



Environmental Commission

April 15, 2014

(Minutes)

Prepared by:

Paul Demarest

Chairman MacDonald called to order, at 7:30pm, the Regular Monthly Meeting of the Environmental Commission for the Borough of Closter, New Jersey, convening Tuesday, April 15, 2014 at Borough Hall.



2014 Reorganization

Oaths of Office

◇ Associate Member (1-Year Term Expiring December 31, 2014): Jaewook Jun



Attendance

Present

- Paul MacDonald- Chairman
- Steven Isaacson- Full Member
- Brenda Cummings- Full Member
- Thomas Colwell- Full Member
- Robert Di Dio- Full Member (Planning Board Liaison)
- John Kashwick- Full Member (Council Liaison)
- Bobbie Bouton-Goldberg- Alternate #2 (Historic Preservation Commission Liaison)
- Jaewook Jun- Associate Member

Absent

- Keith Scholz- Full Member (Shade Tree Commission Liaison)
- Ethel Abrams- Alternate #1
- VACANT- Associate Member
- VACANT- Associate Member



Miscellaneous

A motion was made by Ms. Cummings and seconded by Mr. Isaacson, to approve the minutes, with 2 noted corrections, for the March 18, 2014 meeting; the motion passed by acclamation.

Chairman MacDonald informed that there was no correspondence to be read into the record.

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

Robert Friedman, 7 Sherman Avenue, Closter, New Jersey, introduced himself as a Borough resident for 40+ years who previously was employed in the heating/ventilation/air conditioning field. He spoke of his concern about the release of Freon (generic trademark) and other refrigerants into the atmosphere during a demolition project. He revealed such happened at 1 Taylor Drive (formerly 13 Sherman Avenue), a residence adjacent to his own, that was knocked down recently; he distributed copies of both state and federal regulations on refrigerant abatement to the Commission. He explained the structure demolished had an evaporator and

air handler located in the attic, with the condensing unit, which compresses the refrigerant, situated on the exterior. He said he witnessed the bucket of an excavator hit the evaporator when the contractor began removing a portion of the roof, which caused the entire charge of the refrigerant to be released into the air. Mr. Friedman said he immediately researched the regulations governed by both the United States Environmental Protection Agency (EPA) and New Jersey Department of Environmental Protection (NJDEP); he said he also inquired with the Borough's Building Department and was notified by the Building/Fire Subcode Official, Joseph Zavarino, that the New Jersey Uniform Construction Code does not speak of the topic, therefore, refrigerant abatement is not within the Department's jurisdiction. Mr. Friedman distributed copies of the Building Department's checklist for demolition permitting, which addresses lead and asbestos abatement but not refrigerants. He said he contacted the principal of Diamond Engineers & Developers, Inc., Changiz Asfarjani, who truthfully stated the Borough's protocol was followed. Mr. Friedman insisted the Borough must address refrigerant abatement by ordinance, noting that its Health Department regulates vermin abatement only as part of the demolition permit application. He said the Borough should want to prevent such occurrences rather than merely enforcing after the fact, suggesting the Commission lobby for such a change within the Borough Code. He mentioned an EPA representative, Joseph Cardile, promised to contact the Borough to encourage/advise it on setting procedures in place. Mr. Friedman expressed frustration that neighboring municipalities do not have regulations on refrigerant/venting safety measures during demolition projects nor was Bergen County responsive to his inquiries. He said he hoped the removal of refrigerants located throughout the Closter Plaza shopping center (19 Ver Valen Street) would be handled properly during its upcoming redevelopment. Mr. Friedman distributed photographs of 1 Taylor Drive, which depicted the aftermath of the copper tubing containing refrigerant being severed. He cautioned that Mr. Asfarjani's company is slated to demolish the house at 20 Church Court in the near future; Mr. Friedman believed the issuance of a permit by the Building Department should be delayed until assurances are made. Mr. Isaacson questioned if the Commission had the authority to act, believing it could better serve educating the public. Councilman Kashwick appreciated Mr. Friedman's informing the Borough of such a public health risk, and he promised to begin a discussion with the Governing Body at its next meeting as to whether an amendment to the Borough Code is feasible; he noted the Borough could not, at this time, hold up the release of a demolition permit specifically due to refrigerant abatement measures not being followed unless a statute or law at the state or federal level exists. Mr. Friedman replied the EPA can levy a penalty up to \$37,500.00 daily if an individual/entity is found not to be abiding regulations for proper disposal of residential air conditioning (disposal of window units, refrigerants or automotive air conditioning are the responsibility of those last to handle them). He informed that Freon is illegal to manufacture, thus, it must now be reclaimed and recycled for reuse. He explained there are companies that draw out the refrigerant and pay the customer for simply notifying them. He stated he recently approached the contractor at 186 Hickory Lane, which is a 1-family house being reconstructed; he said he was again told that the Borough's requirements on demolition were adhered to. Mr. Isaacson suggested Mr. Friedman contact the Vice Chairman of the Planning Board, Mark Maddaloni, PhD, who is a toxicologist with the EPA. Mr. Di Dio questioned if the NJDEP informed Mr. Friedman of who regulates refrigerant abatement at the local level; Mr. Friedman replied it did not, but that the States of New York and New Jersey are in a zone overseen by the EPA. Mr. Isaacson questioned why demolition contractors would not eagerly seek out buyers if refrigerants are at such a premium; he suggested the Borough contact such recycling firms each time a demolition permit is applied for, which could result in it receiving a stipend for expediting the recycling. Upon thanking the Commission for its assistance, Mr. Friedman said he could be contacted at rjf1936@gmail.com.



Old Business

Trails

Mr. Isaacson said boardwalks near Scholz Bridge, which were apparently reconnected into place following recent storm damage making nearby trails walkable again, need to be further secured. Councilman Kashwick said the repairs should be assessed in the near future being the follow-up work would require the Borough to go out to bid.

Green Team

Ms. Cummings said it hoped the Borough would issue a check to the organizers of the Earth Fair, occurring April 26th in the Borough of Norwood; she noted all other participating municipalities have already provided their share of funding.



New Business

Farm Committee

John Mc Caffrey, caretaker and resident of Mac Bain Farm, spoke of his requests for enhancing the facilities and experience of the Farm; he distributed copies of his planting plan for 2014 to the Commission.

He urged that the Borough issue identification cards to decipher those Farm visitors who reside in Closter from those who do not. He said due to the influx of visitors to the nearby Metropolitan Farm (119 Hickory Lane), along with the overall increase in popularity of Mac Bain Farm, the need to monitor visitors on-site is crucial. He said his intent is to provide a learning experience for both old and young visitors along with having them take away a “taste” of the Farm, not pick the crops until there is nothing left for others to enjoy. He said he has witnessed people removing entire rosemary, basil, oregano and peppermint plants (roots and all) from the ground with the intention of replanting it in their own gardens. Mr. Mc Caffrey believed while the Farm should be open to the public in general, only Borough residents should have the privilege to pick produce. He felt the fee for obtaining an identification card is questionable, noting the importance of providing proof of residency; he suggested the Borough, upon issuing such cards, should provide a pamphlet of sorts explaining the rules of the Farm as well as its history to promote the respect it deserves. Chairman MacDonald informed that the Mayor’s office is uncertain of what procedures to put in place for the card issuance. Mr. Mc Caffrey suggested visitors be required to show their driver’s licenses to be allowed to pick. Mr. Colwell questioned the percentage of visitors who travel to the Farm by foot rather than drive; Mr. Mc Caffrey replied most travel by automobile. Mr. Di Dio asked if there is staff/volunteers present on-site throughout the Farm’s operating hours to police those walking the grounds; Mr. Mc Caffrey said the volunteers do their best to ensure the Farm’s crops are not abused. Ms. Bouton-Goldberg expressed concern that to require a driver’s license to pick produce would eliminate most of the elderly and others who do not drive. Mr. Isaacson believed those who walk to the Farm tend to be Borough residents. Mr. Isaacson questioned if the Farm is regulated by the NJDEP’s Green Acres program. Councilman Kashwick believed it is and, therefore, the Borough could not restrict access to the site; he stressed, however, it could regulate picking because the Borough is paying for the crops through its lease agreement with Mr. Mc Caffrey. Mr. Colwell

suggested decal stickers be given to those Borough residents with automobiles as is done with the Department of Public Works (DPW) to regulate use of its facilities. Ms. Cummings suggested the use of library cards. Mr. Mc Caffrey suggested an individual be paid at minimum wage to monitor the Farm, similar to what the Recreation Commission does for certain sport seasons/events. Mr. Di Dio cautioned if such a job were to be held by a young person, they may have trouble handling inevitable confrontation with visitors. Councilman Kashwick interjected, saying the purpose is not to frisk every person entering the Farm; he believed the posting of a sign stating photographic identification may be required when picking crops, coupled with spot checking, should ward off much of the ill-intentioned visitors. Currently, Mr. Mc Caffrey said each family/group of visitors is provided 1 red bucket for picking produce at the Farm. Mr. Di Dio suggested a list of voter registration be on file for Farm staff/volunteers to reference in the event proper identification cannot be provided. Ms. Bouton-Goldberg stated illegible signatures of visitors' names are often written into the sign-in book at the Farm's entrance. Mr. Isaacson revealed that the Greenbrook Nature Sanctuary in the Boroughs of Alpine and Tenafly is situated on public land, and a key is required for entry, which costs \$25.00 annually; he noted such an approach with Mac Farm Farm would require its picking fields to be fenced in while allowing for the roadway to remain passable so the Farm can be traversed. Mr. Mc Caffrey informed that United Water Co. charges \$45.00 per year for a key to access its property surrounding the Oradell Reservoir. Mr. Di Dio was uncertain about the legality of charging Borough residents to pick crops on Borough land. Ms. Bouton-Goldberg suggested separate signage be installed to address regulations and hours of operations, noting an existing sign says the Farm opens at 8:00am when in reality a volunteer is not present to open the gate until 9:00am; Chairman MacDonald opined that all such information should be reflected on 1 sign only. He further noted there are business/property owners and tenants within the Borough who reside elsewhere but feel they have the right to pick at the Farm. Mr. Isaacson suggested the Borough charge \$10.00, require a form to be completed and 2 passport photographs to be provided by the resident; upon approval, the forms and photos could be laminated to produce an identification card.

A motion was made by Mr. Di Dio and seconded by Councilman Kashwick, to authorize the Commission to install a sign indicating "...Mac Bain Farm is open to the public at large, however, picking of produce is restricted to Closter residents who may be asked to present government-issued photographic identification and proof of residency (property tax bill, driver's , utility bill, etc. would be acceptable)..." in close proximity to the existing kiosk at the Farm's entry, which is to be written in both English and Korean. The motion passed by acclamation. Councilman Kashwick said he would ask for the proposed signage to be reviewed by the Borough Attorney; he also stated he would inquire if the DPW could produce the sign. Ms. Bouton-Goldberg reiterated the existing metal signage on the fence at the entrance needs to be replaced.

Continuing with his presentation, Mr. Mc Caffrey asked that the Farm's parking lot and driveway be resurfaced, noting the latter was last paved 3 decades ago. He noted he periodically installs gravel and drainage at the parking lot's sidelines. He hoped a material, other than reprocessed concrete, could be used which is job specific and attractive yet functional; he suggested a fine material such as 1/4" minus crushed aggregate. Mr. Mc Caffrey said he put 4 tandems into the parking lot when it was originally installed, ensuring a well-built base which was topped with a stone dust material. Nonetheless, he said a 4" drop has developed where the asphalt meets the gravel material, resulting in a dangerous condition; he revealed that the Farm's volunteer coordinator and former Commission member, Mary Mayer, recently tripped at such a point in the parking lot, and her injuries required facial plastic surgery. He further noted the conditions present difficulties to handicap visitors in wheelchairs, which is why a low-lying

patio was recently installed to allow for picking without having to venture into the more rugged terrain of the Farm. Councilman Kashwick explained that few funds would be available in 2014 due to the anticipated renovations of Borough Hall. He stated previously funded projects not acted upon such as the Farm's barn project could have their dedicated funds transferred to pay for the parking lot; he noted such a transfer must be approved by the Governing Body. Mr. Mc Caffrey said there would be no cost for labor since he would spearhead the project; he revealed the price per tri-axle load of anticipated material (18 to 20 cubic yards each) from a quarry would be \$625.00 to \$675.00; being 2 to 3 loads are needed, he said the project would cost approximately \$2,000.00.

Mr. Mc Caffrey said the trend of the Borough has been to have projects for Mac Bain Farm performed by contractors, at a prevailing wage, selected through the bidding process rather than choosing local contractors. He said as a result, the abandoned barn project at the Farm, which did include a compost (waterless) toilet, green roof, solar panels and rain garden, ballooned in cost from \$100,000.00 to \$250,000.00. Councilman Kashwick reminded that \$60,000.00 was allocated for the 1st phase of the project, which dealt with professionally-designed renderings, foundation work, etc. Mr. Mc Caffrey revealed a historic barn circa 1850 was recently demolished on Anderson Avenue in Alpine and had he known of such beforehand, he would have requested to have it relocated to the Farm. Mr. Isaacson said the facilities at Ruckman Park were constructed on behalf of the Recreation Commission by mostly volunteers; in contrast, he said the restroom/storage building projects at both Mollicone and Schauble Parks went out to bid and their construction has been riddled with delays because of failed inspections by the Building Department. He stressed often the lowest bid chosen is not the right choice. Mr. Mc Caffrey said the Farm's equipment (backhoe, excavator, bulldozer, etc.) could be utilized for the barn project; he reminded that he previously installed water and sewer piping that is within 60' of where the barn would be situated. Ms. Cummings informed that the Green Team had applied for grant monies through the Sustainable Jersey program which never materialized.

Chairman Mac Donald stated the Farm Committee needs to be revamped so that it is more influential. He, Ms. Bouton-Goldberg, and Mr. Colwell volunteered as permanent members of a reorganized Committee, with Ms. Cummings agreeing to serve as well in a limited capacity.

Ms. Bouton-Goldberg questioned if the farmhouse (residence) on-site being designated a historic landmark by the Borough would improve the chances of the barn project being awarded grants; Councilman Kashwick believed designation at the state or federal level would be required for such. Regarding the farmhouse's history, Mr. Mc Caffrey said it was constructed in 1931 in a Dutch sandstone/gambrel-roofed style, of which there is a high concentration of such architecture along Hickory Lane; he revealed the structure was built with state-of-the-art amenities for the time period such as a root cellar, geothermal air conditioning and means to separate greywater from the septic system.

Regarding placement of fruit trees and shrubbery, Mr. Mc Caffrey said there is space for orchards, such as blueberry and raspberry, to be planted on both the interior and exterior of the fencing on-site; he said there would be plenty of sunlight on the westerly fence along Anderson Brook, an area which has always had peach and plum orchards. Chairman MacDonald said orchards would be an optimal choice being they are perennials. Mr. Mc Caffrey said such trees could range from \$20.00 to \$60.00 each with the latter being the price for a 1 1/2" established sapling; he also said a fruit-bearing tree would be \$1,000.00 and a shrub \$500.00. He said an orchard generally has 3 phases (early, mid- and late season) and is set up in a hedge row; he

noted a similar planting pattern he previously did with asparagus needs to be revitalized due to over-picking by visitors. He reported the horseradish is thriving on-site.

Lastly, Mr. Mc Caffrey discussed his wish to have an irrigation system to supply the fields. He stated the well, intended for the farmhouse only, cost \$12,000.00 to install and has been supplying the fields as well for some time now. He said the well water is tested periodically and the drinking water is always deemed pure. He said he pays for the electric bill associated with the well and while the water is free, he expressed concern that the 5-horsepower, stainless steel pump, located at the bottom of the well 243' deep, will break in the near future. Mr. Mc Caffrey said the ground water table at the well is 22' resulting in a constant feed of pristine water through the capillaries coming into the well. He said the well runs 18 hours per day and a 2" copper line runs from the curb along Hickory Lane to the farmhouse, but is not hooked up; he explained a water utility meter must be installed along with a trunk line traveling to the field and a few others strategically placed for hoses or polyvinyl chloride (PVC) piping with sprinkler heads attached operating off a manual switch. Chairman MacDonald asked if an irrigation system could operate off the well pump; Mr. Mc Caffrey replied if watering the lower field, 4 sprinkler heads could run, however if watering the higher field, friction is lost and 3 heads would barely function. He noted if 2 heads are running (using several 3/4", 100' long hoses), an 80' diameter circle of coverage is achieved, but full coverage is possible only if they are shifted. Ms. Bouton-Goldberg stressed a spigot is needed for drinking water and cleaning off. Mr. Mc Caffrey estimated the cost of the irrigation project would be no more than \$10,000.00 if using heavy-walled PVC or cross-linked polyethylene (PEX tubing) for the trunk lines; he noted the project could be done in stages but insisted the main line be installed 3' deep so to prevent it from being damaged by plows. Chairman MacDonald asked Mr. Mc Caffrey to provide a proposal to the Farm Committee, which will review it at its next meeting.

Mr. Mc Caffrey mentioned he has spoken with the Borough Administrator, Richard Sheola, about replacing the farmhouse's storm windows (not the main glass windows) due to oxidation of their aluminum frames; he noted gutter replacement is needed for the residence as well and the aging tractor needs to be replaced. Chairman MacDonald asked that a proposal for such items be provided to the Farm Committee as well.

Councilman Kashwick reminded Mr. Mc Caffrey that he should be providing quarterly reports on the Farm directly to him or Ms. Bouton-Goldberg.



Liaison Reports

Governing Body

Councilman Kashwick said the 2014 municipal budget was slated for final passage at the Mayor and Council's next meeting on April 23rd.

Planning Board

Mr. Di Dio said there are no new applications on the Board's agenda. He mentioned that a lawsuit has been filed in the Superior Court of New Jersey- Bergen County Law Division by the supermarket chain, A&P, and Borough resident, Jesse Rosenblum, appealing the Board's approval of the application to redevelop the Closter Plaza shopping center. He also noted that

the houses located at 121 Alpine Drive, 20 Church Court and 383 Durie Avenue will be demolished in the near future.

Shade Tree Commission (STC)

On behalf of the absent Mr. Scholz, Councilman Kashwick informed that Arbor Day festivities would be on April 28th, the venues of which are Hillside Elementary School and the Closter Public Library.

Green Team

Ms. Cummings restated that the Earth Fair, hosted by Norwood, would take place on April 26th with several surrounding municipalities participating; she informed that details on the event could be found at the organizers' website (nvearthfair.org) and exhibitors/vendors are still being sought. She also informed that the next Borough-wide garbage cleanup/recycling event would be May 3rd with the meeting points for participants being Borough Hall and the Boy Scout cabin at the Nature Center, the latter for which parking would be available near Irving Avenue (gravel road). Noting he will be on vacation from May 15th to May 25th, Councilman Kashwick stated the Team should gather to complete a filing due to the Sustainable Jersey program by June 8th.

Historic Preservation Commission (HPC)

Ms. Bouton-Goldberg said the proposal for the reconstruction of the dilapidated groundskeeper's quarters located at Metropolitan Farm has been approved by the HPC; she noted the structure's relocation to Mac Bain Farm was no feasible and the property owner would salvage whatever possible of the existing building, such as shudders.



Plan Review

The Commission prepared the following administrative report(s):

Planning Board

421 & 437-439 Durie Avenue: This is an application for Major Subdivision Approval involving the merging of 2 existing lots for purposes of creating 4 lots (there is a 1-family house and a 2-family house currently situated on the existing lots). Chairman MacDonald pointed out that several tree removals are proposed, with several others having already been cut down in the recent past. Councilman Kashwick informed that the applicants would, as a condition of approval, donate the 1-family house located at 421 Durie Avenue, which is a prefabricated enameled steel structure known as the Harold Hess Lustron House. The Commission made the following comments: 1.) reduce proposed parking lot for 2-family house located at 437-439 Durie Avenue so to lessen proposed impervious coverage; 2.) provide proposed landscape plan and preserve oak tree(s) within Borough's right-of-way along Durie Avenue; 3.) consider changing frontage of proposed lot (21.02) from Legion Place to Durie Avenue.



Adjournment

There being no further items to discuss, a motion was made by Mr. Isaacson and seconded by Ms. Bouton-Goldberg, to adjourn the meeting at 9:17pm. The motion passed by acclamation.