

MEETING MINUTES

Shade Tree Committee
City Hall – 280 Grove Street, Jersey City NJ 07302
Councilmember Mira Prinz-Arey, Chair

Meeting: Jersey City Shade Tree Committee Meeting

Date / Location: 16 November 2020 – 6:30 p.m.
Videoconference remote meeting via Zoom

Attendees: **Voting Committee Members**
Mira Prinz-Arey, Chair
Denise Bailey
David Hurtle
Matthew Trump
Theodore G. Tasoulas, Vice-Chair
Marc Wesson

Non-Voting Committee Members/City Representatives
Cameron Black, Senior Planner, Jersey City Division of Planning
Kate Lawrence (Secretary), Director, Jersey City Office of Sustainability
John McKinney, Jersey City Department of Law
Edward O'Malley, Jersey City Forester
Adam Cohen, alternate/designee

Prepared By: Kate Lawrence
Approved: December 21, 2020

PUBLIC NOTIFICATION

Meeting notice was sent to the City Clerk's Office, the Jersey Journal, the Hudson Reporter, and el Especialito on November 12, 2020. The agenda was also posted on the website for the Office of Sustainability, <https://jcmakeitgreen.org>.

ROLL CALL

The Committee meeting commenced at 6:41 PM. Six of six voting committee members were present.

APPROVAL OF PREVIOUS MINUTES

- Chair Mira Prinz-Arey made a motion to approve minutes as sent with Committee Member Denise Bailey's comments as an addendum. Committee Member Marc Wesson seconded.
- The meeting minutes for September and October were approved by the Shade Tree Committee with no one voting against.

NEW BUSINESS

Presentation of Green Infrastructure Standards – Lindsey Sigmund, City Planning

- City Environmental Planner Lindsey Sigmund provided a presentation (attached to these minutes) on the City's Green Infrastructure Standards and why she was requesting to include them in the Forestry Standards
 - City Planning is seeing more applications for development that includes Green Infrastructure (GI) and there is a need for a uniform standard for the City and developers. This will become more relevant as projects in flood overlay zone are proposed.
 - Planning, Sustainability, Architecture, and Engineering came up with draft Standards. Ms. Sigmund stated that it would make sense to include them in the Forestry Standards.
 - In addition to including engineering drawings of standard GI, she suggested that some language in Forestry Standards will need to be revised.
 - Mr. Wesson asked if there was funding for GI. Committee Secretary Kate Lawrence talked about how green infrastructure is part of the City's Long Term Control Plan and is required as part of development as part of updates to state stormwater regulation and the City's Stormwater Ordinance.
 - Ms. Sigmund pointed out that adding GI to the Right of Way (i.e. sidewalk) is good way to add green infrastructure in a city like Jersey City with high lot coverage.
 - The Committee discussed maintenance of GI and who should be responsible.
 - City Forester Edward O'Malley opined that developers should be responsible for GI maintenance.
 - Ms. Sigmund noted that maintenance of GI can be required of developers at time of approval and lack of maintenance could result in a zoning code violation.
 - Mr. Adam Cohen noted that the City doesn't seem to currently have an effective way to enforce requirements. He opined that MUA or City should be responsible for maintenance and the City need a better way to enforce.
 - Ms. Sigmund stated that the draft Long Term Control Plan involves both grey and green infrastructure. Developers are putting burden on already burdened dense urban area.
 - Ms. Bailey asked if Shade Tree Committee would review proposals
 - Ms. Sigmund and Secretary Lawrence clarified that specific City Departments are set review agents, including the MUA, Engineering, and Architecture. The Shade Tree Committee would not review proposals.
 - There was a discussion about lack of GI in Hudson County projects.
 - Ms. Sigmund said the County was concerned about maintenance but they are part of START and we will continue conversation
 - Ms. Sigmund noted that she provide specific language recommendations for a future meeting. She also noted that the surveys were still available for the Master Plan and Open Space Inventory. At least 2,000 responses so far. Trying to increase outreach across City.

Chapter 321

- John McKinney reviewed the final draft of proposed changes to Chapter 321 of the City Code and the noted concerns from the Parks Coalition.

- He noted that regulations for old growth trees can be addressed in Forestry Standards.
 - Regarding violations for the removal of trees -- the City can only go so far in dictating what the court can do. But the Forester can absolutely weigh in and this would be part of the documentation connected with the violation.
 - Mr. McKinney also noted that the law only allows us to set a minimum fine, so penalties cannot be set based on diameter of tree.
- There was a discussion about potential violations for not maintaining a tree and the City could prove that a tree was neglected. Mr. McKinney noted that he would look into this.
 - Forester O'Malley suggested that the City require dead trees to be replaced within a certain period of time, as is done with the Division of Parks and Forestry's planting contracts.
 - Ms. Bailey asked about the current maintenance requirements for tree plantings. Forester O'Malley noted that there is a warranty period of two years. After that it's the City's responsibility.
 - Committee Member Matthew Trump opined that if developers are required to put in a tree then they should be required to continue to have a tree in front of their property.
- There was a discussion among the Committee members of the merits of gator bags. The City does not require them or provide them
 - Mr. Wesson noted that gator bags are a problem for trees. Forester O'Malley agreed; they need to be maintained or else they can create problems.
- There was a discussion between some of the Committee members of what language should be included in the "Whereas" section of the ordinance. Secretary Lawrence clarified that "Whereas" section is not part of ordinance. It is what is used to introduce ordinance to Council.
- The Committee discussed whether or not there was time for public input on the Forestry Standards. Mr. McKinney noted that the Forestry Standards are approved by City Council by resolution and all resolutions allow for public comment. Chair Prinz-Arey noted that additional public comments are allowed at Council meetings beforehand as well.
- The Committee discussed the concern of the Parks Coalition that both the Forestry Standards and Ordinance should be passed at same time
 - Mr. McKinney noted that there were logistical issues as to why this couldn't be done but that there is language that can be put in place as part of ordinance to prevent any timing issues. The Shade Tree Committee can keep this moving by putting in place a timeline.
- Mr. Wesson asked Mr. McKinney to re-explain why the City can't have a Shade Tree Commission. Mr. McKinney explained that the City of Jersey City is a Faulkner Act city and at that means that at the end of day the Mayor supersedes anything that a Commission does. Mr. McKinney noted that instituting a Shade Tree Commission now when there is a Division of Parks and Forestry means that at the end of day the Shade Tree Commission holds no weight and anything that a Commission stated could be subject to legal challenge.
 - There was a discussion about Mr. McKinney's reasoning and examples of other NJ cities with Commissions.

- Ms. Bailey opined that a Commission would have more public involvement. She noted the importance of the state enabling statute and stated that she wanted more research done.
- Mr. Wesson stated that the reason he wanted a Commission was because there wasn't a Forestry Department and a forester that was supported. If Jersey City had that then it wouldn't need a Commission.
 - Forester O'Malley stated there should be a Division of Forestry.
- There was a discussion of whether or not the Forestry Standards carried as much weight as the ordinance.
 - Mr. McKinney noted that the main points are in ordinance and the regulations with more nuance are in Forestry standards. He stated that he was confident that the City can enforce Standards. This has been done with a lot of other ordinances, including the safe streets ordinance/resolution. First you pass legislation, then you pass standards. This is done in lots of places. Not arbitrary. Very clear. Not concerned in the slightest of anyone being able to challenge that.
- Ms. Bailey stated that she was concerned that the language in the ordinance allowing removal of trees in situations identified in Forestry Standards is too vague.
 - Ms. Bailey opined that trees are just being removed indiscriminately without people paying fees.
 - Vice-Chair Theodore G. Tasoulas asked why the Committee was spending so much time talking about trees being cut down indiscriminately when this is not an issue that leads to a large percentage of tree loss in the City.
 - Ms. Bailey disagreed with Vice-Chair Tasoulas and brought up Society Hill. Mr. McKinney said this was a totally different issue that spanned 20 years.
- There was a discussion about when a tree should be allowed to be removed. Some people want no trees to be removed ever. Others disagreed. It was noted that it was the role of the Forester to make these decisions.
- The Committee voted to accept current draft and move it to go ahead for next Council meeting.
 - Chair Prinz-Arey made a motion. Mr. Wesson seconded. Five out of six Committee members voted in favor and Ms. Bailey voted against. Motion carried.

Forestry Standards

- Mr. McKinney noted that he had uploaded a Word version of the current Forestry Standards to Microsoft teams groups for document sharing. Committee members could add notes and proposed revisions.
 - There was a discussion among some Committee Members about difficulty accessing the document. Mr. McKinney noted the issues and stated that he would resolve them.

PUBLIC COMMENT

- Tracy Vollbrecht stated that she felt the language in the ordinance needed more work and that the Forestry Standards needed to be passed at same time as the ordinance.

- Caroline Katz-Mount & Nanette Jacobs & Pershing Field Neighborhood Association stated they disagreed with changes in the language of the ordinance regarding tree removal and notice. Written comments are attached to these minutes.
- Laura Skolar-Gamarello thanked the Committee for clarification on the points that the Jersey City Parks Coalition had and noted that she felt that it is important to move forward with changes to Forestry Standards at the same time as the ordinance.
- Liz Morrill asked questions about the enforcement of violations, including what the statute of limitations for tree violations is, who is responsible if a tree is removed and the remover does not pay the fine.
 - Mr. McKinney noted that there is no real statute of limitations.
 - Forester O'Malley noted that if developers breach their agreement to pay instead of planting a tree then he contacts the City Prosecutor.

OPEN DISCUSSION

- Chair Prinz-Arey said she would circulate schedule for the coming year.

ADJOURNMENT

The meeting was adjourned at approximately 9:00 p.m.

Next Meeting

The next meeting of the Jersey City Shade Tree Committee is scheduled for Monday, December 21, at 6:30 p.m. This meeting will be held remotely as a videoconference. Virtual access information will be distributed before the meeting.

GREEN INFRASTRUCTURE STANDARDS

SHADE TREE COMMITTEE MEETING

11/16/2020

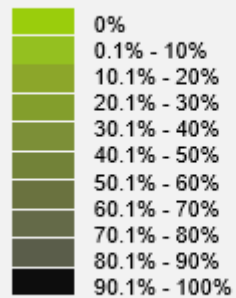


OVERVIEW

- ✓ Stormwater Issues in JC
- ✓ Green Infrastructure
- ✓ Proposed Revisions to Forestry Standards
- ✓ Next Steps

STORMWATER

Impervious Surface



53% of Jersey City is impervious.

Paved surfaces contribute to **increased stormwater runoff** and **hotter summers**.

STRATEGIES

GREEN INFRASTRUCTURE

Stormwater Management practice that uses/mimics the natural cycle to capture, filter, absorb, and/or re-use stormwater

GI Implemented by:

- Jersey City/JCMUA
- Other regional entities (ex: PVSC)
- Schools and Universities
- Community
- Private Development



JERSEY CITY BIOSWALES + RAIN GARDENS



Photo: Kevin Link Photography

GI STANDARDS

GREEN INFRASTRUCTURE STANDARDS

Architecture, Sustainability, Planning and Engineering established standards for city- and developer-implemented green infrastructure in the City Right-of-Ways including:

- Enhanced Tree Pits
- Right-of-way Bioswales
- Green Strips

Will become more relevant as projects in Flood Overlay Zone are proposed. NJDEP stormwater rules will also increase GI throughout the city.

PDF OF DRAFT STANDARDS



BIOWSWALE, MERSELES + 2ND ST, DOWNTOWN JC

GREEN INFRASTRUCTURE STANDARDS

Sections to be revised

- I.B.2
 - “For green infrastructure projects installed as part of a private development project, the design and planting and maintenance shall be facilitated through the Land Use Board approval process. All other projects...”
- II.I.
 - Same language as above?
 - “Refer to specs in appendix”

I.B.2 Tree Planting Requirements for Special Projects and Green Infrastructure

Trees planted in parks, traffic triangles, and along streets as part of special projects or green infrastructure projects by community groups, individuals, organizations or government agencies will require approval from various City departments and provisions for maintenance in place. If you are interested in installing a special project or Green Infrastructure project on City-owned property, please contact the Jersey City Office of Sustainability at 201-547-4428.

All permitted plantings must conform to the same standards as those indicated in Section II of this document.

II.I. Bioswales / Green Infrastructure

Bioswales installed on the right-of-way help collect and manage stormwater runoff from streets and sidewalks by directing stormwater to engineered systems that typically feature soils, stones, and vegetation. At this time, Parks & Forestry does not issue permits for private installations of bioswales on the right-of-way without the consent of appropriate city agencies, and provisions for maintenance in place. If you are interested in installing a bioswale or other GI element, please contact the Jersey City Office of Sustainability at 201-547-4428.

CONTACT:

LINDSEY SIGMUND, AICP, ENVIRONMENTAL PLANNER

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MASTER PLAN

- Visit the website – jcnj.org/ourjc
- Take our Surveys!
- Sign up for our email listserv at ourjc@jcnj.org
- Virtual Public Meetings on Events Page



Visioning Survey

Jersey City Master Plan - Visioning Survey



Neighborhoods Survey

Jersey City Master Plan - Neighborhoods Survey



Open Space Survey

Jersey City Master Plan - Open Space Survey

STRATEGIES

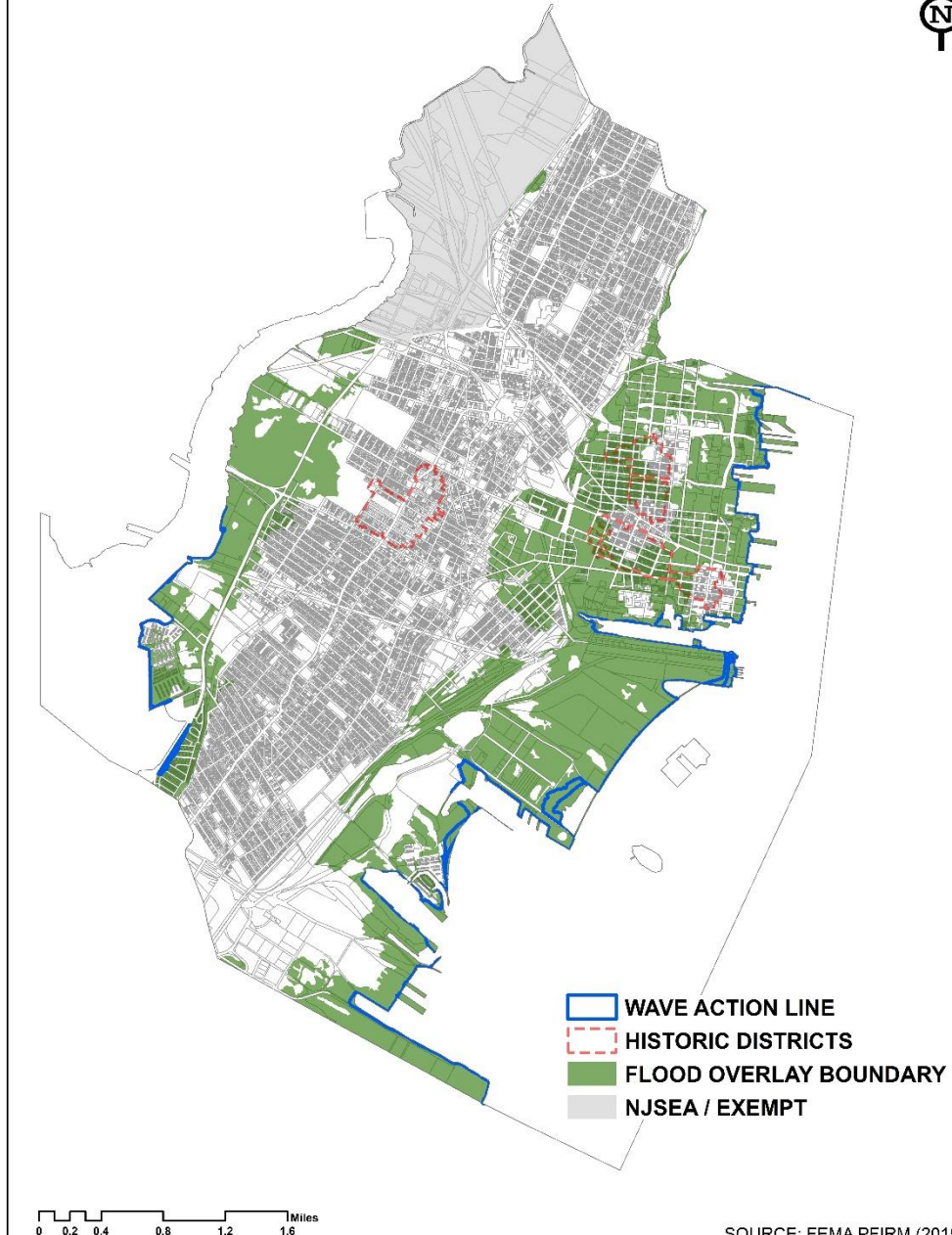
THE F ZONE OVERLAY

- Applies to parcels wholly or partially in the 100-year Floodplain
- Must meet Green Area Ratio (GAR)
- GAR – Green Inf. options via points system for the following sub districts:
 - **F-AE Zone** = GAR of 0.25
 - **F-VE Zone** ([Wave Action Line](#)) = GAR of 0.50
- Example:

GAR Element	Multiplier	SF Proposed
Landscaped Area (soil depth < 24")	0.3	450
Groundcover	0.2	700
Extensive Green Roof	0.7	1300

Lot Area	Sub District	GAR Proposed
5,000 SF	F-AE	0.27

PARCELS IN THE 100-YEAR FLOODPLAIN



From: Caroline Katz-Mount

Sent: Wednesday, November 18, 2020 17:48

To: Council-B Mira Prinz-Arey

Cc: nannette jacobs-ali; Paul Amatuzzo

Subject: Statement for Shade Tree Committee Meeting of November 16, 2020

Dear Mira,

Here is our Statement from Monday night's meeting. One important need for clarification not included in it, is that our understanding was that there is a right to public comment when the Council votes on an Ordinance but not on a Resolution. Could you clarify if this is accurate. Also, please note we wouldn't have read out the language of each section but thought it might be helpful to have it the written statement.

Thank you and your Committee for your work and for welcoming our participation,
Caroline & Nannette

Statement Regarding Proposed New Tree Ordinance from
Caroline Katz-Mount, Vice President and Nannette Jacobs-Ali, Secretary,
Pershing Field Neighborhood Association, Inc. (PFNA)

The Shade Tree Committee was established to advocate for trees as per the Municipal Code:
"Sec. 10-1 Establishment of an advisory Shade Tree Committee [Amended 7-17-2019 by Ord. No. 19-082]

"The Jersey City Shade Tree Committee is hereby established to **further the proliferation and preservation of shade trees** in the City and to ensure the many benefits trees provide to current and future inhabitants of the City." (Bolding ours).

The proposed Ordinance, however, will not adequately "further the preservation of shade trees in the City."

Regarding **Sec. 321-6 Removal of City Trees:**

Sec. 321-6.A We would like clarification of A: "**An adjoining property owner may be granted a permit for the removal for the removal of a City tree....**" What would happen if a *prospective* owner wanted assurance that it could have the tree removed before purchasing the property in question or if someone who owns no property near the tree requests removal? We believe A.1. should govern City tree removals period, regardless of what person or entity is requesting removal.

Sec. 321-6.A.1. [The City tree poses a danger to persons or property which cannot be remedied except by removal;] This should remain in the Ordinance as the overriding principle governing tree removal and not be subject to change by the Forestry Standards because the Standards are presented to the Council as a Resolution not an Ordinance, so they can be changed without sufficient deliberation and community input.

Sec. 321.6.A. 2 [The removal of the City tree is required for the development of the property or the improvement of the sidewalk].

A.2 should be removed. Protecting trees comes first. We are all aware of the devastating effects of climate change and the importance of trees, particularly old growth trees, in fighting it. Jersey City's "tradition" of "losing" trees should end.

This section is also completely vague — what kind of development? What kind of sidewalk improvement? In any case, "development of property" can be done without removing City trees. Surely competent architects can figure out ways to build around existing trees, especially old growth trees. And new sidewalks can be laid around tree pits without destroying the trees. Developers should be informed that the only basis for removing a tree is Section 6.A1, above.

If the City anticipates that there will be extraordinary circumstances that would warrant removal of tree(s) in contradiction to Sec.321-6.1 such circumstances should be delineated and a protocol for making exceptions, including community input should be spelled out in detail in the Ordinance.

Sec. 321—6. D. [Nothing in this section shall be construed to limit the power of the Division to move or require the removal of any City tree or part thereof for any purpose consistent with Sec 321-A. 2]

This gives the Division of Parks and Forestry unlimited power to effect removals based on A.2. A.2 and D together will allow for easy removal of trees in undefined circumstances, without community input. It provides no criteria for removal, no requirement to inform the public or get public input.

We support **Sec. 321-6.1 A.1 Notice of Removal of City Trees** with one change. Notice should be given for one (NOT two) or more trees. Each tree merits a chance for survival. Removal affects everyone living in the vicinity of the tree; citizens deserve the right to voice their concerns before a decision to remove is made. Last January a couple bought a house in the Heights. The house next to it was demolished the week they moved in and they learned the big tree in front was next. They reached out for help to a few of us and we suggested contacting Councilwoman Mira Prinz-Arey, Ed O'Malley and others. Ed O'Malley visited and prevented the removal of the tree. As the owners wrote, "If we hadn't connected with you, the tree would have been cut down to the stump and we would have lost another City tree to greed." All Jersey City streets should be protected from such possible loss by City law -- not by chance intervention.

cc: Paul Amatuzzo, President, Pershing Field Neighborhood Association, Inc.