

Minutes of the Berkeley Heights Environmental Commission - DRAFT

August 31, 2020

Conference call meeting called to order at 7:35pm

Attendees

Members: Richard Leister, Angus Chen, Kim Diamond, Kevin Hall, David Harris, Chris Scalera, Kinan Tadmori

Guests: Helen Kirsch of Board of Education, Alex Ambrose of ANJEC, Steve Carrellas

Approval of Minutes

- Minutes from July 20, August 3, and August 17, 2020 were approved
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Discussion with Alex Ambrose, policy associate at ANJEC

- Alex introduces herself, including her status as a former Berkeley Heights resident and a former EC member in Morris Township
- ANJEC employees are required to attend at least two different Environmental Commission meeting each year
- Rich brought up the collective position of EC that it should not be lobbying, especially in regard to the Environmental Justice bill. Kim stated that township council should not be taking a position on certain bills because it sets a bad precedent going forward. David asked whether the township council should not be taking a position on bills or the EC suggesting the township council take a position on bills, especially regarding the state plastic bans bill in the interest of statewide enforcement, so the onus would not be on Berkeley Heights regarding enforcement.
- Alex said that EC can legally pass resolutions in support of statewide bills. The Environmental Justice bill has already been passed in the Senate and Assembly and is awaiting governor signature.
- Kim stated that there was significant push back on plastics ordinance, so it is wise to judiciously choose when to take a position on a bill.
- David asked Alex how environmental commissions move forward when they want to push for action. Do they approach the municipality and ask them to engage the state, or do the environmental commissions approach the state directly. Alex suggested they do both, since lawmakers want to hear from environmental commissions.
- Kevin discussed his opinion on bringing positions to the township council.
- ANJEC is having 51st Environmental Congress this year and it will be online and spread out throughout October on Thursdays and Fridays. There is a discount for EC members. Rich will communicate the details with the commission. The new online format is beneficial because no sessions run concurrently, so it is possible to attend all sessions.
- Alex praised the EC for all of the great work it is doing.

Hearing on agenda items only - 3 minutes per resident

- Steve wanted to know about the Proclamation for US EPA recognition certificates agenda item. Kim explained that the EC had nominated children who participated in clean-up events in 2018 for an EPA presidential award. The children did not win, but received recognition from the EPA in the form of certificates. The EC sought special recognition of their efforts in the form of a Township Council proclamation because the Township Council could not present the certificates physically to the children.
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OLD BUSINESS

Scout Projects

- Chris reported Carolyn George said the scout that was going to work on the Lower Columbia Park cannot, so Carolyn is proceeding on the work herself and will document before, during, and after. She asked Chris to forward names of scouts who might be interested in assisting on this project. Chris reached out to Carolyn during the meeting, who stated that the first part of the project is the sitting wall at Lower Columbia Park, and they will start the process for building it after Labor Day. She will keep him posted. Kim asked if Carolyn can share a plan and timeline.

Stormwater Ordinance - Nothing to report

Sustainable Jersey Actions - Status Report

- The Anti-Idling Education and Enforcement Program action was discussed. Rich went to Google Maps and their 2016 pictures showed anti-idling signs on Plainfield Avenue and Mary Kay McMillin school. Joe Graziano said he would be happy to order the signs. Donna Felezzola agreed to installing the signs where they were installed before. Sustainable Jersey said in their review we needed to have a resolution and distributed educational materials, both of which were completed. We could always develop a detailed enforcement plan. Signs needed to be posted in priority anti-idling locations. Three signs already exist, two at the train station and one at Hamilton Ave, but the others were removed. Rich also reached out to Donna about school buses and whether there is a notification for bus drivers when they are just sitting. The fine for idling has gone up from \$25 to \$250. Kevin stated that enforcement requires a policy change with BHPD, who report to the mayor. There are people who idle when they leave their vehicle and enter a business. Kevin stated that enforcement may make sense at Governor Livingston High School. Rich also asked if police vehicles could turn off their vehicles when they enter the BHPD facility. Rich proposes reinstallation of signs in the locations where they previously existed.
- The Tree Planting action was discussed. Rich stated that the 1000 trees program is not eligible for this action. He contacted Tom Bocko, who stated that he has not planted trees since 2018. Rich saw an email from Sustainable Jersey that 2018 would qualify.
- Tree Hazard Inventory action was discussed. An inventory was previously performed, but has not been updated.

- The Green Development Checklist action was discussed. It applies to anyone who puts in an application and suggested options such as heavier insulation, energy efficient light bulbs, etc. Rich needs to answer some question before he submits it.
- Non-Mandated Materials action was resubmitted with the minor adjustments that Sustainable Jersey suggested.
- The Energy Tracking and Management action for the Municipal Energy Initiatives category was discussed. Rich finally got the data he needed and is working to resubmit it.
- The Build Healthier Communities action was discussed. This action was led by Alvaro Medeiros and included his wife Amalia, Renee Ciesla, Tiffany Escott of the YMCA, and a physician from Summit Medical Group. Part credit was received, but more credit could be granted if a program with younger people was created. Rich sent an email to this group to discuss this.
- The Emergency Communications Planning action was discussed. Some information needed to be added.
- The Backyard Composting action was discussed. This has to be an ongoing program and not a one-time event. Rich asked Chris and Kim about discussing this.
- The Prescription Drug Safety and Disposal action was discussed. We are supposed to have two events per year, but have only had one. Rich is going to see if this action can be backdated to 2018.
- The Municipal Community Strategy and Improve Public Engagement action was discussed. Pam Yoss has provided the missing information.
- The Improve Public Engagement in Planning and Zoning action for the Public Information & Engagement category was discussed. Pam Yoss provided the necessary information.
- The Vulnerable Populations action was discussed. Rich said the requirements were not fulfilled.
- The Reusable Bags Education Program action was discussed. Rich said that the ordinance was used, but it needs to be focused on educating residents on using these bags. The ordinance can be reposted for the Innovative Community Project action.
- The Recycling and Waste Reduction Education and Compliance needs to be reviewed.
- The Heat Island Assessment action was discussed. The assessment needs to be sent to the town council and green team, and then provide documentation on that.
- The Green Grounds and Maintenance Policy action was discussed. Rich reached out to Carolyn George about this. She may be able to provide more information now.
- The Digitizing Public Information action was discussed. This is just links and a checklist and Angus is going to work on this.
- The Green Business Recognition Program action was discussed. Kim recommended that the town adopt a recognition program that includes membership in the NJ Sustainable Business registry. Three Berkeley Heights businesses are registry members. We could get 20 points. Kim is willing to draft a program. Kim makes a motion to include this as an action for Sustainable Jersey submission and it was seconded by Kevin.

Tree Ordinance

- The tree inspector sent Rich a document as an image. Rich asked that he create a clean editable copy and is awaiting a response.

Peppertown Park

- Kim stated that there is a meeting coming up this week.

Recycling

● Mayor's Recycling Task Force

- The task force is on a long term hiatus because its objective has been met. There will be one more meeting to approve minutes. Any recycling initiatives will now be handled by the Environmental Commission.

Ordinance on Restrictions on Plastic Bags, Plastic Straws, and Polystyrene Containers

- Alex Ambrose asked why the ordinance was postponed. Kim stated that enforcement was postponed due to COVID-19 by the township council to reduce the burden on restaurants. Nearby towns are not enforcing their ordinances at this time.

Topics for the Township Newsletter

- The deadline for the township newsletter is September 5. David Harris will have the riparian zones article. John Leo will be preparing an article regarding anti-idling.

Municipal Complex and Stormwater

- Rich spoke with Michele Bakacs. Alvaro met with the management for the construction and there is an agreement to build rain gardens in the parking lot. Planning needs to move forward, but requires confirmation of the exact locations. Financial support will be sought.

Passaic River Park - Nothing to report

Soil at Municipal Complex and Trail behind 9/11 Memorial - Nothing to report

Community Garden

- Chris stated that possible expansion and hive still needs to be figured out.
- Rich stated that Karen Anzalone called him about problems getting a clear budget from the township. He will work on this.

Trex Collection & Engraving Trex Benches

- Kim stated eight benches have been engraved. The remaining benches engravings are being worked on, but there is a delay. Hopefully all benches will be engraved by the end of September.

Stormwater Management PR campaign

- Rich shared a document on methods for achieving 12 points, including signs, a mural, displays at public events, school presentations, etc.
- Angus stated that John, David, Liza Viana, and he had a meeting on August 18 about this. During this meeting, the proposals included having workshops during the last two virtual school hours, working with the Communications Committee, and having Rich's participation due to his rain gardens expertise. John created a preliminary rough schedule

for Liza to meet a campaign requirement. David stated that the meeting was focused on township compliance with state laws rather than Sustainable Jersey points. Rich stated that we should contact Rutgers about educational presentations for the workshops, which would achieve 5 points. Rich asked if workshops could be online.

- Rich asked about clean up events. Kim stated that there are no clean up events due to COVID-19, so she asked if clean ups from 2018 and 2019 could apply.
- David asked for the deadline and Rich said that it seems like it could be a calendar year, but it may be best to verify Liza Viana about this.

FEMA Grant Funding Building Resilient Infrastructure & Communities

- Based on the recent drainage study that was publicized on the township website and TapInto that will cost millions of dollars, there is a funding program where FEMA will pay an amount and the township will have to provide a matching amount. Rich attended an informative FEMA webinar that went over the application process. He and Alvaro met with the Grants Committee and shared the webinar information. For example, a study could be commissioned for the application to determine actions that need to be taken for the grant application, but the cost of the study can only be attributed to the grant if Berkeley Heights is awarded. A lot of the resilient infrastructure is related to building measures such as rain gardens. It is a national competition, so we need a strong application. He is meeting with again in a few weeks with the township and hopefully with Neglia Engineering. The application opens in September, but closes in either December or January.

September Hub Meeting

- Kim stated that the meeting has been postponed to October 8th. Maura Blau will be forwarding the meeting information shortly.
- One of the agenda items for this meeting will be the idea of children using the Zoom account to discuss the fruits and vegetables they grew and the recipes for the foods they made with them. It will showcase healthy eating and sustainable practices. Kim asked Helen on how to engage the schools on participating.
- Rich asked Chris to take this idea to the Community Garden. Chris asked Kim to write something formal to share, which she wrote up during the meeting. He will send it to the Community Garden committee and Kim said they can reach out to her for more details.
- Kim asked Helen about seeking participation from the school system. Helen asked Kim to send her an email about it.

NEW BUSINESS

Tree Canopy Strategy

- Rich said Tom Bocko reaches out to him when residents ask about taking down trees, which often look healthy and he recommends against removal if it isn't endangering anything else. The township also plants trees in the right of way and residents have removed them. Some residents do not want trees in their front yards and seek to remove them.

- Rich asked what our township should do. Other towns try to involve more people to systematize what they are doing, which is called ecosystem based management. He recommends formalizing this, perhaps having a committee with tree experts to make decisions rather than just one person. He gave an example of a homeowner who wanted to remove a number of trees to accommodate solar panels. We could have a shade tree commission, which would be separate from the environmental commission, but could include some of its members.
- David stated it might be burdensome to have multiple people review tree removal requests. An assessment of how much time is spent reviewing tree removal requests would be helpful to determine the commitment of persons who would be involved. Rich stated that the number of trees in town has declined. There seems to be an increasingly negative attitude towards trees, where they are seen as burdens. Residents need to learn that trees have value, and we should communicate with the Township Council, Planning Board, and Zoning Board to share that message.

ANJEC Webinar on Stormwater Management

- Rich sent out details about this webinar. David and John will be attending.

Proclamation for US EPA Recognition Certificates

- Kim makes a motion to have the proclamation as drafted and circulated submitted to the Township Council. This was seconded by Kevin and approved. Rich said to sent to Alvaro to get it on the agenda of the next township council meeting.

Citizens hearing on any environmental issues - 3 minutes per resident - None

PLANS

Mill Creek/Lone Pine Drive - Rich stated that this plan was received from Planning Board Secretary Connie Valenti. Kevin stated that this was already adopted and there was a small legal change, so there are no outstanding issues for the EC to discuss.

Findings of Fact

- The applicant proposes to build a 3-story apartment complex with 170 residential units, including 26 affordable housing units.
- Site appears to be in a flood zone .
- Site does not appear to be in wetland.
- Lot 8 and a portion of lot 3 are apparently in a recharge area of between 6 and 12 inches a year. Lot 4 is apparently in a recharge area of 0 to less than 6 inches a year.
- Slope of 0 to 8 %.
- Application does not include General Construction and Design & Grounds and Landscaping Considerations

Recommendation

- The Environmental Commission recommends that the application be accepted with these provisions:
 - Use green infrastructure elements (non-structural stormwater management per NJ Stormwater Best Management Practices), such as bioswales and green roofs, to reduce stormwater runoff, especially in lots with high recharge.
 - In addition to a green roof area, consider solar panels.
 - Include General Construction and Design & Grounds and Landscaping Considerations and request the applicant review them.
 - Maples and oaks are predominant in the township. Replace half of the maples and oaks with *nyssa sylvatica* (black gum) or *carpinus caroliniana* (American hornbeam).
 - Any trees planted near or under overhead utility lines must be smaller than 25 feet high at maturity. Acceptable trees include *amelanchier arborea*, *amelanchier Canadensis*, *cornus florida*, *prunus Americana*.

389-391 Springfield Ave

Findings of Fact

- The applicant is proposing to convert second and third floor commercial space into apartments.
- Apparently there is no plan to change the exterior footprint of the building or to change impervious surface.
- Apparently no plan to remove or add any plantings on the property.
- Application includes General Construction, Design, Grounds and Landscaping Considerations

Recommendation - Angus makes a motion to remain with the recommendations (shown below). Seconded by Kevin and approved.

- Since this appears to be submitted as a major development, the application shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a *major development* in accordance with Section 13.17.410 of the Township Code.
- At least half of the vegetation shall include native plants. A list of recommended native plants is available from the Planning Secretary.
- The applicant should consider solar panels on the roof or a green roof, as described in SWBMP 9.14.

Motion to adjourn - 9:26pm

Next meeting scheduled for September 14

Respectfully submitted by Angus Chen on October 1, 2020