



# **Environmental Commission**

August 21, 2012

*(Minutes)*

Prepared by:

**Paul Demarest**

Chairman MacDonald called to order, at 8:05pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Tuesday, August 21, 2012 at Borough Hall.



**Attendance**

*Present*

- Paul MacDonald- Chairman
- Steven Isaacson
- Brenda Cummings
- Keith Scholz- Shade Tree Commission Liaison
- John Kashwick- Council Liaison
- Mary Mayer- Alternate #1
- Bobbie Bouton-Goldberg- Associate Member/Historic Preservation Commission Liaison
- Jaewook Jun- Associate Member

*Absent*

- Robert Di Dio- Planning Board Liaison
- VACANT- Full Member
- VACANT- Alternate #2
- Arthur Goldberg, MD- Associate Member



**Miscellaneous**

A motion was made by Councilman Kashwick and seconded by Mr. Isaacson, to approve the minutes for the July 17, 2012 meeting with noted corrections; the motion passed by acclamation.

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 letter dated August 1, 2012 from the New Jersey Department of Environmental Protection (NJDEP) discussing the discovery of a leaking 550 gallon underground heating oil storage tank at 15 Wainwright Court. Councilman Kashwick said additional correspondence was forwarded by the Mayor and Council with respect to its adoption of an ordinance regulating electronic communication between Borough officials; he explained that a quorum (more than 3 members in the case of the Commission) cannot partake in a discussion via email (not to be confused with transmitting of informational items) because such would constitute an unadvertised public meeting of the body, thereby, causing possible legal action against the involved Borough officials. Chairman MacDonald also announced a memo received from the State of New Jersey requesting nominations for the Governor’s Environmental Excellence Awards, which are due September 12<sup>th</sup>; the Commission indicated it has not participated in the nominating process in years past.



## **Old Business**

### **Trails**

Mr. Isaacson said little has developed in terms of progress on the inter-borough trail system due to it being summertime. He stated he communicated with the New York-New Jersey Trail Conference to schedule a meeting between it and the Boroughs of Closter, Demarest, Norwood and potentially Alpine to get a sense of what responsibilities each would assume (blazing, maintenance, etc.). Mr. Isaacson stated confirmation from the Boy Scouts of America (Northern New Jersey Council) to allow access to its campgrounds was still outstanding. He continued saying that while Ruckman Road (paper street section) travels through Bergen County and not the Greater New York Council's parcel, it is still optimal to receive its blessing. Mr. Isaacson reiterated his hope to connect Ruckman Road and the gorgeous trails in the Borough of Rockleigh through the Alpine Scout Camp.

Mr. Isaacson said improvement is needed on the marshy area nearby Scholz Bridge, saying the boardwalks have been washed away; he noted that Eagle Scout volunteers were originally slated to do the repairs, but questioned if their approach would be adequate. He stated the boardwalks' existing layout is too narrow and it is unknown if the new ones would have to comply with the Americans with Disabilities Act of 1990 (ADA); Ms. Mayer responded the upgraded boardwalks would not need to comply with said regulations because they would not be new installations. Councilman Kashwick suggested inquiring with the New York-New Jersey Trail Conference as to the cost of such a project. Mr. Isaacson revealed that Demarest uses pressure-treated wood for its trails, and he suggested having planks as the base with 2x4 dimensional lumber on top to serve as an actual boardwalk. Ms. Mayer believed such a design to be much more wood necessary than continuing the existing parallel companion pieces pattern; she believed that the extra lumber originally left behind by the Eagle Scouts was still being stored at the Department of Public Works (DPW) facility; Mr. Isaacson said he would follow up on the matter. Ms. Mayer asked that Andrew Baron, a Board of Health member, be consulted since he was instrumental in the Eagle Scout using a single-lane boardwalk design. Mr. Isaacson believed a more formidable anchoring system is needed for the repaired boardwalks and bridges, especially those around Julia Street and West Street (near the Oradell Reservoir). Chairman MacDonald reminded that areas by Brook Street were damaged. Ms. Mayer suggested helical piers be used in the upgrades, as was done by the Conference when it worked on the Nature Center's trails, which remain unscathed from the weather. Mr. Isaacson felt a meeting should be convened with the Superintendent of the DPW, William Dahle, and the Conference to discuss such details.

### **Bicycle Racks**

Mr. Scholz reported that 1 bicycle rack has been installed by the DPW at Pfeiffer Park; Councilman Kashwick clarified it was near a bus stop at the intersection of Closter Dock Road and Piermont Road. Mr. Isaacson stated there is an existing rack located in the outskirts of the wooded area in the vicinity. Mr. Scholz said, while he has not monitored the new rack's usage thus far, he believed the unusually warm weather this season has thwarted many bicyclists' plans. Mr. MacDonald suggested having a press release (via online or newspaper) to inform the public of the rack's existence. Ms. Mayer hoped to have 3 new racks located throughout the Borough, noting that the Nature Center's board would allow 1 on-site if it were small in scale and not so visible. Mr. Scholz said a rack holding 3 to 5 bikes would not be too grand in size. Mr.

Isaacson inquired about using hooks on the chain link fence at Mac Bain Farm in lieu of an actual rack; Ms. Mayer replied the purpose of such a setup would not be obvious to the public. Mr. Isaacson believed racks should be placed where there are public basketball courts, hinting the Recreation Commission should be responsible for their installation, maintenance and funding; he believed the racks could help promote less use of automobiles especially with soaring fuel prices.

### Landmark Trees

Councilman Kashwick confirmed the Mayor and Council recently designated the 2 trees at 11 Cedar Lane with landmark status as the request of the Commission; Chairman MacDonald agreed to inquire about signage (plaques) for said trees.

### Nature Center

Ms. Mayer said the dredging of the pond at the Nature Center has been completed; she explained the next phase is to have it refilled as well as improve grading and repair damage by the cabin on-site caused by equipment used in the dredging. She noted a large stone bench is to be returned on-site, which had been relocated to allow for truck access. She stated the area around the outlet has been restored and the eroded outflow area rebuilt. Chairman MacDonald questioned the total amount of sediment removed. Ms. Mayer responded she would ask Mr. Dahle for the number of truck loads taken off-site, noting that several trucks had differing capacities (measured in cubic yards); she estimated 2' of organic material was removed, resulting in the pool's depths increasing from 2' to 4' and 4' to 6' with some of the trenches going as deep as 7'. She cautioned that it was determined any greater depth would compromise the pond's clay barrier. She explained the pond will refill directly (via rainfall) as well as by the spring (via drainage from the hillside). Ms. Mayer said the outlet has a raised lip along with a slot in which a board can be placed or removed to control flow and, thus, the pond's water level. She reported that while the pond is beginning to fill, a lot of evaporation from sun-drenched days has slowed the process. She informed that mosquito larvae-eating fish (such as gambusia and silver shiners) would soon be introduced because shallow water are immediate breeding spots for mosquitoes; she explained 10 to 20 such fish would eradicate any outbreak. Councilman Kashwick asked if the pond project would be completed in time for a tashlik on-site being organized by 1 of the local Jewish temples. Ms. Mayer answered all depends on weather conditions and explained that heavy rainfall is not optimal because there would be an overflow of nutrient material processing algae; she reported that ducks are returning as have the crayfish and the turtles would as well once there is water cover (they need to become acclimated with the new environment in order to hibernate).

### Mac Bain Farm

Ms. Mayer said a date must be set to have the annual Harvest Festival, noting Halloween falls on a Wednesday and suggested October 20<sup>th</sup> or October 27<sup>th</sup>; Ms. Cummings believed selecting a date closest to the holiday would make the event more enjoyable for children. Mr. Isaacson questioned if the Farm would be clear of its produce by October 20<sup>th</sup> to which Ms. Mayer replied such depended upon the weather and the pumpkin crop season; the Commission decided the Festival would take place on October 27<sup>th</sup> with October 28<sup>th</sup> serving as a rain date. Ms. Cummings asked if funding is available for music during the Festival; the Commission contemplated whether to hire amateur/professional musicians or rely on high school student/adult volunteers to supply folk-based tunes. Ms. Mayer said that if electrical instruments are to be used instead of acoustic, extension chords could be plugged into outlets at her residence (12 Mc Cain Court). Mr. Isaacson said he would inquire with the coffeehouse at 225 Closter Dock Road ("Angelina's Gifts & Goodies") about the band that plays there. Ms.

Cummings said she would contact Michael Pisano (44 Columbus Avenue) and Joseph Organo (38 Columbus Avenue), who both play instruments. Chairman MacDonald asked how many years the Festival has taken place; Ms. Mayer replied it started 5 years ago. Mr. Isaacson agreed to provide advertisement (postcards) for distribution to the local school system.

### 119 Hickory Lane

Councilman Kashwick informed that the NJDEP violations against the future Metropolitan Farm have been overturned and noted that an area along Hickory Lane has been confirmed as not being a “Category 1” waterway; he continued saying the recent tree removal on-site is now considered to have been legitimate. He reported that the Bergen County Agriculture Development Board (CADB) would be holding a hearing on August 30<sup>th</sup> to consider proposed temporary greenhouses on-site. Mr. Isaacson asked if construction abutting Hickory Lane (sidewalks, curbing, etc.) is possible in light of the NJDEP’s ruling; Councilman Kashwick replied it would only if financially-feasible. Ms. Bouton-Goldberg reminded that #’s 80 and 119 are Borough-designated historic landmarks, which may restrict certain changes made to the thoroughfare. She stated the Historic Preservation Commission (HPC) questioned the feasibility of designating Hickory Lane as historic in light of the events taking place at #119, but it decided that such would have no impact being it is already Borough property; she continued saying that, on August 20<sup>th</sup>, the HPC would be reviewing an application to reconstruct the chicken coop on-site. Mr. Isaacson commented that if the Superior Court of New Jersey- Bergen County Law Division were to deem the activities on-site to be under the CADB’s jurisdiction, the question becomes whether the farm or historical elements take precedent. Ms. Bouton-Goldberg informed that the chicken coop has been confirmed to be greater than 50 years old (the Borough’s threshold for historic designation). Mr. Isaacson asked if a construction permit must be obtained for the chicken coop project; Councilman Kashwick said he did not know. Mr. Isaacson asked if there is an apartment on the upper level of the chicken coop; Ms. Bouton-Goldberg answered in the affirmative but suspected it is not desirable and/or habitable. She reminded that repointing of the main house’s stone facade as well as the rehabilitation of several roofs on-site have already been sanctioned by the HPC. Mr. Isaacson stated there was a recent article in the newspaper, *The Record*, about stone house maintenance with references to Timothy Adriance, an HPC member; Ms. Bouton-Goldberg noted a Borough of Westwood-based architect, and future member of the HPC, was also quoted in the article. Ms. Cummings asked what would become of the signage throughout the neighborhood which protests the Farm’s activities; Councilman Kashwick replied that the appeal process is still underway and such political speech is protected under the law.

### Sustainable Cluster Initiative

Chairman MacDonald asked for the purpose of the April 2008 draft of the “Sustainable Cluster Initiative”, which is posted on the Borough’s website; Ms. Cummings explained the Green Team was to garner points towards certification with the *Sustainable Jersey* program if said document were to be made part of the Borough’s Master Plan. She agreed to review the options for pursuing such being several years have past since it was written.

### Vehicle Idling Enforcement

Chairman MacDonald stated the link pertaining to vehicle idling regulations on the Borough’s website is not functioning; Councilman Kashwick stated he would inform the Information Technology (IT) manager, Kevin Whitney, of the matter. Ms. Mayer inquired if an ordinance has been adopted with respect to vehicle idling; Ms. Cummings informed the ordinance permits idling for 30 minutes while the subsequently-passed statute allows for 3 minutes only.

Councilman Kashwick stated the former Chief of Police, David Berrian, believed the decade-old statute to be unenforceable. Mr. Isaacson stated enforcement would be difficult in school zones where many parents arrive quite early to wait for their children to be dismissed; he suggested the Police Department place its wheeled electronic signs (relaying a message making the public aware of pollution and wasting of fuel resources) in and around the schools; Councilman Kashwick stated he would discuss the approach with the Governing Body at its August 22<sup>nd</sup> meeting. Ms. Cummings said the Green Team could make fliers to educate the public and negate harsh enforcement.



## **Liaison Reports**

### **Governing Body**

Councilman Kashwick stated the Governing Body would be considering the allocation of \$55,000.00 (deriving from open space funds and not budget/infrastructure monies) to both acquire the defunct Closter Swim Club and access contamination on-site, which was discovered a year ago; she clarified that \$6,000.00 would go towards the acquisition price (based on a revert clause within a 1958 deed of the subject property). Mr. Isaacson asked if the Borough would have to do anything specific with the site if acquired, noting that the remaining \$49,000.00 does not have to be spent on environmental testing (such as underground monitoring wells) if no development is proposed. Councilman Kashwick indicated the State of New Jersey requires that a contaminated site, acquired by a municipality, must be remediated; he believed such to be in conflict with the fact there are several dormant service stations in the Borough that have been known to be polluted sites for decades. Mr. Isaacson believed the restrictions of the sale back to the Borough would become null and void being the purchaser could only utilize the site for recreational purposes; he continued saying a developer could buy the parcel in the future and fund the clean-up rather the Borough. Ms. Mayer questioned why the Borough would purchase the property; Councilman Kashwick explained the Club would cease to exist unless a buyer, who would operate a non-profit recreational use on-site, acquires it. He believed the Borough should take advantage of the low acquisition price and let the site naturally-restore itself for the time being. Ms. Mayer asked if, rather than allowing them to deteriorate, the structures on-site could be demolished/removed without having to remediate the contamination; Councilman Kashwick said he did not know. Chairman MacDonald said allowing the site to remain as is could become a liability to which Mr. Isaacson said the site would be enclosed with fencing. Councilman Kashwick estimated the clean-up would cost \$100,000.00's. Mr. Isaacson hoped that a potential buyer could "cap" the site by putting a clean layer of fill on top of the contamination while keeping the structures in tact and utilizing it as a sort of field. Ms. Mayer questioned if the contamination is migrating beyond the property lines and, if so, does the Borough have an obligation to remediate since the site is completely surrounded by natural elements (Dwars Kill is less than 20 yards away). Ms. Bouton-Goldberg asked how the contamination was discovered. Mr. Isaacson explained that in order for the Club to have used Bergen County monies for intended renovations, a site evaluation was needed, which revealed the presence of polychlorinated biphenyls (PCB's); he said the discovery is baffling because PCB's originate from electrical equipment-type items. He stated he was informed the PCB source was pesticides bound with oil-type material to prevent the chemical from being washed away; he noted there is concern some of the Club's swimming pool water was being drained into the nearby stream. Chairman MacDonald believed plumes have been present for some time because fill was likely imported to level off the site; he suggested the testing of

Dwars Kill (sampling downstream from the site) being the prospects for state funding of the site's clean-up are unlikely with the current administration in power. Mr. Isaacson believed Elizabeth Ravit, PhD, the Commission's prior Chairwoman, should be asked if her employer, Rutgers University, could be of assistance. Ms. Mayer stated the City of Englewood was recently obligated by the State to remediate 1 of its waterways when pollutants were found prior to its planned dredging. Mr. Isaacson stated the Borough Engineer's firm, Boswell Mc Clave Engineering, Inc., has already conducted preliminary testing, at a cost of \$10,000.00, the sample area of which was neither deep nor far away from the Club. Councilman Kashwick agreed to transmit the test results to the Commission. Ultimately, there was a consensus among the Commission that the Governing Body should not allocate \$49,000.00 towards further environmental testing at the Blanch Avenue site.

### Planning Board

Due to the absence of Mr. Di Dio, no report was given on the Planning Board.

### Shade Tree Commission (STC)

Mr. Scholz stated there were no developments to report on STC activities. Chairman MacDonald requested a copy of the Borough's latest shade tree inventory, which he felt all the more important due to the recent tree removals caused by weather damage. Councilman Kashwick informed that all of the trees removed along Demarest Avenue recently were originally-planted at the same time. Mr. Scholz replied that the STC attempts to replace as many trees in the Borough's right-of-way as possible. Chairman MacDonald acknowledged that the STC has a limited budget and Councilman Kashwick revealed shade trees can cost \$300.00 to \$350.00 each to replace.

### Green Team

Ms. Cummings stated the latest installment in the Green Team's film series (*Bag It: Is Your Life Too Plastic?*) was a success with roughly 40 people viewing the movie and participating in a discussion afterwards. Due to technical problems with the equipment, she hoped to change the venue for future showings from the Closter Public Library to the Nature Center; Ms. Mayer confirmed the Center's facilities could accommodate 40+ people. Ms. Cummings informed that computerizing of the Borough's documentation towards *Sustainable Jersey* certification is ongoing. She noted that the Borough has received 3 requests from solar energy companies to give presentations on their products and services, which if purchased, would garner additional points towards certification with *Sustainable Jersey*; she said she was quite skeptical of their intentions and would proceed with caution.

### Historic Preservation Commission (HPC)

Ms. Bouton-Goldberg stated she has yet to inspect Buzzoni Farm Park, but revealed she would be contacting 2 descendants of the Buzzoni family (for which the open space site is named after) residing in Norwood. She stated she is finalizing a nomination report for the historic landmark status of 1 Station Court, a defunct depot of the Northern Branch railroad line, which is now a 1-family house being leased to the Northern Valley Regional High School District as a facility for learning-disabled young adults. She explained that said depot is 1 of only 4 surviving in New Jersey belonging to the rail line (the others being located in Demarest, Englewood and the Borough of Tenafly); she clarified that the on-site shed associated with the rail line is the last remaining of its kind in the state. She said a formidable resource for learning about Buzzoni Farm Park would be the Borough Historian, Orlando Tobia, who hosts a lecture series called "Talks with Toby" at the Senior Citizens' Center. Mr. Isaacson concurred, saying Mr. Tobia informed him the contaminants at the Closter Swim Club may have derived from a private

airfield/strip nearby where fuel was stored; he further stated that the site was being rented to a linoleum company that dredged cesspools.



**New Business**

*Continued Goals*

The Commission did not discuss any such issues.

*Any Other Business*

Mr. Isaacson asked if the Commission could convene its meetings at 7:30pm rather than 8:00pm in the future; the Commission unanimously decided to implement the scheduling change beginning January 15, 2013.



**Plan Review**

Being no land use board applications were forwarded to the Commission for its consideration, plan review was not conducted.



**Adjournment**

There being no further items to discuss, a motion was made by Councilman Kashwick and seconded by Mr. Isaacson, to adjourn the meeting at 9:18pm. The motion passed by acclamation.