



Verona Environmental Commission

600 Bloomfield Avenue
Verona, New Jersey 07044

www.veronaec.org

Verona Environmental Commission Meeting Minutes - Wednesday, September 12, 2018

1. The regular meeting of the Verona Environmental Commission, held at the Conference Room of the Community Center, 880 Bloomfield Avenue, Verona, New Jersey, was called to order at 7:00 pm by Gloria Machnowski, Chairperson. The Open Public Meetings Act Statement was made.

Present: Gloria Machnowski (Chairwoman), Anthony Saltalamacchia (Vice Chairman), Jessica Pearson (Planning Board Liaison), Sean DiBartolo, Martin Golan, Michael Auteri (Alternate II) and Mayor Kevin Ryan (Council Liaison). Timothy Kiernan, Verona resident. Nick Licitra, West Orange resident, former Verona resident.

Absent: Sarah Yauch O'Farrell and Frank Ceccacci (Alternate I).

2. **Public participation:** Nick Licitra introduced himself to VEC members. O'Farrell invited Licitra to attend the meeting. Licitra offered to volunteer at future VEC events.

3. **Minutes:** The minutes of the meeting held on July 18th, 2018 were approved after correcting a few minor typos, following a motion by DiBartolo, seconded by Pearson. All members were in favor.

4. Events

a) Trail Cleanup: The VEC organized a West Essex Trail Cleanup on September 8, for National Day of Service & Remembrance, with help from Sustainable Verona and Montclair State University. MSU sent a bus with 30 student volunteers. About 30 more Verona volunteers participated. The group made big piles of trash at Fairview Avenue, Durrell Street, Valley View Road, Keeney Street and Lewis Road. The Verona Department of Public Works already removed the piles of trash. Machnowski requested Engineer DeCarlo to contact Essex County Parks regarding several big ditches in the trail caused by water runoff, and large debris items in need of removal. Essex County Parks DPW will take care of it.

b) Green Fair: The VEC will participate in the Green Fair & Open Streets Fest on October 13 from 11 am to 4 pm. The VEC will have 2 tents (one at the Civic Center and one on Gould Street) lent by Mayor Ryan and Machnowski. The VEC will distribute reusable water bottles and reusable grocery bags and will focus on how to reduce plastic pollution and stormwater runoff; and the benefits of implementing Green Infrastructure. Members will coordinate to set up and man the tables. DiBartolo suggested to add the event to the town calendar, Machnowski will contact Steve Neale about this. She posted the event on the VEC's website, as well as the NJ Builders Association Green Infrastructure Guide as agreed at the last meeting.

c) Waterway Cleanup: On July 19 DiBartolo contacted DeCarlo about the riparian zone adjacent to Mr. Gallagher's property at 30 Douglas Place, which is behind the Annin Flag. DiBartolo visited the area to get an idea of the conditions during a storm that dropped about a 1/2 inch of rain. He provided photos and video of his site visit and observed at least three obstructions in the stream bed that could constrict the stream profile, increase flow rates, and promote an increase rate of stream bank erosion. Of additional concern to the VEC was the lack of soil erosion and sediment controls for the Annin construction project. There were no silt fences or hay bales along the boundaries of the construction site to protect the downgradient streams. DiBartolo observed

sediment-laden runoff from the site entering the streams, which are tributaries to the Peckman River. To address this DeCarlo contacted the developer, the site supervisor and the Hudson Essex Passaic Soil Conservation (HEPSCD). The HEPSCD regulates soil disturbance over 5,000 square feet, and Matt D'Alessandro is the Assistant Manager in charge of their inspections. Tom Jacobsen is Verona's Construction Official/Code Enforcement Officer.

The developer installed the silt fence on July 27, 2018. Mike DeCarlo did a site inspection to ensure they had enough area covered. Machnowski pointed out that construction started on the Annin over a year ago, in mid-June 2017. Soil erosion and sediment controls should have been in place since construction began. She suggested that perhaps a more proactive approach was needed. Pearson agreed and mentioned that Mike DeCarlo is very professional and as the new Town Assistant Engineer he is in the process of correcting problems that were not addressed in the past. Saltalamacchia added that Mr. Gallagher complained about erosion and runoff problems in the area back in May. DiBartolo pointed out that there should be an inspection schedule in place.

Members discussed a possible cleanup of the stream between Douglas Place and the Annin property for September 22 from 10 am to 12 noon, meeting at the end of Douglas Place. Cavallo already approved it, but he pointed out that DPW assistance will probably be overtime so the VEC needs to keep it limited. Pearson suggested to ask Geordie Smith for help, he does a lot of trail maintenance in Verona. Machnowski added that Geordie already volunteers for the Hilltop Conservancy and for the local youth mountain biking team so he is very busy; perhaps DPW could offer assistance to remove large items during regular business hours.

Mayor Ryan asked who is responsible for the creek maintenance behind the Annin property. According to DeCarlo this stream carries a 50-foot-wide riparian buffer on each side measured from the top of banks. Pearson explained that according to the NJDEP Division of Land Use, the VEC is not required to apply for a permit to do the usual cleanups that we do around the waterways in Verona. All we require is to adhere to the rules and gain approval for clean ups from the township. It is in the interest of the township to keep the waterways free from obstacles to reduce flooding risks. Cavallo directed DPW to check a discharge of possible motor oil floating on the surface of the stream, that Walter Steinmann showed him. DPW checked the area on two separate occasions and the source could not be located. VEC members suggested to report the oil spill to the DEP. Mayor Ryan will speak with Cavallo.

DiBartolo volunteered to contact DeCarlo to suggest contacting the Annin contractor before September 22 to have them remove one of their trees that appears to have fallen a few months ago across the stream bed. They might be able to hook the tree with chain to drag it out of the stream channel with equipment they may have on site. Since they own this tree, it could be appropriate for them to remove it. As long as any equipment they employ does not sit within the riparian zone they would likely still be complying with the NJAC 7:13-7.6 Permit-by-rule #6. Members agreed, DiBartolo will proceed as planned to reach out to DeCarlo.

5. Updates

a) Membership: The Environmental Commission has an opening for an Alternate II position. Walter Steinmann moved to Germany with his family for an extended stay, and therefore he resigned from the VEC. Currently Ceccacci is Alternate I, so he should become a full member. Auteri is Alternate II and could become Alternate I. The municipal clerk received two applications from Verona residents willing to join the VEC: Timothy Kiernan and Bill Dean. Machnowski shared the applications with all members. Tim participated in several VEC events and attended meetings, his first choice was to join the VEC. Machnowski met Bill at the last West Essex Trail Cleanup, his first choice was to join the Board of Adjustment. Tim has a strong sense of purpose and has been donating his time as a volunteer for years with other groups too. Mayor Ryan mentioned that this appointment is to be made by the Township Manager, but he will heavily rely on the VEC Chair recommendation.

b) Verona Environmental Resource Inventory: Machnowski requested a copy of the new NRI draft produced by the Land Conservancy of New Jersey and distributed the copy to all VEC members on July 30. The VEC was

invited to submit comments. Once complete, Barbara Davis from the Land Conservancy will make a presentation on this to the Planning Board. It will not be incorporated into the Master Plan until the town is ready to start that project.

Machnowski pointed out that the ERI Update is based on available data from federal and state resources, as well as municipal resources, including the 1999 Natural Resources Inventory. She read part of the Executive Summary: "Documentation of the natural resource base – the geology, hydrology, ecology, and wildlife – conveys the scope and condition of the resources upon which the Township relies. Extensive mapping and tables detailing the Township's environmental resource base are included within the ERI Update. Sections include information on geology, topography, slopes, hydrology and water resources, soils, flooding, wetlands, wildlife habitat, historic resources, air, and climate change. The ERI Update will assist the community as it makes decisions regarding future planning and development. The preparation of an updated ERI will help meet the Township's goal of being a sustainable community. The Environmental Commission will add new material to the ERI as it becomes available. Knowledge of the natural resources will allow Verona Township's officials and citizens to make informed decisions as they strive to preserve and promote the character of the Township and to create a sustainable community within its landscape".

Machnowski worked with Steinmann to draft comments, which she distributed to members on September 4. She summarized the comments. Pearson totally agreed with the drafted comments and suggested to replace the word "prosperity" (twice) with the word "posterity" on page 20 of the ERI, as it appears on N.J.A.C. 7:9B. Surface Water Quality Standards. Pearson also suggested to add to the list of Threatened and Endangered Species on Page 30 (Table 12) the Red-headed Woodpecker and the Bald Eagle, and to review the New Jersey's Endangered and Threatened Wildlife list posted at:

<https://www.nj.gov/dep/fgw/tandespp.htm>

Pearson added that including links may not be effective for those reading the document from a hard copy. Machnowski explained that the main purpose of including links on the comments was to facilitate the Land Conservancy to identify resources to be included on the "References" section starting on page 105. Auteri mentioned that electronic versions of the ERI could include hyperlinks (links that turn the URL into a word or phrase). Hyperlinks definitely look better on the page, but in some cases they defeat the purpose. Some people print out electronic files to read them on paper, which also cancels out the usefulness of a hyperlink. URLs may not look as nice, but they will remain intact no matter how the public reads the document. Of course, few people will bother to type long URLs, so those are fairly useless.

The review of the Environmental Resource Inventory Draft was approved with the listed additions, following a motion made by Saltalamacchia; seconded by Auteri. DiBartolo did not read the ERI draft so he abstained from voting. The rest of the member were all in favor. Machnowski will submit comments to Steve Neale who is also gathering comments from the Planning Board.

c) Feedback on recent VEC recommendations: On July 19 Machnowski submitted to the Municipal Clerk two VEC approved letters to be distributed to Verona Mayor, Town Council and Town Manager. One of the letters had several recommendations for Verona Lake, and the other letter recommended to adopt a Complete Streets Resolution. There is no response from Essex County on the concerns and suggestions for the lake. Verona Township has no plans at this time to adopt a Complete Streets resolution.

Machnowski was told that Essex County was going to test the water at Verona Lake, after O'Farrell submitted photos of dead fish. She counted a total of ten dead catfish and then she spoke to a fisherman who was there specifically for catfish as he eats them. He said some people don't want them and instead of releasing they keep them in a bucket and they die, when the people leave they dump them in the lake. Perhaps it's a dissolved oxygen issue. There are Dissolved Oxygen Kits that you can buy in Amazon: It comes in a plastic case and contains everything needed to perform 30 tests. The price is \$62.48.

The town is waiting on funding to install the bike racks and community garden proposed by the VEC. There is a Partners for Health grant to fund both. DeCarlo is working on community garden plans but has a few other major projects he needs to get done first. Once we have some initial plans we can start to go from there. Other Complete Streets projects are already underway and there is a team working on better street painting, crossing guards, stop signs, etc.

Steve Neale informed Machnowski on September 10, that the Library Rain Garden (to the right of the Gould Street entrance) is planned to get started on in April of 2019. The town didn't want to start on that before the Library Grand Re-Opening. But on September 11 DeCarlo contacted Machnowski explaining that since the site has been cleaned up and the area has been graded and landscaped, it does not seem to be enough space to utilize the area for a rain garden. DeCarlo asked if we want to re-visit the front of the Community Center or take a look at the library site now that it is completed. VEC members mentioned that the previously proposed site at the Community Center had several problems. Chuck Molinaro, DPW Manager, did not recommend that site due to high maintenance and liability concerns. DiBartolo will revisit the library site and work with DiCarlo to see if they can come up with a better location.

On July 20 the VEC sent a letter about Single-Use Carryout Bag Policy to Governor Murphy, Senator Pennacchio, Assemblywoman DeCroce, and Assemblyman Webber. On August 27 Governor Murphy vetoed A-3267/S-2600. This bill would have placed a five-cent fee on single-use carryout bags provided by certain types of stores to customers. The VEC followed ANJEC recommendations and opposed the bill, which, if signed as it was, would have preempted local legislation on the matter. Instituting a five-cent fee on single-use bags that only applies to certain retailers does not go far enough to address the problems created by plastic bags. The VEC asked for a ban on single-use carryout bags. Saltalamacchia mentioned that the five-cent fee is charged in Long Island and it is helping to change behavior thus reducing the amount of single-use plastic bags. Gloan added that canvas bags, which are washable and reusable, are the solution.

6. New Business:

a) 825 Bloomfield Avenue Tree Removal.

Pearson took photos and sent emails to Machnowski, Jack McEvoy, Cavallo, DeCarlo and Tom Jacobsen about 30-35 trees that were taken down at 825 Bloomfield Avenue (between Chestnut and Fells Road). She wanted to know what the reason or basis was for this and if the property owner notified the town, or if he was granted permission to take them down. DeCarlo answered that he was not previously informed of any work to be done on that site. Construction Official/Code Enforcement Officer Jacobsen explained that he saw a tree company at 825 Bloomfield Avenue performing tree removal at the site. There was no communication or prior approval for the work being performed. He stopped at the site, the foreman of the tree company stated there were numerous dead trees, and many declining trees including large dead limbs that had fallen over the sidewalks on Bloomfield Avenue and Chestnut Road.

Jacobsen notified the Chairman of the Shade Tree Commission Bob Dickinson to meet him on site. They toured the site with the foreman and Dickinson agreed in principal the work discussed. The new owner is West Caldwell Councilman Michael Crudele. Jacobson met with Crudele on August 24, 2018 to discuss the property. Crudele stated his goal is to clean up the property and has hired a landscape architect to design a landscape plan. Previously Jacobson obtained the original folder of the property from the Engineer's office. The building was built in 1987, and a landscape plan at the time was approved. He advised Crudele that the new landscape plan submitted must conform with the original approved site plan, and if the new site plan varies from the original site plan, it must be approved by the Town Engineer, Shade Tree Commission, and possibly a Board. Crudele stated he will abide by all requirements and that there is no plan to remove any more trees.

DeCarlo reviewed the Township ordinance § 136 Trees, which states "No person or persons shall destroy and remove two (2) or more trees with a diameter in excess of four (4) inches, measured one (1) foot above the ground, growing upon any unimproved lot or tract of land within the Borough of Verona, County of Essex, unless said destruction or removal is accomplished in accordance with the provisions of this chapter". The ordinance

only applies to “unimproved lots”, being any clearly defined piece of land, the location, dimension and boundaries of which are determined by the latest official record, upon which no structure permanently affixed to the land, with a roof, and intended for shelter, housing or enclosure, has been constructed. DeCarlo also pointed out that “§ 136-5. Inspection by Borough Engineer” has grey areas, they mention “previous application” or “applications”. Was the intent to look at previous site plans, when the lot was an “unimproved lot”? DeCarlo added that “§ 136-6. Basis for determination by Borough Engineer”, says “The Borough Engineer shall, at all times, follow the intent of this chapter, which is to preserve trees wherever this can be accomplished”. He pointed out that the intent of the chapter seems to be based on definition, and that is defined an unimproved lot or tract of land. He said that it is a very slippery slope when “intent” is left up to interpretation.

DeCarlo also mentioned that the town will be looking to modify Verona’s code about this and many other similar land use items that have “gray areas” or where the “intent” is not clearly established or defined. He said that since the town is going to re-examine the master plan soon, now is a great time to think about all of this and work together to move forward. During the email exchanged Gloria mentioned that the VEC has been talking about the need of a real Tree Ordinance that applies to private properties and improved lots since (at least) 2009. A large group of residents signed and presented a petition to the Town Council asking for a town arborist, a tree ordinance and a "Not Net Tree Loss Policy" in Verona many years ago. Residents sent several letters to newspapers and held several meetings, including meetings with the Shade Tree Commission. The petition was presented by Laura Morowitz at the Town Council meeting on June 15, 2009 and residents were told that the town was going to hire an arborist, but nothing happened.

Gloria added that this is a matter of a scientific perspective, the scientific (and economic) benefit of trees. Trees have a high return on investment due to ecosystem services. Experts suggest that every dollar invested on tree planting and management can result in a high return on investment even as high as over 500%. The compensatory value of the urban forest in the continental US is estimated to be worth more than \$2.4 trillion, with \$18.3 billion worth of ecosystem benefits occurring annually. Trees and greenspace provide important direct and indirect benefits social and biological benefits such as:

- Reducing stormwater runoff
- Reducing air and water pollution
- Reducing energy costs and use associated with heating and cooling
- Reducing the urban heat island
- Protecting roadways and reducing the amount of asphalt sealers required
- Reducing noise pollution
- Providing valuable carbon storage and sequestration... and much more.

Gloria mentioned that DeCarlo suggested to review West Orange tree ordinance as a starting point, but she pointed out that their ordinance allows property owners to cut down three trees a year without a permit and many properties in Verona don't even have three trees. She added that last year "Several West Orange residents...expressed concern about the many trees that were recently cut down..."

See article "Residents Request Review of Tree Ordinance in West Orange" from Aug 2017:

<https://www.tapinto.net/towns/west-orange/sections/government/articles/residents-request-review-of-tree-ordinance-in-wes>

DeCarlo and Jacobsen agreed with Gloria. Jacobsen said that over the years there have been many discussions regarding a tree ordinance. He added that it is clear that the ordinance must be re-examined and hopefully this will be the “tipping point” that we can all come together with Cavallo, the Mayor and Council to come up with a comprehensive tree ordinance that is clear, concise, and reasonably enforceable.

b) Soil Erosion issues:

-91 Fairway Avenue

O’Farrell and DiBartolo sent Machnowski information and photos about soil erosion issues. Machnowski contacted DeCarlo, he explained that he received a complaint from 73 Fairway on the second week of August .

They were calling about soil erosion sediment from the ongoing construction project at 91 Fairway Ave. Jacobsen, Molinaro and DeCarlo visited the site and noticed that most if not all the soil erosion control measures were damaged or missing. DeCarlo noticed that there were some areas where the silt fences had failed. Silt fences are not a good idea for steep slopes since they can trap water and hold back large volumes of water until it reaches the top of the fence which acts like a dam. Once the dam breaks then flood waters and ravage the area below. He told the owner at 91 Fairway that properly installed hay bales are more practical in this situation. He called Matt D'Alessandro from HEPSCD and he agreed. D'Alessandro issued a stop work on that site and instructed the owner to make the repairs and install hay bales. Jacobsen and DeCarlo called Tara at 73 Fairway to let her know the outcome.

-White Rock Road (Hilltop Pulte Homes)

DeCarlo said that the same thing has happened here. The silt fences have failed. There are actually pictures and videos from O'Farrell and DiBartolo showing this. HEPSCD was inundated with calls about this site. They issued a complete stop work on August 17th. Looks like Pulte was working over that weekend so probably they are going to be fined. HEPSCD has also called in NJDEP because they also have jurisdiction on this because of the size of the project and drainage area. Matt D'Alessandro informed that they visited the site to address this entire issue with them.

c) VEC Letter to the Town Council regarding Tree Ordinance.

Mr. Cavallo recently told Machnowski that a New Tree Ordinance will probably be discussed at the next Town Council meeting on September 17, 2018. Members discussed the attached letter. The letter was approved by the VEC following a motion by DiBartolo, seconded by Auteri. All members were in favor.

7. Training:

a) "Asking the Right Stormwater Questions" Training.

Kerry Kirk Pflugh, Director of the Office of Local Government Assistance at the New Jersey Department of Environmental Protection, reminded Verona authorities that the Tier A MS4 NJPDES Permit requires Verona (which is a Tier A Municipality) to ensure that current municipal board and governing body members that review and approve applications for development and redevelopment projects (i.e. planning and zoning board members), complete the "Asking the Right Questions in Stormwater Review Training Tool" by July 1, 2018 (new members are within 6 months of commencement of duties).

This training video is posted at:

[http://water.rutgers.edu/Projects/MunicipalOfficialTraining/E-Tool%20\(FINAL\)/story.html?usp=send_form](http://water.rutgers.edu/Projects/MunicipalOfficialTraining/E-Tool%20(FINAL)/story.html?usp=send_form)
www.nj.gov/dep/stormwater/training.htm

The Tier A Municipality must certify in each annual report that municipal board and governing body members have completed the necessary training and must maintain a list of the names and dates of individuals that have completed the training, which shall be kept in its Stormwater Pollution Prevention Plan (SPPP).

Machnowski, DiBartolo and Pearson already took this course and recommended the rest of the VEC members to take it as well. Should you have any questions, please feel free to contact the program at 609-633-7021 or stormwatermanager@dep.nj.gov

Case managers are listed at http://www.nj.gov/dep/dwq/msrp_managers.htm

b) Recently enacted Soil Conservation District Rules. VEC members, please read new rules.

<http://hepsoilnj.org/soil-compaction-mitigation/>

Effective December 7, 2017, in accordance with P.L. 2010, Chapter 113, the State Soil Conservation Committee has revised its New Jersey Soil Erosion and Sediment Control Standards to include provisions for mitigating the negative impacts of soil compaction on construction sites subject to review and regulation by the New Jersey Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, et seq. These provisions have been included within Chapters 8 (Topsoil) and 19 (Land Grading) of the Standards.

Machnowski recommended members to review materials and bring any questions to the next meeting.

8. Site Plan Review:

DiBartolo and Machnowski serve in the VEC site plan review subcommittee. Walter Steinmann was in this subcommittee as well, but he recently moved to Germany. Auteri volunteered to serve in the subcommittee if needed. Machnowski will provide Auteri with ANJEC materials and other relevant training sources for site plan review. The Verona Environmental Commission frequently receives applications to review and submit comments to the Board of Adjustment and Planning Board. Unfortunately, in many cases, enough time is not given to properly prepare comments. Sean DiBartolo, P.E., LEED AP, is the main VEC member in charge of reviewing plans and preparing VEC comments. DiBartolo gave a summary of VEC comments submitted on September 11th, 2018 to the Board of Adjustment regarding the Resubmission for the Kensington Senior Development LLC at 420 Bloomfield Avenue and 312 Claremont Avenue (comments and marked up plans attached). Pearson explained that the new full time Town Assistant Engineer, Mike DeCarlo, is qualified for most of the projects, but when additional certifications are needed he contacts Township Engineer Glenn Beckmeyer. Pearson added that during Planning Board or Board of Adjustment meetings, experts testify for applicants and residents can ask questions but they cannot make statements.

Mayor Ryan mentioned that he was told that the boards are highly independent, nevertheless he has encouraged them to call additional experts to testify that are not associated to the applicant. He added that using independent experts will cost money, but it will be money well spent. Pearson added that independent experts can be paid with bonds required from applicants for that purpose. Mayor Ryan recommended Machnowski to contact the Chairman from the Board of Adjustment and Planning Board and require more time to properly review plans and applications. DiBartolo also suggested to request again that the plans and application materials be provided digitally, such as pdf or similar file format. Members agreed with the suggestions. Machnowski will contact the Boards.

9. Attachments

- a) VEC Letter to the Town Council regarding Tree Ordinance.
- b) Comments and marked up plans submitted on September 11th, 2018 to the Board of Adjustment regarding 420 Bloomfield Avenue and 312 Claremont Avenue.

10. Adjournment

There being no further questions or discussion, the meeting of the Environmental Commission was adjourned at 9:15 pm. The next meeting is scheduled for October 10, 2018 at 7:00 pm.