such often do not correlate to what is removed (species, caliper measurement, etc.). He further opined the administrative processing of tree removal applications should be amended because the Borough's Certified Tree Expert and STC review/issue permits based on ordinances, but they do not take into account an overall development plan as do the land use boards; he noted those entities' determinations are usually made prior to an application for variance relief being filed with the boards.

<u>Green Team</u>

On behalf of the absent Ms. Cummings, Mr. Hagen said the Borough-wide cleaning/recycling event will occur on March 28th (no rain date), a date chosen when there will be less exposure to poison ivy/oak; to entice participation by children in removing roadside debris, he said there will be contests for ugliest, weirdest and largest items collected. He stated that gloves, bags and tongs are supplied by Bergen County. Mr. Hagen said that after all items found have been gathered on the front lawn of Borough Hall to gain public awareness, the DPW will transport them off-site. He said Ms. Cummings would be emailing fliers for the Commission to distribute; he hoped that more Commission members would participate than in years past.

Mr. Hagen said an Earth Day fair is being hosted by the Borough of Old Tappan on April 25th, of which the required fee has been paid by Closter. He noted that milkweed seeds will be distributed at no charge during the event. Ms. Bouton Goldberg revealed she would be introducing milkweed at the pollinator garden located in Buzzoni Farm Park. Ms. Abrams informed she would have a table of literature at said fair regarding bees and pesticides; she said she would also have information about the dangers of having rail cars transporting crude oil via the Bakken Formation from parts of North Dakota, Montana and Canada through Bergen

County. Mr. Hagen stated a Team consisting of Tenakill Middle School students has been organized and held 2 initial meetings.

Councilman Hennessey remembered the Borough would in the past have a springtime planting event using bare-rooted items at Mac Bain Park and along Tenakill Brook; he noted the event would inevitably fail since there was a lack of supervision. He explained there are certain areas in the Borough (Alice Barkley Square, Borough Hall, planters in downtown area, etc.) where the landscaping is maintained (either with or without compensation) by private contractors; he suggested the Commission provide hanging baskets or mass flower plantings. Mr. Hagen said Girl Scouts have collaborated with Zendiggi Kebab House (224-228 Closter Dock Road) to beautify the take-out eatery's parking lot, which is under the supervision of either the Chamber of Commerce or Improvement Commission.

Plan Review

The Commission prepared the following administrative report(s):

<u>Planning Board</u>

50 Railroad Avenue: This is an application for Site Plan Approval involving construction of an addition (partially raising roof) and interior alterations (installing mezzanine) to an existing warehouse. The Commission made the following comments: 1.) address concern about several trees slated for removal; 2.) clarify intended tree mitigation (species, size, location, etc.) given trees marked for removal on-site do not match depiction on site plan; 3.) clarify how storm water management system will handle drainage of reconstructed warehouse.

<u>Adjournment</u>

Chairman MacDonald asked that Councilman Hennessey forward the Commission's concern about deer overpopulation to the Governing Body at its next meeting on March 25th; he stated a letter authored by Ms. Bouton-Goldberg and Mr. Colwell outlining methods by which to address the problem was given to the Borough Clerk. He noted the disappearing understory will become quite evident come spring. Mr. Hagen stated there were a dozen deer in the rear yard of his residence recently; Councilman Hennessey spoke of a similar situation on his property, noting that he did not witness any deer while residing in the Borough of Cresskill from 1955 to 1975. Mr. Stabile said he never saw raptors flying over Closter during his childhood, but he now sees bald eagles souring above Oradell Reservoir. Chairman MacDonald stated that bow hunting had been contemplated in the Borough of Rockleigh to reduce the number of deer, but the subsequent public outcry stopped such action. Mr. Hagen said the Police Department in the Borough of Haworth, which has adequate open space, is willing to organize a bow hunt. He noted that sterilization is very expensive and only 70% effective; he further commented that exiling is not possible because other jurisdictions would not accept relocated deer due to the risk of chronic wasting disease. He mentioned the NJDEP's Division of Fish and Wildlife promotes bow hunting, but required a 1-day census (use of a helicopter) to do so, which is costly.

There being no further items to discuss, a motion was made by Ms. Abrams and seconded by Ms. Bouton-Goldberg, to adjourn the meeting at 10:06pm. The motion passed by acclamation.