



**Bradley Beach Shade Tree Commission
Regular Meeting Minutes – Meeting Held Via Zoom
Wednesday, September 30, 2020 at 7:00 PM.**

Meeting is called to order by Chair Heflich.

Roll Call:

Present: George Heflich, Chair; Shana Greenblatt Janoff, Interim Secretary; Lauren Egbert

Not Present: Joanne Letson

Also present: Councilman John Weber, Liaison; Councilman; Al Gubitosi, Liaison

Approval of Meeting Minutes 9/9/20

Lauren request change in terminology from “absolute need” to “vital importance” relating to the Tree Expert.

Shana shared that she was intending to take on the role of Secretary as interim, commenting that she felt pressed at the last meeting to agree to serve this role; and encouraged interest among commission in taking this on.

Motion to accept made by Shana Greenblatt, seconded by Lauren Egbert. All members present in favor.

Ratification of meeting days - 1st and 3rd Wednesdays, 7 PM

Motion to accept made by Shana Greenblatt, seconded by Lauren. All members present in favor. On schedule beginning October with next meeting 10/7.

Communication with Liaisons, BA & Commission

George Heflich remarked on a lot of activity since our last meeting while he has been away. Seven Shade Tree applications have been received. George reinforced adherence to the Sunshine Law, which everyone is following.

Dave Brown, B.A. has asked that he be communicated with on business that applies to his role specifically. It was discussed that the Commission Chair, and going forward, when a Vice Chair is in place, will be the two individuals who will communicate with Dave. Commission members will submit to Chair, who will disseminate appropriately.

Communication with Council liaisons will follow suit.



Discussion on Shade Tree Application form

Chair George shared marked-up Princeton Shade Tree Permit Application as a working model to align with Bradley Beach, and a first draft of BB Shade Tree Permit from marked-up form, with some suggested modifications – sent prior to meeting for review. Discussion ensued.

Lauren explained that she felt the Princeton form aligned with our ordinance. She indicated that the final form be accessible for electronic use ahead for applicants to submit online.

Information regarding request for planting in the sidewalk strip was added to the Tree Removal application in an effort to maintain only one form for Borough residents. Lauren felt it was too cumbersome. Councilman Al advised to have one single application form; George agreed. Lauren suggested reaching out to Princeton to see how they handle sidewalk strip planting in their application process. It was agreed to rename current form from “Application for Tree Removal/Planting from Planting Strip/Private Property” to “Bradley Beach Tree Application.”

There was discussion about not referencing interim Tree Expert by name, but it was pointed out that the current Purchase Order for a Tree Expert was made in the name of the individual we had reached out to, Mr. Bill Brash. It was agreed that we would provide reference to him specifically, until such time as we go out for an RFP to hire a Shade Tree Expert. Currently the Commission has been given funds to cover initial advice, and under the threshold requiring RFP process.

Councilman John suggested eliminating “lot size” or modify to “if removal from private property, include lot size.” This information was more relevant to a town like Princeton, but not as useful for BB.

Lauren pointed out that inclusion of Ordinance 425-1 – 425-12 in the application and the requirement for the applicant to sign and certify having read the ordinance will serve the intention of the Commission and inform the property owner in carrying out responsible tree removal.

Permit Fees: The question was raised on the universal assessment of the permit fee. John indicated that as long as the borough is using an expert and the resources of the borough, that the \$50 permit fee be paid. Shana raised the question of assessing a fee if the planting strip tree is deemed dead or diseased and must come down, and if reasonable to put an additional permit fee on the homeowner who has to incur the cost of tree removal. Lauren had mixed feelings about the fee for the planting strip and questioned of the burden of the tree removal, whether on the homeowner or the borough. **Councilman John will circle back with our borough attorney regarding the onus of removal of trees in the planting strip, as he worked the details in crafting the current Ordinance.**

Councilman John indicated that he will plan to bring in a guest speaker from the NJ Shade Tree Federation or NJ Tree Foundation to present best practices and address some of our concerns/questions. Lauren called for a motion for John to go forward; Shana seconded.

Cover in Sidewalk strips other than grass, i.e. artificial turf or stones/gravel: The Commission discussed the fact that many properties throughout town are grandfathered in and not required to switch over to the preferred grass ground cover in the planting strip. It was discussed and agreed that rocks, especially large rocks are hazards to street cleaning and plows, as well as tripping hazards. Shana pointed out that homes



turn over and asked how we handle applications for strip tree removal when there are rocks, without knowing the home's turnover. Al indicated that the borough has a list of homes that are identified in this grandfathered clause. It was suggested the matter be left to Code Enforcement. John added that this information should be left off the application form but that Code Enforcement cross reference and monitor, and not in the purview of Shade Tree.

Internal Application Form: George shared the form Shana crafted for internal tracking of applications and trees out. In going forward, this will help serve as a factor in tree replacement in sidewalk strips.

Review of Chapter 425

Regarding the requirement to replace a tree in the sidewalk strip: it was discussed that if the tree is dead or substantially diseased and is determined to come down, there is no onus on the homeowner to replace the tree.

Add "stump removal to grade" for all trees that are authorized to be removed in the sidewalk strip. The tree stump is a tripping hazard and though it is not specifically mentioned in the Ordinance, the Commission agreed to include in practice. To clarify, stump removal to grade is not required when removing a tree on private property.

Registration of tree removal contractors: Lauren asked if we might consider having tree removal companies register in the borough and be given information on the new Shade Tree Ordinance. She suggested that an understanding of our Ordinance on the part of tree companies would be helpful when homeowners go forward unknowingly. Currently there is no requirement. Lauren shared that both the Montclair and Princeton shade tree ordinances include requirements that companies doing tree work register and indicate that they have read and understood the town's shade tree regulations. She suggested we explore practices in other communities to see if they are doing this. John indicated that he doesn't feel that tree companies be required to register. He suggested providing tree companies with a flow chart, and that reading the entire ordinance is onerous and would be better digested in shorter form. Lauren did not agree; she felt the details were important to impart. Councilman Al chimed in that he did not feel it was onerous for tree companies to be informed by the full Ordinance, but rather useful. It was agreed that this will require further discussion. If we plan to go forward in favor, it will require going back to Mayor/Council to amend the Ordinance. It was pointed out that there will be several points on which to go back to Council; it was agreed, for the sake of efficiency, that we would cull together our requests to Council for amendment.

George indicated that the Commission consider the discussion of communication with tree contractors for Phase II of its work when we go forward in outreach to inform and educate all constituencies in dealing with the borough's tree activity. This is tabled for future discussion with B.A. Dave (who was not at the meeting). Shana pointed out a need to align the Ordinance numerically/sequentially, referencing that it may have been crafted in a cut/paste fashion. Lauren referenced tabling other such discussions for Dave. George asked that any questions for Dave be gathered prior to meeting with him so he may be properly prepped in answering.

Sidewalks uprooted by strip trees: Al raised the concern that while the homeowner is responsible for the sidewalk, many are damaged by trees in the strip and a question of maintenance liability. He is hopeful that the Shade Tree Trust will endeavor to invest in these repairs ahead. George indicated that the Commission



will provide a list of recommended trees for sidewalk strips, based on strip size, including drought tolerance based on the fact that many sidewalk-strip trees don't have the benefit of proper watering. Per Lauren, a "Five-year plan" will include addressing how to deal with sidewalks as they relate to the maturing trees; and that other forestry plans may offer possible solutions to the issue of sidewalk integrity. George assured that once we establish a list of recommended trees, based on professional expertise, that the Commission will codify taking on a level of responsibility. Further research is needed on this topic.

Current Permit Applications

It was noted that all permits granted approval for tree removal include the information "stump removal to grade."

There was discussion as to the best process for notifying applicants of the decision rendered by the Tree Expert – phone notification and/or letter; and whether the Tree Expert signs off to the Borough or to the Commission, and which body notifies the applicant of a decision. For now, it was agreed that Chairman George will contact all applicants by phone. This will be followed up with a written notification sent to the address of the applicant and copied to the Borough. Per above, it will include stump removal information as well as encouraging those who are not replacing sidewalk strips to consider doing so.

The Commission will provide information on recommended trees based on sidewalk strip size based on the advice of the interim Tree Expert. **Councilman John indicated he will also share (by email) a list of recommended trees.**

Seven Tree Applications have been received by this body. Each was reviewed and discussed.

20-004 - Removal of 2 trees in planting strip; replace with just grass.
Submitted: 5/20/20.

Removal was granted based on the fact of when the application was submitted, and that it was determined by those in this body who visited the property that these trees were in poor health. All members were in favor.

20-009 - Removal of Maple Tree (pushing up sidewalk)
Submitted: 8/26/20

Removal was granted based on the fact that this application was submitted 20 days out, and that it was determined by those in this body who visited the property that the tree is diseased and not getting any better. All members were in favor.

20-011 – Removal of tree in front of house in sidewalk strip & branch pruning on side of house.
Submitted: 9/8/20

Removal was granted based on the determination by those in this body who visited the property that the tree is diseased. All members were in favor.

20-012 – Remove a tree/branch pruning: determine if two front sidewalk-strip trees need pruning or if they are hollow on the inside and need to be removed.



Submitted to Borough: 9/9/20; forwarded to Commission: 9/14/20

Tree Expert to be called in to determine the state and health of the two trees. Permit fee is waived as it was received prior to the practice established by the Shade Tree Commission. All members were in favor.

20-013/20-014/20-015 - Planting a series of sidewalk strip trees. Addressing all three applications together. This is a corner property with a sidewalk strip that runs contiguously/continuously. Indicated Cleveland Pears for all. Shana had a conversation with the corner lot owner, who is planning DIY planting for all three properties and is open to suggestions of best trees for the sidewalk strip. The strip is quite narrow (less than 2'). Additionally, concerned as to the location of the first tree relative to the corner.

Submitted: 9/8/20; 9/12/20; 9/14/20

It was agreed by this body to speak with our interim Tree Expert as to best trees for this size planting strip and required location from corner.

Interim Tree Expert

Lauren had spoken to Mr. Bill Brash initially and he indicated an interest in serving the Borough at this time. Per Lauren, Mr. Brash is the Tree Expert for a number of area towns, including Spring Lake, Freehold and Sea Girt. Lauren directed Mr. Brash to B.A. Dave Brown.

The Commission has been approved to go forward with an interim Tree Expert, with a Purchase Order in the amount of \$3,000 for services by William F. Brash, Jr. Going forward, the Commission will put out an RFP to hire a permanent Tree Expert for 2021.

George will go back to Mr. Brash to have an initial conversation of the items we would like to address: the current applications, i.e. site visit for 20-012 and advisement for 013/014/015 planting, and a recommended list of side-walk strip trees that are appropriate for our Beach town. Additionally, we will plan to use his services to get us up to speed on Community Forestry, a 5-year plan, and required industry accreditations; looking ahead to a street tree inventory, and generally "picking his brain" on what we need to do to get started, and move forward.

George will reach out to Joanne to check in. As a former Shade Tree Commission member, Joanne comes with a great deal of knowledge to help in this area.

John recommended that we review the old Forestry plans which were recorded by the Borough in 2001 and 2006, as a means of informing us on our own Commission history.

Other

George remarked to Councilman John that the Commission is in need of more members.

Larry Bagwell, among the public individuals in attendance, expressed an interest in participation in the Commission.

John indicated that he will reach out to the DPW and perform an inventory of their supply from the former Shade Tree Commission, e.g. watering bags, for our possible use ahead.



Note: the following agenda items were not discussed and will be on the next agenda:

- **Discussion on flow charts**
- **Update on Forestry Plan/Conference/Tree City, CEUs**

Public Comments

Rich Despina thanked everyone.

Larry Bagwell indicated that he worked in Zoning/Planning boards in the past and didn't realize that there were so many decision points in the Shade Tree process.

Peter Sharpe – Mr. Sharpe expressed increased comfort with the work of the Shade Tree Commission and stated that he was happy to have attended the meeting.

Lauren made a motion to close the meeting; Shana seconded the motion.
Meeting adjourned at 9:10 PM.

Respectfully submitted:
Shana Greenblatt Janoff
10/1/20