



# **Environmental Commission**

September 20, 2011

*(Minutes)*

Prepared by:

**Paul Demarest**

Chairwoman Ravit called to order, at 8:06pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Tuesday, September 20, 2011 at Borough Hall.



**Attendance**

*Present*

- Beth Ravit, PhD- Chairwoman
- Steven Isaacson
- Brenda Cummings
- Mary Mayer
- Arthur Goldberg, MD
- John Kashwick- Council Liaison
- Bobbie Bouton-Goldberg- Associate Member/Historic Preservation Commission Liaison
- Keith Scholz- Associate Member

*Absent*

- Robert Di Dio- Planning Board Liaison
- Philip Gotthelf- Alternate #1
- Adam Nock- Alternate #2
- Jayanthi Ramaswamy- Associate Member



**New Business**

A motion was made by Councilman Kashwick and seconded by Ms. Mayer, to approve the minutes for the August 16, 2011 meeting with a noted correction; all eligible members present voted in favor.

Chairwoman Ravit stated she received an email from Ms. Ramaswamy asking if plastic bags could be placed inside plastic bottles prior to their collection by Miele Sanitation Co. for recycling; Chairwoman Ravit said she was not sure of the reason for her inquiry, but noted Ms. Ramaswamy felt that such would weigh down the bottles; Councilman Kashwick said he did not understand why a resident would go through such effort and Ms. Mayer noted that while she is not sure soft plastics is acceptable for recycling, it is common practice for supermarkets to receive them. The Commission agreed Ms. Ramaswamy needed to clarify her reasoning for the suggestion.

Mr. Isaacson said he wished to have the Commission rescind its endorsement of the Borough potentially acquiring the Closter Swim Club, a vote that took place at its August 16, 2011 meeting. He believed other sites throughout the Borough should be evaluated for pollution being it has already spent \$22,000.00 to confirm the Club is contaminated; Chairwoman Ravit interjected, saying said matter would be discussed later in the evening.

Ms. Cummings said the “Green Team” would be discussing an ordinance recently introduced by the Board of Health (Ordinance #2011-2), amending Chapter 250-31A of the Borough Code; she

said the regulation, which curtails wildlife feeding by residents, is too vague in its wording and directly affects how residents could practice composting. Councilman Kashwick stated the ordinance, in its current form, would criminalize the tending of a wounded bird or feeding of a rabbit and is, therefore, too restrictive. Ms. Mayer informed there is prohibition of feeding wild fowl on public lands already within the Borough Code, which she felt was sufficient oversight. Ms. Cummings informed that supposedly the proposal was based on a similar version implemented in the Borough of Paramus, a municipality, she felt, stood in stark contrast to Closter. Chairwoman Ravit asked if the Board of Health had the authority to implement such regulations; Councilman Kashwick replied it does so long as it is a public health issue. He believed the best approach to have separate letters sent to the Board from both the “Green Team” and the Commission immediately since final passage is pending.

Dr. Goldberg remembered a prior regulation adopted by the Board of Health regarding bees (Chapter 250-30 of the Borough Code), which he believed to be inappropriate since several Board members were not versed on the subject; he noted said adoption was handled with poor administration, resulting in months of controversy because the Board did not accept expert opinions and made arbitrary decisions on its own. He felt the Governing Body should require that any proposal before the Board for consideration, which relates to the Borough as a whole and could have significant impact, must go before the Mayor and Council for evaluation prior to final passage by the Board. Councilman Kashwick revealed such a memo is currently being drafted by the Borough Attorney, Edward Rogan, Esq.; Dr. Goldberg expressed that he was aware Mr. Rogan’s letter would merely be addressing the current ordinance before the Board, and felt it should include that any regulation being contemplated should be reviewed by the Governing Body. Councilman Kashwick stated the Board, in response, would take the position that all issues are discussed at meetings open to the public, which have been advertised beforehand. Ms. Mayer stated she agreed with Dr. Goldberg in theory, however, the Board of Health’s structure is that of an autonomous body and other Borough agencies cannot infringe upon its authority. Dr. Goldberg disagreed, saying the Board would still be independent if it received outside opinions on a proposal.

As a side note, Ms. Cummings reminded that on November 6<sup>th</sup>, the “Green Team” would present a showing of “Queen of the Sun: What Are the Bees Telling Us?” at the Nature Center; she said the film is about colony collapse disorder, among other issues affecting bees and humans.

A motion was made by Dr. Goldberg to have the Commission ask the Governing Body to pen a letter requiring its review of any proposal, which affects the Borough’s public health policy, before final adoption is considered by the Board of Health; being the motion was not seconded, it failed.

Dr. Goldberg asked why the Commission did not agree with his suggestion; Mr. Isaacson felt he should deal directly with the Health Department, and Ms. Mayer believed the failed motion would have asked that another Borough agency be consulted every time the Board wished to make a decision. She added that the Commission would be more effective by giving its opinion on the proposal amending regulation on wildlife feeding rather than interfering with all of the activities the Board engages in. Dr. Goldberg inquired about the pressing health issue that brought about the forthcoming passage of Ordinance #2011-2; Councilman Kashwick responded that complaint(s) had been made to the Health Department about residents purposely leaving chicken and pork chop bones strewn on their lawns, resulting in vermin infestation. He said the result is that, other than enclosed bird feeders, all feeding of wildlife would be illegal in the Borough and would, indirectly, outlaw composting and methods of dealing with feral cats (Trap-

Neuter-Return). Mr. Isaacson believed the ordinance should define “garbage”, which should include animal bones but not corn, lettuce, etc. He also felt that, as was the case with the bee controversy, an ordinance should not be rushed into simply because a few residents file a complaint.

The Commission concurred that both it and the “Green Team” should send letters to the Board of Health as to why the subject proposal should be refined; Ms. Cummings said she would collaborate with Jennifer Rothschild, Esq., Chairwoman of the Historic Preservation Commission (HPC), in penning 1 for the “Green Team” and Ms. Bouton-Goldberg asked it include the fact that several residents have already purchased compost bins, a item that would be restricted. Ms. Cummings agreed and informed that the Borough’s composting program could receive 10 points towards certification through *Sustainable Jersey*.

Mr. Isaacson suggested that even if the health regulation is written into ordinance, the Borough could practice a “hands-off” approach in its enforcement. Ms. Mayer believed the Health Department should be in sync with other Borough agencies and its latest proposal would have it moving separately without consulting them; she noted that consulting prior final passage produces a better ordinance as well as reveals if 1 is not needed altogether. Chairwoman Ravit suggested any Commission member wishing to attend the next Board of Health meeting should email her.



## **Old Business**

Ms. Cummings reported that the Borough was not awarded a *Sustainable Jersey* grant it recently applied for to partially-fund the barn project at Mac Bain Farm (for green building elements only); Chairwoman Ravit stated that she is awaiting a response for specific reason(s) behind the certification program’s selected winners so that the Borough can improve upon its chances the next time a grant is being offered.

In terms of receiving certification from *Sustainable Jersey*, Ms. Cummings said the “Green Team” has submitted documentation and will be forwarding requested follow-up information in the next week; Chairwoman Ravit stated she would speak with Ms. Cummings regarding the natural resources aspect of the certification process.

Ms. Cummings said she hoped to get volunteers to join in handing out fliers to parents (waiting in idling vehicles to pick up their children after school) and reminding them of Chapter 183-13 of the Borough Code, which forbids idling of running motor vehicles for more than 30 minutes (as per statute, 3 minutes is the threshold); she noted that she has spoken to police officers serving as crossing guards, who inform her that its Department is not willing to enforce the regulation at this time. Councilman Kashwick promised he would discuss the matter with the Chief of Police, Dennis Kaine, at the next Mayor and Council meeting.

Ms. Mayer stated that reports on Mac Bain Farm, promised in both May and August by John Mc Caffrey, its caretaker and resident, are in arrears. She noted that he said, earlier in the day, the reports would be submitted later in the week; she said he was apologetic and said the delay is due to his ill office assistant. Ms. Mayer said such delays were not the norm prior to his contract

renewal earlier in the year and she said that his personal life has suffered some recent setbacks.

Ms. Mayer said that in years past, Mr. Isaacson has produced postcards advertising the Harvest Festival at the Farm, which were distributed via the local school system; however, all advertisement would be done electronically this year. Mr. Isaacson said he was willing to produce the postcards, in both hard copy form and Portable Document Format (PDF), of which the latter would save the Board of Education in printing costs. Ms. Mayer confirmed the event would take place on October 29<sup>th</sup> between 4:00pm and 6:00pm, with a rain date of October 30<sup>th</sup> between 4:00pm and 6:00pm; Mr. Isaacson reminded that the Borough's bi-annual Joint Meeting would run from 9:00am and 12:00pm so not to interfere with the Festival.

Mr. Isaacson said it has been reported that the region's pumpkin crop could be in short supply this season; Ms. Mayer concurred, saying the Farm's is almost decimated. She said the Farm has purchased them in the past, and revealed it is estimated that a crate of 130 small pumpkins costs \$200.00; if still available, she believed 2 crates would be needed this year to have the same plentitude as last. She said she would consult John D'Amico, owner of D'Amico Flower Farm (460 Demarest Avenue), as to whether or not it is economically-feasible for him to supply the Farm this year. Chairwoman Ravit asked if there could be an alternative to pumpkins; Ms. Mayer and Councilman Kashwick suggested acquiring butternut squash, which are more resourceful in terms of painting and eating. The Commission agreed that a mixture of pumpkins and butternut squash would be purchased.

Mr. Isaacson suggested that a map of the Borough's trail system be posted at the front gate of the Farm during the Festival, followed by it being given to the Nature Center during the winter months; Ms. Ravit asked if a sign could be made, without dates, so it could be reused every year to advertise the Festival. Mr. Isaacson said such was possible using *Velcro*.

Ms. Mayer informed that the Farm is past its peak for the year, noting everything, other than tomatoes, is depleted. She stated the Commission must find ways to curtail the Farm's weed dilemma through planting less or differently because Mr. Mc Caffrey is overwhelmed and has few volunteers; she said a plan of action should be proposed prior to the 2012 Reorganization by the Governing Body in January. Chairwoman Ravit reiterated the importance of a planting plan being provided by Mr. Mc Caffrey; Ms. Mayer felt a different term should be used because "planting plan" implies the Commission is deciding what to plant in what rows when all it wishes to do is discuss the concepts with him. Chairwoman Ravit elaborated that a farm management plan is essential. Ms. Mayer noted that Mr. Mc Caffrey is contemplating the use of tarps and/or racks, both of which are expensive, to have the Farm become more lasting and productive. Chairwoman Ravit asked if he would consider allowing sections of the Farm to become wild meadows; Ms. Mayer said while such was possible, he would have problems with the weeds that would ensue. Mr. Isaacson inquired about allowing visitors to have their own plots on-site where they can plant and maintain them to their liking and, at the same time, lessen the maintenance burden of Mr. Mc Caffrey; Ms. Mayer said such a setup would defeat the Farm's purpose by giving enjoyment to a chosen few rather than the whole community. Ms. Mayer believed that the Commission should accumulate such ideas to present to Mr. Mc Caffrey in December so that he can incorporate some of them into his farm management plan for 2012.

With respect to a mission statement for the Farm being drafted by its Subcommittee, Ms. Mayer informed it is still being worked on.

Councilman Kashwick reported the Mayor and Council have, for the time being, rescinded its proposal to buy the Closter Swim Club, pending ongoing environmental tests; he said it is up to the current owner of the site, Closter Recreation Corp., to do comparable testing and remediation, which could take 4 to 6 months. Chairwoman Ravit and Councilman Kashwick asked if it is best that the Commission reevaluate its prior endorsement of the acquisition, given the circumstances. Mr. Isaacson said it is unfortunate the Borough has been embarrassed, when negotiating the purchase of a property, for a 2<sup>nd</sup> time; he recalled that in recent history, it was in the final stages of closing on 37 Homans Avenue before discovering the vacant lot was contaminated as well. He believed such measures should be taken prior to negotiating a contract. Chairwoman Ravit pointed out that to support the Borough's purchase of 37 Homans Avenue, a lot designated by the New Jersey Department of Environmental Protection as part of its Green Acres Program, the Commission helped raise \$500,000.00 towards funding. Mr. Isaacson asked if testing would have been conducted at the Club if the Borough had not applied for grant money from the Green Acres Program; Councilman Kashwick replied testing is not part of the purchasing agreement. Mr. Isaacson suggested the Borough could buy 119 Hickory Lane, a 10.75 acre lot operating primarily as a chicken and egg farm, which is up for sale; Councilman Kashwick stated contamination, in the form of pesticides, could be found there as well. Mr. Isaacson noted that the environmental report on the Club found there to be polychlorinated biphenyls (PCB's), of which pesticides are not a source. Councilman Kashwick explained that it is not pesticides themselves but rather the chemical(s) used to apply them. Mr. Isaacson reported that a 28 acre park in the Borough of Edgewater recently was closed down because of contaminated fill; he also noted that Orlando Tobia, a member of the HPC, revealed to him that a business previously operated out of Buzzoni Farm Park whereby it would empty septic tanks and dump their remnants in the vicinity of the Club. Mr. Isaacson said he originally thought the pollutants found were the result of an airfield dating back to the 1920's, which turned out to be located where Lupardi's Nursery, Inc. is situated (75 Blanch Avenue). Mr. Isaacson stated that while the Commission's standing endorsement of the Borough's concept to purchase the Club could remain if remediation occurs, he opined that the 3 acres of undeveloped wetlands should be purchased rather than the entire parcel (6 acres); Ms. Mayer concurred and stated funding for other Borough projects should be of equal importance, if not take precedent over the Club's acquisition in light of recent developments. She further stated that the Borough's capability of providing recreational facilities would not be hindered if the Club were not acquired since surrounding municipalities could serve Borough residents. Chairwoman Ravit agreed and asked where PCB's were found; Mr. Isaacson said they were located in an undefined area referred to as farmland. Councilman Kashwick remembered 2 of the 3 test locations (total of 6) that showed evidence of PCB's: 1.) vicinity of diving board; 2.) vicinity of basketball court. Dr. Goldberg asked if the purpose of the Borough's purchase is either to continue it as a private club or demolish all structures on-site and covert it to open space; Councilman Kashwick stated its goal was to buy the land and lease the facilities and parking lot back to current owner-in-fee to operate. He further indicated that Closter Recreation Corp. could reduce its debt with the money received from the title transfer and become more solvent; he acknowledged that its debt is greater than its assets but noted it does have cash on-hand. Mr. Isaacson explained roughly \$210,000.00 of the Club's debt is to its bondholders and an additional \$200,000.00 would be necessary for facility upgrades to meet Americans with Disabilities Act of 1990 (ADA) standards. Out of the potential \$870,000.00 awarded by the Green Acres Program, he said a significant portion would also be needed to modernize locker rooms and other appurtenances. Ms. Mayer said the feasibility of the Borough only purchasing the 3 acres of wetlands would depend on their value if they cannot be developed. Mr. Isaacson asked that being the Club has been in existence since 1958, would it be exempt from having to meet current ADA regulations; Councilman Kashwick responded it is not. Dr. Goldberg asked

what the wetlands would sell for per acre; Councilman Kashwick said he did not know. Dr. Goldberg inquired if it is the Commission's viewpoint that the construction of a new barn at Mac Bain Farm is of more importance than the Borough preserving additional land contiguous to Anderson Brook and opposite Buzzoni Farm Park. Councilman Kashwick reminded that the Borough is still in possession of grant money, until October, awarded to it from its attempt to acquire 119 Hickory Lane a decade ago; he stated he does not know if the State of New Jersey would extend the time in which said funds must be utilized. He believed the 3 acre portion of the Club's site that is wetlands could be valued between \$150,000.00 and \$200,000.00 since, with the necessary permitting, they could be developed; Chairwoman Ravit added that it is a misconception that wetlands cannot be build upon. Mr. Isaacson questioned if the Commission should take Councilman Kashwick's estimate to mean that the 3 developed acres of land are worth between \$670,000.00 and \$720,000.00 since the asking price of the entire site is \$870,000.00. Councilman Kashwick replied that there have been prior appraisals estimating the Club's property to be worth as much as \$3,000,000.00; he said, however, since only a recreational, nonprofit organization could be built there, the purchase price has dwindled to \$870,000.00. Dr. Goldberg asked what would be the reason for not buying all 6 acres; Mr. Isaacson responded that the Borough should not want to be burdened with a financially-strapped swim club and future litigation due to the pollutants. Ms. Mayer added that significant funds would be needed to even simply create open space out of the existing site.

A motion was made by Ms. Mayer and seconded by Mr. Scholz, to notify the Governing Body that the Commission, while endorsing the Borough in its purchase of the 3 acres of wetlands located on the Club's site, has reservations about acquiring the entire parcel containing the swim club. The motion passed (**5-1-1: YES-** Bouton-Goldberg/ Mayer/ Cummings/ Isaacson/ Ravit; **NO-** Goldberg; **ABSTAIN-** Kashwick).

Mr. Isaacson reported that James Elling, an Associate Member of the Borough of Norwood's Environmental Commission, has been in contact with the Borough of Alpine as well as the Palisades Interstate Park Commission (PIPC) in hopes of garnering support for an inter-borough trail system; he stated he would also begin collaborating with an acquaintance from the Borough of Demarest on mapping said trails. Chairwoman Ravit believed it was time to engage in talks with Christine Hageman, Chairwoman of Norwood's Commission, who assured her involvement after Labor Day. Mr. Isaacson said Norwood's interest in the concept has grown since the initial/controversial suggestion of connecting the Borough and Norwood at the latter's 125 acre forest (Central Woods) has fallen to the wayside; Chairwoman Ravit said the alternate connection is via Norwood's east side and Alpine Scout Camp. Mr. Isaacson felt a "trail summit" should be convened soon, as done in the past, to make further progress on the idea. Dr. Goldberg asked if the Commission had forfeited the idea of a bridge spanning Dwars Kill; Chairwoman Ravit replied that Norwood made it clear it would not agree to such a trail connection, which would involve its Central Woods. Dr. Goldberg said the overriding issue is that the eastern and western sections of the Borough are not linked; he further stated that the proposed walking bridge over Dwars Kill was to be installed quite a distance from Central Woods (the west side of Blanch Avenue near Lupardi's Nursery, Inc.); Chairwoman Ravit disagreed with his recollection. Dr. Goldberg inquired about how Norwood came up with its official position that it would not support an inter-borough trail connection via Dwars Kill. Ms. Mayer pointed out there is an existing link ("Cross-Closter Trail") that connects the Borough's east and west sides, a series of paths that go from West Street, through Carlson Court and the Nature Center, to Blanch Avenue; Dr. Goldberg admitted he was not aware of such a connection.

Chairwoman Ravit believed the Commission should move ahead with purchasing inexpensive bicycle racks that would sit upon a concrete base; Councilman Kashwick hoped the chosen model would be substantial enough to prevent it from shifting. Ms. Mayer believed the selected rack should only need to hold 3 to 4 bicycles. Mr. Scholz said he would continue such research begun by Mr. Nock; Councilman Kashwick reminded Mr. Nock's letter of resignation is outstanding. Mr. Isaacson suggested the Chamber of Commerce be approached for donation of a few racks that could be placed on Borough property near the downtown area rather than situated in a passive park.

Councilman Kashwick informed that final passage by the Governing Body is forthcoming with regards to an amendment to Chapter 16 of the Borough Code, which would confirm that the Commission is responsible for studying and giving recommendations on open space.

Mr. Isaacson asked if the Borough owns a portion of the sidewalks, consisting of brick pavers, that abut Closter Dock Road in the downtown area; Councilman Kashwick informed that it retains a right-of-way but not ownership. Mr. Isaacson asked if the Borough can place a bicycle rack within its right-of-way; Councilman Kashwick said he would consult with the Borough Administrator on the matter. Mr. Isaacson suggested a rack be put at the bus stop adjacent to the CSX Transportation rail line in the downtown area; Councilman Kashwick interjected, saying the rail line's right-of-way could complicate such. Both agreed Veterans' Park presented itself as a viable location for a rack; Ms. Mayer disagreed, saying while the site in the downtown area, it is not a destination in of itself. The Commission agreed to reach out to the owner-in-fee of 248 Closter Dock Road for permission to install 1 rack at "Heidenberg Plaza" being it houses anchor stores like Starbucks Corp. and Cold Stone Creamery.

Chairwoman Ravit opened the meeting to the public for questions and/or comments.

Paul Mac Donald, owner-in-fee and resident of 19 Taillon Terrace, asked if agendas for the Board of Health are required by law to be publicized. Councilman Kashwick pointed out the Commission does not publish its agendas, but explained that both it and the Board's procedure is have a 1<sup>st</sup> reading of a proposed ordinance at a public meeting, after which a draft is published in the Borough's officially-designated newspaper; he said final adoption would follow at a later meeting and said such steps would constitute a fair notice to those in the public who wish to speak on the proposal before it is voted on. Mr. Isaacson suggested agendas for all Borough bodies be posted on its website. Chairwoman Ravit felt when an ordinance is being contemplated, that particular body should distribute a draft to the other Borough agencies/department heads for their input; Councilman Kashwick said he would discuss such with the Borough Attorney. Ms. Mayer suggested that the procedure followed by the Building Department, in which it emails a request for feedback from Borough officials on pending applications for demolition of structures, be mimicked.



## **Plans**

The Commission prepared the following administrative report(s):

### **Planning Board**

◇ 136 Oakland Avenue: This is an application for Site Plan Approval involving the tenancy of a educational instruction/collegiate standardized testing establishment (“Recas Academy USA”). Chairwoman Ravit said proposed construction would be limited to the interior of the subject building. The Commission had no comments at this time.

◇ 237-241 Closter Dock Road: This is an application for Major Soil Movement Approval involving the construction of a new single-family house. Chairwoman Ravit believed the site’s topography to be quite steep and noted that a 10” diameter tree would be removed. Mr. Scholz asked if silt fencing could be required around the drip line of relevant trees so their roots are not compromised during construction; Chairwoman Ravit informed that the Borough’s Certified Tree Expert enforces said regulation. The Commission had no comments at this time.



**Other**

The Commission had no miscellaneous matters to discuss.

There being no further items to discuss, a motion was made by Mr. Isaacson and seconded by Councilman Kashwick, to adjourn the meeting; all those present voted in favor. The meeting adjourned at 9:34pm.