

Borough of Tenafly

MAYOR AND COUNCIL

SPECIAL PUBLIC MEETING

MINUTES

TUESDAY, APRIL 23, 2013

At 7:34 p.m. Mayor Rustin read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley Press. Notice of this meeting by the Resolution #13-129 has been sent to the Record, the Suburbanite and Northern Valley News and has been posted on the public bulletin board in the lobby of the Municipal Center."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin
Borough Attorney: William R. McClure, Esq.

Absent: None.

Mayor Rustin advised that he was approached by a number of people opposed to this project to request that they be permitted to speak without a 3-minute time limit. He explained that in order to grant this request, he advised that they needed to provide a list of 20 people who have agreed to allow Mark Feldman, Ernest Kollitides, and Gerald Nigro to speak on their behalf. Mayor Rustin called out each name on the list and verified that they have agreed and advised them that should they wish to speak, they would have to wait until after everyone else has had the opportunity to speak.

He explained that this public hearing is required by Green Acres and the purpose is for Green Acres to hear the public, not for the Council to take action.

Presentation by the Tenafly Nature Center.

Michael Neus, President of the Board of Trustees, advised that the Tenafly Nature Association is a not-for-profit organization that was established in 1961. He explained that the purpose of this meeting is to receive input from the public. He noted that on

their website, there is an extensive submission regarding the proposed Education and Discovery Center with very lengthy background information and a list of Frequently Asked Questions. He provided a history of the Nature Center and explained that the Redfield Building was constructed in 1966 as one-room schoolhouse. He commented that the Nature Center has outgrown the ability to do what the community has asked them to do in that building. He explained the ways in which they have tried to expand over the years but stated that they have simply run out of space. He advised that in 1970, a group of residents banded together and raised an enormous amount of funds to save 274 acres. As the town worked toward acquiring this land, the Council at that time tasked the Nature Center and Environmental Commission to steward the land. He pointed out that at one point, there was a shortfall of \$2 million and the JCC of Englewood, Palisade Interstate Parkway, and the Nature Conservancy donated funds to fill the shortfall. Mr. Neus noted that they have worked with all of those organizations as plans have been developed for the proposed Education and Discovery Center. He then introduced Randy Croxton, Principle of Croxton Collaborative Architects, who is a leader in environmental, sustainable architectural design, and was chosen to create this building.

Randy Croxton advised that the goal is to move away from the idea that a building is an object, but rather an integration of built and natural systems. This way of looking at the proposed building will prevent flooding, erosion, and pollution which undercuts health, safety, and welfare. He explained that the Nature Center is not just trying to preserve a certain number of trees or treat the land like a zoo, but rather wants the public to have a deeper experience with the land by bringing them into nature but not destroying it. He advised that the centerline of the roadway for the proposed site is on two watersheds, so that a drop of rain either goes to Hudson or Hackensack River which Mr. Croxton noted can be a teaching moment. He explained that the watershed follows the parking lot and advised that the building is located on the Hudson River watershed, so every drop of rain on the building is collected and directed into a system and all overflow goes into the Hudson River. He stated that the proposed location will allow for a larger participation of Tenafly residents as there will be universal accessibility as well as more parking than at the current site. For safety purposes, there will be a dedicated turning lane to enter the site. The building will be located 600 feet into the site and will be oriented so that there is no view of the road and the sound from traffic is blocked in order for visitors to only be exposed to undisturbed nature. Mr. Croxton explained that a significant portion of the Nature Center is wetlands, with very few buildable sites. The DEP asked to have detailed information on 15 acres. He advised that within those 15 acres, only 5 acres were actually buildable and within those 5 acres, the site will occupy approximately 1.7 acres. He then addressed the issue of flooding and explained that all of the rain that falls on the roof will be redirected to a system under parking area. There will be gravel where cars are parked and 18 inches of stone that will serve as a reservoir as well as natural root systems to help prevent flooding. The building will also provide shelter to those in camp as there will be a sheltered area on the outside and expanded classroom capacity. Mr. Croxton advised that the building is quite solid with relatively little glass except for a seminar room that has a shelter on the outside, allowing visitors to literally be in the woods.

Jennifer Kleinbaum, Executive Director of the Nature Center, stated that it has been her privilege to serve as the steward of this land for the past 7 years and advised that she is both a biologist and ecologist with a background in forest ecology. She reminded

the audience that the mission of land preservation and education has been the same since the beginning of the Tenafly Nature Center and the building is only one of the tools that the Nature Center uses to educate. Although it used to be common to engage with wildlife through killing, she noted that people now take photographs, travel on ecotours and fund protection. People's understanding has evolved as it is now known that inviting people to have direct experiences with nature is the best way to protect a piece of nature in perpetuity. She explained that their organization is a not-for-profit and is membership driven. She advised that they are trying to share information with public as soon as it is available. She pointed out that the Nature Center has consulted with the Historic Preservation Commission, Environmental Commission, Planning Board as well as with organizations that have helped to fund the Lost Brook Preserve and all organizations have endorsed project. She ended by explaining that the community is even more engaged than years ago and there is a request for more programs than the current building can accommodate. She stated that they are proposing the next phase of Nature Center and looking to the future of Tenafly.

Paul Keyes, Landscape Architect, advised that he has been a resident 25 years and his company is donating services to this mission. He advised that over last month or so, people have asked if he regrets getting involved, but he stated that everyone involved has learned a lot from the opposition. He noted that Randy Croxton's firm has an amazing staff that is extremely environmentally sensitive.

Council Questions & Comments.

C. Kerge asked the anticipated completion date should this project move forward. Mr. Neus advised that the completion date would be approximately two years from approval and fundraising.

C. Barzelatto inquired whether the Nature Center has asked for input from the Fire and Police Department regarding safety. Mr. Croxton responded that they held a meeting and one of key aspects is access. He advised that the maximum grade at any point is 3%, with access and turnaround having been determined should there be a fire.

C. Zinna questioned how the proposed construction will impact the risk of flooding to homes south of Clinton Avenue. Mr. Croxton explained that the intensity and frequency of flooding will be reduced, but the total volume over time may increase. He advised that the main goal is to avoid a surge and the additional reservoir, the location of building, and the planting of rain gardens and other natural means of absorbing should help to stop surges. He stressed that he is not representing that there won't be flooding, a flooding event, or an increase of water throughout the site.

C. Honig asked for an explanation of the intent of council when they had a referendum in the 1970s. Mr. Neus explained that Tenafly passed a referendum to provide for funding by a bond and that referendum passed in 1974. He then advised that as result of series of lawsuits, there was a funding shortfall of \$1.9 million for acquisition which was made up by the JCC, Palisades Interstate Parkway, and Nature Conservancy. He stated that the Borough-sponsored bond was \$4.5 million. C. Honig recalled that when there was a shortfall in funding, the Borough reduced the acreage

that they were purchasing and a new referendum did not have to be done because the sale was being conducted in the spirit of conservation. Mr. McClure confirmed that the Borough reduced the amount of acreage, but kept the amount of the bond same. A challenge was made which went to Supreme Court and the issue of whether the 15% deviation was material and required another referendum was addressed. The decision was that another referendum was not needed.

C. Honig asked for the reasons why the Redfield Building shouldn't be knocked down or renovated. Mr. Croxton advised that the existing site is on the side of a steep hill. The meeting room is on the lower level and there is no handicap accessibility between the existing space and lower level. He noted that they would have to do a lot more cutting and destroy many more trees in order to develop additional parking.

GREEN ACRES PUBLIC HEARING for Public Questions & Comments.

Mark Feldman, 133 Lylewood Drive, expressed his opinion that this proposal is a breach of faith with those who raised funds and a breach of the trust that has been placed in this private organization. He contended that the proposal is deeply flawed with much more relevant information withheld or not researched. He called on the DEP and Council to table proposal and put the question to a referendum as the land upon which it is being proposed to build has a unique history and was acquired as a result of an extraordinary effort by the residents. He noted that the wording of the referendum in the 1970s stated that the intent was to keep this land passive and just because Green Acres does not prohibit this type of building, it does not mean that opening up the Lost Brook Preserve to development is the best thing. He pointed out that many people are unconvinced that this building cannot be built on or near the current location. He remarked that safety has not been dealt with nor was the wetlands study submitted to Council or shared with public. He finished by expressing his belief that this plan will change the nature of the park and decrease affordability and easy access.

Ernest Kollitides, 164 E. Clinton Avenue, commented that most residents are in favor of a new center as the existing one is old and the property has not been properly maintained, but the location is the item of debate. He pointed out that in the proposed location, all utilities would have to be brought in, a large number of trees will need to be destroyed, and access and turning roads and parking will require major soil and rock removal. He expressed his opinion that this location is unsafe for children visiting on bicycles or foot and will cause erosion and expensive flooding problems for homes in that area. He questioned why the results of the three hydrology studies commissioned by the Nature Center have not been released. He believes that municipal costs will increase due to increased traffic and snow removal as well as the need to widen E. Clinton Avenue. He feels that the substantial glass design is not safe or practical for kids or birds. He then reviewed the advantages in constructing at current location. He noted that there is not a plan on how money will be raised. He asked that the Mayor and Council have a referendum on this topic.

Gerald Nigro, 5 Stonybrook Road, remarked that this plan by Nature Center was conceived during 2 years of secret planning. He believes that flooding should be of great concern as the architect spoke about surface water runoff and explained that blasting or digging can displace the subterranean water flows. He commented that the

safety of children should be the number one concern and he believes that E. Hudson Avenue is a much safer location. He pointed out that the Nature Center has not produced a certified business plan to justify this investment nor have they put in writing that the Borough will be held harmless should it not be a success. He pointed out that the 1974 referendum stated that the purpose for acquiring this land was to keep it passive and asked Council to grant a referendum to let the residents decide this issue. He then presented a map introduced by the engineer last Wednesday evening which he believes to be inaccurate.

Don Merino, 19 Peter Lynas Court, advised that he is a member of the Historic Preservation Commission and asked that the record show that Mike Neus came to an HPC meeting to explain this project and the commission voted unanimously in support with the exception of Mr. Neus' wife who abstained. He expressed that he is impressed with this presentation and commented that it is the most thought-out and best planned project he has seen. He noted that purchasing the Blankman Tract was a source of pride and he thinks that the original Green Acres is very special, but also thinks that the proposed project is very special.

Dave Simpson, 12 Woodland Park Drive, pointed out that there was a commitment to have referendum. He expressed his opinion that Council rushed to approve the lease and commented that there needs to be more restrictions and protections put in place so that the Borough is not left with an unfinished job.

Whitney Keen, 64 Oak Avenue, advised that she has lived in Tenaflly for 40 years, contributed to the original purpose, and has been on the Nature Center board in past. She stated that the contention that no one looked into a larger building at the present site is not true. She advised that the land is irregular and the parking inadequate. They built a pavilion to try to fill gaps, but it doesn't meet the current needs. She offered her support for the Nature Center's proposal.

Daniel Malcolm, Oxford Drive, stated that he lives close to the proposed location and believes that there should be a legitimate concern about policing that area to ensure that the land is not used in an illicit manner.

Jeffrey Miller, 187 Leroy Street, expressed his shock over any objection other than to the technical details. He stated that residents need to think of the education of children and nature conservation. He expressed his opinion that this proposal is a continuum of the good work done by those people years ago and is an opportunity for Tenaflly to do something for the children and its future.

Ben Nissan, Tenaflly High School student and member of the Young Democrats, commented that this topic is of great debate and does not believe that there has been enough transparency. He stated that it is important that the public have access to the plans online and expressed his support of having a referendum.

Alison Starer, 21 Stanton Road, advised that she wholeheartedly supports the new center in the proposed location. She noted that the schools utilize the facilities at the Nature Center and the students are taught through classes. She expressed her opinion that the Nature Center staff and Board of Trustees have been very good stewards of the land and are working very hard to provide a new space to meet the

needs of the students and residents. She pointed out that they are willing to raise all funds themselves. She does not support the idea of having a referendum on this project and asked that the Council move ahead.

Emily Waltman, Tenafly High School student, believes that destroying this land is setting a bad precedent and sending a bad message to the youth of Tenafly.

Linsy Farris, Riveredge Road, commented that the Nature Center has been a valuable educational resource for his children and grandchildren. He feels that there is a need to renew Tenafly's commitment to the Nature Center by replacing the current building with a larger building that can be dedicated to preserving the natural environment and teaching the value of land and natural resource conservation.

Dr. Ann Guillory, 235 Buckingham Road, stated that her opposition to the proposal is due to the proposed location. She advised that she is an E. Clinton Avenue neighbor and explained that she already experiences problems with deer and people parking in front of her house. She expressed her concern that this development will cause flooding and the migration of the animals who currently occupy the 2 acres. She commented that one of the best universal designs is nature itself.

Hugh Carola, 617 Spring Valley Road, Maywood, advised that he is the President of the Alliance for New Jersey Environmental Education which was founded in 1985 and is the most active supporter of environmental education in NJ. He explained that he has worked quite closely with staff at Nature Center and commented on the high quality of and commitment to environmental education of Tenafly residents. He remarked that his greatest fear for future is that if there are not enough people who get to experience real nature, they won't know what it is or understand it. He believes that that the new center will be an investment in environmental education region and statewide.

Robert Moss, Bloomfield, Green Acres Issues Coordinator for the Sierra Club, stated that the Sierra Club has not taken a position on this particular issue. Although the club supports outdoor education, they have concerns about the Green Acres envelope being pushed. He advised that Green Acres has approved other projects in contradiction to their permitted uses and he commented that this facility seems to be a conference center.

Captain Bill Sheehan, the Hackensack Riverkeeper, advised that he has spent great deal of his career opposing projects, but believes that this project is essential to continuing environmental education and will serve as an example to other towns. He noted that a public referendum would be nonbinding and the members of Council would still be within their rights to move ahead with the project.

Valentine Bloch, 21 Brook Road, stated that Tenafly does have binding referendums. He expressed his opinion that by allowing the Nature Center to break its covenant, it will create a situation in which other groups will have a land bank for future development.

Joseph Lavin, 99 Gordon Avenue, Chair of the Environmental Commission, advised that the Nature Center gave a presentation to the Environmental Commission at an

open public meeting and all members unanimously agreed to support this project in the proposed location.

Mark Aronson, 220 Buckingham Road, explained that he came here tonight to learn more about this issue and came with a fairly open mind. He expressed his opinion that this process has not been as transparent as it could have been and questioned why the public is not being allowed to have a say in such a big issue. He commented that the process would not be slowed if a referendum is placed on the November ballot.

Michael Sackler, 238 Engle Street, expressed his opinion that one needs to come to terms with the decreasing volatility in the natural world which requires education and that simple passive appreciation of nature is no longer enough. He advised that he has been following Croxton Collaborative for many years and stated that they are heads and shoulders above most doing this type of work. He expressed his support for this project and believes that this building will serve as an example to others.

Melvin Esrig, 43 Royden Road, advised that he was asked early in his stay in Tenaflly to be an expert witness for the Borough in litigation associated with this property and as such, he knows the property reasonably well. He expressed his opinion that the real issue is that the building should be constructed in the location that is most economical, useful, and serves needs of community. He commented that building at the existing location can be done in a reasonable and environmentally sound way and pointed out the disadvantages of building at the proposed location.

Amy Abrams, 134 Columbus Drive, stated that one of the reasons that she moved to Tenaflly was because of the green area around the Nature Center and remarked that she is excited about the new sight particularly because it is located on the watershed. Although she understands people's qualms about placing the center on Clinton Avenue, she thinks it is a far more appropriate location. She expressed her opinion that placing the building in this location will not open it up to additional development. She advised that the Nature Center wanted to get answers to people's questions before presenting the information to the public.

Amanda Schuster, resident of Bergenfield, advised that she is an Environmental Educator at the Nature Center. She read a letter from Judy Massey, former Nature Center Environmental Educator, to the editor of the *Northern Valley Press* expressing her support of the project and proposed location.

Eileen Donovan, former Tenaflly resident, explained that she was a member of Nature Center and expressed her opinion that the center is a wonderful, natural place and she does not want a building to be put on land that was meant to be kept pristine in perpetuity. She asked that the renovation of the Redfield Building be investigated.

Alice Rigney, 48 Knoll Road, advised that her family came to Tenaflly in 1883 and she remembers when trees and fields used to make up Tenaflly. She noted that she is the Borough Historian and is a full supporter of the new building as it is her hope that in 20 years, the young residents will look back at what a great accomplishment the proposed building was for Tenaflly.

Berton Greenberg, Leroy Street, expressed his concern about the unbelievable amount of garbage that is currently thrown into the nature preserve along Clinton Avenue and believes that there may be even more garbage should a road be put into the nature preserve. He also commented that the increased car traffic will detract from nature. He questioned why education on the environment and nature has to take place in a building as nothing replaces the experience of being out in nature.

Onnolee Jansen, Nature Center Environmental Educator, read a letter from Alissa Settembrino, volunteer at the Nature Center, expressing her gratitude for the volunteering opportunities at the center as well as her support for the mission and vision of this proposal.

Rohan Kingan, Senior at Tenaflly High School and Boy Scout, advised that he worked closely with the Tenaflly Nature Center while completing his Eagle Scout project. He stated that he trusts the staff to do what is right and thinks the decision should be left to them as to where to place the building. He commented that the center is an amazing resource.

Anna Manos, Stonehurst Drive, advised that her husband was Mayor John Manos, who was instrumental in the purchase of this tract of land. She expressed her opinion that there is a need for an educational center, but is concerned about the glass design of building, destruction of trees, and flooding. She expressed her hope that there will be a referendum to let people speak.

Malcolm LeClair, 73 Park Street, read a letter from his grandfather to the *Suburbanite* stating his support for a new building. He advised that he is a junior at Tenaflly High School, a Boy Scout, and has volunteered at the Nature Center. He expressed his opinion that the current location is not adequate as the road cannot handle the type of traffic that the Nature Center draws, there are not enough parking spaces to accommodate the programs, and the location is not accessible. He stated that he trusts the architects and engineers that E. Clinton Avenue is the best location.

Elaine Enger, Demott Street, stated that she was a donor to the original drive to have the center. She questioned who will be responsible for snow removal, why glass is being used, and why there is opposition to referendum as she believes that as taxpayers they should be permitted to give their opinion on this topic.

Douglas Murray, 28 Norman Place, commented on what a brilliant site the proposed location is as it is poised on the edge of a squall that changes ecology seasonally. He noted that there are not any other viable locations in that area due to wetland restrictions. He advised that the yellow flags on the trees are being used to tabulate and identify not to mark which trees are being cut down.

Debra Davidson, Director of Education at the Nature Center, advised that she has been working at the center for a decade and has had to turn away countless people from educational opportunities. She explained that she is in favor of the proposed location due to the prevalence of wetlands as well as being located on the watershed. She noted that although teaching outside is something that she has dedicated her life to, it is difficult when the weather is bad and this center will allow classes to still be

held under those circumstances.

Byron "Gus" Allen, member of the Planning Board, stated that this proposal is fully consistent with the Master Plan and advised that the Planning Board is in middle of producing a new Master Plan. He expressed his opinion that the proposed building is the way to move towards the future. He questioned whether the opposition has an unstated concern that the Clinton Avenue location will attract too many outsiders but he believes that that fact would be a positive. He stated that he is a strong supporter.

Sandy Divak Moss, 4 Westervelt Avenue, advised that she served on the Zoning Board, chaired the Environmental Commission, and was one of the most vocal residents in preserving 153 Engle Street. She expressed her opinion that this issue is crying out for a referendum and asked governing body to listen to the public. She stated that she understands the value of structure and the ability to see wetlands, but believes that there are other ways to teach about the land. She commented that she does support a new center, but asked that the residents have a say.

Ellen Kuhn, 73 Park Street, noted that she grew up in Tenafly. She read an excerpt of an article from 1976 in which the President of the Board of Trustees fought to save the Lost Brook Preserve and explained the purpose of the Nature Center.

Johanne Gambrell, Ravine Road, expressed her opinion that democracy would be to allow the residents of Tenafly to have a say in this issue and implored the governing body to consider having a referendum. She noted that having a referendum would not cost anything.

Jeffrey Levene, Clinton Avenue, stated that he feels as if he is at two different meetings as the very fine presentation on behalf of the Nature Center seemed to be factually correct whereas the presentation from 3 people, he believes, was only in their minds factually correct. He questioned the value of having a referendum and expressed his faith in and support for the Nature Center board.

Tony Martin, 400 Johnson Avenue, Englewood, advised that he regularly brings his children to the Nature Center and supports this project wholeheartedly as it is an opportunity to open up other parts of the center.

Alida Kratnoff, 59 Highwood Avenue, expressed her opinion that everyone supports the Nature Center's programs, but those opposed are questioning the choice of site. She noted that the very name has the word preserve in it and believe this proposal goes against the original intention. She asked that there be a referendum.

Debbie Abitante, 152 Hudson Avenue, noted that the new site would open up an entire parcel of land and all residents would benefit.

Lesley Whykard, resident of Westwood and Development Manager at the Nature Center, explained that in order to build at the current location, they would need to close for a year. She advised that they only have a 17 car lot and if they should go into trailers, she questioned where the buses and other visitors would park. She finished by stating that this proposal would help preserve their income.

Lori Starer, Stanton Road, pointed out that the Nature Center website is user-friendly and provides information about this proposal. She stated that in either location, the same issues would arise. She expressed her opinion that it makes sense to move to a location with east-west access.

Robert Moss, Bloomfield, advised that he is not an attorney and cannot give legal advice, but noted that Green Acres has a dubious record of interpreting its regulations.

Anne Kelly, Midwood Road, inquired what will be done with the trees once they have been cut down as well as the trees that have already fallen down along E. Clinton Avenue.

David Simpson, 12 Woodland Park Drive, expressed his belief that there are occasions where a referendum is needed and he is getting the feeling that Council doesn't trust the public. He noted that Tenafly is a part of a democratic society and as such, the voters should have a say.

John Barous, 165 Sussex Road, stated that he feels strongly that the Nature Center should stay where it is, but perhaps expand to accommodate more people. He expressed concern about traffic as he feels that the new center is meant more for Bergen County residents than Tenafly alone. He asked that Council hold a referendum because it is an important issue.

Gerald Nigro, 5 Stonybrook Road, suggested moving the entrance onto 9W to make it more accessible. He commented that having an entrance on 9W would allow tradition to be respected.

Ernest Kollitides 164 E. Clinton Avenue, pointed out that most of the speakers in favor of the proposal were associated with the Nature Center. He remarked that the only way to resolve this issue is to have a referendum as most people do support a new center and the need to educate children, but do not agree with the proposed location.

Concluding Remarks – Mayor & Council.

Mayor Rustin advised that the video for tonight's public hearing will be played on Channel 77.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Honig, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:34 p.m.

Respectfully submitted,

Anne Dodd
Deputy Borough Clerk