

# **Environmental Commission**

## **August 8, 2019 Meeting Minutes**

**Prepared by:  
Paul Demarest**

### **Opening Remarks**

Chairman Colwell called to order, at 7:42pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Thursday, August 8, 2019 in the Council Chamber of Borough Hall.

### **Attendance**

#### **Present**

Thomas Colwell- Chairman  
Steven Isaacson- Full Member  
Miriam Lockhart- Full Member  
Scott Devlin- Full Member/Council Liaison  
Sophie Heymann- Full Member/Planning Board Liaison  
Nancy Pergament- Full Member/Shade Tree Commission Liaison  
Bobbie Bouton-Goldberg- Alternate #2/Historic Preservation Commission Liaison

#### **Absent**

Grace Whitney- Full Member  
Ethel Abrams- Alternate #1

### **Minutes**

The Commission did not vote on the minutes for the April 11, 2019, June 13, 2019 and July 11, 2019 Meetings.

### **Open to Public**

Chairman Colwell opened the meeting to the public for questions and/or comments.

Paul Nyfenger, 45 Herbert Avenue, Closter, New Jersey, introduced himself as a former member of the Planning Board as well as the owner of 51 Railroad Avenue, a property located in Zoning District #5 (Industrial). He said he was mailed a letter recently from Weston Solutions Co. on behalf of Orange & Rockland Utilities, Inc. informing property owners within 200' of a particular site that it applied for a Letter of Interpretation from the New Jersey Department of Environmental Protection (NJDEP) regarding possible wetlands/transition area on a parcel located at the intersection of Blanch Avenue and Herbert Avenue, noting the correspondence indicated Tax Map Block 1105/Lot 1, but not a street address. He surmised the property in question is 84 Herbert Avenue, which consists of light industrial buildings, a Quonset hut and

wooded areas, because it is adjacent to 20 Michaels Lane, which is a substation owned by the public utility. Ms. Heymann reminded that 20 Michaels Lane was the subject of recent approvals by both the Zoning Board of Adjustment and Planning Board for substation upgrades. Mr. Nyfenger said if the NJDEP determines there are no wetlands present, there would surely be a redevelopment of the site and opined the Borough would have little ability to resist a legitimate proposal by a public utility. Chairman Colwell informed that the Commission and Borough Clerk were also notified in writing about the request to the NJDEP; Mr. Isaacson confirmed that the Building Department did not receive notification. Mr. Nyfenger said the complete filing could, according to the letter, be viewed at either the NJDEP's headquarters in the City of Trenton or at the Borough Clerk's office, though he noted it would be premature to have professionally-designed plans prepared without assurance that the subject property is not hindered by wetlands. Mr. Isaacson said the Commission's concern should be of any proposal impacting the nearby residents as well as the clearcutting of trees on-site. He noted the railroad tracks traveling parallel to Herbert Avenue are owned by CSX Transportation Co.; Mr. Nyfenger said the railroad possibly has a 50' jurisdiction in either direction of its tracks. Mr. Isaacson reminded the tracks are being considered for a rail trail conversion known as the Northern Valley Greenway.

## **Treasurer's Report**

Chairman Colwell provided a summary of the Commission's expenditures to date from its 2019 operating budget (see appended account report).

Chairman Colwell said there is an order for 2-sided vinyl sign cards for identifying crop rows at Mac Bain Farm yet to be posted to the Treasurer's Report nor has the annual donation of \$250.00 from the Commission to the organizers of this year's Northern Valley Earth Fair. He said \$150.00 has posted for the public noticing of the Commission's 2019 Special Meetings it is convening this summer; Councilman Devlin questioned the expense, noting the invoice was to be paid for with the Borough Clerk's operating budget. Chairman Colwell promised to inquire about the charge.

Chairman Colwell said quotes for materials to construct a picnic table supplementing the newly-constructed pergola and benches at Mac Bain Farm were obtained from Kuiken Brothers, Inc. (\$402.55) and Dykes Lumber, Inc. (\$289.16); as a compromise, he proposed to select the cheapest items from either vendor resulting in a suggested price of \$323.56. Ms. Pergament wanted assurances that funds for the table would be available taking into account the need for buying gravel to reinforce the roadway at the Farm as well as to address the change in elevation around the new shed on-site, noting the quote received by the Superintendent of the Department of Public Works (DPW), William Dahle, was approximately \$800.00; Chairman Colwell confirmed there would be available monies for both the gravel and table. Mr. Isaacson questioned why the Commission, not the Borough, would pay for capital improvements at the Farm when it is a Borough park. Ms. Heymann agreed the Commission should not be prevented from utilizing open space monies for such, but said the process is so lengthy due to the requirement of an ordinance being adopted by the Governing Body to access the related trust account, estimating a 3-month delay. Thus, she said it is much faster to charge against the Commission's operating budget. Councilman Devlin said the Borough would want to combine multiple open space funding requests into 1 ordinance being the cost for public noticing involved is very expensive. Mr. Isaacson asked about the roughly \$21,000.00 in open space funds approved by the Governing Body this year for the Commission; Chairman Colwell responded that amount was appropriated for specific purchases and such was written into the ordinance. Ms. Pergament inquired about any unforeseen expenses that could result in the Commission overspending its budget this year. Chairman Colwell expressed frustration that the Borough first

delayed reimbursing Connor Goranson, an Eagle Scout candidate who constructed the pergola at the Farm, roughly \$1,000.00 he fronted for purchasing of materials, and Mr. Goranson is now willing to build the table but has a limited timeframe to complete the project this autumn.

A motion was made by Ms. Heymann and seconded by Ms. Lockhart, to have the Commission purchase a combined total of \$323.56 in necessary materials from Kuiken Brothers, Inc. and Dykes Lumber, Inc. for the construction of a picnic table at Mac Bain Farm. The motion passed with Ms. Pergament abstaining.

## **Old Business**

### **Schauble Park Complaints (Tree Maintenance & Illegal Bicycle/Motorcycle Activity)**

Ms. Pergament said she had yet to complete a written response to neighbors' complaints about tree maintenance and illegal use of the grounds as bicycle/motorcycle obstacle course(s) based on the Commission's recent tour of Schauble Park; she said the DPW would be providing signage at the Park informing the public about dumping yard debris being prohibited. Chairman Colwell said he and Mr. Isaacson recently marked those trees needing attention with green paint so they can be identified by the DPW. Councilman Devlin said the DPW has placed a garbage receptacle near the bike ramps on-site, noting it warned 2 others had been placed there in years past only to be stolen.

### **Mac Bain Farm**

Chairman Colwell said the choice of stain and gravel for the new shed at Mac Bain Farm had not been finalized; he noted the shed's door must be shaved down to eliminate it from becoming stuck. Ms. Heymann noted gravel for the roadway at the Farm was recently delivered on-site by the DPW but has not been distributed.

Ms. Lockhart informed that attendance at the Farm has been high in spite of recent turbulent weather, estimating there to be 50 to 80 daily visitors the past week. She said a large turnout is expected on August 10<sup>th</sup>, the 1<sup>st</sup> day of tomato picking for the season. She said there are approximately 48 active Farm volunteers. Ms. Heymann acknowledged Ms. Lockhart for her efforts in the Farm being in its best condition since its acquisition by the Borough nearly 2 decades ago.

Ms. Heymann said the Food Pantry customarily includes inserts advertising the Farm with its donation packets to their 20+ recipients, but she noted the information indicated on the insert is inaccurate. Mr. Isaacson said the Pantry only supplies Borough residents in need, noting he would provide an insert template with the correct information. Chairman Colwell suggested the inserts be discontinued and replaced with issuing a card to the recipients to serve as a form of identification when entering the Farm. Ms. Lockhart stated that although it consists of 4½ to 5 acres of farmland, the Farm is regularly depleted of several crops, thus, she believed the vetting of non-residents before entry is important; she noted a card could be disbursed between family members and friends, going against the intent of the Borough establishing the farm for its residents only. Ms. Pergament inquired about the vetting system practiced by the Pantry; Ms. Heymann said the Pantry handles its recipients quite well but noted their identification is not publicized given their circumstances. Ms. Bouton-Goldberg said the Farm already donates large amounts of produce, such as squash, to the Pantry. Ms. Heymann said the Farm recently provide a large amount of produce to an unnamed nonprofit organization in the City of Englewood which was very appreciative. Ms. Pergament said the Farm should enter into an agreement with certain entities in need to receive an overabundance of crops it anticipates each season. Ms. Lockhart said she would contact the Center for Food Action in Englewood about

partnering with the Farm. Ms. Heymann also mentioned she regularly brings excess produce to the Senior Citizens' Center bi-monthly.

Chairman Colwell and Ms. Heymann commended local resident, Travis Brueck, for flying his unmanned aerial vehicle (drone) over Mac Bain Farm recently to provide images of the farmland and another local resident, Jean Stella, for generating new map(s) of the farmland's current layout. Ms. Lockhart stressed such a visual resource is needed for Farm visitors. Ms. Bouton-Goldberg said Ms. Stella is also providing the 2-sided vinyl sign cards for identifying crops. In response to Mr. Isaacson, Ms. Lockhart said there would be restrictive picking for tomatoes this season. Answering Ms. Pergament, Ms. Bouton-Goldberg said the Farm ceases having volunteers on-site for the year after the Harvest Festival which is held annually towards the end of October.

Ms. Heymann said she would inquire about having Mac Bain Farm nominated for award(s) presented annually by the Association of New Jersey Environmental Commissions (ANJEC); Ms. Lockhart noted the ANJEC award nomination deadline is September 6<sup>th</sup>.

### **Potential Ban on Foam Food/Beverage Container Usage by Borough Merchants**

Ms. Heymann reminded that few years ago, the Commission endorsed a ban on the use of foam containers by merchants located in Closter; despite literature supporting such an idea, she said the Governing Body failed to even consider the idea. Councilman Devlin said the proposal remains under consideration by the Ordinance Committee. Ms. Heymann said while ANJEC confirmed there is potential statewide legislation for regulating foam containers, it still advises municipalities to address the issue locally. Chairman Colwell reminded that the apparent delay by the Committee related to awaiting a legal opinion from the Borough Attorney. Ms. Lockhart revealed that the Borough of Haworth has had a ban on foam in place for 8 years and it will soon add plastic bags and straws to its ordinance(s). Chairman Colwell clarified that Haworth's ban pertains to take-out food establishments, not supermarkets, and there is a clause allowing for the easing of restrictions for specific products if there is not a suitable alternative. Ms. Lockhart suggested the Commission review the ordinances of those municipalities with bans implemented. Councilman Devlin said the Committee sees enforcement, applicable establishments and a hardship clause as the most delicate factors surrounding a possible ban. Mr. Isaacson said if a ban were instituted, there would be a phase-in period for merchants to acclimate to the new regulations. Answering Ms. Lockhart, Councilman Devlin said the text of a draft ordinance would originate from the Borough Attorney, not the Commission, upon his research followed by the Ordinance Committee providing its feedback; he informed that the Committee is not in receipt of a proposal from the Commission. Both Ms. Pergament and Ms. Lockhart assured they would craft a ban proposal on behalf of the Commission for the Committee's consideration.

### **2019 Harvest Festival**

Given there is no admission fee, Mr. Isaacson urged the Commission to seek a 10% increase for expenses relating to the Festival, including more funding for live entertainment. He noted the Borough, not the Commission, would be coordinating the purchase of pumpkins, refreshments, etc. Ms. Heymann agreed, noting the apple cider offered last year was depleted. She said paper cups should be handed out to the attendees. Mr. Isaacson suggested John Mc Caffrey, caretaker and resident of Mac Bain Farm, give a wood milling demonstration during the Festival to educate the youth present and have the finished wood used to build the picnic table on-site. Taking into account that Columbus Day is on October 14<sup>th</sup>, the Commission agreed the 2019 Festival would be held on October 19<sup>th</sup> from 2:00pm to 5:00pm at the Farm. With respect to the production of postcards advertising the Festival, Chairman Colwell said the Borough would solicit estimates from outside vendors as well as Mr. Isaacson (who has made the cards in years past) if he wished to do so. Mr. Isaacson reminded that the Police Department must be

informed of the date so it can handle traffic and parking concerns. In response to Ms. Pergament, Chairman Colwell said there should not be a need to form a committee to handle the details of organizing the event so long as Commission members regularly peruse and input data to the Commission's Google Docs and Google Sheets, web-based programs designed to enhance preparation and organization for events, tasks, etc. Mr. Isaacson suggested the Commission purchase its own seats and tables for events such as the Festival rather than having to borrow from the Nature Center.

## **New Business**

### **2020 Environmental Commission Operating Budget Proposal**

Chairman Colwell and Ms. Heymann volunteered to serve as the committee tasked with formalizing the Commission's operating budget requests for next year. Ms. Pergament noted a few requests already received include increased funding for the Harvest Festival as well as providing paid labor at Mac Bain Farm. Ms. Heymann said needed repairs at the Farm, not applicable to open space funding, should be budgeted for as well.

## **Liaison Reports**

### **Governing Body**

Councilman Devlin said the Ordinance Committee is revamping Chapter 59 of the Borough Code which relates to the planting of street trees as part of new construction and major renovation projects. He hoped to have official(s) from the Building Department as well as 2 Commission members join members of the Shade Tree Commission for an upcoming gathering to brainstorm how to enhance the regulations; being they serve on both Commissions, Ms. Pergament and Ms. Lockhart agreed to attend but stressed a few tree experts in attendance would be prudent.

### **Planning Board**

Referencing a pending Zoning Board of Adjustment application for the conversion of the abandoned public school formerly known as Village Middle School (511 Durie Avenue) to 35 affordable housing units, Ms. Heymann stressed the Commission should provide future administrative reports to the land use boards that emphasize comments about grading, inclusion of rain gardens, etc.

### **Historic Preservation Commission (HPC)**

Ms. Bouton-Goldberg said the Harold Hess Lustron House (421 Durie Avenue) would next be open to the public on August 10<sup>th</sup>; she revealed the Borough-designated Historic Landmark was recently on the cover of an unnamed state-wide publication.

### **Shade Tree Commission (STC)**

Ms. Pergament said there were no new matters to discuss.

## **Plan Review**

### **Zoning Board of Adjustment**

309 CLOSTER DOCK ROAD: This is an application for Amendment Approval involving the use conversion of the attic of a previously-approved new building (containing a delicatessen) from storage to office. The Commission had no comments.

The Commission went into closed session at 8:59pm.

Chairman Colwell reopened the meeting to the public at 9:36pm; the topic(s) of discussion were not divulged.

## **Adjournment**

Mr. Isaacson revealed that 4 to 5 large trees at Remembrance Park, the location of the Borough's 9/11 Memorial, were recently removed near Harrington Avenue with only the stumps remaining; he questioned if the site is a passive or active park. Ms. Pergament questioned its proximity to Memorial Park, which is under the jurisdiction of the Recreation Commission. Ms. Heymann said which Commission oversees which park has not officially been determined by the Borough via ordinance though she guessed Remembrance Park would be overseen by the Environmental Commission.

There being no further items to discuss, a motion was made by Mr. Isaacson and seconded by Councilman Devlin, to adjourn the meeting at 9:38pm. The motion passed unanimously.

