



Environmental Commission

February 21, 2012

(Minutes)

Prepared by:

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Chairwoman Ravit called to order, at 8:00pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Tuesday, February 21, 2012 at Borough Hall.



Attendance

Present

- Beth Ravit, PhD- Chairwoman
- Steven Isaacson
- Brenda Cummings
- Keith Scholz- Shade Tree Commission Liaison
- Paul Mac Donald
- Robert Di Dio- Planning Board Liaison
- John Kashwick- Council Liaison

Absent

- Mary Mayer- Alternate #1
- VACANT- Alternate #2
- Bobbie Bouton-Goldberg- Associate Member/Historic Preservation Commission Liaison
- Arthur Goldberg, MD- Associate Member
- VACANT- Associate Member



New Business

Being minutes for its January 17, 2012 meeting were not finalized as of yet, Chairwoman Ravit postponed a vote on their approval to the March 20, 2012 meeting.

As per the request of Ms. Cummings, Jennifer Rothschild, Esq., Chairwoman of the Historic Preservation Commission (HPC), spoke to the Commission on a strategy to have the Board of Health rescind its ordinance regulating bees (Chapter 250-30 of the Borough Code). She stated disbelief that the Mayor’s office held a position of either being unaware and/or not against the idea of having a bee garden at Buzzoni Farm Park while still wishing to repeal said ordinance and restore a bee sanctuary at Mac Bain Farm. She believed the artificial controversy that hovered around the debate leading up to the Board’s adoption of said ordinance in 2004 has since dissipated, thus, she believed there would be no challenging the benefits of having bee sanctuaries in the Borough; Ms. Rothschild felt such a fact must be advertised to the public to garner its support for the idea. She reminded that the Board of Health has no jurisdiction over the bee garden’s design whatsoever. She suggested the Commission pen a letter to the Board stating the growing concern over the demise of the honey bees in epic proportions and how the Borough can address the matter at a local level.

Chairwoman Ravit asked both Mr. Isaacson and Ms. Cummings to report on their recent visits to several Board of Health meetings. Mr. Isaacson said following his viewing of *Queen of the*

Sun: What Are The Bees Telling Us?, a film presentation sponsored by the “Green Team”, the featured hives reminded him of sculptures, which led to his idea of having a bee garden

complete with paths, benches, etc. (turning Buzzoni Farm Park into a destination for the Borough’s trail system). Ms. Cummings stated that she attended 2 Board meetings, 1 month apart, the 1st of which the Commission’s position was clearly laid out by Mr. Isaacson; she noted the Board seemed to forget the Commission’s concerns about its ordinance by the 2nd meeting and it also became suspicious as to the reasons why she and Mr. Isaacson were appearing before it. Mr. Isaacson pointed out the Board’s minutes for both meetings were very vague and non-descript. Ms. Cummings noted Ron Breland, a beekeeper who appeared in said film, attended the 2nd meeting and gave a vivid presentation on colony collapse disorder; she said he explained how he tends to bees a school in Rockland County, New York, noting how the students (kindergarten through 12th grade) interact with the bee sanctuary on-campus without the need of protective gear. She felt the Board did not agree with Mr. Breland’s fact-driven statement that having bees in suburbia is not dangerous. Ms. Rothschild revealed that her ex-husband, Michael, is a current member of the Board of Health who is against having such an ordinance restricting bee havens; she noted that only 3 other New Jersey municipalities have adopted a version of such an ordinance. Mr. Isaacson said it was made clear to the Board that the project was not only to sustain bee hives but also to educate future generations as well as getting children in touch with nature while waning them off technology. Ms. Rothschild felt the “Green Team” and the Nature Center should write separate letters as well, noting bees were at the Nature Center up until the passage of said ordinance by the Board of Health; she believed the ultimate goal should be to allow hives at more than simply 1 location in the Borough. Chairwoman Ravit concurred, saying the Board does not have the right to ask it be vetted on the bee garden’s design; she added the best use for the passive Buzzoni Farm Park involves a bee haven and the Board’s ordinance is prohibiting such.

Mr. Mac Donald asked if there is public support for reintroducing bees into the Borough; Ms. Rothschild replied there is and the artificial opposition in 2004 was more of discontent towards John Mc Caffrey, caretaker and resident of Mac Bain Farm. She revealed that the controversial appointment of Lowell Mandelblatt (42 Mc Cain Court) to the Board of Health, coupled with an already-existing ordinance in the Borough Code banning hives altogether (inspired by the Borough of Haworth), led to much contention; she explained the controversy spilled over in the Borough of Alpine (where Mr. Mc Caffrey operates a business), which adopted a similar ordinance. She reminded that despite there never being a single incident regarding even a bee sting, the Board of Health passed an ordinance requiring the following restrictions on bee sanctuaries: 1.) use of langstroth hives only; 2.) minimum of 5 acres; 3.) fencing; 4.) continuous water supply; 5.) multiple inspections per year. Ms. Rothschild believed the repeal of said ordinance would not result in a wave of residents wanting to partake in apiculture. Mr. Isaacson pointed out that honey bees differ from wasps, hornets, yellowjackets, etc. and noted that banning hives will not rid the existence of bees.

Chairwoman Ravit said it seems a letter to the Board of Health should consist of 2 parts: 1.) vision for Buzzoni Farm Park; 2.) amendment/repeal of Chapter 250-30 of Borough Code. Ms. Rothschild disagreed, saying intentions for Buzzoni Farm Park should not be discussed; Chairwoman Ravit believed that a letter would be forwarded to the Governing Body and she wanted to give the entire backdrop to the discussion surrounding bees and said letter must place into context why the Commission is so passionate about bee havens. The Commission agreed that Mr. Isaacson, Ms. Cummings and Ms. Rothschild would prepare a draft to be filed with the Board of Health and Chairwoman Ravit would write a 2nd version for the Mayor and Council.

Councilman Kashwick indicated the Governing Body could be concerned about the potential lack of supervision at a bee garden, resulting in potential insurance risks for the Borough. Chairwoman Ravit stated she posed to Mr. Breland such a question, which was not answered.

Ms. Cummings believed that since the bee garden's purpose is not to produce honey, maintenance would be minimal. Mr. Isaacson remembered Mr. Breland mentioning the hives would require upkeep in the spring and autumn; he said he also explained that if the bees were limited to Buzzoni Farm Park, the colonies, several times per year, could swarm (over a 3-day period) to find a new hive. He further stated that while he did not recall if additional hives would have to be placed a certain distance from Buzzoni Farm Park, the honey bee has a range of approximately 3 miles (equal to the square mileage of Closter) when searching for nectar. Ms. Cummings stated that if the bees were to swarm, they cannot be controlled; she noted, however, that a beekeeper could be contacted and they often would collect the bees for their own use. Ms. Rothschild reminded that since the nearby Closter Swim Club would not be opening this season, an argument cannot be made that swimmers would be at risk of attack. Mr. Mac Donald inquired about the cost of acquiring bees; Mr. Isaacson replied Mr. Breland could supply a queen bee to start a colony. Mr. Mac Donald believed the public should be made aware that certain flowers and plants would benefit from bee hives. Mr. Isaacson pointed out that the new owner (Frank Vastano) of 119 Hickory Lane, a Bergen County-recognized private farm known as "Brooks Farm", also owns *Metropolitan Plant and Flower Exchange* in the Borough of Fort Lee. Ms. Cummings revealed that New York City is easing its bee regulations so much so that there are several rooftop hives throughout the metropolis; she added that city bees tend to be healthier than those in the suburbs due to insecticides used in agriculture, particularly neonicotinoids which have been banned in Europe. Mr. Isaacson explained such chemicals kill the bees because when they depart from their hives, they cannot find their way back. Ms. Cummings said that while honey bees are natives of Europe, many of the United States' fruit and nut crops are completely dependent upon them. Mr. Isaacson noted that grain, wheat and rice are wind-pollinated and felt the unusable (due to a rocky topography) patch of land on the grounds of Hillside Elementary School could attract bees simply by planting clover there. He believed the bee garden should be "sold" as a pilot project, not a permanent installation, since the hives could be removed at any time; Chairwoman Ravit disagreed, saying the Commission should not offer up such an option for removal in the future. Ms. Rothschild suggested the project have 2 phases, with perennial gardens being planted at Buzzoni Farm Park, thereby enhancing the bee population at Mac Bain Farm and allowing for their travel back and forth between the 2 locations. Chairwoman Ravit said she is waiting for Ms. Bouton-Goldberg to know whom to contact at the Master Gardener program to ask for supplies of wild flowers.

Ms. Rothschild informed that the membership of the Board of Health's subcommittee that authored the bee regulation ordinance in 2004 remains in tact, thus repealing its own piece of legislation would not come easily. She believed that since all the facts and distinctions between honey bees and "stingers" were known to the Board in 2004, it saw the adopted ordinance as a compromise since the existing Borough Code outlawed hives.

Chairwoman Ravit reported the *New Jersey Trails* program grant, run by the New Jersey Department of Environmental Protection (NJDEP), has been applied for; she noted that monies received would go towards both determining sound trail connections between the Borough of Norwood and Closter's "East Hill" section (to be determined by the Borough Engineer's firm, Boswell Mc Clave Engineering, Inc.) as well as reprinting maps depicting new connections with the Boroughs of Demarest and Alpine (assuming the Palisades Interstate Park Commission approves the use of its Alpine Boy Scout campsite). Ultimately, she said the 4 municipalities'

shared responsibilities would result in 20 walkable miles of connected trail reaching as far as Fort Lee and the New York State border.

Chairwoman Ravit pondered if the bee garden project would be eligible for a grant run by the Association of New Jersey Environmental Commissions (ANJEC), which is due by the end of March; she said she would recheck the request for proposal.

Speaking of a conversation he had with an individual who attended a meeting at New Jersey Institute of Technology whereby a professor spoke about the Leadership in Energy and Environmental Design (LEED) certification system, Mr. Isaacson questioned if the Planning Board's ordinance recommendation pending before the Governing Body (which ties LEED certification to the Borough's Limiting Schedule with relation to green building elements) could become antiquated if a better certification program arises in the future. He stated that although the United States Green Building Council (USGBC), of which he was previously a member of its New York chapter, developed the LEED program, Mr. Isaacson believed passive solar building design standards may prove to be a better standard since they look at ways to lessen dependency on fossil fuels (heavier insulation, footprint orientation, etc.). Chairwoman Ravit disagreed, indicating that the USGBC is a formidable organization within the green building industry and she did not see LEED lessening in stature. She reiterated that the Planning Board recommendation requiring a bond posting equaling 1% of the property's assessed value would not entice an applicant to follow through with obtaining LEED certification for their construction project, thus leading to over-development; Councilman Kashwick replied the Governing Body's Ordinance Committee rejected the initial draft (recommending a bond posting be worth 10% of the property's assessment) and it was sent back to the Planning Board for revisions; he felt the proposal would not be adopted by the Mayor and Council anytime in the foreseeable future.

Mr. Isaacson stated LEED certification does not necessarily mean a property owner would have more energy efficiency and such may only mean more environmentally-friendly materials were used in developing their property. Chairwoman Ravit revealed that a colleague of hers built a house in Hunterdon County using passive solar building design standards, resulting in a 75% reduction of the utility costs; she noted that such an approach to construction dates back to the 17th century and the Dutch housing in the area. Mr. Isaacson concurred, saying those buildings used thick walls with some of the houses being underground and their footprints and windows being positioned in such a way to reap the most benefits from the sun. Mr. Isaacson agreed to draft a letter to the Mayor and Council detailing the Commission's concerns with the Planning Board's proposal in its current form.

Chairwoman Ravit hoped that both Ms. Mayer and Mr. Mc Caffrey would be present at the March 20, 2012 meeting so that Mac Bain Farm's management plan for 2012 could be reviewed as can the Farm's mission statement. She reported that Ms. Mayer is requesting funding for hired help during the summer for weeding and supervision of visitors' crop picking at the Farm, as is done for the Recreation Commission and its ball fields. Chairwoman Ravit stated an \$8.00 to \$10.00 hourly rate, with a schedule of 8:30am to 5:30pm/3 days weekly for 8 weeks, has been suggested. The Commission believed such a job would suit high school and college students. Councilman Kashwick informed such monies would not come from open space funds, but rather the Commission's budget.

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Old Business

Chairwoman Ravit informed that Mr. Mac Donald (his wife not included) has agreed to again supervise students partaking in their schools' community service credit program.

Mr. Isaacson inquired about pending repairs to storm-damaged bridges and trails; Chairwoman Ravit replied she is awaiting feedback from William Dahle, the Superintendent of the Department of Public Works (DPW). Mr. Isaacson said he understood the DPW was waiting for the ground to dry before making repairs, most notably Scholz Bridge located near Brook Street/Julia Street and the 1 located on the United Water Co. parcel; Chairwoman Ravit stated the water utility would most likely be taking on the work to the bridge located within its border. She hoped it would use footings in its restoration, not cables, which would lead to tree damage. Both Mr. Isaacson and Mr. Mac Donald agreed to walk the Borough's trails to assess which bridges/boardwalks need repair and/or are not passable. Mr. Isaacson noted that the purchase of a chainsaw was part of the application filed for the *New Jersey Trails* program grant.

Chairwoman Ravit replied she is awaiting feedback from the DPW on final preparations for bicycle rack installations.

With respect to landmark tree designations, Chairwoman Ravit reported that the Borough's Certified Tree Expert, William Fuchs, has made the following recommendations on the Commission's list: 1.) 29 Hickory Lane (29" shagbark hickory/45" black walnut)- both are formidable specimens; 2.) 51 Perry Street (57" tulip)- has several dead branches and poison ivy; 3.) 11 Cedar Lane (45" & 47" western catalpas)- both have decay and storm-damage issues; 4.) 6 Whitney Street (47" American sycamore/2, 36" sugar maples)- all 3 should qualify.

Being 51 Perry Street is deemed a brownfield by the United States Environmental Protection Agency (EPA), a motion was made by Mr. Di Dio and seconded by Mr. Isaacson, to recommend to the Governing Body that said trees located at 29 Hickory Lane, 11 Cedar Lane and 6 Whitney Street being designated as landmarks (pending permission by the relevant property owners). The motion passed by acclamation with Councilman Kashwick abstaining.

Mr. Isaacson said Christian Knoll, owner-in-fee of 275 Durie Avenue, questioned him on how to go about getting a hanging limb removed from a landmark tree near his lot; he noted that the removal would require a crane being the limb is quite large and near the top of the tree. He further stated that both Bergen County authorities and Rockland Electric Co. did not wish do the job; Councilman Kashwick stated the tree's maintenance is Mr. Knoll's responsibility regardless of whether it is located in a borough or county right-of-way.

Ms. Cummings stated that the "Green Team" would earn 10 points towards obtaining certification from the *Sustainable Jersey* program because of a class she took as part of the *New Jersey Learns*, a program sponsored by The Cloud Institute for Sustainability Education; she informed that *Sustainable Jersey* no longer considers a borough's environmental resource inventory as a priority issue. She was happy to report a recent meeting between the "Green Team" and the Borough's Parent Teacher Organization (PTO) went very well, with 1 PTO member joining the "Green Team". To further promote better contact with the student body, Ms. Cummings stated the "Green Team" is working with Councilman Kashwick, who is a

member of the Sierra Club, to continue its film series in June with *Bag It*, a documentary about plastics' harm on the environment.

Ms. Cummings updated that she is still working on getting a member of Rutgers University's Speakers Bureau to lead a discussion on climate changes with the Commission by the end of

April. She noted that, on March 31st, there will be a Borough-wide garbage/debris cleanup, culminating with all of the plastics collected (taken from Borough lands and waterways only) being brought to the lawn of Borough Hall at day's end; she hoped the local press would be available to film/report on the event. Ms. Cummings believed such a "publicity stunt" could showcase plastic accumulation in connection with the 5 major ocean gyres, which is causing animal deaths due to consumption/strangulation by plastics; she said plastic is also affecting the endocrine systems of fish and, as a result, humans. Councilman Kashwick agreed to seek permission from the Governing Body to allow for the Borough Hall's grounds to be utilized for said event. Chairwoman Ravit suggested that awards should be given out during the event (biggest/unusual pieces of garbage) so to entice children to participate.

Ms. Cummings stated that on Earth Day (April 22nd), there will be a hike in the Nature Center to be followed by a picnic.

Ms. Cummings said that *Sustainable Jersey* has provided a sample of a strict ordinance for water conservation; Councilman Kashwick said it restricts watering of lawns to 2 days per week. Ms. Cummings stated the Borough would receive points towards certification regardless of whether such an ordinance could be enforced. She expressed frustration when property owners run their lawn sprinkler systems during or immediately following a rainstorm. Mr. Di Dio agreed, saying his system includes a rain sensor to prevent such from occurring; proving that such a regulation is enforced, he noted that when on vacation several years ago, he returned home to find a notice posted on the front entrance by the Police Department stating that his lawn sprinkler system had been operating while it was raining. The Commission tabled the discussion on a water conservation ordinance until the March 20, 2012 meeting so it could further review the sample provided.

Turning to a complaint from a Haworth resident regarding 9 tree removals at 130 Durie Avenue, Chairwoman Ravit found that the property owner, who will be constructing a new-single family house on-site, received all required permits, both from the NJDEP and the Borough's Certified Tree Expert, with the latter indicating 8 trees would be needed for mitigation. She said the complainant, Theresa Mc Namara, was concerned flooding would occur on her property as a result of the tree removals. Chairwoman Ravit informed Ms. Mc Namara of her findings, however, asked her to contact the Commission if flooding were to occur.

Mr. Mac Donald was surprised that Chapter 181 of the Borough Code does not require mitigation if a tree, located within a proposed building's footprint or driveway, is removed; Councilman Kashwick stated such is why the Commission can forward administrative reports to the land use boards explaining its concerns over a particular project. He informed that the Borough's original ordinance regulating tree removal was adopted prior to the landmark case, *New Jersey Shore Builders Association v. Township of Jackson*, whereby the New Jersey Supreme Court upheld the right of a municipality to adopt such an ordinance.

Chairwoman Ravit stated the Borough currently has the following applications seeking monies from the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund:

1.) \$283,000.00- acquisition of Closter Swim Club; 2.) \$12,250.00- Memorial Park improvements; 3.) \$27,500.00- Schauble Park improvements. She informed that the Bergen County Department of Planning & Economic Development would be holding a hearing on March 12th to give its recommendations; she noted the Bergen County Board of Freeholders would have the ultimate say as to who receives funding.

Mr. Di Dio asked why the Closter Swim Club would not be opening this season; Mr. Isaacson replied it was closed before the end of the 2011 season after contamination (in the form of pesticides) was found in the surrounding grounds; he stated it is not known when the toxins originated but noted the type of oil found is a binding agent used with pesticides to prevent them from being washed away.



Plans

The Commission prepared the following administrative reports:

Zoning Board of Adjustment

◇ 597 Piermont Road: This is an application for Use Variance and Site Plan Approvals, which involves the construction of a new commercial/retail bank at the subject property. The Commission had recently sent a letter of concern regarding the proposed 17 tree removals to the NJDEP, which is reviewing the application as well; the Commission had no further comments.

◇ 1 Ruckman Road: This is an application for a 2nd Amendment Approval to a previously-approved Board application for the following: 1.) forgo construction of an addition to the existing office building/warehouse at the subject property (rehabilitation on a lesser scale would take place); 2.) allow for professional office and medical uses at the subject property. The Commission had no comments.

◇ 326-330 Harrington Avenue: This is an application for Use Variance and Site Plan Approvals, which involves the construction of an addition (3 residential units inclusive) at the subject property. The Commission had no comments.



There being no further items to discuss, the Commission voted by acclamation to adjourn the meeting at 9:42pm.