



National Park Service
U.S. Department of the Interior



LWCF Proposal Description and Environmental Screening Form

Name of LWCF Proposal: *Tenaflly Nature Center Education & Discovery Center*

Date Submitted to NPS:

Prior LWCF Project Number(s) *List all prior LWCF project numbers and all park names associated with assisted site(s):*

LWCF Project file #34-00269, Blankman Tract, Block 2702 Lot 1, Lost Brook Preserve

Local or State Project Sponsoring Agency *(recipient or sub-recipient in case of pass-through grants):*

NJ Department of Environmental Protection, Green Acres Program, Borough of Tenaflly

Local or State Sponsor Contact: Name/Title:

- *Jewel Thompson-Chin, Borough Administrator, Borough of Tenaflly*
- *Ellen Kuhn, Director of Special Projects, Tenaflly Nature Center Association, on behalf of the Borough of Tenaflly*
- *Steve Jandoli, NJ DEP, Green Acres Program Liaison*

Office/Address:

- *Borough of Tenaflly, 100 Riveredge Road, Tenaflly, NJ 07670*
- *Tenaflly Nature Center Association, 313 Hudson Avenue, Tenaflly, NJ 07670*
- *NJ DEP, Green Acres Program, Mail Code 501-01, PO Box 420, Trenton, NJ 08625-0420*

Phone/Fax:

- *201-568-6100*
- *201-568-6093*
- *609-984-0499*

Email:

jthompsonchin@tenaflly.net
ekuhn@tenafllynaturecenter.org
sjandoli@dep.state.nj.us

Step 1. Type of LWCF Proposal

New Project Application

☐

Acquisition

Go to Step 2A

☐

Development

Go to Step 2B

☐

Combination (Acquisition & Development)

Go to Step 2C

Project Amendment

☐

Increase in scope or change in scope from original agreement.

Complete Steps 3A, and 5 through 7.

☐

6(f) conversion proposal. Complete Steps 3B, and 5 through 7.

☐

Request for public facility in a Section 6(f) area. Complete Steps 3C, and 5 through 7.

Request for temporary non-conforming use in a Section 6(f) area.

Complete Steps 4A, and 5 through 7.

X

Request for significant change in use/intent of original LWCF application.

Complete Steps 4B, and 5 through 7.

Request to shelter existing/new facility within a Section 6(f) area regardless of funding source. Complete Steps 4C, and 5 through 7.

Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities (See LWCF Manual for guidance.)

B. Proposal for Significant Change in Use

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area outlined in the original LWCF application for federal assistance. Consult with NPS for early determination on the need for a formal review. NPS approval is only required for proposals that will **significantly** change the use of a LWCF-assisted site (e.g., from passive to active recreation). The proposal must include and address the following items:

1. A letter of transmittal from the SLO recommending the proposal.
2. Description of the proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.

The preferred scheme proposes building a new Education and Discovery Center and improvements (driveway, parking, school bus turnaround) on land previously undeveloped which has been used for passive recreation since it was acquired by the Borough of Tenafly in 1977. The LWCF agreements do not contemplate any building on the Blankman Tract. The Blankman Tract is over 200 acres in size. The proposed changes affect approximately 2 acres. The Education and Discovery Center will support the continued passive recreation use of the Blankman Tract by providing educational programs and increase access to the Blankman Tract, without compromising the nature and character of the property or causing physical damage to the larger Blankman Tract.

The National Park Service LWCF manual in Chapter 3.C.5.a. clearly describes that support facilities of a LWCF assisted site are permissible. However, we understand that this pertains to support facilities that are associated with a new development project application, and is not meant to be applied to a completed project like the Blankman Tract property, which is why this application is being filed for permission to build a support facility on a small portion of the Blankman Tract property.

3. Explanation of the need for change in use and how the change is consistent with local plans and the SCORP.

Since it was founded more than 50 years ago, TNC has grown in acreage it stewards (from 55 acres to nearly 400, including the Blankman Tract), numbers of programs (1,100 delivered in 2013), visitors, audience (22,000 program participants in 2013) and staff; TNC's programming and staff have more than doubled in the past decade. Without a larger, updated facility with universal access to meet the demand for more programs and visitors, TNC will have to reduce programming, which will negatively impact membership, visitor experience and income, and which may affect the ability of the organization to survive. TNC explored the possibility of siting a new Education and Discovery Center at a different location within the larger area of the Nature Center (other than the Blankman Tract), but as set forth more completely in the attached EA, no other site fulfilled all the requirements for the new Center without significant environmental impact to the site. The preferred scheme for construction of the new Center within the Blankman Tract addresses SCORP's stewardship action goals of enhancing and increasing access to public open space with the least amount of environmental disruption. Expansion on the preferred site will support TNC's mission, which co-incides with SCORP's objective, to protect open space for recreation, support environmental education, and to maintain the site's diverse wildlife habitats, some of which are important to threatened or endangered species.

4. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Step 5. Summary of Previous Environmental Review (including E.O. 12372 - Intergovernmental Review)

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and any other environmental reviews. At a minimum, address the following:

1. Date of environmental review(s), purpose for the environmental review(s) and for whom they were conducted.

- *NJ Department of Environmental Protection, Letter of Interpretation to verify wetlands boundaries June 26, 2012 (**Attachment A**) SHPO review of Archaeological Resources Report (see **Environmental Assessment Report, Appendix C**)*
- *Change in use approval of the Construction of a new Education and Discovery Center successfully completed under the requirements outlined in N.J.A.C. 7:36-25.6 as determined by the Green Acres Program of the State of New Jersey Department of Environmental Protection on July 26, 2013 (**Attachment B**).*

2. Description of the proposed action and alternatives.

See pages 5 to 7 of the attached Environmental Assessment Report.

3. Who was involved in identifying resource impact issues and developing the proposal including the interested and affected public, government agencies, and Indian tribes.

Croxtton Collaborative, Architect LLC assembled a team to examine resource impact issues including: Civil Engineer Yu & Associates; Cultural Resource Consultant Richard Grubb & Associates; Environmental Consultant, Amy S. Greene, Environmental Consultants, Inc. The Mayor and Council of the Borough of Tenafly and each relevant Borough commission as well as the Green Acres Program of the State of New Jersey Department of Environmental Protection reviewed the proposed action.

4. Environmental resources analyzed and determination of impacts for proposed actions and alternatives. The team examined:

Geological Resources, including Geology, Soil, Topography and Slopes; Air Quality; Noise; Water Resources including Quality and Water Quantity Resources; Streams & Floodplains; Wetlands and Wetland Transition Areas; Land Use and Zoning; Circulation and Transportation; Vegetation; Wildlife; Threatened and Endangered Species; Recreational Resources; Accessibility; Aesthetics and Special Characteristics; Historic Properties, Cultural Resources, and Archeological Resources; Socioeconomic Issues; Minority and Low-Income Populations; Public Service and Utilities; Public Health and Safety; Hazardous Conditions

5. Any mitigation measures to be part of the proposed action.

Mitigation is proposed in the following areas: rainwater harvesting and rain gardens, permeable paving and water retention in parking lot areas; reusing 3,500 cu. yds. of rock & soil removed to level the site to build a universally accessible trail. In addition, Tenafly Nature Center has recommended reforestation approximately one acre surrounding its existing visitor center site

6. Intergovernmental Review Process (Executive Order 12372): Does the State have an Intergovernmental Review Process? Yes _____ No **X**. If yes, has the LWCF Program been selected for review under the State Intergovernmental Review Process? Yes _____ No **X**. If yes, was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response.

- *Public comment invited at Nov. 20, 2012 Public Hearing on Green Acres Lease Extension. Lease approved by Municipality by ordinance, but not executed due to Green Acres revisions reflecting legislative changes which required second lease hearing.*
- *April 23, 2013 Public Hearing on Green Acres Change in Use –14 days of public comment following hearing, at which public was invited to comment. Response to public comment included response to topics raised in more than 100 letters to the editor in local papers before and after the public hearing*
- *Public comment invited at Sept. 10, 2013 Public Hearing on Green Acres Lease Extension--Public invited to comment during hearing, Change of Use for proposed Education and Discovery Center approved by unanimously by resolution by Tenaflly's Borough Council. Sept. 10, 2013, (**Attachment C**) Lease approved unanimously by Borough Council by ordinance, (**Attachment D**).*
- *See Dec. 18, 2013 letter, (**Attachment E**), from Martha Sullivan Sapp, Acting Administrator, NJDEP Green Acres Program, stating that the NPS agreed that the April 23 hearing and documents posted on TNC's website "satisfy the EA scoping intent."*
- *All Public comments were addressed by TNC and available to the public in hard copy and on Municipal, Tenaflly Nature Center and NJDEP Green Acres websites following April 23 Public hearing and comment period. Information relating to the project has continuously been available on the Tenaflly Nature Center website at: <http://www.tenafllynaturecenter.org/new-education-and-discovery-center>.*
- *See (**Attachment F**) comprising responses to comments from the April 23 hearing and 2-week public comment period following) submitted to Green Acres to support the application for change in use*

8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.

*Change in use approval of the construction of a new Education and Discovery Center successfully completed under the requirements outlined in N.J.A.C. 7:36-25.6 as determined by the Green Acres Program of the State of New Jersey Department of Environmental Protection on July 26, 2013 (**Attachment B**).*

9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

*Change in use of the construction of a new Education and Discovery Center successfully completed under the requirements outlined in N.J.A.C. 7:36-25.6 as determined by the Green Acres Program of the State of New Jersey Department of Environmental Protection on July 26, 2013 (**Attachment B**).*

Step 6. Environmental Screening Form (ESF)

| A. ENVIRONMENTAL RESOURCES Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9. | Not Applicable- Resource does not exist | No/Negligible Impacts- Exists but no or negligible impacts | Minor Impacts | Impacts Exceed Minor EA/EIS required | More Data Needed to Determine Degree of Impact EA/EIS required |
|---|---|--|----------------------|--|--|
| 1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc. | | | x | | |
| 2. Air quality | | x | | | |
| 3. Sound (noise impacts) | | x | | | |
| 4. Water quality/quantity | | x | | | |
| 5. Stream flow characteristics | x | | | | |
| 6. Marine/estuarine | x | | | | |
| 7. Floodplains/wetlands | | | x | | |
| 8. Land use/ownership patterns; property values; community livability | x | | | | |
| 9. Circulation, transportation | | x | | | |
| 10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing | | | x | | |
| 11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc. | x | | | | |
| 12. Unique or important wildlife/ wildlife habitat | | x | | | |
| 13. Unique or important fish/habitat | x | | | | |
| 14. Introduce or promote invasive species (plant or animal) | | x | | | |
| 15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. <u>Most conversions exceed minor impacts. See Step 3.B</u> | | x | | | |
| 16. Accessibility for populations with disabilities | x | | | | |
| 17. Overall aesthetics, special characteristics/features | | x | | | |
| 18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination. | x | | | | |
| 19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure | | x | | | |
| 20. Minority and low-income populations | | x | | | |
| 21. Energy resources (geothermal, fossil fuels, etc.) | | x | | | |
| 22. Other agency or tribal land use plans or policies | x | | | | |
| 23. Land/structures with history of contamination/hazardous materials even if remediated | x | | | | |
| 24. Other important environmental resources to address. | x | | | | |

| B. MANDATORY CRITERIA If your LWCF proposal is approved, would it... | Yes | No | To be determined |
|--|------------|-----------|-------------------------|
| 1. Have significant impacts on public health or safety? | | X | |
| 2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O 11988); and other ecologically significant or critical areas. | | X | |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? | | X | |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? | | X | |
| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? | | X | |
| 6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects? | | X | |
| 7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office.(Attach SHPO/THPO Comments) | | X | |
| 8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. | | X | |
| 9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment? | | X | |
| 10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? | | X | |
| 11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)? | | X | |
| 12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? | | X | |

Environmental Reviewers

The following individual(s) provided input in the completion of the environmental screening form.
List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.

1. Please see Environmental Assessment Report
- 2.
- 3.

The following individuals conducted a site inspection to verify field conditions.

List name of inspector(s), title, agency, and date(s) of inspection.

1. Please see Environmental Assessment Report
- 2.
- 3.

**State may require signature of
LWCF sub-recipient applicant here:**

Date _____

Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation

First, consult the attached list of “Categorical Exclusions (CEs) for Which a Record is Needed.” If you find your action in the CE list **and** you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF **and** you answered “no” to all of the “Mandatory Criteria” questions in Step 6B, the proposal qualifies for a CE. Complete the following “State LWCF Environmental Recommendations” box indicating the CE recommendation.

If you find your action in the CE list **and** you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources **and** you answered “no” to all of the “Mandatory Criteria” questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following “State Environmental Recommendations” box indicating the need for an EA.

If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following “State Environmental Recommendations” box indicating the need for an EA or EIS.

State NEPA Pathway Recommendation

☐ *I certify that a site inspection was conducted for each site involved in this proposal and to the best of my knowledge, the information provided in this LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state’s NEPA file for this proposal and are available upon request. On the basis of the environmental impact information for this LWCF proposal as documented in this LWCF PD/ESF with which I am familiar, I recommend the following LWCF NEPA pathway:*

- ☐ This proposal qualifies for a Categorical Exclusion (CE).
 - CE Item #:
 - Explanation:
- ☐ This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.
- ☐ This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A, P. O. Box 420

Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

JUN 26 2012

Tenaflly Nature Center
313 Hudson Ave
Tenaflly, NJ 07670

RE: Letter of Interpretation: Line Verification-Portion of a Site
File No.: 0261-12-0002.1
Activity Number: FWW120001
Applicant: Tenaflly Borough
Block: 2702 Lot: Part of Lot 1
Tenaflly Borough, Bergen County

Dear Ms. Kleinbaum:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on a portion of the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, the Division is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by Division staff on June 19, 2012 the Division has determined that the wetlands and waters boundary lines as shown on the plan map entitled: "Wetland Delineation Plan, Portion of Lot 1 in Block 2702, Prepared for: Tenaflly Nature Center located in: Borough of Tenaflly, Bergen County, New Jersey", consisting of 1 sheet, dated January 25, 2012 unrevised, and prepared by GEOD Corp., is accurate as shown.

Wetlands Resource Value Classification ("RVC")

Wetland flags C-12 to C-01 to C-014, G-1 to G-12, A-1 to A-7, B-1 to B-20, and D-1 to D-8 were determined to be of intermediated resource value with a 50 foot wetland buffer or transition area.

It should also be noted that the "B" line and the "D" line are isolated. The RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-4) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Department. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.6 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.8. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this

determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Appeal Process

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information on this process.

Please contact me by e-mail at andy.clark@dep.state.nj.us or by phone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,

A. Langbein for,

Andrew Clark
Northeast Region Supervisor
Division of Land Use Regulation

6/26/2012

c: Tenaflly Borough Clerk
Tenaflly Borough Construction Official
Agent (original)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Green Acres Program
Mail Code 501-01 PO Box 420
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Trenton, New Jersey 08625-0420

Tel.# 609-984-0631 / Fax # 609-984-0608
www.state.nj.us/dep/greenacres

BOB MARTIN
Commissioner

July 26, 2013

Ms. Lissette Aportela-Hernandez, Municipal Clerk
Borough of Tenaflly
100 Riveredge Road
Tenaflly, NJ 07670

RE: Change In Use: Construction of a new Education and Discovery Center
Blankman Tract – Block 2702, Lot 1
Tenaflly Borough, Bergen County

Dear Ms. Aportela-Hernandez,

I am in receipt of the information provided to this office via email on July 23, 2013 by the Tenaflly Nature Center Association on behalf of the Borough of Tenaflly regarding the proposed change in use of the approximately 400 acre Blankman Tract (Block 2702, Lot 1, now known as the Lost Brook Preserve) in the Borough of Tenaflly, Bergen County, New Jersey. The proposed change in use involves the construction of a new 7,950 sq. ft. Education and Discovery Center on Borough owned and Green Acres encumbered parkland. The Tenaflly Nature Center will manage the Education and Discovery Center.

Upon review of the submitted information Green Acres concurs that the Borough has successfully completed the requirements outlined in *N.J.A.C. 7:36-25.6*. Due to the overwhelming interest the public has in this project, I suggest the Borough post this information on the Borough's or the Tenaflly Nature Center's (or both) web site. Lastly, please notify me of the outcome of the vote by the mayor and council.

If you have any questions, please do not hesitate to contact me at 609-341-2054.

Regards,

A handwritten signature in cursive script, appearing to read "Nancy M. Lawrence".

Nancy Lawrence
Compliance Officer
Bureau of Legal Services and Stewardship

c: Jennifer Kleinbaum, Executive Director, Tenafly Nature Center Association
Ellen Kuhn, Tenafly Nature Center (via email only)

Borough of Tenaflly

MAYOR AND COUNCIL

RESOLUTION #R13-329

OFFERED BY: C. Warms

SECONDED BY: C. Kerge

At a Regular Meeting of the Mayor and Council of the Borough of Tenaflly, County of Bergen, State of New Jersey, held on September 10, 2013.

WHEREAS, the Tenaflly Nature Center Association, a non-profit corporation incorporated in the State of New Jersey, has been a leader in open space preservation and environmental education for over 50 years and is currently the largest independently-run nature center in Bergen County, serving more than 23,000 visitors each year; and

WHEREAS, the Tenaflly Nature Center Association currently protects and maintains approximately 380 acres of contiguous natural land, including the parcels commonly known as (i) the original Tenaflly nature center area (the "Original Tenaflly Nature Center Area") and (ii) The Lost Brook Preserve, which land collectively borders Alpine to the north, Route 9W to the east, E. Clinton Avenue to the south, and Tenaflly residential streets to the west (collectively referred to as the "Tenaflly Nature Center"); and

WHEREAS, the Original Tenaflly Nature Center Area is comprised of property owned by the Borough of Tenaflly (the "Borough"), which is maintained and preserved by the Tenaflly Nature Center Association on a long-term basis pursuant to a 1963 lease agreement between the Borough and the Tenaflly Nature Center Association, as amended and restated from time to time, most recently pursuant to Ordinance Number 05-07; and

WHEREAS, the Borough is the owner of the Lost Brook Preserve, which has been maintained and preserved so as to be enjoyed by the public for educational and recreational purposes, subject to regulations governing lands acquired with grant funds from the New Jersey Green Acres Land Acquisition Act of 1962, N.J.S.A. 13:8A-1, et seq. (hereinafter "the Green Acres Program"); and

WHEREAS, the rules and regulations of the Lost Brook Preserve (the "LBP Rules"), which were adopted by the Borough on March 25, 1975 and November 9, 1976, and approved for the purposes of the Green Acres Program, authorize the Borough to designate the Tenaflly Nature Center Association "to assist in the management and development" of the "trails and conservation program" of the Lost Brook Preserve, and also provide, under

item number 5 of the LBP Rules, that the Lost Brook Preserve is to remain in its natural state; and

WHEREAS, on March 22, 2005, pursuant to Ordinance Number 05-04 and in recognition of the long-standing stewardship of the Lost Brook Preserve by the Tenaflly Nature Center Association, the Borough and the Tenaflly Nature Center Association entered into Lease dated June 28, 2005 for lots comprising the Lost Brook Preserve, which Lease was for an initial five year term and automatically renews for successive five terms, remains in effect as of the date hereof (the "Lost Brook Preserve Lease"); and

WHEREAS, in order to continue to provide for the necessary care, maintenance and management of the Lost Brook Preserve and continue to provide valuable educational programs for the general public, and to provide easier access to over seven miles of hiking trails, the Tenaflly Nature Center Association Board of Trustees has unanimously resolved to propose to construct a new education and discovery center with all related structures, parking areas and other improvements upon a portion of the land in the Lost Brook Preserve of approximately two (2) acres, sited across from Kent Road, and substantially consistent with the plans for such improvements and the location of the same, as submitted to the Green Acres Program and the Mayor and Council, and presented at a public meeting on April 23, 2013, provided any substantial change or alteration to such plans shall first be approved by the Mayor and Council, (the "Education and Discovery Center"), within Block 2702 Lot 1 in the Lost Brook Preserve adjacent to E. Clinton Avenue (the "Blankman Tract"), an endeavor designed to ensure and sustain the impact of the Tenaflly Nature Center for many generations to come; and

WHEREAS, the final form of an amendment to the Lost Brook Preserve Lease was approved by New Jersey Green Acres and an Ordinance approving execution of the amended Lease was introduced by the Mayor and Council on September 10, 2013 and is pending final adoption and passage; and

WHEREAS, pursuant to Green Acres Regulations, N.J.A.C. 7:36 et seq. (the "Green Acres Rules"), the Tenaflly Nature Center Association requested as tenant, with a copy to the Borough, as owner, an interpretation from the State of New Jersey Department of Environmental Protection (the "NJDEP"), as to whether the construction of a new Education and Discovery Center in the Blankman Tract would comply with the Green Acres Program, and

WHEREAS, the NJDEP confirmed by letter dated July 16, 2012 that (i) nature center buildings generally, and a construction proposal in the Lost Brook Preserve by the Tenaflly Nature Center Association specifically, is a permissible use of Green Acres land subject to compliance with and the change in use procedures found at N.J.A.C. 7:36-25.6 of the Green Acres Rules (the "Change in Use Procedure"), the Green Acres Rules and (ii) the Green Acres Program has no objection to the proposed Education and Discovery Center in the Blankman Tract notwithstanding item number 5 of the current LBP Rules, and (iii) the determination of whether the proposed Education and Discovery Center in the Blankman Tract is in compliance with

item number 5 of the LBP Rules is solely a matter for the Borough to determine; and

WHEREAS, the Borough directly, and by delegation to the Tenaflly Nature Center Association, has complied with the Change in Use Procedures under the Green Acres Rules, as determined by the NJDEP, and set forth in that certain letter dated July 26, 2013, from the NJDEP to the Borough as amended by that certain letter from the NJDEP to the Borough dated August 14, 2013, confirming that the Borough has complied with the requirements of N.J.A.C. 7:36-25.6; and

WHEREAS, the final step in the Change of Use Procedures is final approval by the Borough of the proposed change in use under the Green Acres Rules, and such approval is also one of the requirements under the proposed amendment to the Lease.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Tenaflly, County of Bergen, State of New Jersey, that the change in use under the Green Acres Rules of a portion of the Blankman Tract to permit construction of the Education and Discovery Center is hereby approved and authorized, on the terms and subject to the conditions set forth in this Resolution, and confirmation of the same shall be notified to the Green Acres Program and the NJDEP; and

BE IT FURTHER RESOLVED that the Lost Brook Preserve Rules are hereby amended to permit construction of the Education and Discovery Center, on the terms and subject to the conditions set forth in this Resolution.

BE IT FURTHER RESOLVED that, as owner of the Lost Brook Preserve, the Borough hereby approves construction of the proposed Education and Discovery Center by and at the sole cost and expense of the Tenaflly Nature Center Association. Notwithstanding that no public funds shall be expended for such construction, the proposed Education and Discovery Center shall be considered as a Borough sponsored project; and

BE IT FURTHER RESOLVED that notwithstanding the general approval granted herein, construction of the proposed Education and Discovery Center shall be subject to obtaining all required approvals from the National Park Service or other county, state or federal agencies having jurisdiction over the Lost Brook Preserve, and further provided that schematic construction plans thereof shall be subject to review by the Borough of Tenaflly Planning Board pursuant to and in accordance with the Municipal Land Use Law of New Jersey. In furtherance thereof, it is resolved that any alterations, improvements, demolitions, erections of temporary or permanent structures in connection with the construction of the Education and Discovery Center shall be in compliance with the laws and regulations of all federal, state, and local bodies having jurisdiction over the Lost Brook Preserve. Nothing in this Resolution or otherwise shall be construed so as to obligate the expenditure of Borough funds for the construction of the Education and Discovery Center; and

BE IT FURTHER RESOLVED that the Borough Administrator is hereby designated as the municipal official responsible for submissions of applications and other filings to any federal, state, or local bodies having jurisdiction over the Lost Brook Preserve, including without limitation the National Park Service, the NJDEP, the Federal Land and Water Conservation Fund, and Borough and County Planning Boards, the County of Bergen, and the Mayor and Council hereby authorize and delegate the preparation and negotiation of such submissions, applications, filings and reports to the Tenaflly Nature Center Association, provided that copies of all such submissions, applications, filings and reports be provided to the Borough Clerk for formal submission and be available to the public in accordance with all applicable law and regulation.

| | AYE | NAY | ABSTAIN | ABSENT | | AYE | NAY | ABSTAIN | ABSENT |
|------------|-----|-----|---------|--------|----------|-----|-----|---------|--------|
| BARZELATTO | ✓ | | | | LAMASTRA | ✓ | | | |
| HONIG | ✓ | | | | WARMS | ✓ | | | |
| KERGE | ✓ | | | | ZINNA | ✓ | | | |

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL ON September 10, 2013


Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk

BOROUGH OF TENAFLY

ORDINANCE NO. 13-24

**AN ORDINANCE AUTHORIZING THE EXECUTION AND GRANTING
OF A LEASE TO THE TENAFLY NATURE CENTER ASSOCIATION,
INCORPORATED.**

WHEREAS, the Borough of Tenaflly is the owner of real property commonly known as the Lost Brook Preserve, which property has been maintained and preserved so as to be enjoyed by the public for educational and recreational purposes, subject to regulations governing lands acquired with grant funds from the New Jersey Green Acres Land Acquisition Act of 1962, N.J.S.A. 13:8A-1, et seq. (hereinafter “the Green Acres Program”); and

WHEREAS, the Tenaflly Nature Center Association, a non-profit corporation incorporated in the State of New Jersey, has been a leader in open space preservation and environmental education for over 50 years and is currently the largest independently-run nature center in Bergen County, serving more than 23,000 visitors each year; and

WHEREAS, the rules and regulations of the Lost Brook Preserve (the “LBP Rules”) which were adopted by the Borough on March 25, 1975 and November 9, 1976, and which were approved for the purposes of the Green Acres Program, authorize the Borough to designate the Tenaflly Nature Center Association “to assist in the management and development” of the “trails and conservation program” of the Lost Brook Preserve; and

WHEREAS, the Tenaflly Nature Center Association currently protects and maintains approximately 380 acres of contiguous natural land, including the parcels commonly known as (i) the original Tenaflly nature center area (the “Original Tenaflly Nature Center Area”) and (ii) The Lost Brook Preserve, which land collectively borders Alpine to the north, Route 9W to the east, E. Clinton Avenue to the south, and Tenaflly residential streets to the west (collectively referred to as the “Tenaflly Nature Center”); and

WHEREAS, the Original Tenaflly Nature Center Area is comprised of property owned by the Borough of Tenaflly (the “Borough”) shown and designated on the current assessment map as Block 2603, Lot 17, Block 2701, Lots 1 and 2, and Block 2606, Lot 5, which is maintained and preserved by the Tenaflly Nature Center Association on a long-term basis pursuant to a 1963 lease agreement between the Borough and the Tenaflly Nature Center Association, as amended and restated from time to time, most recently pursuant to Ordinance Number 05-07; and

WHEREAS, on March 22, 2005, pursuant to Ordinance Number 05-04 and in recognition of the long-standing stewardship of the Lost Brook Preserve by the Tenaflly Nature Center Association, the Borough and the Tenaflly Nature Center Association entered into Lease dated June 28, 2005 for lots comprising the Lost

Brook Preserve, which Lease was for an initial five year term and automatically renews for successive five terms, remains in effect as of the date hereof (the "Lost Brook Preserve Lease"); and

WHEREAS, the Lost Brook Preserve is one of Tenaflly's most valuable natural resources, and it is in the public interest to protect, maintain, and preserve the Lost Brook Preserve and enhance its use for educational purposes through a program of active stewardship by a qualified private organization; and

WHEREAS, in order to continue to provide for the necessary care, maintenance and management of the Lost Brook Preserve and continue to provide valuable educational programs for the general public, and to provide easier access to over seven miles of hiking trails, the Tenaflly Nature Center Association Board of Trustees unanimously resolved to propose the construction a new education and discovery center (the "Education and Discovery Center"), within Block 2701, Lot 1 of the Lost Brook Preserve in an area adjacent to East Clinton Avenue; and

WHEREAS, the Mayor and Council believe that the proposed Education and Discovery Center would reinforce the Borough's extraordinary reputation as a community with expansive natural resources and superb recreational opportunities; and

WHEREAS, to provide the Tenaflly Nature Center Association with the certainty of tenure necessary to facilitate contributions from the public and philanthropic organizations for the construction of a new Education and Discovery Center, the Tenaflly Nature Association has requested a new lease covering the Lost Brook Preserve Lease with a term of twenty-four (24) years and which would permit the construction of the new Education and Discovery Center subject to the receipt of all necessary approvals; and

WHEREAS, by way of Deed dated August 17, 2009 the Borough of Tenaflly obtained ownership of a one (1) acre parcel of property located on Hudson Avenue and now designated as Block 2701 Lot No. 4.02 (the "Hudson Avenue Property"), which property is contiguous with the Lost Brook Preserve and which property was acquired with Green Acres funding and therefore subject to Green Acres Rules; and

WHEREAS, the Mayor and Council have determined that the Hudson Avenue Property should be included as part of the Lost Brook Preserve in any new lease agreement granted to the Tenaflly Nature Center Association; and

WHEREAS, the Mayor and Council have determined that Lost Brook Preserve and the Hudson Avenue Property will not be needed for any other Borough use during the term of the proposed new lease agreement;

WHEREAS, the Mayor and Council are willing to enter into the proposed twenty-four (24) year Lease Agreement attached hereto; and

WHEREAS, New Jersey Green Acres has approved the form and content of the proposed Lease Agreement attached hereto; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Tenaflly, County of Bergen, State of New Jersey, as follows:

Section 1. After execution of not less than four (4) copies of the proposed lease by authorized representatives of the Tenaflly Nature Center Association, the Mayor and Borough Clerk are authorized to execute the said Lease Agreement on behalf of the Borough of Tenaflly.

Section 2. As set forth in the proposed Lease Agreement, in consideration of the public purposes served by the Lease Agreement, the Tenaflly Nature Center Association shall not be obligated to pay rent in connection with the leasehold interest.

Section 3. Although the Lost Brook Preserve, as Borough owned real property, is not subject to the tree removal and mitigation ordinances of the Borough, in the event that the proposed Education and Discovery Center receives all necessary approvals, the Tenaflly Nature Association shall be mindful of the importance of Tenaflly's status as a "Tree City" and shall use reasonable efforts to minimize the removal of trees if the construction of the proposed Education and Discovery Center actually proceeds.

Section 4. The Borough Administrator is hereby designated as the municipal official responsible for enforcement of the conditions of the Lease Agreement.

Section 5. After commencement of the lease, the Tenaflly Nature Center Association shall, on an annual basis, submit to the Borough Administrator a written report setting out the use(s) to which the leasehold was put during the past year, the activities undertaken in furtherance of the public purposes for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of the public purpose; and an affirmation of the continued tax exempt and non-profit status of the Tenaflly Nature Center Association.

Section 6. Notwithstanding the approval and execution of the Lease as authorized by this Ordinance, construction of the proposed Education and Discovery Center shall nevertheless remain subject to receipt of all necessary approvals pursuant all applicable regulations of New Jersey Green Acres, New Jersey Department of Environmental Protection, the National Park Service, and all other county, state or federal agencies having jurisdiction over the Lost Brook Preserve. The Tenaflly Nature Center is authorized to pursue such approvals on behalf of the Borough. Without limiting any stricter requirements imposed by applicable federal, state, and/or local laws, regulations, and/or ordinances, no construction of the Education and Discovery Center shall be commenced unless and until the Tenaflly Nature Center Association provides the Governing Body with adequate assurance that sufficient funds are available to complete the construction.

Section 7. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

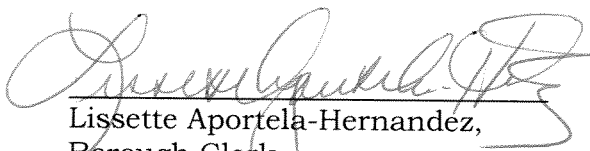
Section 8. In case any article, section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 9. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: September 10, 2013


ADOPTED: September 24, 2013

ATTEST:



Lissette Aportela-Hernandez,
Borough Clerk

APPROVED:



Peter Rustin, Mayor



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM
501 EAST STATE STREET
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www.NJGreenAcres.org

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

December 18, 2013

David B. Simpson
Stein, Simpson & Rosen, P.A.
2050 Center Avenue, Suite 440
Fort Lee, New Jersey 07084

Dear Mr. Simpson:

I am writing in reply to your letter of November 19, 2013 concerning the proposed construction of a nature center on LWCF Section 6(f) property in Tenaflly Borough. I will address the points you raised in your letter; LWCF scoping, Tenaflly Borough measures and a possible local referendum on the proposed nature center.

On the scoping process, please be advised that the LWCF scoping process, as stated in the LWCF Manual at Chapter 4-4, is encouraged, not required, as part of the LWCF Environmental Assessment (EA) process. As such, we had requested that the National Park Service (NPS) consider the public meeting of April 23, 2013 conducted by Tenaflly Borough and the documents posted on the Tenaflly Nature Center Association (TNCA) website as satisfying the LWCF EA scoping intent. We have discussed this with the NPS in light of your November 19th letter and they have confirmed that although scoping is not a required element of the LWCF EA process, NPS encourages agencies to consider any substantive issues gleaned from any public meetings including from the Borough's April 23rd public meeting for possible inclusion in the associated EA.

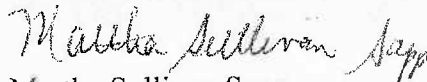
There will be a required 30 day public comment period on the EA in which Tenaflly Borough must make the completed EA available to the interested and affected public for review and comment. The Borough must reply to any substantive comments concerning planning and environmental issues associated with the proposed significant change of use of the Lost Brook Preserve LWCF Section 6(f) protected area with proposed nature center construction. The Borough's response to public comments on the EA will be reviewed by the Green Acres Program and the NPS to ensure the comments are properly addressed. If any comments lead to a change in the design or other plans for the proposed nature center, an updated EA might be required, including another 30 day public comment period.

Concerning measures passed by Tenaflly Borough, the Borough successfully satisfied the Green Acres Change of Use requirements as I had stated in my August 14, 2013 letter to you. As such, the Borough appropriately entered into the lease on the Lost Brook Preserve with the TNCA. As you mention, the lease was conditioned on obtaining NPS approval through the LWCF Significant Change of Use process for the construction of the nature center. The environmental issues you mention are intended to be addressed by the LWCF EA process. As a result, the Green Acres Program sees no issue with Tenaflly Borough granting a lease, conditioned on NPS approval, to the TNCA including permission for the construction a nature center in the Lost Brook Preserve.

On a possible referendum on the proposed nature center, that is a local matter to be solely resolved by Tenaflly Borough. Neither the Green Acres Program nor NPS will be involved in this matter. Green Acres will however continue to provide technical assistance to the Borough on the LWCF Significant Change of Use process as requested.

If you have any questions, please contact me at (609) 984-0570.

Sincerely,



Martha Sullivan Sapp
Acting Administrator

C: Lissette Aportela-Hernandez, Tenaflly Borough
Jack Howard, National Park Service
Ellen Kuhn, Tenaflly Nature Center Association
Steve Jandoli, Green Acres Program



TNC's RESPONSE TO PUBLIC COMMENT

| | |
|------------------------------------|-----------------|
| TNC's Mission, Vision, Need | Questions 1-4 |
| Site Considerations | Questions 5-11 |
| Impact of a New Facility | Questions 12-20 |
| Review and Approvals | Questions 21-30 |

TNC'S MISSION VISION, NEED

1. What is the value of TNC's programs to the community? Why is Environmental Education so important?

Our proposal's strongest supporters spoke and wrote passionately about the value of environmental education for our community, expressing a keen awareness of its importance, not just today, but of the effect it will have on the future of nature conservation and preservation in the future: children, shaped by their experiences in the natural world today, will become the policy decision makers and policy setters of the future that will affect these fast-disappearing open spaces.

Without exception, commenters articulated the critical role that hands-on environmental education and direct experiences in nature will play in the future preservation undeveloped places. They all agree that the E. Clinton location best supports and secures the future of TNC's mission and its vital contribution to the community.

One speaker, who is a Tenaflly resident and an architect, praised the intention that the new building will demonstrate sustainable building solutions to the community and reinforce connections to the natural world by providing a base for explorations out into the wetlands and forest on the preserve.

"What we need to do as a community, and a civilization . . . to come to terms with what appears to be increasing volatility in the natural world—this requires education and increasing sensitivity to the systems in the natural world. . .

*It seems to me that simple passive appreciation of nature is no longer enough and that with the tools that have come into our possession in the last 20 years or so, there is so much more that we can be doing and we need to be learning about the environment and using those tools."*¹

Another speaker hailed TNC's plan for a new building on Clinton as an investment in the future of environmental education:

¹M. Sackler Transcript p. 126 -127



“When you look at natural systems, be they forest, be they wetlands, be they anything, you can’t think of this year, next year, five years, ten years. You’ve got to think in hundreds of years. My greatest fear is that as time goes on, if there aren’t enough people who get a chance to understand, see, touch, feel, smell, experience real nature, they just won’t know what it is. . .

How do we prevent that from happening? With environmental education. . . .

This new center will be an investment, not just here, but in environmental education region wide, state wide and for the future.”²

Over the course of two generations TNC has connected thousands of our community’s children to the natural world. Now a college student, one Tenaflly resident who was first a day camper, then a Counselor in Training (CIT) at TNC’s Summer Nature Day Camp, wrote

“The Tenaflly Nature Center is minutes away from my childhood home. As a kid, I spent summer after summer there in nature day camp. My engagement with the nature center continued during the school year. . .

I’ve been privileged to grow up with a real sense of belonging when I go into the woods. Because TNC’s educational programs have fundamentally shaped my relationship to the outdoors, and because I want to ensure that many others will be able to share similar experiences, I wholeheartedly support the construction of a new Education and Discovery Center at the proposed site on East Clinton Avenue.³

Nadine Freiman, TNC Board President in the 1970s, recognized that the unique volunteer opportunities to actively participate in nature offered by TNC to the community are just as important as protecting open space and offering environmental education programs. For more than five decades, TNC has relied on volunteers for important trail, pond and facilities maintenance work, to assist with educational programs, and to care for TNC’s live animal exhibits. TNC has continued to engage hundreds of volunteers each year in the same kinds of “creative and useful outdoor experiences,” that Ms. Freiman described in article published in 1976:

² H. Carola, ANJEE president, transcript 116 - 117

³ H. LeClair Letter to the Editor, The Bergen Record, 3-29-13



Over the years, thousands of members and volunteers have spent hundreds of thousands of hours in these woods. . . .

Members and volunteers have made three trails, spread tons of wood chips along paths, pulled out piles of weeds, and collected an unbelievable amount of litter. TNC] provides hundreds of hours of creative and useful outdoor experiences for our members and volunteers. The Tenaflly Nature Center is here to serve, and anyone is welcome to join, to help us maintain a small wilderness experience just a few miles from New York City. ”⁴

In a letter of endorsement of TNC’s proposal, The Nature Conservancy recognizes the influence that TNC’s programs will have on future generations:

“as the urban populations have exploded around the world, people have become isolated from nature. . . .By educating the many people that visit your new nature center, you will be providing excellent hands-on nature experiences while also building a constituency for conservation that has the potential to advance local, regional and perhaps even national conversation practices and policies for generations to come.”⁵

2. Building a new Center while remaining faithful to the original vision of the preserve

The Nature Center currently comprises nearly 400 acres, representing 10% of the Borough’s total land. From the original fifty acres in 1961, the TNC has grown over the years.

Best practices in the environmental movement also have evolved significantly since 1975 – from a philosophy of “preserving open space by fencing people out” to a philosophy of providing visitors with welcoming access to best foster an appreciation for the natural environment.

It is important to distinguish between the environmental consequences of large-scale, high-density development and TNC’s proposal for a small-scale, single-story, environmentally-responsible educational Center. In the 1960s and 70s, nearly 300 acres of what now comprises

⁴ N. Freiman, President TNC Board of Trustees, Museum Scope, 1976, p. 11-13

⁵B. Brummer, PhD, State Director NJ Chapter, The Nature Conservancy, Letter to the Editor, The Northern Valley Suburbanite, 4-25-13



the Tenaflly Nature Center was slated for high-density, mixed-use development; large single family homes; and was even considered as a location for an Anti-Ballistic Missile defense system.

The part of the Nature Center known today as the Lost Brook Preserve was zoned for single family homes on one-acre lots in 1959 when Norman Blankman, a New York developer, purchased the land from John D. Rockefeller, Jr. In the next decade, he proposed five different high-density schemes, including one for 300 town houses with 1,780 housing units, but could not get the zoning changed to support them.

For a period of two years, beginning in 1967, the U.S. Army considered the site for a Sentinel missile-detection system to protect the NY metro area. Mr. Blankman's final proposal in 1968 called for \$230 M, mixed-use development with 4,000 apartments in buildings as high as 28 stories & 2.8 million sq. ft. of office space with parking for 8,000 cars. The development would have had the effect of "doubling town's population" according to the Northern Valley Suburbanite, and would have required a major traffic interchange linking a new six-lane highway with the Palisades Interstate Parkway and Route 9W at E. Clinton Avenue .

Centex Homes Corporation purchased the land in 1973. A large Texas-based real estate development firm, Centex sought variances for three schemes: first for cluster housing; then for high rise apartments; and finally for 180 patio homes, 700 garden apartment units and 900 townhouses.

In 1974, The Borough of Tenaflly, together with concerned community members and a variety of environmental organizations successfully banded together to raise the funds to acquire this land culminating in the 1976 preservation of the 274 acres of open space that had been threatened by high-impact, high-density commercial and residential development.

In 1975 and reaffirmed in 1976, Tenaflly adopted a resolution explicitly providing that the TNC Association and the Tenaflly Environmental Commission would be involved with protecting the newly acquired land. In 2005 the Mayor and Council officially approved leasing this land known as the Lost Brook Preserve to TNC. In November of 2012, both the Mayor and Council have voted unanimously to approve a lease to that would allow TNC to build the new



Center subject to review of the actual proposed building. The Environmental Commission also voted unanimously to endorse TNC's conceptual proposal.

The Mayor and Council will vote on the specific proposal to approve the change of use which will permit a new building only after review of this report. TNC and the Borough are following the process specifically laid out in 1975 for amending the regulations. The Tenaflly Council is authorized to permit the new Center with Green Acres approval. Green Acres has already endorsed and approved the project, which is now subject to approval by a resolution of the Tenaflly Council following a public hearing (held April 23, 2013) detailing the proposed change of use.

Green Acres Compliance Officer Nancy Lawrence addressed residents concerned about TNC's proposal to build on undeveloped land in an e-mail dated Feb. 13, 2013:

"Both I as well as representatives from 'Save Tenaflly Green Acres' reviewed many documents related to the initial acquisition of the Blankman Tract [also known as the Lost Brook Preserve] (contracts between the Borough and both Green Acres and LWCF, the legislation authorizing the Green Acres funding and the deed for the property). These documents are all silent on the requirement to keep the Blankman Tract undeveloped and in its natural state. That does not mean that was not the intention at the time the property was acquired. It does, however, mean that the Borough's decision to develop Green Acres funded parkland with a building that is in support of outdoor recreation is in keeping with the missions (conservation and recreation purposes) of both Green Acres' and LWCF's since both Program's inception."

3. Why does TNC need indoor space? Isn't the forest the best classroom?

For over 50 years TNC has encouraged people to enjoy the outdoors and to experience nature. However, as is true at most preserves and parks, indoor facilities are needed for classes and programs to accommodate year-round learning during inclement weather and to house animal and educational exhibits. Appropriate and attractive indoor facilities are mission critical –



helping TNC to serve countless visitors and the 23,000 participants⁶ in TNC's programs each year, and enabling TNC to plan for the future.

Lack of teaching space not only affects the number and quality of programs TNC presents, it also has a negative impact on visitors' experiences. For example, when a class is in session in the single indoor classroom or on the deck, which is also the front porch, visitors are reluctant visit the exhibits or speak to a naturalist.

Many groups, particularly pre-school groups and younger elementary classes, cancel at the last moment in bad weather because TNC cannot guarantee indoor classroom space.

Many of these programs, scheduled months ahead, cannot be re-scheduled, resulting in significant income loss to TNC, inconveniencing teachers and disappointing children.

As TNC's programs and summer day camp have grown, TNC re-certifies each year with the state, complying with all health and safety regulations. In addition, TNC follows best practices for keeping campers and program participants safe and comfortable.

As Hugh Carola, President of the Alliance for New Jersey Environmental Education (ANJEE) speaking for ANJEE's board of directors noted in a public support letter, times have changed since TNC's Redfield building was built and visitors' expectations have changed:

"As we all know, ideas of appropriate education have changed since the establishment of TNC and the construction of your current structures. While the Redfield building certainly offered a cozy space at the time of its construction—and for many years afterward—my colleagues and I recognize that it cannot adequately serve a county population that has doubled since 1966 to over 900,000 today, while the amount of privately held open space shrank. . . . Visitors appreciate and expect sophisticated modern spaces, even in nature preserves, and a handsome building will become a magnet."

⁶ Each person who attends a program is counted a participant, including each child in a school group. An individual who attends more than a single TNC program in a year is counted each time he or she attends.. For example, if you attend 5 programs in a year, you will be counted 5 times. This method is the standard for gathering attendance data used by most nature centers. TNC delivers approximately 1,100 group programs per year.



4. How large is the new Center? Isn't it too big for what is actually needed?

The new center is 7,950 sq. ft. of indoor space with a covered 3,000 sq. ft. deck that serves as an entry porch and wraps around the building's forested side to extend areas for teaching and visitors. The deck preserves covered, but outdoor, teaching space in case of inclement weather. The new design triples income-producing classroom areas, while administrative space (overhead) does not increase. The architect's design separates administrative, exhibit and teaching functions, allowing each to operate more efficiently than they do now under current space constraints, improving on the Redfield Building's single multi-purpose public space by adding spaces for reception, seating, exhibits, and an adequate number of restroom fixtures.

Over the years, TNC's trustees and staff have repeatedly researched and analyzed space requirements for numbers of classes requested, researching best practices and gathering comparative space/use data from other nature centers that reach comparable audiences. TNC has carefully weighed the costs of expansion against the advantages of a larger facility, concluding that more classroom space answers a real community need and will position the organization to carry its mission into the future.

TNC has had to curtail program growth for the past 5 years due to space limitations. Each season TNC is forced to turn away many program requests (and potential income which is necessary for a self-sustaining not-for-profit institution) from schools and other groups, despite creative scheduling to maximize available indoor and outdoor teaching spaces and increasing numbers of off-site programs. These jury-rigged solutions cannot meet long-term needs and compromise the overall quality of TNC's programming and visitors' experience. Reasonable rate of predicted growth

SITE CONSIDERATIONS

5. The square footage of the proposed new Center and the construction cost have increased since TNC began talking about the project.

The architect and engineers made educated guesses to turn TNC's required program spaces into an initial conceptual design, and cost estimate, which were not specific to a particular site in 2012. Once a buildable site was identified, site-specific investigation provided information which allowed the architect and engineer to develop a more realistic, but still schematic design, adjusted to the particular site and its features. These adjustments account for differences in size and cost as the project developed. These estimates are still subject to change as the proposal is further refined.

6. How large is the proposed development? 15 acres, 5 acres, or 2 acres? Can you assure us 15 acres won't be clear cut or developed?

The actual built site (building, parking and driveway) is designed to be under two acres. TNC's site investigation identified a 15 acre area off of E. Clinton, that appeared to have within it one or more potential sites dry enough and flat enough to support a new facility. With the Borough's authorization, TNC then hired a wetlands specialist to survey and map federally protected wetlands areas. Following analysis to identify the most promising 5 acre parcel within the 15 acres that might accommodate a new facility, TNC engaged the wetlands specialist to investigate and delineate the wetlands boundaries in this parcel. NJ DEP then confirmed the mapped wetlands boundaries and issued a Letter of Interpretation (LOI) which defined buffer zones around the wet areas.

Using this information, Croxton Collaborative designed a new facility which gracefully flows around the wetland buffers and accommodates all programming and functional access on site in less than two acres. The proposed footprint of the Center, including walkways, driveway and parking, is designed to be less than one half of one percent of the nearly 400 acres of open space stewarded by TNC and less than one percent of the land under lease. TNC has no intention of clear cutting. Nor does TNC intend to build elsewhere on the 15 acre site initially investigated. The 24 year lease will provide that TNC can only build on less than 2 acres.

7. Why not expand or build a new facility on Hudson Avenue, wouldn't that solution reduce environmental impact?

The location of the existing Center was mandated by the origin of the TNC over 50 years ago, when TNC leased only 52 acres, with public access from only a single point of entry at the top of Hudson Avenue. TNC first examined renovating and expanding the existing building with architects, engineers and other expert professionals, but discovered that it was not a viable alternative for these reasons:

- **Fiscally Irresponsible to Renovate or Expand Redfield Building**

Construction standards and building codes have undergone significant revisions since the Redfield Building was built in 1966. Our architect and engineers advised against expanding the current Visitor Center because the cost to replace and bring the outdated mechanical and electrical systems up to code, to achieve sustainability and energy efficiency goals and most importantly to undertake the horizontal or vertical expansion of the building required to meet programmatic needs would be environmentally destructive and would greatly exceed the cost to demolish and build new.

- **Site Constraints: Steep Grade**

Applicable codes and restrictions prohibit any new construction where grades exceed 25%.⁷ Unfortunately, this restriction would greatly constrain any plans for expansion or rebuilding in the areas in the immediate vicinity of the existing building as some grades are 25% and more importantly, there is a need for a 5% grade maximum for ADA access to facilities. All TNC facilities on Hudson Avenue (parking, walkways, the Redfield Building, salamander pond, backyard habitat, aviary, apiary, restrooms, pavilion, campfire ring, shed) are essentially on the side of a hill and they are accessed only by very steep Hudson Avenue, which has an average

⁷ Tenafly's Zoning Regulations state in **Article VIII 35-816, "Critical Areas; Steep Sloped Areas"** states:

- a. No area with topographic slopes twenty-five (25%) percent or greater in grade shall be disturbed or developed.
- b. No area with topographic slopes from fifteen (15%) percent to twenty-five (25%) percent may be disturbed or developed, except that, in specific situations and for good cause shown by the applicant, an area equivalent to no greater than fifteen (15%) percent of the total lot or tract area may be developed, disturbed or re-graded

grade of 14%. The steep grade makes access on foot or in a vehicle challenging for most visitors and impossible for many: for seniors; for people in wheelchairs and for those with motor disabilities. Existing facilities and parking on the Hudson site are “grandfathered” for noncompliance with current building codes and standards but have various degrees of significant non-compliance with requirements for universal access.

Further, the current 17-space parking lot is woefully inadequate. Current employees’ 10 cars leave just seven spots for the public and none for busses, requiring visitors and school buses to park on very steep Hudson Avenue (grades range from 12-14%) and adjacent streets, not just occasionally for large-scale public events such as Nature Day, but every day of the week, greatly inconveniencing neighbors. Neither the dimensions of the parking lot nor the dimensions and grade of the steep cul de sac (12.5% grade) are adequate for a bus turnaround. During peak periods (between 9:30 and 2 pm) two to three busses at a time struggle to load and unload school children in the street. School bus maneuvers regularly block visitors from entering or exiting the parking lot for long periods of time. The steep site rules out re-using or expanding the parking in the current location for a new building

- **Massive Environmental Impact Unacceptable**

To achieve universal access (a site with grades of 5% or lower), a new parking lot and building would have to be situated at least 250 to 275 feet into the site (much closer to Pfister’s Pond) to reach a buildable area on the natural, relatively flat plateau. To fit a parking lot and bus turnaround on this plateau, they would have to straddle the Main Trail. Because the plateau sits on the ridge that forms the high point of that site, parked cars would intrude on the tranquility and compromise the view for every visitor to the Nature Center. Cars would be visible and audible to those entering the Nature Center and to those visiting Pfisters’ Pond. The plateau is not only located deep into the site, but sits at an elevation 14 feet higher than the cul de sac. In addition, this deep penetration into the site for roadway and bus turnaround will significantly increase tree loss and impervious road surface.

While it may be possible to get variances to bulldoze and blast flat areas out of the natural slope on the Hudson site, such ecologically destructive and unsustainable development is

contrary to TNC's mission and values (preserve, protect and minimally impact). Site work (blasting, clear cutting, rock removal and fill, plus the expense of extending utilities 14 vertical feet) required to reach the upper plateau and meet standards for universal access and to accommodate sufficient parking is ecologically devastating.

The parking lot on the proposed site will not be visible from E. Clinton. The large, level plateau will accommodate 57 principal parking spots including handicapped access,, interspersing the spaces among the trees to the extent possible. Located along the curving drive, parking spaces are offset so that visitors approaching the building do not have to look across a parking lot. The proposal also calls for 25 overflow parking spots for major events such as Nature Day on a planted area reinforced below grade to support overflow parking, which will not look like traditional paved parking, thus preserving the unspoiled view.

Achieving comparable parking on Hudson would require clear cutting trees around high point of the Main Trail with attendant disruption to visitors' views and experience at Pfister's Pond and along the Main Trail. The physical disruption and disturbance resulting from access roadways, bus turnaround, parking and a new Center on the Hudson site will far exceed that of the Clinton site. The disturbance of the natural view, natural systems and wildlife habitat will be exponentially greater on the Hudson Site for equivalent, complying facilities off of E. Clinton.

- **Program Disruption & Income loss**

Beyond these physical insufficiencies, construction at the Hudson Avenue site would result in cancellation of on-site programming for at least a year. An active construction zone would make it impossible to provide on-site programs without putting young children in a potentially dangerous situation. Alternately, if operations were to continue during construction, additional environmental destruction to level and clear land for rented trailers and temporary parking for staff, visitors and school groups would be required to accommodate all the functions that the Redfield Building now holds: classroom, administrative space, reception, library, museum and animal exhibits. In addition to the environmental impact, such a construction plan would be massively invasive for TNC's neighbors on Hudson and the surrounding streets

8. Isn't the new center too far from Pfister's Pond?

Once the new Center is completed, Pfister's Pond will become a destination hike, as Haring Rock is now from the Redfield Building. However, visitors will still be able to use the Hudson entry to the Nature Center and the parking lot will remain along with the composting toilet, shed and pavilion. Locating the new Center away from Hudson Avenue will preserve and protect the tranquility of Pfister's Pond, which has the greatest concentration of wildlife year-round at TNC. In contrast, the introduction of a new facility on Hudson Avenue, which would necessarily be located atop the plateau overlooking the pond, would negatively impact this key natural asset (lights, noise and view).

9. Existing utilities at the Hudson site would reduce construction cost to build there.

While it may seem logical that building near the current Redfield Building would provide cost savings, new construction on either site would require extending utilities for power, water and gas. Utilities also exist near the Clinton site—and can be extended from the Kaplen JCC or from residential streets across E. Clinton Avenue. Fire hydrants along the north side of E. Clinton confirm existing water supply.

10. What will be done with the Redfield Building and the Pavilion when the new Center is complete?

When the new Center is completed, TNC proposes that the Redfield Building be razed, allowing the building site, and adjacent areas to return to nature. The total area of the Redfield Building and adjacent walkways, outdoor exhibits, composting area and garden, all of which TNC is recommending to be returned ultimately to the forest, is approximately one acre. TNC proposes that the existing parking lot, together with the storage shed, composting restroom, and pavilion should remain, as they currently are, for the convenience and enjoyment of visitors to the Main Trail and Pfister's Pond, and to accommodate school groups who come for pond study.

11. Have you considered other sites for a new building?

TNC first examined expanding at the very steep Hudson Ave. site. The steep grade poses



significant challenges to achieving barrier-free access and adequate parking. Leveling the steep slopes requires major environmental disruption: blasting, rock and soil removal, and extensive tree removal. To site the building and parking at the plateau near the high point would require re-grading a 250 foot drive, locating the facility –building and parking—much closer to Pfister’s Pond. These challenges led TNC to investigate the entire 400 acre site to recommend the best possible solution, in order to improve access and minimize site disruption.

Many sites were eliminated because building was prohibited by extensive federally protected wetlands or because they lacked access to a roadway, or by legal restrictions. The strip of land along Route 9W was donated to Tenaflly by John Rockefeller and prohibits any building or road access. Many of TNC’s other boundaries abut residential back yards to the west and a private golf club to the north. E. Clinton Avenue offered the most appropriate access to the larger part of the preserve and wetlands investigation confirmed a dry site, large enough and flat enough to provide universal access for a new building and parking.

IMPACT OF A NEW FACILITY

12. Which access road best supports an increase in traffic, and how does anticipated increase affect parking, traffic flow, safety, and access in each neighborhood?

- **Parking**

The new site is designed to accommodate all parking requirements for daily use by staff and visitors, with a separate turnaround and parking for three school busses, with 57 naturally landscaped parking spaces. The design also incorporates an additional 25 overflow parking spots for occasional larger meetings. Adjacency to the Kaplen JCC and the Greek Orthodox Cathedral of St John the Theologian may provide additional parking on a reciprocal basis for occasional large events such as Nature Day. TNC does not envision any need for parking on adjacent streets. In addition, even after the Redfield Building site is returned to the forest, TNC will maintain the current 17 parking spaces at the top of Hudson for visitors who are interested in the short walk to Pfister's Pond, preserving the traditional experience many of our current visitors cherish.

- **Traffic**

Clinton Avenue is a County access road that already serves established and well-attended community facilities (Kaplen JCC, St. John the Theologian Greek Orthodox Cathedral and St. Thomas Armenian Church.) and can easily absorb the projected, modest increase in TNC traffic. The addition of even the modest projected increase in traffic on Hudson Avenue would contribute to the current safety and logistical problems. In contrast, Clinton Avenue, which connects Tenaflly's downtown to Route 9W, is an established through street, while Hudson Avenue, is a quiet, dead-end, tertiary street running past residents' front yards. Currently, TNC visitors and school busses must park in front of residents' front yards every day of the week. Increased traffic from a new, larger Center on Hudson would magnify the existing impact on that street's residential neighborhood.

On the other hand, E. Clinton Avenue runs past side yards or fenced back yards and can better accommodate TNC's typically off-peak traffic flow without disturbing residential neighborhoods. Contrary to one assertion at the April 23 hearing, there is no indication that a new facility's traffic load on E. Clinton would require widening Route 9W and developing a traffic interchange at the intersection of 9W and E. Clinton. TNC's traffic will not overlap with peak morning or evening rush-hour traffic. Since the majority of TNC's programs are for school groups, drop off and pick up by bus or car, occurs between the hours of 9:30 and 2 pm. TNC's field trip programs for schools begin at 9:30; classes depart before or after lunch, well before school pick up.

- **Safety**

Road improvements along E. Clinton will make conditions actually safer and easier for cars entering and leaving Kent and nearby roads. TNC and Croxton Collaborative have coordinated with the Borough's engineer, construction and fire officials to ensure the schematic site and building design meet fire department and construction code life safety requirements. The entry drive is designed with a maximum grade of 3% to allow access and turnaround of fire vehicles deep into the site in case of a fire. In addition, TNC is working with the Borough and the County (E. Clinton is a County route) to coordinate road work, to identify steps, studies and approvals that may be required to meet traffic and safety requirements.

TNC is not aware of any evidence that traffic generated by the three existing community facilities on E. Clinton Avenue (all of them serving much larger audiences than TNC) have caused an increase in motor vehicle or pedestrian accidents. Entry off of E. Clinton, has not affected the safety of the large numbers of children at the Kaplen JCC who attend its preschool, after school programs, and large summer day camp.

There is no basis to the claim that safety of children who attend TNC's programs will be compromised due to the new facility's location off of E. Clinton. Children who attend programs at TNC are supervised at all times, Children who come to hike or volunteer must be accompanied by an adult or under the supervision of TNC staff. The improved bus turnaround, separate from staff and individual visitors' parking and traffic, greatly improves children's safety



over the existing site, where school busses are forced to turn around, load and unload children on Hudson Avenue's very steep cul de sac and roadway.

Some have expressed concerns about fire truck access and security on the new site. TNC's architect and engineer met early on in the design process with Tenaflly's fire and building code officials to get input on life safety requirements from. The site plan and entry drive are designed for fire truck access deep into the site where the building will be located with a maximum grade of 3% and turning radius to accommodate Tenaflly's largest fire trucks and equipment. TNC's grounds are open 365 days a year from dawn to dusk.

Staff are on duty and programs are offered seven days a week and on many evenings. The new facility will have a security alarm system and appropriate motion-activated night lighting, intended to discourage a commentator's concern about "illicit activity". Police will continue to patrol the facility as they do now, and staff will continue to enforce current rules and restrictions on activities permitted in the preserve.

- **Access**

Some have voiced concern that a new, larger facility will make TNC a regional presence and attract audiences from all of Bergen County and beyond. In fact, TNC has always been open to the public and has always attracted visitors and program participants from other towns in Bergen and Rockland Counties and from New York City. It is interesting to note that the majority of individual donors who contributed to the purchase of the Lost Brook Preserve came from outside Tenaflly. As a recipient of State (NJ Green Acres) and Federal (Land and Water Conservation Fund) funds towards the purchase of the Lost Brook Preserve in the 1970s, TNC is required to welcome all visitors, whether they live in Tenaflly or not.

The only buses that currently visit TNC are school buses bringing children accompanied by parents and teachers, or very occasionally, groups of senior citizens. TNC has never attracted tour busses and has no plans to invite tour groups or city buses to the site. Groups may schedule self-guided visits, but must call ahead to confirm a time that does not interfere with TNC programs.



Several speakers at the public hearing expressed fears that TNC planned to “change the nature of the park”⁸ by creating “a major regional center under the control of wealthy corporate and individual donors,”⁹ or a “conference center”¹⁰. TNC has no plans to change either the nature of the preserve or its mission of conservation and environmental education. Rather, visibility and easier access at the proposed location will demonstrate to our community that the Borough and residents of Tenaflly understand and celebrate the value of this significant environmental asset.

13. Will the new Center on Hudson or Clinton increase the risk of flooding and erosion, particularly for properties south of new construction?

No. 85% of the site area and 100% of the building area at the proposed site of the new Center will feed into the Hudson River Watershed, diverting stormwater runoff away from Tenaflly homes. In fact, based upon the current design, there would be less storm water runoff from the site once the new Center is complete than there is today! Through strategies of retention and detention, the site design for the new Center significantly reduces the amount of water that currently leaves the site during rain storm/flooding conditions (a maximum of approximately 40,000 cubic feet), which effectively reduces runoff compared to runoff at the current site. There is not only a reduction in the relatively small proportion of water that flows north of the proposed TNC entry toward the Kaplen Jewish Community Center – but redirects roadside water south of the entry from its current pathway from the Hackensack River Watershed to the Hudson River Watershed.

A portion of water at the new site is made to ‘disappear’ by transpiration, which is a natural process. In the rain gardens and planted swales, the water is taken up by plant root systems and transpired into the atmosphere. This is water which would have left this rocky site during rainstorms and contributed to flooding and potential erosion. The proposed Center’s striking, canted roof is a rainwater harvesting system which captures stormwater runoff, collecting it in a cistern for re-use inside the building. Permeable paving for the driveway and

⁸ M. Feldman, Transcript p. 72

⁹ Ibid.

¹⁰ R. Moss, Transcript, p. 118



parking areas will allow precipitation to flow through, reducing the rate of stormwater runoff. Flood risk is therefore significantly reduced from existing conditions by the proposed design for the new Center. If, as TNC proposes, the Redfield Building is razed and the surrounding acre of developed outdoor spaces are allowed to return to its natural state, this reclaimed land will help to reduce storm water runoff that affects homes located downhill from the site on Hudson Avenue as well.

By contrast, the current Hudson Ave. site feeds stormwater runoff into the critically impacted Hackensack River Watershed. Any new construction at that site or the crest of Hudson Avenue would also flow into the Hackensack River Watershed, either directly or through runoff into Pfister's Pond, which feeds into the Tenakill Brook.

Concerns about potential for subterranean flooding at the E. Clinton site are unfounded. The proposed building has no basement and the entire structure rests on 'points' rather than walls on grade. The building and road are on the ridge of two watersheds. The disturbance of water pathways below such a ridge is as close to impossible as one gets.

14. Which site best supports sustainable strategies for site design and building design?

To align with TNC's mission of environmental responsibility, TNC hired Croxton Collaborative Architects, an architecture firm, renown for their record of excellence in sustainable design and their depth of experience with green building. They have designed a new facility on the E. Clinton site to meet the U.S. Green Building Council's highest certification level, Leadership in Energy and Environmental Design (LEED) Platinum rating.

The proposed building integrates the natural and built environment on a flat plateau that allows universal access with minimal environmental disruption. The school bus turnaround and parking are offset from the sinuous entry drive that marks the dividing line between two watersheds. The building itself sits lightly on the site, supported by point loaded pylons and its roof is angled to capture rainwater runoff from the building, captured in a cistern below for re-use in the building.

The level plateau is large enough to allow flexibility in locating parking spaces to maintain the tree canopy wherever possible. The proposed site design and building design are envisioned as an exemplar of environmentally responsible building, construction and site design for the community.

The steep Hudson site would require an unacceptable level of environmental destruction to build a comparable, universally accessible building and parking on a level plateau. Building on this high point would impact the tranquil setting around Pfister's Pond; noise, lights, and in some seasons, a new building and parking would be seen heard from the Pond. The narrow, level plateau on the Hudson site imposes many more constraints on implementing potential sustainable design strategies such as solar orientation, and maintaining the tree canopy.

15. Which site would preserve more trees? Isn't the Lost Brook Preserve a pristine forest?

As an environmental organization whose mission is to protect and preserve, TNC has kept minimization of tree removal central to its site selection process. While counterintuitive, developing the E. Clinton site will require fewer significant trees to be removed than any other solution, including building at the current site. We acknowledge there is a cost, which includes tree cutting to creating any new building. Here we are following those TNC visionaries who built the Redfield Building where there had been none before. Science teaches us and history has shown that the long-lasting impact of educating hundreds of thousands of people about nature and how to protect the environment, in the end, is worth the cost.

None of the open space owned by Tenaflly and stewarded by TNC is "pristine". It has been described as "a seriously compromised woodland that offers excellent opportunities for enjoyment and educating ourselves about how nature produces the flora and fauna around us."¹¹ All of the undeveloped land had been farmed or clear-cut for timber in the last two centuries. There is evidence that parts of the preserve had been used as a dump. Old photos show volunteers removing old tires and other debris from Pfister's Pond.

¹¹ D. Murray, Letter to the Editor, The Northern Valley Suburbanite 1-31-13



Even Pfister's Pond is not a natural feature. It was created in the 1920s when a dam was built across East Brook which ran through a wooded swamp. Along the White and Red trails, hikers can still see the remains of stone walls marking old property boundaries. The Lambier House, a private residence located in the center of the Lost Brook Preserve has been continuously occupied since it was built in the 1860s.

- **Parking on E. Clinton Site Within the Trees**

TNC's proposed site design has a large enough flat area to preserve the most significant trees by placing parking spaces "within the trees", while the steep, narrow Hudson site will require cutting more trees to achieve a level site required for an accessible facility and parking. TNC plans to re-use lumber from harvested trees wherever possible and is proposing to mitigate unavoidable tree removal and intervention by returning the Redfield Building, and adjacent walkways, outdoor exhibits and composting area (an area of approximately one acre) to the forest in due course. The pavilion, shed, composting restroom and existing 17-space parking lot will remain for the convenience of visitors who want to enter the preserve from Hudson Avenue.

- **Tree Survey & Inventory**

Prior to determining the final siting of the building and parking, TNC surveyed, identified and inventoried all significant native trees on the E. Clinton site. Croxton Collaborative Architects designed a sinuous parking area around and under trees in order to preserve the most significant native specimens and keep the tree canopy intact. During construction and bidding TNC will ensure that contractors submit and follow state-of-the-art protocols to preserve trees and vegetation during construction, designating areas for materials storage and debris collection to protect tree roots from compaction and avoiding clear-cutting.

In response to certain comments, TNC would also like to note that trees flagged with yellow tags along a stretch of E. Clinton prior to the public hearing in April were *not* tagged for removal – they were tagged for identification purposes to preserve potentially significant trees. The intent throughout this process is to remove as few trees as possible. Recent blue markings on trees, tree cutting and removal along E. Clinton near Kent Road was NOT conducted by TNC;



rather the work was solicited by the Mayor from landscaping firms that volunteered to remove trees downed or damaged in recent storms including Hurricane Sandy. TNC is currently working with the Mayor and Council, Tenaflly's Department of Public Works and the Division of Parks and Forestry of the NJ DEP to develop and implement a forestry management plan for the entire preserve. Currently, TNC is not permitted under the terms of its lease to remove any fallen trees, except if the tree presents an imminent danger.

16. Glass windows in the proposed building pose a danger to birds and children.

According to an article published in the Audubon Society's website, the primary danger to birds from windows stems from reflectivity, especially when exterior windows are placed directly opposite each other, creating what birds perceive as escape routes and possible safety zones. The new building's wraparound roofed deck addresses this problem by shading the classrooms and the circular room to reduce reflectivity. None of the windows look directly across to another exterior window, which prevents dangerous "see-through" corridors. There are many other design options that can be incorporated such as installing protective nets and installing windows at downward angles so that they reflect the ground.

Large windows will open interior spaces to the forested views outside the building and are intended to facilitate a visitor's connection with nature and the natural environment. All windows in the new building will be specified to meet current life safety codes.

17. Building on undeveloped land will cause unacceptable disruption to wildlife and plant habitats, causing deer, in particular, to migrate to residential back yards.

Any new construction in the preserve will have an impact on the ecology of the site— affecting habitats, vegetation and the particular species that live there. TNC chose the more level E. Clinton site because it requires less environmental disruption than the far steeper Hudson site. To achieve an equivalent level site on the Hudson site requires more environmental intervention (blasting, re-grading, rock removal and clear cutting to situate adequate parking) and would have a vastly more disruptive effect on plant and animal life.



Developing a new site will not cause wildlife to migrate to residential areas. Deer and other wildlife do not respect property boundaries. Their range is not restricted to undeveloped open space. Deer are well established in suburban Tenaflly and can be seen daily, foraging in back yards as well as at the Nature Center. The new Center will not affect the deer population.

18. The new Center is too expensive and will be a burden on Tenaflly.

TNC intends to raise funds from individual donors, corporations, businesses, foundations and associations, and to apply for funding from all other appropriate sources (including any government open space funds available). The current estimated construction budget is \$6.9 million. TNC does not intend to ask Tenaflly to allocate a construction grant from the Borough's budget.

The annual contribution TNC receives from the Town of Tenaflly (currently \$30,000 out of TNC's annual budget of nearly \$400,000) is not a donation, but helps to cover the cost of services TNC provides to Tenaflly's residents: keeping access to the Nature Center free of charge to all; staffing the visitor center 7 days a week; maintaining 7 miles of trails; monitoring the nearly 400 acre preserve; answering residents' questions about wildlife; offering free programs to the community; and complementary one-year memberships to new residents.

TNC's operating budget is funded primarily from income from environmental education program fees, as well as through memberships, donations and grants. TNC is an independent not-for-profit organization that raises significant funds from individual donors, corporations, businesses, and foundations. TNC's annual operating budget has been in the black since 2007. Growth of our annual operating budget has matched our growth in programs (170% since 2007).

TNC's board of trustees has developed a preliminary three-year operating budget which would be effective upon completion of the new Center. The budget shows the Center operating above break-even with conservative growth, income and expense assumptions. More information about the projected budget is available in TNC's proposal package, available at tenafllynaturecenter.org/new-education-and-discovery-center, at Tenaflly's Borough Hall or Tenaflly's Public Library.

TNC analyzed its own records and compared data from or comparable nature centers to develop a projected budget using the following assumptions:

- Assumes minimal growth in income from annual fund contributions, memberships grants and foundations
- Assumes minimal growth in member and other event income, which are significant current contributors to revenue.
- Assumes immediate growth in education programming based on current unfulfilled demand in school programs, summer and vacation camps, as well as public family events, and thereafter 16% and 12% respectively.
- Assumes increases in employee expenses, primarily as a result of increased hours of part time education staff (tied directly to growth in educational programs).

New building calculations are based on architectural estimates of maintenance per square footage derived from schematic plans, and excludes expenses related to the Redfield Building, which TNC recommends razing.

19. Has TNC properly maintained the Redfield Building and Pfister's Pond?

The regular efforts of TNC staff and volunteers have maintained the aging Redfield Building and TNC facilities in serviceable condition for nearly 50 years. Together they keep trails clear and safe, and have prevented Pfister's Pond from following the natural course of all ponds, to revert back to a meadow, then to forest.

- **Facility Improvements**

In the last decade, many improvements have been made to the Redfield Building and outdoor facilities:

- Replacing the roof
- Upgrading fire alarm and smoke detection system
- Replacing the deck followed by repairing storm damage to deck
- Renovating and converting the building's lower level from a tenant apartment into much needed administration space
- Reorganizing the building's upper level to accommodate more visitors and additional teaching staff

- Working with Borough and volunteers to install a new path from parking lot with better accessibility
- Installing night lighting for parking lot safety for visitors and staff attending evening hikes and campfire programs
- Rebuilding the aviary and fences
- Improving walkway lighting for evening programs.

Volunteers from Rutgers Master Gardener program help to maintain TNC's backyard habitat and butterfly garden. Boy and Girl Scouts regularly improve trails and facilities. Recent Eagle Scout projects include design, installation and construction of new, expanded pathway lighting, new signage and orientation kiosk, boardwalks over wet areas on the trails, a firewood shelter for campfires, and a bird feeding station.

- **Pond Maintenance**

TNC always had policies for to maintain Pfister's Pond, which in the 1960s involved applying herbicides to kill Spatterdock lily pads. Since then, staff and volunteers have pulled the lily pad rhizomes out by hand to control overgrowth. TNC maintains the sluice box which dams the stream that created the pond and has periodically drained the pond in winter to kill exposed Spatterdock rhizomes. In the 90s, after identifying Montammy Golf Club as the source of pesticide and fertilizer runoff, TNC worked with the Club to control runoff, which adversely affected Pond's ecosystem by accelerating the growth of vegetation. TNC also has regularly trimmed shrubbery to curb its encroachment into the pond. Currently TNC staff is working with a pond restoration specialist to develop a long-term management plan to maintain the pond as a feature and to protect the rich diversity of wildlife it attracts.

- **Trail Maintenance**

TNC depends on hundreds of volunteers--school groups, scout groups, families and individuals who contribute their time and energy to maintain trails—Volunteers led by crews from the NY-NJ Trail Conference cleared scores of downed trees following recent severe storms which blocked all of the trails in TNC's seven-mile trail system. Volunteers regularly collect litter, pull invasive plants and spread piles of wood chips donated by local landscapers over the most heavily used trails to prevent erosion. In addition TNC staff and volunteers conduct annual



boundary walks to report to the Tenaflly Borough Council on incursions, dumping and other issues. Staff monitor visitors, enforce Nature Center rules, and report suspicious persons and activities to the police.

REVIEW AND APPROVALS

20. Can the TNC build on Green Acres land?

There is a misperception that only the “Lost Brook Preserve” adjacent to E. Clinton Avenue falls under the jurisdiction of Green Acres. In fact, all of the land stewarded by TNC, whether or not leased to TNC, including the site of TNC’s current building, is under the protection of the Green Acres Program of NJ DEP, which has reviewed and approved TNC’s proposed E. Clinton Avenue development.

This misperception is compounded by the belief expressed by some that development is not permitted on previously undeveloped open space under Green Acres jurisdiction. In fact, Green Acres does permit and has endorsed and approved TNC’s plans for a new Education and Discovery Center.

TNC has designed the proposed Center to impact less than one half of one percent of the nearly 400 acres of open space TNC stewards, and less than one percent of the land leased to it. The built area, including the building, driveway and naturalistic parking areas, is envisioned to be less than two acres. TNC is taking this step in order to better serve its mission of land conservation and environmental education—the very reason that the Borough has preserved the land. TNC has complied with all aspects of the Green Acres Program. In reply to several residents’ concerns submitted in the public comment period about TNC’s compliance with Green Acres rules and mission, Nancy Lawrence, the Green Acres Compliance Officer responsible for reviewing TNC’s proposal, wrote:

“Green Acres, like the Tenaflly Nature Center, has recently celebrated its 50th Anniversary. And in all that time Green Acres has had a dual purpose, or mission, to preserve open space and



provide for outdoor recreation. Everything the Borough and the Tenafly Nature Center have proposed is compliant with both Green Acres rules and our mission.”¹²

21. Was it part of Green Acres’ mandate to make land more accessible to the public?

All projects that receive state Green Acres or federal Land and Water Conservation Fund funding are required to provide and maintain open access to the public. Improving access to open space or “creating public access where none exists or where existing access is undeveloped or restricted” is a considered favorably by Green Acres and is one of several criteria used to evaluate funding applications by Green Acres.

22. Has TNC been transparent in its process?

Yes, TNC has made every effort to promote transparency and to solicit input from the public about our proposal during the approval process. For over a year, TNC has met with every relevant Borough governmental entity as well as dozens of other civic and neighborhood groups to explain and discuss the proposed new building. TNC trustees are all volunteers from the local community. They have a fiduciary duty to secure the future of the organization they steward. They, along with professionals and staff, first looked to see if this proposal was possible (site investigation) and allowable (regulatory approvals) before making any premature announcements.

Once a permissible site was identified, TNC made its proposal public and solicited public comment and review as soon as we had, first conceptual, then schematic, drawings finished. TNC’s proposal has been the subject of public comment and has appeared in the minutes in the vast majority of Borough Council meetings where public comments were allowed from September 2012 to the present.

¹² N. Lawrence, Green Acres Compliance Officer, e-mail dated 6-20-13

- **Publicizing TNC's Proposal and the Public Hearing**

- **Regulatory Compliance**

Not only has TNC met or exceeded all Green Acres regulations and deadlines for notification and explanation of our proposal in order to distribute the notice as widely as possible:

| Green Acres Requirements | | Additional Steps Taken by TNC to Publicize Public Hearing |
|--------------------------|---|---|
| 30 days prior to hearing | Written notice to Green Acres, Borough, Mayor and Council, Environmental Commission & Planning Board | Published additional legal notice to Green Acres |
| | Post notice of hearing on website | Also posted on Borough website |
| | Post 4' x 8' sign at the proposed site, inviting public to hearing & describing proposal until end of public comment period | Posted TWO signs, to reach more people <ul style="list-style-type: none"> • one in downtown, • one at the site |
| 15 days prior to hearing | Publish display ad in a local newspaper | Published ads in TWO papers: <ul style="list-style-type: none"> • Bergen Record & • Northern Valley Suburbanite and Sent a flyer to every registered voter household in Tenaflly |

- **Media**

TNC has widely publicized its proposal through many media outlets over the past year. TNC's proposal has been a topic of discussion in the media, subject of over 100 articles and letters to the editor in local papers since Sept. 2012. During this time, TNC has granted many interviews and has taken reporters and members of the public to tours the new building site. TNC's quarterly newsletter has included articles explaining the proposal in every issue since September 2012.

- **Flyers & Signage**

A month before the hearing TNC also publicized invitations to the hearing by posting signs in two locations in town, posted flyers in storefronts downtown, made FAQ sheets available at Borough Hall and the Tenaflly Public Library, broadcast multiple e-mail blasts, and mailed an informative flyer to all registered voter households in Tenaflly announcing the hearing and describing the proposal. Since the April 23 hearing TNC has distributed flyers describing the



proposal at community events this spring and summer, and featured new information about the proposal and approval process in TNC's newsletter in the Borough newsletter's 2013's spring and summer issues.

- **Website**

TNC chose to make the proposal public on March 22, a full month before it was required by Green Acres regulations, and a month before the public hearing, as soon as TNC had the architect's schematic design. To ensure wide dissemination, as soon as TNC had approved the architects' schematic design, TNC posted the proposal which includes detailed drawings and other materials regarding its plans for the new Center on TNC's website, on the Borough's website, and made copies available for review in the Public Library and Borough hall. In fact, TNC's website has devoted an entire section ("Our Future"—tenafllynaturecenter.org/our-future) to its plans for the new Center, including a "questions and answers" section that addresses many issues raised at the hearing and during the public comment period and letters of support from many environmental and community organizations. The website is continually updated to incorporate the latest information about the project.

- **Face to Face Meetings & Presentations**

Additionally, TNC has presented the proposal to more than two dozen government bodies, civic, religious, and environmental groups, including several meetings with residents who had publicly stated their opposition to TNC's plans for a new Education and Discovery Center at E. Clinton Ave. TNC continues to offer tours of the site to the public throughout the summer.

On April 23, TNC presented the proposal to the public. The four-hour public hearing was taped by Tenaflly High School and broadcast repeatedly on local cable channel 77. TNC and Tenaflly Borough websites linked to a video of the hearing within a few days of the hearing.

- **Responding to Community Comment**

TNC has welcomed public comment, which is a key component of compliance with the Green Acres approval process. Hundreds of comments were received by TNC, the Mayor and



Council and Green Acres during the public comment period expressing both support and opposition. TNC will submit responses to these questions and concerns to Green Acres and the Borough, and will post the responses on TNC's website. Public comment has been an important part of the process TNC has followed. As TNC has developed plans for the new Center, TNC has taken into account both public comments and the opinions of governmental agencies and other interested parties.

23. Will building a new Center invite further development within the Tenaflly Nature Center?

Tenaflly has approved extending TNC's primary lease for 24 years. Extending the term of the lease beyond the previous five year lease is the best protection against future development. After construction is started on the new Center, no entity can compel any other construction during the term of the 24 year lease, and the lease provides that TNC cannot undertake any other development without the approval and consent of the Tenaflly Council. In accordance with its mission and the terms of our current lease, TNC has always protected the land it stewards from intrusion—for example testifying that the construction of a cell tower in 2011 is not permitted under the terms of TNC's lease, and annually monitoring and reporting boundary incursions. Any change to TNC's leases would require approval from TNC's board of trustees, the Tenaflly Council and Green Acres. Borough Attorney McClure confirmed that the wording of the new lease is based on TNC's current lease, and is consistent with the 1975 and 1976 Resolutions, guaranteeing that the same restrictions and uses apply.

In addition, since 90% of the land leased to TNC is federally protected wetlands, TNC does not believe that there are any other areas with access to a through street that would be suitable for development. Moreover, any proposed development would have to qualify as a permitted use by Green Acres and undergo the same review and approval process TNC has followed with state and federal regulatory agencies and the town, including a public hearing and comment period.

24. Why not hold a referendum as the Borough did in 1975 to decide where a new facility for TNC should be built?



In 1975 the Borough held a referendum to decide whether or not Tenaflly should issue bonds for \$2.86 million (which would directly impact residents' taxes) to meet the purchase price of the Lost Brook Preserve. TNC's lease, the 1975 and 1976 Resolutions and Green Acres regulations spell out the review and approval process for TNC's proposal. We have met and exceeded all these requirements. TNC is committed to an open and transparent process. TNC is not seeking any increased Borough taxes, allocation of borough budget, or any tax levies to build a new Education and Discovery Center. The project will be funded by donations from individuals, by grants and foundations and other appropriate funding sources, including any available government open space funds.

25. What was the reason for the court challenge of the referendum in 1975 when the Lost Brook Preserve was purchased?

In 1975 the Borough held a referendum on a bond issue to raise funds to meet the purchase price of the Lost Brook Preserve. When the Borough later reduced the amount of acreage by 15% it had originally proposed to purchase, it did not reduce the amount of the bond. Some Tenaflly residents then sued to invalidate the referendum for the original bond issue. The court ruled that a reduction of 15% in acreage was not large enough to warrant another referendum.

26. Many who came to attend the public hearing on April 23 could not enter the Council Chambers because the room was filled to capacity. Does this invalidate the public hearing?

The hearing was hosted by the Borough in Council chambers, which has an occupancy limit of 248. Minutes before the hearing began, the Mayor stated, *"If we reach that capacity prior to 7:30, it's about 7:26 now, we may have to go to another room."* At 7:30, he determined there were still seats available.

"Everyone will have the opportunity to be heard," promised the Mayor as he invited supporters and opponents to speak at the start of the hearing, though many supporters and opponents, who arrived after the hearing was underway, were unable to enter the room immediately. After capacity was reached, 35 people who waited in the lobby signed a list. Well



before the hearing ended, many seats became available and people no longer had to wait to enter. At the hearing's conclusion nearly four hours later, all supporters and opponents who waited had the opportunity to speak; some spoke more than once.

Those who came late, but could not initially get into the hearing, and those who could not attend for other reasons were invited to express their concerns in writing immediately to the TNC, to the Borough and to Green Acres during the two-week public comment period following the hearing. TNC has collected, catalogued and answered all the written comments received by May 7. TNC's answers to these comments become part of the Green Acres review package and on completion will be on the public record. TNC will post the entire review package on our website for public view as soon as Green Acres has examined and approved TNC's responses.

Within a few days following the hearing, the entire four hour hearing was broadcast repeatedly on the local cable channel and the complete video has also been available on the websites of TNC and the Borough.

27. The 24-year lease extension does not provide adequate protection to the town. It lacks sufficient description of the project and definition of a project area, and exposes the town to unnecessary financial risks.

In response to certain commentators' suggestions, TNC agrees that TNC's 24 year lease should be modified to protect the Borough of Tenaflly's interests by defining the site for the new Center as not more than 2 acres; it already prohibits other development. TNC will not begin construction until it has raised pledges to cover 100% of the construction costs.

28. Have you made all the hydrologist reports public?

Every step of our investigation is publicly available. Together with our architect, Croxton Collaborative, TNC engaged a professional wetlands scientist, to sample soil and vegetation in order to identify a dry site large enough for a new facility. To verify the wetlands buffers, Amy S. Greene, Environmental Consultants, prepared an application to NJ DEP, which was authorized by the Tenaflly Council in March, 2012. NJ DEP's July 2012 Letter of Interpretation (LOI) confirmed that our proposed site falls within permissible wetlands boundaries. The application



for the LOI and the NJ DEP's response is available for review on TNC's website. The NJ DEP's response confirming wetlands boundaries is included in TNC's proposal. Despite comments at the public hearing to the contrary, there are no hidden hydrologists' reports, nor does TNC know why certain members of the public persist in making this claim.

29. There was a map displayed at the public hearing by the opponents, which they say TNC gave to the Planning Board. Why doesn't it appear on your website?

The map exhibited by a commentator at the public hearing was not prepared by TNC. While it resembles TNC's hand-drawn trail map (which is not drawn to scale and not intended for planning, engineering or architectural purposes) we do not know who created this map. We presented a map at the public hearing, and also included in our proposal package (available on our website) an aerial photograph commissioned by TNC of the entire preserve with superimposed wetlands boundaries offset from visible water features. The aerial photo presented to the Planning Board is a version of that map.

30. How long will it take to finish construction once TNC secures all necessary approvals?

Completing a new Education and Discovery Center will take at least a year for construction after TNC has completed fundraising.