



Environmental Commission

March 20, 2012

(Minutes)

Prepared by:

Paul Demarest

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, March 20, 2012 at Borough Hall.



Attendance

Present

- Beth Ravit, PhD- Chairwoman
- Steven Isaacson
- Brenda Cummings
- Keith Scholz- Shade Tree Commission Liaison
- Robert Di Dio- Planning Board Liaison
- John Kashwick- Council Liaison
- Mary Mayer- Alternate #1
- Bobbie Bouton-Goldberg- Associate Member/Historic Preservation Commission Liaison
- Arthur Goldberg, MD- Associate Member

Absent

- Paul Mac Donald
- VACANT- Alternate #2
- VACANT- Associate Member



New Business

A motion was made by Councilman Kashwick and seconded by Mr. Isaacson, to approve the minutes for the January 17, 2012 meeting; the motion passed by acclamation. A motion was made by Mr. Di Dio and seconded by Councilman Kashwick, to approve the minutes for the February 21, 2012 meeting; the motion passed by acclamation.

John and Theresa Mc Namara, 111 Morris Avenue, Haworth, New Jersey, spoke of at least 9 tree removals (some of which were at least 1 century old having caliper measurements of 24” to 36”) that took place at 130 Durie Avenue, a Closter property that is adjacent to theirs. Ms. Mc Namara explained a waterway known as “Charlie’s Creek” runs through their property as well as 130 Durie Avenue and deposits into the Oradell Reservoir. She stated they have resided at the property for 19 years and revealed that they once tried to purchase the portion of 130 Durie Avenue that is located in Haworth (a 50’x80’ parcel), but were denied because the waterway is protected by the New Jersey Department of Environmental Protection (NJDEP).

Chairwoman Ravit pointed out that 1 of the plans the Commission would be preparing an administrative report for later in the evening concerns 130 Durie Avenue, of which the existing house on-site will be demolished in preparation for the construction of a new single-family house and in-ground swimming pool; she stated the owner-in-fee is applying to the Planning

Board for Major Soil Movement Approval. She stated a tree permit was issued for 130 Durie Avenue by the Borough's former Certified Tree Expert, Raymond Cywinski (approving the

removal of 9 trees contingent upon mitigation with certain sizes and species), as was a permit by the NJDEP for same.

Ms. Mc Namara informed that 111 Morris Avenue was created via a subdivision, which also spawned 14 Oak Street, located in Closter. She believed several other trees, in the past, had been removed at 130 Durie Avenue without Borough or NJDEP approval. She summated the reason for she and her husband's appearance before the Commission is to confirm mitigation would be required and enforced. Chairwoman Ravit questioned if mitigation, when required as part of a tree permit, must take place on the subject property or can a monetary payment be paid in lieu of on-site planting (for future tree plantings on Borough land); Councilman Kashwick replied such is determined on a case by case basis, but he assured that a Certificate of Occupancy cannot be issued by the Building Department until mitigation is fulfilled. Ms. Mc Namara revealed that the owner-in-fee of 130 Durie Avenue has begun replanting on-site with maples and oaks; Ms. Mayer stated such species would not serve as well a buffer as the removed pines had. Mr. Mc Namara stated he is concerned the tree removals (along with others by nearby Haworth residents in the past) could cause such erosion and adverse affects to the water table that "Charlie's Creek" would overflow and flood their property. Councilman Kashwick stated the site plan for the new construction shows the trees removed were not in the vicinity of neither the new house nor pool, questioning the reason they were cut down. Chairwoman Ravit pointed out that Mr. Cywinski's tree permit indicates some of the trees slated for removal were diseased; Ms. Mc Namara believed the pool's users would experience insect problems due to the muggy conditions of the nearby waterway. Chairwoman Ravit inquired if "Charlie's Creek" was considered a "Category One" waterway by the NJDEP, thereby requiring as much as a 300' buffer from new development; Mr. Isaacson believed it was deemed only an intermittent waterway. Mr. Mc Namara felt the trees by the proposed pool could have remained since they would have no impact on sunlight.

Dr. Goldberg asked when Chapter 181 of the Borough Code, which regulates tree preservation and removal, was last amended; Councilman Kashwick replied it was modified in 2011. Dr. Goldberg asked if a change had been made to the ordinance so to prohibit any tree removal, associated with a construction project, until Planning Board approval was obtained. Chairwoman Ravit reiterated that the owner-in-fee received the proper permitting prior to removing the trees and noted that the Planning Board, in this case, did not have jurisdiction. Dr. Goldberg believed there should be formal discussion mandated to prevent needless tree removal.

Mr. Di Dio revealed that he previously resided at 180 Durie Avenue and he confirmed that while several trees along "Charlie's Creek" were upright, they were usually rotted at their base and their removal would seem understandable.

Chairwoman Ravit questioned if both the NJDEP and Borough permits granting tree removals were separate, meaning more than 9 trees were approved for removal; Ms. Mc Namara said the paperwork she has read indicates 18 tree removals were proposed at 130 Durie Avenue. Chairwoman Ravit stated the site plan shows mitigation would consist of 1.75" to 2" trees; Councilman Kashwick interjected, saying the ordinance requires replacement trees to be a minimum of 2" to 2.5" in caliper measurement. Chairwoman Ravit stated the Commission's

administrative report to the Planning Board would request clarity on the number of tree removals approved as well as details on the mitigation requirements.

Mr. Mc Namara stated that while the only time 111 Morris Avenue has suffered flooding was

from Hurricane Floyd in 1999, he noted it has been extremely dry weather as of late and the Oradell Reservoir is at a low level; he believed that if the property owner received approval to cut down trees from 2 separate entities, thus doubling the number of removals, such would violate the spirit of the ordinance. Mr. Di Dio suggested the Mc Namaras follow the application before the Planning Board so they can vocalize their concerns during the proceedings. Ms. Mc Namara also reported that a wood chipper has been on-site for 1+ month and she was concerned more tree removals had yet to occur.

Dr. Goldberg reiterated his belief that Chapter 181 of the Borough Code should be revisited so that both the Planning Board and Commission have final judgment (with guidance from the Certified Tree Expert) on construction projects having tree removal as part of the proposal. Chairwoman Ravit believed such a suggestion should be dealt with by the Governing Body and its Ordinance Committee, reminding that in the case of 130 Durie Avenue, all protocol was followed by the applicant; Councilman Kashwick asked Mr. Di Dio about whether the Planning Board should rule on every tree permit application associated with a construction project. Mr. Di Dio thought such an approach would overburden the Board, but he agreed construction projects involving tree removal should be reviewed by the Board, which tries to negotiate with the applicant to salvage as many existing trees possible while introducing others on-site.

Councilman Kashwick agreed that the ordinance can always be enhanced and asked the Commission to review it and give suggestions, which he would forward to the Mayor and Council. He revealed that a similar occurrence recently took place at 56 Whitney Street, a property to be redeveloped, where a tree permit was issued by the Borough's newly-appointed Certified Tree Expert, William Fuchs, for essentially the clear-cutting of the property. Ms. Mayer suggested that Mr. Fuchs be educated on how to balance the intent of Chapter 181 and its enforcement; she added that he should discuss with the Commission and Planning Board how to emphasize the preservation side of the ordinance rather than approving removals simply because they are conditioned with mitigation requirements.

Christian Holl, 275 Durie Avenue, Closter, New Jersey, addressed the Commission about the Borough-designated landmark tulip tree located near his property (corner lot), which sustained storm damage in October; he explained a large limb partially-snapped off the tree's center core and is currently leaning on another branch, creating an imminent hazard. He stated he does not know the ownership of the tree being Knickerbocker Road and Durie Avenue are both county roads. Mr. Holl pointed out because there are several utility lines intertwined with the tree, creating liability concerns so much so that contractors have refused to take the job of removing the limb. He informed he contacted Rockland Electric Co. on the day the tree suffered damage, and its promise to investigate the situation immediately was never fulfilled. He believed the limb must be removed promptly and in a manner that keeps the integrity of the landmark tree.

Councilman Kashwick said that the tulip tree is in Bergen County's right-of-way and, unfortunately, it tends to remove trees altogether rather than prune them. Mr. Holl stated the tree is situated slightly more than 10' in from Durie Avenue's curb line and he had no objection to being responsible for the tree so long as he gets direction on how to proceed. Dr. Goldberg believed the tree's ownership must be established and the Borough must be involved since safety

is a concern. Ms. Mayer felt the utility and the Department of Public Works (DPW) should collaborate to abate tree's condition; Chairwoman Ravit and Councilman Kashwick concurred, saying William Dahle, Superintendent of the DPW, could coordinate the effort. Ms. Mayer

believed Mr. Holl should not be given the role of protecting the Borough's residents; Mr. Holl stated he wished not to have his homeowner's insurance activated due to negligence by any party involved.

Ms. Mayer informed that John Mc Caffrey, caretaker and resident of Mac Bain Farm, is requesting permission to permanently relocate his 3 year-old horse (currently being stabled in the Borough of Alpine) to the Farm. She said a 4-sided stable having a roof would be required on-site (rather than a lean-to horse shelter with an open front) along with a corral to allow for the horse to exercise and be broken for saddle. Ms. Mayer noted that the horse's presence may a departure from the horticultural aspect of the Farm and she stated the Borough Code regulates several aspects to keeping animals. She stated such a structure would be separate from the other barn project at the Farm, which would began by the end of 2012 and is for purposes of storing farm equipment, educational resources and highlighting green building elements to the public.

Mr. Mc Caffrey stated he is proposing a 16'x24', at most, stable of a saltbox design to be located at the back corner of the Farm where there is already fencing on 2 sides; he said it would be approximately 30' west of the proposed barn's site. Chairwoman Ravit asked if Chapter 71 of the Borough Code, which regulates keeping of animals, would be complied with in terms of setback requirements; Mr. Mc Caffrey replied the stable would be roughly 75' from the nearest property line. Chairwoman Ravit questioned if the Board of Health had jurisdiction on such a project being the Farm is a Borough property. Councilman Kashwick stated the Board is separate and autonomous from the Governing Body. In speaking with the Zoning Officer, Leonard Sinowitz, Chairwoman Ravit found that the Bergen County Agriculture Development Board must give its approval for any proposed stable. Councilman Kashwick reported that the new owner (Frank Vastano) of 119 Hickory Lane, a Bergen County-recognized private farm known as "Brooks Farm", would be receiving approval from the same county agency to clear cut said property (the Borough has no authority to enforce Chapter 181 of its code because the parcel is a farm). Chairwoman Ravit said she would contact said agency's administrator, Robert Abbatomarco for guidance. Ms. Mayer believed the Commission should first agree to approve of the process and then the Borough, not Mr. Mc Caffrey, should seek the Board of Health's approval.

Mr. Mc Caffrey informed that he did not come prepared to discuss the Farm's 2012 management plan, though he stated the format would be very similar to years past; he stated plowing patterns would be equivalent to prior seasons, and he noted that some drainage issues have been abated via the installation of "beaver ponds" to break the velocity of storm water runoff. He stated pumpkins would be planted later in the year so they are in season as per Ms. Mayer's request (assuming woodchucks do not wreak havoc on them).

Referring back to his horse stable request, Mr. Mc Caffrey revealed time is of essence because his horse is currently living on the "Frick Estate" in Alpine, which is slated for subdivision to allow for road installation; he said the project requires several buildings, including his stable and several chicken pens, to be demolished. He stated he also wishes to have a dozen of his 16 to 18 chickens relocated to the Farm as well; he said a plethora of eggs would be laid, most of

which would be consumed by his family and friends (not sold for profit). He explained the chickens could be housed either in a separate pen from the horse stable or housed off the stable for convenience. Councilman Kashwick asked if Mr. Mc Caffrey would incur the associated costs personally; he replied he would.

Ms. Mayer informed that the horse stable could be installed using a system of panels to allow for it to be disassembled at any time (with the exception of the foundation/slab base). Chairwoman Ravit questioned if a land use board would need to review such a project prior to construction; Mr. Di Dio believed a courtesy review by the Planning Board would be sufficient. Ms. Mayer reminded that when the Nature Center installed a shed on-site, a construction permit was required by the Building Department, though the fee was waived. Mr. Mc Caffrey noted the stable would not require footings, equating the design to that of the llama farm located at 639 Piermont Road. Councilman Kashwick stated the Farm has the acreage required for such an animal shelter but was not certain about setback requirements. Ms. Mayer believed the Board of Health has the authority to regulate private land only.



Old Business

Mr. Mc Caffrey revealed he is in favor of the reintroduction of bee colonies to Mac Bain Farm. He asked that Ron Breland, a beekeeper who appeared in *Queen of the Sun: What Are The Bees Telling Us?* (a film shown as part of a series sponsored by the “Green Team”), get in contact with him on such an endeavor. Mr. Isaacson questioned, if the Board of Health truly has jurisdiction over non-public lands only, why then was it allowed to regulate the colonies previously located at the Farm, so much so that they were eliminated from the site in 2004. Chairwoman Ravit replied she would seek an answer for such from Mr. Abbatomarco.

Ms. Mayer reminded that bees remain legal at the Farm. Mr. Mc Caffrey stated that when he started overseeing the Farm a decade ago, there were 8 to 10 colonies in poor condition as was the associated equipment; he said his initial priority was to make the residence habitable and bring the fields up to par, both of which took 2 full seasons to complete. He continued to say that 2 harsh winters followed, causing most of the colonies to die; he noted, as a result, he burned those remaining. He regretted not documenting their existence to avoid the 2004 controversy surrounding the Board of Health’s adoption of Chapter 250 of the Borough Code; he revealed that, as a child residing near the Farm, he remembered there being 16 to 20 colonies on-site dating back to 1960 with fresh honey and beeswax readily available. He said if colonies are returned to the Farm, he promised to be more discreet with respect to their appearance (using brown/green colors rather than his original hope to have white colonies with a copper roof).

Speaking of the chickens, Ms. Mayer requested that a rooster not be part of the dozen brought to the Farm to avoid noise complaints from crowing; Mr. Mc Caffrey agreed.

Ms. Cummings questioned if bee hives and equipment must be purchased for the Farm. Mr. Mc Caffrey stated he recently ordered 8 hives (to refortify his farm in western New Jersey), which are originating from Georgia; he assumed Mr. Breland would be in possession of hardened-off northern bees.

Mr. Isaacson inquired about the size of the horse corral; Mr. Mc Caffrey expected it to be 100'x100' having fencing on 2 of its sides as well as existing apple trees and bamboo to help buffer it from neighboring properties. Ms. Mayer asked if additional insurance provisions would be required for the animal housing at the Farm; Councilman Kashwick answered all animal

activity and appurtenances should be covered under the existing general liability policy.

Dr. Goldberg reiterated that knowing which government body has jurisdiction over farm issues is imperative so to avoid enforcement concerns such as has been the case with Abram Demaree Homestead (40 Old Hook Road); Councilman Kashwick pointed out said farm and "Brooks Farm" are privately-owned while Mac Bain Farm is owned by the Borough.

Mr. Isaacson reported that he and Mr. Mac Donald inspected the Borough's trail system recently and found it to be in good condition; he said Mr. Dahle promised to have fallen branches removed near Olaf and Ingeborg Hagen Park. He noted that Mr. Dahle stated boardwalks on Julia Street and by Scholz Bridge would be replaced by Eagle Scouts; Mr. Isaacson believed said boardwalks should be reconfigured to travel in a more direct manner. He indicated Mr. Dahle spoke of securing Scholz Bridge by installing poles (secured by rings) into the banks below it, comparing it to a floating dock at a marina; he explained that instead of the bridge being rigidly fixed, it would adjust with the level/motion of the waterway. Mr. Isaacson said such would negate having the bridge tethered to trees; Ms. Mayer said helical piles were used as part of the bridge at the Nature Center so it can resist the current.

Mr. Isaacson informed that that Borough of Demarest's Environmental Commission invited its Closter counterparts to an informal gathering it is hosting at its Borough Hall on March 22nd. He said the inter-borough trail system would be discussed; he, Chairwoman Ravit and Councilman Kashwick confirmed they would attend.

Ms. Mayer asked Mr. Isaacson to remind Mr. Dahle to utilize the black locust planks left over from the boardwalks' original installation for repairs, noting they were built with single-, not double-planks.

Chairwoman Ravit stated Mr. Dahle suggested the Commission buy a 7-bicycle rack model; she stated the Borough Administrator, Quentin Wiest, was asked to purchase 1 to be installed at Mac Bain Farm (to be followed by 5 more being purchased in the future if it is worthwhile). Mr. Isaacson asked that a rack be installed at either Ruckman Park or Memorial Field and Councilman Kashwick suggested 1 be placed at Pfeiffer Park, both stating such locations would make better use of a rack than the Farm. Chairwoman Ravit decided once the 1st purchase is received, the Commission would decide where it should be installed.

Ms. Cummings stated that a letter from the "Green Team" to the Board of Health questioning the viability and long-term consequences of the ordinance regulating bees (Chapter 250-30 of the Borough Code) has been drafted, and she asked that the Commission give its opinion on it. Mr. Isaacson felt the letter should note that, unless the ordinance is repealed, the bees would swarm 2x per year and if they are restricted to Buzzoni Farm Park, Mr. Mc Caffrey and/or Mr. Breland could not relocate them easily to another part of the Borough. Ms. Mayer disagreed, saying she objected to placing bees at Buzzoni Farm Park within a man-made structure under the auspices of the Commission because Mr. Mc Caffrey would not agree to maintain such and,

thus, some restrictions from the Board of Health were necessary. Mr. Isaacson countered, saying Mr. Breland could train Commission members, boy scouts, etc. on how to care for the bees; Ms. Cummings reiterated that Mr. Breland said while the bee sanctuary would require inspections 2x per year, regular maintenance would be minimal. She explained that unlike Mac Bain Farm, Buzzoni Farm Park would not have honey production on-site and would serve as a

haven for them to feed on plentiful sources and recover from pesticides. Ms. Bouton-Goldberg questioned the cost for the bi-annual inspections to which Ms. Cummings did not know. Councilman Kashwick asked what controls the Commission would have to prevent public destruction of the sanctuary as well as bee stings, noting the potential liability risks to be brought up by the Governing Body; Mr. Isaacson believed fencing would prevent unintended human interaction with the bees. Dr. Goldberg felt the presence of bees at Buzzoni Farm Park would alter its pristine quality and believed they would be better suited at Mac Bain Farm. Ms. Mayer concurred, although for different reasons; she stated having bees 1st at Mac Bain Farm is better for re-acclimating the Borough to them, given the site was a focal point during discussions leading up to the passage of Chapter 250-30 of the Borough Code. The Commission agreed and stated Mr. Mc Caffrey should collaborate with Mr. Breland on the logistics.

Ms. Cummings reminded that on March 31st, there would be a Borough-wide garbage/debris cleanup; she said the “Green Team” would prioritize main areas, with secondary areas being visited based on the number of volunteers in attendance. Councilman Kashwick suggested the section of Demarest Avenue near Olaf and Ingeborg Hagen Park be cleaned up while Chairwoman Ravit asked the same for Lenapehoking Preserve. Ms. Cummings said the event would culminate with all of the plastics collected being brought to the lawn of Borough Hall at day’s end for purposes of public awareness; she stated the DPW agreed to remove the plastics afterwards.

Ms. Mayer said the Nature Center would be hosting 2 hiking events, 1 each for its members and the public, on Earth Day (April 22nd).

Ms. Mayer informed that fence repairs (3 sections) at Mac Bain Farm would cost \$1,247.00, based on an estimate provided by Emerson Fence Co.. Mr. Di Dio questioned if more than 1 bid was necessary for such a job; Councilman Kashwick deferred to Mr. Wiest, but noted the cost most likely would not require going out to bid.

Chairwoman Ravit reported that she is awaiting permission from the owner-in-fee of 11 Cedar Lane to have 2 trees on-site designated with landmark status; she noted she has yet to obtain contact information for the property owners of 29 Hickory Lane and 6 Whitney Street to ask for their blessings on designating 2 and 3 trees respectively.



Plans

The Commission prepared the following administrative reports:

Planning Board

◇ 130 Durie Avenue: This is an application for Major Soil Movement Approval involving the construction of a new single-family house. Continuing the discussion from earlier in the evening, Mr. Di Dio revealed that it appeared only 9 trees are to be removed, not 18, and 9 red maples would be planted to fulfill mitigation; the Commission requested clarity on the number of tree removals approved as well as details on the mitigation requirements.

◇ 56 Whitney Street: This is an application for Major Soil Movement Approval involving the

construction of a new single-family house. Chairwoman Ravit noted that 10 tree removals had taken place on-site, following the issuance of a permit by the Certified Tree Expert; she stated no mitigation would be required since all trees removed were located in the proposed footprint of the house. Because no shade trees are proposed, the Commission asked that trees

be planted in the Borough's right-of-way along Whitney Street.



Chairwoman Ravit announced the Commission was invited to the annual meeting of the Bergen County Environmental Council on April 30th in the City of Hackensack; she said the event would attract environmental commissions throughout the county and noted the following issues would be discussed: 1.) impervious surfaces and storm water runoff; 2.) environmental stress and tree pests; 3.) raw sewage in waterways.

There being no further items to discuss, a motion was made by Ms. Mayer and seconded by Councilman Kashwick, to adjourn the meeting at 10:08pm. The motion passed by acclamation.