

South Plainfield Environmental Commission
Official Minutes - September 9, 2020

1. CALL TO ORDER

Notice having been filed with the Courier News and S.P. Observer, Chairwoman Dorothy Miele called the Environmental Commission meeting to order in compliance with the Open Public Meetings Act at 7:30 pm. This meeting took place at the Highland Avenue Woods Nature Center.

Present: Dorothy Miele, Tom Walsh, Danielle Hurst, John Ferguson, Adam Butrico, Pete Smith (council liaison) and Rich Houghton (planning board liaison)

Alternate members present: Jordan Mandel

Associate members present: Lisa Roseo (secretary)

Others: Dr. A. Tempel (environmental specialist)

Absent: Debra Leporino

2. APPROVAL OF MINUTES

The minutes of the August 12, 2020 regular meeting were reviewed and all were in favor of approval.

3. INVITATION FOR PUBLIC COMMENT

- There were no members of the public present.

4. BUDGET - Dr. A. Tempel

- O&E (FY2020 = \$2,225) Since the last meeting we spent \$0. YTD spent = \$577.45. Balance = \$1,645.55.
- Clean Communities - (2019 grant \$50,329.53) Spent since August 12 = \$2,224 on: \$1,162 on sign enforcement and litter removal salary & wages-plus Wednesday parks litter patrol; \$475 for September litter can maintenance; \$519 for fall cleanup ad and \$68 for disposable face masks. Spent YTD = \$38,117. since 8/15/19. The balance = \$11,737. The 2020 grant = \$45,370.37; it is not available yet to spend. Dr. Tempel will ask Glenn Cullen when it will be.
- Signs Trust Fund – Spent \$0. The balance = \$595.12.
- Harris Steel Tree Fund – Since the last report we spent \$0. Deposits = \$0. Current balance is \$31,653.78.

5. COMMITTEE and LIAISON REPORTS

A. Council Liaison - Mr. P. Smith

- Bamboo ordinance - Pete said the Mayor & Council are not in favor of an outright ban. Pete spoke with the Boro attorney. They discussed instituting a permit process for those who want to plant bamboo. He explained homeowners would be given planting procedures designed to contain the bamboo. They would need to have it inspected to ensure they followed the recommended procedures. The ordinance would also involve the code enforcement official to inspect a property where a resident is complaining about their neighbor's overgrowth. The owner of the invasive bamboo would be required to maintain it or be subject to a possible summons. Would also like a voluntary registry for residents who already have bamboo on their property. The Boro would then let the resident know they would be responsible, if they sell their home, to let the new homeowner know there are procedures in place to keep the bamboo under control. Hopefully, this would curtail future planting of bamboo within the Boro. The Mayor & Council would like the commission to discuss an ordinance that would support something similar. Dr. Tempel asked Pete what department the permit process would go through. Pete said that is to be worked out. The permit process and registry is more about identifying who has the bamboo so if there is a resident complaining about their neighbors bamboo encroaching on their property, the Boro can decide how to handle knowing that those homeowners with the bamboo were informed about containing it. Pete said, according to Paul Rizzo, Boro Attorney, the only current option complainants have is to file a civil case.

Since the Boro has no ordinance, most of the cases don't get settled in favor of the plaintiff, since there is no legal support for the case. The Boro does not want an outright ban as there is no Federal or State mandate/precedent against it. Dr. Tempel said we do ban poison ivy as a noxious weed. The code enforcement official has the right to make a homeowner control it. The Mayor & Council did discuss that bamboo can be a detriment, but has no legal case records to refer to. Dr. Tempel thinks there is information available from the NJ Invasive Species Task Force (strike team). Members went on to suggest the Boro would need to provide homeowners guidelines/specs for planting and then approve those plans. Pete said residents would be informed about the ordinance through a tax bill insert, Boro website, The Observer, social media etc. After consideration, Dr. Tempel shared her thoughts on the process. The permit process would most likely be issued through the building department due to monitoring and enforcement. E.g. - when someone sells their home and has it inspected by Boro officials to obtain a CO (certificate of occupancy) for the buyer to show that the home meets specific criteria, that would be the point of entry to see if there is bamboo on the property. This would be an additional expense for everybody. A permit fee for the seller and paying the inspector. We have to assume the inspector can ID bamboo, which is not part of our current inspectors training. E.g. plumbing, electric or building. If it would fall to Dr. Tempel by default, she would need to go out of the office every time there is a CO inspection or tree removal inspection. Pete said if there is a new ordinance adopted, most likely the code enforcement officer would have to be trained in identifying bamboo. Rich asked who would follow-up to see that the bamboo remains contained. Once a neighbor notices it is encroaching on their property, it is too late. Pete emphasized that with an ordinance in place, a neighbor is more likely to win favor in a civil suit that might require the bamboo owner to have to remediate from their neighbor's property and contain it. Adam suggested the Boro include information from Rutgers Extension, which includes info on the true financial loss that a resident might incur from having bamboo on their property. It would help to dissuade planting. Rich suggested putting the question on the ballot whether to ban or institute a permit process. After further consideration, Dr. Tempel said to actually issue a permit to allow the planting of 'running' bamboo, a very detrimental plant, is potentially dangerous. The Boro has the power to ban it. Dr. Tempel noted that when she spoke with a professional about trying to control the bamboo at the HAW entrance on New Market Avenue, he suggested digging the trench as the only way to monitor control of the rhizomes. Any other barrier will eventually deteriorate. It only makes sense to ban it. Permitting will create another level of bureaucracy for everybody and will make it more annoying for residents plus take the time of inspectors. Twenty years from now the bamboo will escape and damage property. Pete said it can only be banned going forward. Jordan summed it up: ban it moving forward, those grandfathered would have to register with the Boro. That would allow us to know the current size/measurement of each stand and type of bamboo. The homeowner would be informed that it must be contained within their property. If not, the Boro can decide how to handle it. Dorothy asked members, who is in favor of banning 'running' bamboo. SPEC unanimously voted to ban running bamboo and license existing bamboo. Dr. Tempel will send Pete information on SPEC's experience with attempting to control the HAW bamboo.

Tree fund - Pete reported that he had approached Dr. Tempel with a proposal to try and develop a grant out of the Harris Steel Tree Fund to allow South Plainfield small businesses to apply for a grant to plant trees on their property. They would be responsible for planting and maintaining the trees. This would help beautify more of the town and promote a greener environment. SPEC discussed possible details/criteria i.e. - eligibility, specifications, monitoring etc. Tom suggested limiting the number of grants awarded/amounts so as to not deplete the tree fund. The fund is also used for tree projects on Boro properties. Dorothy said forming a Shade Tree Commission would be the best thing the town could do to be 'green'. Members will discuss further.

Solar - Pete said the Mayor & Council are trying to develop a solar friendly town that meets the requirements for Sustainable NJ points. Pete forwarded Woodbridge Township's ordinance and Sustainable NJ's guidelines to Paul Rizzo. Pete wants to meet with Dr. Tempel, Dominic Demico and

Rich Wolff to discuss further. Pete spoke about some details in the Woodbridge ordinance involving building permits for solar installations that the Boro would need to incorporate. Pete said he suggested to Council President Faustini, Recreation Department Liaison, to see about installing solar panels over the new parking area at the community pool. It should greatly cut the cost for maintaining the pool. The council is looking into other sites as well. Pete would like to see solar over the parking lot between the Middle and High School. Depending on the contract, the Boro could buy the solar panels outright and control all the electricity. If the solar company pays for the system, the Boro buys the electricity from them. Pete, Dr. Tempel, Bob Longo and Mayor Anesh met to discuss. Pete also spoke with Dominic Demico, building inspector, about the streamlining process for residents to apply to install solar on their own roofs. Tom explained the cost/savings he receives on his home from Green Power Energy. There are a lot of advantages right now to install solar. SPEC is in favor of proceeding with the idea. Pete will pursue with Councilwoman Faustini and ensure the information is obtained. Dorothy suggested offering solar panel grants to residents instead of tree grants.

- Dorothy asked about the status of the Longwood property on Park Avenue. Pete said the Boro sent another letter to the county. They have not looked at any open space lately. Also, it would be hard for the Boro to come up with the funds for a matching grant at this difficult time. But, at the same time, building has slowed. John said he will speak to Rick Lear, Director of Middlesex County Parks & Recreation, who he knows. Dorothy said she has been working on writing a comprehensive history of the property & region which she will forward to Pete.

B. Planning Board Liaison - Mr. R. Houghton / Mr. B. Bythell

- Rich said the Planning Board met via Zoom. They discussed the proposed subdivision, Castainca property, on South Plainfield Avenue. The big issue is the water problem. There was input from surrounding neighbors who expressed concern with the situation and are afraid it will worsen. Approval is on hold until residents' questions can be answered. Dr. Tempel said the wetlands issue will go before the DEP to rule.

C. Site Plan Review - Mr. A. Butrico / Mr. J. Mandel

- L&L Property Enterprises (300 Hollywood Ave.) - Jordan and Adam just received the site plan to review, so they have not visited the site yet. Applicant proposes to demolish existing house and construct a two-story warehouse, garage and office with outdoor storage for their real estate management and construction management business. The impervious surface will increase from 16.81% to 81.45%. There is an in-depth storm water management plan. Propose inlets into an existing drainage system; possibly into the storm drain. They did not provide a trash/recycling or landscaping plan. They do plan on removing 3 trees; no replacement plan. SPEC will ask what will be stored in the warehouse and outdoor storage area.

D. ERI -

- Dr. Tempel reported that she received a request for a PDF of the ERI from a consultant. We have that only on 3.5" floppies, and no way to read it. She offered him to look at a hard copy at the Boro. He suggested we buy an external 3.5" floppy drive to access the information.

E. Clean Communities - Dr. A. Tempel

- Dr. Tempel reported that Pete Smith forwarded a newsletter from the Democratic Party candidates for Council, inviting their members to a Town Cleanup in Veterans & Putnam Parks. Dr. Tempel emailed them asking if they need supplies, and if they know the NJCCC guidelines. She gave them the NJCCC website.
- Dr. Tempel posted the October 3 cleanup on the Boro website and SPEC Facebook page. Also ordered a display ad in The Observer. She will be sending out an email blast with the waiver attached.

F. Land Use - Dr. A. Tempel

- Wetlands - Dr. Tempel said there was a possible wetlands violation called in to the DEP hotline on 7/30 for 711 Tompkins Avenue. The neighbor alleged extensive tree clearing. The owner said he'd only

taken down one tree and pled ignorance. Bob Clark from DEP enforcement will visit the site and work with the owner; possibly develop a restoration plan.

G. Forestry - Mr. A. Butrico / Mr. J. Schmidt

- Adam said he did a little research on our tree removal ordinance. He asked who responds to illegal tree removal. Dr. Tempel said our code enforcement officer is not explicitly named in our ordinance. Do violations fall under his jurisdiction? Dr. Tempel explained there are two forks of the ordinance: Tree Protection Ordinance in the Boro code and the regulations in the Development Review ordinance as part of the permit process. It has never been well defined who signs off on those permits and sees them carried through. Adam asked if the ordinance can be amended. Adam will contact Rich Wolff first before proposing an amendment .

H. Highland Avenue Woods / Public Education - Mrs. D. Miele

- Dr. Tempel asked DPW to clean the gutters.

I. Historical Sites Preservation - Mr. L. Randolph

- There was nothing new to report.

J. Pollution - Mr. A. Butrico / Ms. D. Hurst

- Adam had nothing new to report.

K. Green Team - Mr. T. Walsh

- Tom said the Green Team met on 8/26. They discussed solar, bamboo and diversity. Proposed a Job Fair for volunteer positions to get residents more active on town committees/community boards. Tom mentioned the Boro will hold a 'National Take Back' initiative on 10/24 for turning in prescription drugs. It is posted on the Boro website.

L. Public Information & Technology - Dr. A. Tempel / Mr. C. Cioffi

- Dr. Tempel reported 4 posts to Facebook, reaching 418 people with 25 engagements.

M. Stormwater Advisory Committee- Mr. T. Walsh

- Tom said he will be submitting his annual article on fertilizer management to various sources.
- Dorothy mentioned reading an ANJEC email that the state has possibly amended its storm water rules/regulations.

N. Environmental Specialist - Dr. A. Tempel

- There was nothing additional to report.

O. Chairwoman's Report - Mrs. D. Miele

- Dorothy reported she asked Dr. Tempel to post our Alternate II opening on the Boro website and SPEC webpage. Subsequently, Dion Pender submitted his application for membership to the Mayor & Council. Dorothy said Dion is well qualified. We will see if the Mayor makes an appointment.

6. INCOMING / OUTGOING CORRESPONDENCE

- A list of correspondences is attached

7. OLD BUSINESS

8. NEW BUSINESS

9. ADJOURNMENT

A motion to adjourn was made, all were in favor, and the meeting was adjourned at 9:40 p.m. The next meeting is scheduled for October 14, 2020 @ 7:30 pm in the Highland Avenue Woods Nature Center - 115 Sylvania Place.

Respectfully Submitted,
Lisa Roseo
Environmental Commission Secretary

ACRONYMS

ANJEC	- Association of New Jersey Environmental Commissions
BOA	- Board of Adjustment
CAG	- Community Advisory Group
CBA	- Clean Business Association
CCAB	- Clean Communities Advisory Board
CFMP	- Community Forestry Management Plan
DOT	- Department of Transportation
DPW	- Department of Public Works
EIS	- Environmental Impact Study
EPA	- Environmental Protection Agency
ERI	- Environmental Resources Inventory
EWA	- Edison Wetlands Association
FEMA	- Federal Emergency Management Agency
FOW	- Friends of the Woods
GBFCP	- Green Brook Flood Control Project
HAW	- Highland Avenue Woods
KCS	- Known Contaminated Sites
LEEDS	- The Lead in Energy and Environmental Design
MCDSWM	- Middlesex County Division of Solid Waste Management
MCUFAC	- Middlesex County Urban Forestry Advisory Committee
NJCF	- New Jersey Conservation Foundation
NJDEP	- New Jersey Department of Environmental Protection
NOV	- Notice of Violation
OEM	- Office of Emergency Mgmt.
OTOSP	- Oak Tree Open Space Parcel
PRP's	- Potentially Responsible Parties
ROSI	- Recreation and Open Space Inventory
ROW	- Right-of-Way
SPBA	- South Plainfield Business Association
SPEC	- South Plainfield Environmental Commission
USACE	- United States Army Corp of Engineers