

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

FEBRUARY 9, 2009

The regular meeting of the Environmental Commission was called to order at 7:33 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

ROLL CALL:

Present: Andrew Abdul (7:43), Gillian Hemstead, Douglas Ott, Bernie Stapleton, David Watson Hallowell, Chairman Stephen Sangle, Alternate Gary Oppenheimer, GIS Specialist/Liaison Robert Sparkes.
Absent: Timothy Metcalf, Alternate Maryellen Gabay.

Newly appointed Environmental Commission Alternate Gary Oppenheimer was sworn in and asked by Chairman Sangle to sit in for regular member Timothy Metcalf, who was absent.

PRESENTATIONS

West Milford Lake – Prior to beginning this presentation Chairman Sangle advised Mr. Anthony Patire, owner of West Milford Lake, and his engineer, Mr. Tibor Latincsics, P.E., that the Environmental Commission, as an advisory body to the Planning Board and Township, had no jurisdiction in this matter and could not comment on anything that was presented at this meeting. He stated that he would allow the presentation by the engineer, but the Environmental Commission would not comment, endorse, or act on this matter.

Tibor Latincsics, P.E. and Anthony Patire of Marshall Hill, LLC acknowledged that they understood the Commission's position. Mr. Latincsics stated that Mr. Patire had bought the site, West Milford Lakes, in the hopes of developing it, and Mr. Latincsics advised the owner that only a small portion by clubhouse may be rebuilt. His presentation at this meeting was mainly to present West Milford Lake as a possible mitigation site. He stated that he met with the DEP and they made it clear to him that they want the dam breached, but after that, it is not their concern. He prepared a plan after reviewing the Princeton Hydro concept plans for a possible environmental center. The owner of West Milford Lake is proposing to keep a pond, wetland marshes and wooded buffers, coordinate it with the breaching, and this is consistent with the Princeton Hydro plan. He exhibited several projects that he was involved with in Bergen County. Mr. Latincsics stated that the people around West Milford Lake want the lake to remain. He also stated that the dam would remain after breaching and major storm events will result in the lake filling up, so he proposed modifications to the State design with the correct elevation to keep a pond present. Mr. Latincsics referred to the DEP memo of January 12, 2009 and noted that he understood the concern over silt. He stressed the main issues are support, time and money, stating that the owner is interested in using public and private funding for the site. He provided an exhibit of a site in Oakland, near Rt. 287, owned by Mr. Patire, that requires an alternate site for mitigation in exchange for the Oakland commercial project obtaining DEP approval. He stated that the owner wants to create a two-acre site at the location of the current West Milford Lake clubhouse for development. Chairman Sangle advised that this Commission is not the proper channel for the owner to begin, and suggested that they go to the Planning Board, and then it can be referred to the Environmental Commission for comment. When the owner's engineer inquired about the status of the West Milford Lake Dam project and grant, the Chairman advised that the project was developed before there was any responsible party for the dam. When asked by a Commission member if the DEP gave a deadline for the dam breaching, Mr. Latincsics replied that they hadn't. The Chairman reiterated that this meeting was not the time or place for this presentation or for discussion on the matter and the Commission could not provide comment as it had no jurisdiction. The owner and engineer thanked the Commission for their time.

Annual Amphibian Migration – Dave Emma - Chairman Sangle advised that this presentation will be held at the next meeting on March 2, 2009.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OTWS Grant: - Rob Sparkes advised that he did not have much to report except that Princeton Hydro was still working on prioritization and that the QAPP are not approved yet.

2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: Rob Sparkes reported that he needed to complete the quarterly reports for this grant. He was still waiting for comments from the DEP, but anticipated that the bids may go out in 4 to 6 weeks.

On another note, Mr. Sparkes advised that Pat Rector had been transferred to the Division of Watershed Management. Due to the fact that she was involved in so many grants, she will continue at the present time to oversee these grants, as well as remaining the representative for the Greenwood Lake Commission.

Streetscape Grant: Rob Sparkes reported that he and Rich McFadden, Township Engineer, will meet with Dewberry Goodkind, engineers for the project. The Passaic County Planning Board had approved the draft concept design and they are preparing a presentation for the Planning Board. He reported that the Walgreen's and Shop Rite projects are moving along.

Urban Forestry Grants: There was nothing new to report on this matter.

ON GOING BUSINESS

Community Forestry Plan: There was nothing new to report on this matter.

Lakes Committee: The Chairman announced that the Commission needed a volunteer to attend the Lake Committee meetings, as the Commission's representative, Irene Smith, had resigned. Gary Oppenheimer inquired about the Lake Committee, and Chairman Sangle replied that this was an opportunity for the Commission to obtain first hand knowledge about the lakes' concerns, including pollution sources, etc. They meet on the 3rd Monday of the month at Town Hall at 7:00 p.m.

Wetland Mitigation Project (Wallisch Estates/Ramapo): Rob Sparkes advised that he had spoken to George White and he is still compiling ideas and information for the signage. It is anticipated that the signage will be installed this Spring. The Chairman reviewed the Wetlands Mitigation project for Mr. Oppenheimer.

Open Space Subcommittee: Mr. Sparkes reported that he is working with the Planning Board on the Highlands Regional Master Plan, reviewing data for inclusion into the plan. There are several properties that the Township owns that could be preserved for open space, including Pinecrest Trail, which are in the "greenbelt." The Chairman reviewed the greenbelt area that surrounds the Township that included open space and trails for animal migration. Mr. Sparkes advised that the Township has not specifically identified these Pinecrest properties for open space, and suggested that the Commission compile a list that can be reviewed for possible preservation sites. The Commission discussed the removal of the sites from the tax roles for open space preservation as opposed to being sold for revenue. Mr. Sparkes noted that he is working on a list of developable properties for a build out analysis. The Commission briefly discussed the COAH requirements and Highlands Master Plan.

Energy Subcommittee: The Commission concurred that this Committee should be called the Renewable Energy Subcommittee. Bernie Stapleton reported that he contacted ANJEC and received copies of ordinances for wind turbines. He has developed a draft ordinance that he hopes can be brought to the Planning Board Ordinance Subcommittee. The Chairman advised that it needs to be reviewed by the Commission, adding that the main concerns are height and lot size. He noted that the rights of neighbors must be respected. The Commission discussed various issues with regard to the wind turbines. Mr. Stapleton advised that he would forward the information to the secretary so it could be forwarded to the Commission. Phil Lugomeno, a local builder, was present at the meeting, and he provided comments on the wind turbines, having researched this matter extensively. He noted that there are five accepted ordinances in New Jersey, to date, and the draft West Milford ordinance was designed to incorporate all five, agreeing that wind turbine height is the most controversial aspect. David W. Hallowell commented that the Commission is in the position to facilitate renewable energy. The Chairman advised that there are many questions to be answered, so the matter needs to be reviewed and discussed. The Commission discussed hybrid cars, rebates, and energy incentives. With regard to the ordinance, all agreed that the ordinance

should take into consideration changes in technology, making a system obsolete in a few years. The Commission concurred that they should limit the ordinance to wind turbines at this time and not include other alternative energy resources.

NEW BUSINESS

Chairman Sangle announced that a public meeting on trout stocking will be held on February 14 in Warren County.

Rob Sparkes advised that the ANJEC purchase order for renewal of our yearly membership had been prepared and sent for processing. He also advised that an ANJEC Smart Growth Planning Grant was available and he spoke to George White (Wetlands Mitigation project) about a hiking trails master plan that could be a possible option for the grant. Some of the Commissioners advised that there may be stream encroachment permits required. Mr. Sparkes reviewed some of the trails that could be included that weren't in the trail conference, including the Wallisch site trails, and the greenbelt. He asked the Commission to formulate their ideas and get in touch with him. The grant application is due the end of March.

Chairman Sangle reported that ANJEC will have its 40th Anniversary this year and they requested Environmental Commissions to submit a list of their most notable achievements. Rob Sparkes advised that West Milford was one of the first in New Jersey to have a natural resource inventory and the first to have a GIS inventory. The Chairman advised that this is an opportunity for other towns to see what has been done in our Township and be recognized for our accomplishments.

Sustainable Jersey: David W. Hallowell reported that he made a presentation to the Township Council and the Council unanimously approved of the program, adding that a draft resolution will be sent to the Council for adoption. Mr. Sparkes advised that the Township Administrator should be consulted on this.

Annual End of Year Report: Rob Sparkes reported that he will be in contact with Gillian Hemstead to begin preparing the annual report for presentation to the Township Council.

Other Business:

-Rob Sparkes noted that there was a new home being built off of Tintle Avenue in a possible wetlands area and asked Bernie Stapleton to review the site. The Chairman noted that a letter can be sent to the DEP on this and the Building Department should be advised if this is confirmed.

-It was reported that former Commissioner Les Lynn may have health problems. One of the Commissioners will try to contact him.

-David W. Hallowell inquired whether the Environmental Commission recognized other groups in West Milford, and suggested they acknowledge the Green Team by inviting them to a meeting and presenting with a certificate.

- Dave Emma contacted Rob Sparkes about the annual amphibian migration, and advised him that the Clinton Road location is one of the most dramatic sites for this crossing. He noted that the temperatures have to be wet and fairly mild and that some areas have volunteers to assist them with the crossing. More information will be presented at next month's meeting.

MINUTES

The Minutes of the October 6, 2008, November 3, 2008 Regular meetings were approved, ***as amended to correct spelling of piezometer and QAPP***, on a **motion** by Bernie Stapleton and **second** by Douglas Ott.

The following documents were noted and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notice received from the Highlands Council of Agency Determination – Exempt and Water Quality Management Plan – Consistent for Block 3608; Lot 12, Estate of Muriel Anderson, Ivy Lane, for a new single family home.

2. Notice of Intent to Cancel dated January 29, 2009 for Awosting Association, Inc. and the Minor Subdivision of Block 4106; Lot 1, received from the NJDEP with regard to Highlands Applicability and Water Quality Management Plan Consistency Determination with an attached copy of the Second Notice of Technical Incompleteness dated January 7, 2009.
3. Correspondence from Tibor Latincsics of Conklin Associates dated January 16, 2009 to the Jeffrey Olawski, Bureau of Watershed Management regarding the Awosting Minor Subdivision, revision of plans, and response to the January 7, 2009 letter of Second Notice of Technical Incompleteness from the NJDEP.
4. Notice received from ANJEC on January 30, 2009 notifying Environmental Commissions of the Highlands Regional Master Plan Conformance and grants available.
5. Notice of application dated January 19, 2009 for Highlands Exemption and Consistency Determination for Water Quality Management Plan received from G. Gloede and Associates regarding Mr. Wonton, LLC, Block 6303; Lot 18, 1564 Union Valley Road.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice of a Freshwater Wetlands Application and GP 25 Permit for Steve Higgins, Block 8509; Lot 15, 8 Pinecrest Trail, with regard to installation of a subsurface sanitary disposal system.
2. Notice of an application received January 30, 2009 from Cerenzio and Panaro on behalf of the West Milford Township Municipal Utility Authority to the NJ DEP for a Special Activity Transition Area Redevelopment Waiver regarding Block 3802; Lot 3 in relation to the upgrade of Wastewater Treatment Facilities Capabilities.
3. Notice of Revision Disapproval dated January 23, 2009 received from the NJDEP regarding the revised Water Quality Management Plan for Brown's Point Plaza, Block 3610; Lot 26.
4. No Further Action Letter and Covenant Not To Sue received from the NJ DEP regarding Block 14501; Lot 5, 41 Blakely Lane, with respect to a 550 gallon underground #2 heating oil tank removal.
5. Notice of Violation from the NJ DEP for Paul Vanderveen, Block 8201; Lot 22; 1855 Macopin Road, for unauthorized placement of fill, destruction of vegetation and construction of a barn in a wetlands transition area.
6. Notice from Cefes Financial, Inc. of an application for a Letter of Interpretation and Transition Area Waiver for Block 16504; Lot 4, Apple Tree Lane.
7. Notice from Lan Associates of application for a Freshwater Wetlands Application to be filed with NJ DEP for the Christian Life Center, Block 6203; Lot 13, 184 Marshall Hill Road.
8. No Further Action Letter and Covenant Not To Sue received from the NJ DEP regarding Block 13701; Lot 26, 26 Navajo Trail, with respect to a 300 gallon underground #2 heating oil tank removal.

CORRESPONDENCE

1. Notice from the Planning Department dated February 6, 2009 of intent to provide the Environmental Commission with copies of Planning Board and Zoning Board of Adjustment application forms to apprise them of proposed development.
2. Notice from ANJEC of 40th Anniversary and request of Environmental Commissions to submit a description of a significant accomplishment during the past 40 years.
3. Copy of a letter from Fred Semrau, Township Attorney, dated January 20, 2009 to Jeffrey Wilson, Esq., attorney for Marshall Hill, LLC regarding the West Milford Lake Dam and a request to cease lowering the lake until proper approvals and permits are acquired.
4. Letter received from Fred Semrau, Township Attorney, on February 6, 2009 regarding West Milford Lake representatives to be in attendance at the EC meeting of February 9, 2009.
5. Receipt of Planning Board Engineer and Board Planner reports on February 2, 2009 regarding the December 4, 2008 revised plans for 1952 Union Valley Road.
6. Pequannock Post – February 2009 - Volume 14, Issue 1

7. Memo from Rob Sparkes dated January 30, 2009 to the Township Administrator requesting that a Sustainable Jersey resolution be placed on an upcoming Township Council agenda.
8. Notification from ANJEC to Environmental Commissions regarding a seminar on Environmental Commission Training to Protect Natural Resources.
9. Copy of an application for a preliminary permit from Riverbank Sparta, LLC to the Federal Energy Regulatory Commission for a feasibility assessment of a pumped storage project at the Limecrest Quarry in Sparta, NJ.
10. Notice received January 27, 2009 of the 2009 New Jersey Land Conservation Rally on March 7, 2009, New Brunswick, NJ.
11. Resolution 2009-040 adopted January 1, 2009 regarding the award of a contract to Scott Holzhauser, CTA to assist in tax appeals against the Township.
12. Resolution 2009-009 adopted January 1, 2009 Re-Establishing a Lakes Committee.
13. Letter from Environmental Commission to Cable TV Committee requesting Cablevision coverage of special EC meetings.
14. Letter from the New Jersey Farm Bureau regarding the evidentiary hearing to contest the validity of the regions septic density standards of 88 and 25 acres established by the NJ DEP. For more information contact Nicki Gorger at 609-393-7163 of the New Jersey Farm Bureau.
15. Copy of a letter dated January 12, 2009 from Tibor Latincics of Conklin Associates regarding Marshall Hill, LLC and the West Milford Lake site, including various attachments, with comments regarding possible development of a portion of the site, and a request for a meeting to discuss the dam decommissioning plans.
16. Notice from the NJ League of Municipalities dated January 28, 2009 regarding the HR 1 – American Recovery and Reinvestment Act of 2009 – Energy and Environment and Housing Components of the economic stimulus bill.

PUBLIC COMMENTS

No one was present from the public wishing to address the Environmental Commission.

ADJOURNMENT

With no further business to come before the Environmental Commission, the meeting was adjourned at 9:26 p.m. on a **motion** by Bernie Stapleton with a **second** by Douglas Ott.

Approved: April 6, 2009

Respectfully submitted,

Tonya E. Cubby, Secretary