



Verona Environmental Commission

600 Bloomfield Avenue
Verona, New Jersey 07044

www.veronaec.org

Verona Environmental Commission Meeting Minutes - Wednesday, October 10, 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, Sarah Yauch O'Farrell, Frank Ceccacci, Michael Auteri (Alternate I) and Mayor Kevin Ryan (Council Liaison). **Absent:** Timothy Kiernan (Alternate II).

2. **Public participation:** Olivia Le Warn introduced herself. She is the new Watershed Ambassador for Watershed Management Area 4 since September. Olivia participated in the VEC's Douglas Place waterway cleanup. VEC members thanked Olivia for her efforts. She is planning to do presentations during the Verona Green Fair with their watershed model every hour, and bring macroinvertebrates to show between presentations. Tony Saltalamacchia mentioned that the enviroscape that the VEC donated to HBW is at the Verona High School and if they could locate it, the VEC could use it in future presentations.

3. **Minutes:** The minutes of the meeting held on September 12, 2018 were approved, following a motion by Sarah O'Farrell, seconded by Sean DiBartolo. All members were in favor.

4. Events

a) **Outcome: Douglas Place waterway cleanup.** Gloria contacted Matt Cavallo, Mike DeCarlo, Chuck Molinaro, and Steven Neale to let them know that, as planned, the VEC did the cleanup of the Peckman River tributary stream and woods between Douglas Place and Bloomfield Avenue on September 22. The group removed a lot of garbage and placed it in the Annin's dumpster as directed. Gloria requested the DPW to pick up the wheelbarrow and tools along with a small pile of trash and Japanese knotweed by the curb at 30 Douglas Place. The tree that had fallen across the tributary from the Annin property was still there at the time of our cleanup. Volunteers had cut portions of that tree away, but the main trunk was still there as potential stream obstruction. DeCarlo indicated that he will make sure it gets removed.

There is also what appears to be a degrading slope on the south end of the paved area of the car wash property west of the Annin property at 189 Bloomfield Avenue. The asphalt pavement is undermined and the guard rail caisson foundations are largely exposed due to soil erosion on the

slope down towards the tributary stream. The VEC also noticed several steel lagging pieces that have fallen down the slope and into the stream that used to retain soil supporting the pavement up above. Sean indicated that this is a precarious circumstance for vehicles that may park or drive near this portion of that property. Gloria added that during the cleanup volunteers moved the steel lagging pieces to the side of the stream, by the slope. She suggested to ask the car wash owner to remove those steel pieces as well.

Sean sent DeCarlo a few videos and photos that he captured during the cleanup. He made some additional observations about the Annin property:

- There is a scour hole developing in the tributary stream bank at the southwest end of the Annin property parking lot where there is a depressed curb. Stormwater runoff from the parking lot drains over that depressed curb and down over the soil slope to the tributary stream below. This appears to be an oversight on the Annin design team that should be remedied.
- Based on the Amended Site Plans that were submitted by Russo, specifically Drawing No. C4.1 dated 7/21/16 and revised 9/9/16, there appears to be an additional PVC pipe from the Annin property discharging to the tributary stream (please refer to video).
- There is a large plunge pool where the 15" and 36" RCP lines discharge at the head of the tributary stream. There is a lot of debris and waste in and around that plunge pool that should also be addressed by the Annin property owners. Sean did not see any energy dissipation features at these outfall locations and it is unclear whether or not the plunge pool has increased in depth or size since the stormwater drainage system has been fully installed.

DeCarlo already informed HEPSC about the slope stabilization by the depressed curbs and by the outfalls. They went and inspected and sent notice. He indicated the need to be careful working within the banks, with NJDEP regulations the way they are and the limitation. He is requesting to install riprap and slope stabilization in those areas. Property maintenance falls under the code enforcement, so DeCarlo contacted Tom Jacobsen who will issue a violation of property maintenance to each property owner along the tributary and give 30 days to get the remedial actions done.

In addition, on September 25 Gloria shared with DeCarlo a video and photos taken by Sarah, she explained that flooding along Sunset, coming off the golf course, was like a river. Sarah thinks that the tree removal added to this, because as she drove away she had to go down the steep hill of Linden Avenue and there was no raging river there. DeCarlo will check when the last time that Sunset Avenue was paved. He indicated that they might want to add some drainage improvements along the golf course. He will reach out to the golf course to see if there might be some grading they can do to redirect the runoff.

Regarding the West Essex Trail, at the end of August Gloria sent pictures and locations on Google Maps to Mike DeCarlo showing big ditches and trenches caused by water runoff in the West Essex Trail. He contacted Essex County and they said their DPW will fix it. There is a very problematic area near Lindsley Road in Little Falls. Many Verona residents use the trail and these ditches are very dangerous. There is a cone placed in the area, see pictures:

Biggest ditch: <https://goo.gl/maps/cNicVtbf9T2> - Down the hill to Keeney

<https://goo.gl/maps/pfqumWtyCZH2> - Close to Verona/CG border:

<https://goo.gl/maps/NNUFyaAXAP2>

Geordie Smith contacted the Essex County Freeholders. He spoke with the lawyer of the K. Hovnanian development in Cedar Grove and they agreed to fix the ditches since they accepted responsibility. There is a big manhole near the new Hilltop kids course that it is very dangerous.

b) Walk and Bike to School Day, October 10. Poster Contest.

This is the 10th Annual poster contest that the VEC sponsors for Walk and Bike to School Day. Here are the main points: Travelling by car is the largest single source of greenhouse gas (GHG) emissions in Verona leading to Climate Change and affecting our air quality. As many students are driven (or drive) to and from school, physical inactivity is becoming a serious concern. In addition, communities with higher rates of walking and bicycling tend to have safer streets with lower crash rates for all travel modes. Walk or bike to school!

The VEC made flyers and placed some at each school and around town. The VEC invited all principals and school secretaries to help spread the word, encouraged VHS teachers to ask their students to walk or bike to school more often and to participate in the poster contest. Mrs. Salisbury has been serving as a Verona High School Business Education Teacher since 2002. She made this an assignment in her marketing classes as they have been discussing promotion and also how companies use green marketing to promote themselves and products. Also Mrs Haftel, VHS Environmental Science teacher (who attended Verona High School and graduated in 2008) told her AP Environmental Science students that this contest is important and that she will give extra credit to those students that create a poster for the contest. She also posted the information on Google Classroom. She did a survey with her students; about 104 students and 53 faculty members drive to VHS and park in the school's parking lot everyday.

VEC members would like to encourage everybody to drive less and walk or bike more. Sarah mentioned that in New Jersey there are carpool restrictions for drivers under 21 years old (or those who never had a driver license). They are required to complete a period of supervised driving before getting a basic driver license. This Graduated Driver License (GDL) program introduces driving privileges in phases and have some restrictions, such as only one additional passenger is allowed unless accompanied by a parent or guardian.

Gloria and Sarah picked up the posters at all elementary schools and VHS and hung them up at each school. Tony will take care of making the display at HBW. The VEC received over 180 posters. Gloria will make a video presentation for the Award Ceremony. Members agreed to have the ceremony at Town Hall on October 29 or November 19, whichever works better for the Town Council; Mayor Ryan will check. The six winners will receive \$50 and an award certificate. Members should wear their VEC polo shirts. Tim and Mike already received their new VEC shirts (\$12.95 each).

c) Green Fair & Open Streets Fest: October 13, 11 am to 4 pm (9:30 am set up).

All VEC members will attend to help set up and man the tables. The VEC will focus on reducing stormwater runoff and reducing single use plastic pollution. The Commission will have a tent by the library and another one by Gould Street and distribute reusable grocery bags and reusable water bottles. The VEC will also have a pledge to reduce single-use plastic for residents to sign, and a free raffle with bike goodies donated by Pedal Montclair. Michael Auteri brought a kiddie pool for Sarah to do an activity at the Green Fair. She will fill the pool with water, recyclable items, and regular litter that we usually find during cleanups (Styrofoam cups and containers, plastic cups, forks, spoons, aerosol can, plastic shopping bags, newspaper bags, dog poop bags, plastic straws, etc.). The game will be

to catch all items with nets, put the recycling items in the recycling bin, and the rest of the items in a garbage can, leaving the animals (toys) to swim in clean water.

5. Updates:

a) Environmental Commission new roster. At the September 17 Town Council meeting Frank Ceccacci was moved up to full member, Michael Auteri was moved up to Alternate 1 and Timothy Kiernan was appointed a new member of the VEC as Alternate 2. Congrats to all! Jessica attended the meeting. Gloria contacted Michael McCormack, Verona I.T. Manager, and requested a new VEC email for Tim.

Members talked about the Kensington Senior Development of 92 Unit (with a maximum of 130 residents) proposed for 420 Bloomfield Avenue and 312 Claremont Avenue. Tony asked if the applicant provided a traffic impact study. Gloria will find out. Mayor Ryan and Jessica explained that last year the applicant asked the Planning Board to revise the zoning ordinance to allow the proposed type of use in Verona's town center and the Planning Board already denied the applicant's request.

The Municipal Clerk, Mrs. Kiernan, sent Gloria the members new term expiration dates and she updated the VEC's website. Mrs. Kiernan also informed Gloria of an OPRA request, asking for the minutes of the Environmental Commission Site Plan Review Committee meetings from January 1, 2018 to date, and all reports of the Environmental Commission Site Plan Review Committee from January 1, 2017 through September 15, 2018. Gloria informed Mrs. Kiernan that the VEC's regular meetings minutes are posted online and she regularly send them to Town Hall after approval. Subcommittees have 2 or 3 members and were never required to have minutes, since there is no quorum. Mrs. Kiernan confirmed that this is correct. The Planning Board and Board of Adjustment have all VEC's comments. Gloria also shared with Mrs. Kiernan all VEC past comments in the Google Drive for easy access:

<https://drive.google.com/drive/folders/1DvxwgQwY-SfclnhjPuKNpjbY8HPL9JjU?usp=sharing>

The VEC has currently 7 members and 2 alternates. Gloria contacted Mrs. Kiernan to clarify if the VEC quorum is more than 50% of the 7 full members or more than 50% of 9 (7 members plus 2 alternates). Mrs. Kiernan checked and explained that the VEC quorum is more than 50% of the entire membership, therefore, the Commission needs at least 5 (members or alternates) for a quorum, which the Commission had on past public meetings.

In addition, Gloria reminded members that pursuant to Statute, an alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

b) Natural Resource Inventory. The VEC sent comments to Steve Neale. The town is setting up a presentation by the Land Conservancy for the Planning Board for this month or later.

c) Single-Use Carry-Out Bag Legislation.

The VEC sent a letter to Governor Murphy in July supporting a ban on single-use plastic carryout bags, with a fee on recycled paper bags, therefore encouraging the use of reusable bags. The VEC received a letter from Governor Murphy, dated September 7, which explains that on August 27, 2018,

he vetoed Assembly Bill No. 3267 (A3267), which would have established a fee on single-use carryout bags used in certain stores and dedicated fee revenue to “Healthy Schools and Community Lead Abatement Fund.” Governor Murphy indicated that one of his most important responsibilities as Governor is to protect our environment and natural resources. Each day, plastic bags wind up polluting not only our beautiful New Jersey beaches, but also many of our cities' sewer systems. He added that we must find a workable, long-term solution to end the use of single-use plastic bags. While he believes that A3267 was well intentioned, the approach reflected in this bill was inadequate and did not go far enough to address the problems created by overdependence on plastic bags and other single-use carryout bags. Rather than relying on the outdated model reflected in A3267, the time has come to employ a more robust and comprehensive program to reduce reliance on single-use plastic bags in our State. He urges the Legislature to join with him in a bipartisan manner to introduce a bill that establishes more concrete solutions to end the overreliance on single-use plastic bags. “Together, we can enact a more comprehensive approach and reduce the harm that plastic bags inflict on our environment, communities, and society,” he said.

On September 27, a bill sponsored by Senate Environment and Energy Committee Chair Bob Smith and Senator Linda Greenstein passed the Senate Environment and Energy Committee. The bill would prohibit stores and food service businesses from providing single-use plastic bags, plastic straws and polystyrene foam food products to their customers

<https://www.insidernj.com/press-release/smith-greenstein-bill-banning-single-use-plastic-bags-plastic-straws-polystyrene-advances/>

But several bills at the state level failed to be adopted in the past, so ANJEC recommends municipalities to adopt ANJEC's model ordinance for municipalities, which bans single-use plastic carryout bags, with a fee on recycled paper bags, therefore encouraging the use of reusable bags, which is what the VEC supported in our letter. Verona could start by adopting ANJEC's model ordinance, and later on include plastic straws and polystyrene foam, etc., if needed. Mr. Tittel, director of the NJ Sierra Club said, “the more towns and counties ban plastic bags, plastic straws, polystyrene, and Styrofoam, the more likely there will be a statewide ban.” Gloria explained that as a member of Sustainable Verona she helped put together a presentation that Steve Neale is planning to schedule at an upcoming council meeting.

d) Feedback on Site Plan Review letter.

On September 16 the VEC sent a letter to Daniel McGinley, Chair of the Board of Adjustment, Larry Lonergan, Chair of the Board of Adjustment, Mayor Ryan, Matt Cavallo, Mike DeCarlo, Mrs. Kiernan, Planning Board Secretary Ashley Neale, and Board of Adjustment Secretary Kelly Lawrence. The VEC petitioned the Boards and Township authorities to make sure that the Commission along with others receive applications at least 10 business days before comments are due. The VEC also requested that the plans and application materials be provided digitally in portable document file (pdf) format or similar file format.

On October 3, the VEC received additional plans and stormwater management report (over 100 pages) that the Verona Building Dept. just received from Petry Engineering, LLC on October 1, for the Kensington Senior Development on 312 Claremont Ave. & 420 Bloomfield Ave. The Board of Adjustment asked the VEC to submit comments by Wednesday, October 10. That was just 5 business days. This application will be at the Board of Adjustment meeting on Thursday, October 11.

The VEC follows Verona code and guidelines from ANJEC (Association of New Jersey Environmental Commissions), which are mentioned in the letter:

<http://www.anjec.org/pdfs/WorkshopPresentationSitePlanReviewECCourseMarch2013.pdf>

Engineer Mike DeCarlo indicated that having a second set of eyes reviewing any item is usually a good idea. "However in reading your letter I have a slight trepidation that we may soon start stepping over one another, where we have multiple offices reviewing the same thing and offering letters back to the Boards which may or may not be in direct conflict of one another, we might end up looking silly to the applicants professionals with our comments being all over the place. If for some reason say the engineers office did a review and the VEC did a review of storm water capacity or utilities as you had mentioned in your letter then this would cause confusion to not only the voting board members but to the applicants professionals since they would know which comments to address," he said.

Gloria agreed that each of the departments/commissions conduct their own specialized review of those plans and offer comments on same. If there are any discrepancies in any comments or calculations, further review will be needed, she added. She mentioned that it is her understanding that Board members should address all the comments.

DeCarlo answered that this is OK, as long as all of those discrepancies are discussed internally and resolved prior to going to formal letters.

Gloria explained that sometimes the VEC receives plans and applications to review just 4 days before comments are due and there is no time to discuss any discrepancies, that is why the Commission asked for at least 10 business days to review applications. DeCarlo indicated that his fear is the engineering office is doing a review of, say, drainage or sanitary sewer utilities or roadway design and their is a conflict with the VEC and conflicting letters are written.

Daniel McGinley, Chair of the Board of Adjustment said that the Board Members struggle to give proper consideration to an application when there is little time to review the materials. That is why just prior to their September meeting, the Zoning Board requested that an applicant request an adjournment to October to allow enough time to adequately review all of the materials that had been exchanged in the days leading up to the meeting. He said that this is not a problem for the majority of applications considered by the ZBA during his 15 years. However, he indicated that certain applications (e.g. use variances, steep slopes) require more "pre-work" before they are deemed complete and presented to the ZBA or Planning board for consideration.

During the "pre-work" period the applications could be distributed to town officials and commissions for review, with adequate time to return their comments, that are reviewed to avoid the confusion Mike DeCarlo mentioned in his reply and communicated to the applicant to address and re-submit. He explained that the iterations continue until the application is deemed complete and then it is scheduled for a hearing (and the approval time clock starts). He added that while this sounds like a lot of work, he does not envision many applications requiring this kind of attention. He said that homeowners adding decks and second floor additions would certainly speed through the process. He envisions Engineering Manager Mike DeCarlo being the point person evaluating whether the applications require the Township Engineer Glenn Beckmeyer, P.E. to review or if they can be processed by the Building and/or Engineering Departments for Board review. He indicated that all applications would need to be deemed complete by the Engineering Manager. He explained that this is a simplistic

approach to a more complicated issue, but his goal would be to provide the volunteer Board Members with as complete an application as is possible.

Mr. McGinley also indicated that he concurs with Mike DeCarlo that a second set of eyes reviewing each application is good, but he indicated that they do not want reports with the VEC in direct conflict with the Township Engineer. He added that he personally would always use the information from the township's Professional Engineer. And he added that by working out conflicts before the application is presented to the Board, it will facilitate their review. He ended by saying that this is a great start to improving the review and approval process.

Gloria thanked them all for their feedback and clarified that Sean DiBartolo, P.E., LEED AP, is the main VEC member in charge of reviewing plans and preparing VEC comments. Sean DiBartolo is a Licensed Professional Civil Engineer in Massachusetts, Maryland, New Jersey, and New York as well as a LEED Accredited Professional. All VEC members, including Sean, are Verona residents and serve without compensation. Gloria told them that she will discuss their suggestions with all VEC members at this public meeting.

Mayor Ryan indicated that he is pleased to see that a constructive exchange of ideas has begun. He attended the last meeting of the VEC and the level of frustration on the part of the members was evident and justified in his opinion. He experienced this personally having sat on the Planning Board for 2 years and encouraged Gloria to send a formal request for a clarification of the commission's role and the need for more time to review and comment on applications. He had discussions with Matt Cavallo on what he feels is the need to provide more details in Verona's ordinance that covers land use and development. He is confident he can get support from a majority of the council to pass a better land use ordinance that contains the details mentioned in Mike's comments. He added that they are not looking to make the process more difficult for homeowners but there has been an uptick in the number of larger development plans that require more extensive review and in some cases use variances. These are the ones that he is most concerned about, and need to ensure they are not rushed. Getting it right is the most important concern as they often have impact far beyond the 200-foot notifications required, he said.

According to ANJEC site plan review is the implementation of an existing master plan and ordinances. Staying within the Maximum Permitted Improved Lot Coverage should not be difficult, but the boards usually approve variances that ask to go over the Maximum Permitted Improved Lot Coverage, even by 10% or more. Gloria indicated that the VEC is impartial, when comments are provided the VEC treats big developments and single family homes the same. Gloria mentioned that the VEC is required to provide comments; not comments that agree with the town engineer or somebody else. Jessica agreed that this is a very valid point. Sean indicated that the VEC just provides another data point that should be considered and evaluated by the Board members voting on an application. Sean further indicated that if enough time is provided during the VEC review period to submit comments to the board secretary, those comments can be reviewed by the town engineer and any discrepancies can be addressed by the town engineer before submitting their own report to the board and applicant.

6. Tree Ordinance. Jessica attended the last Town Council meeting and asked for a tree ordinance. She was told that the VEC will receive a draft for review soon. Members talked about tree ordinance like Montclair's, which includes, "the Township Forester shall prepare, publish on the municipal website, and annually review a suitable species list for replacement trees. Any applicant who makes

an application for a financial waiver and is granted one shall be exempt from the replacement provision, provided that replacement trees are not available through the Township. In lieu of providing a replacement tree, a contribution of \$250 shall be paid to the Tree Fund. Said fund shall be used to supplement public tree replacement in the Township". <https://ecode360.com/16149465>
Sean recommended to look into share services agreements with other towns to have an Arborist on call, when needed.

7. New Business. Mayor Ryan mentioned that the town is bidding the garbage contract with both options, with and without commercial garbage. He added that most towns do not take care of picking up commercial garbage and business owners need to do private arrangements to dispose of their waste.

Frank mentioned that he is pleased to see that the West Essex Trail will have low curbs at Durrell Street allowing wheelchair, stroller and bicycle access. Mayor Ryan added that Mr. Cavallo asked Essex County Parks DPW to fix the trenches on the trail.

Mayor Ryan indicated that the Library's Rain Garden will be installed after the Library is officially reopened. Gloria mentioned that she was contacted by Mr. DeCarlo who indicated that now, after renovations were completed, he does not think that there is enough room to install a rain garden there.

Adjournment – Next Meeting November 14, 2018.