

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

MARCH 2, 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, Douglas Ott, Bernie Stapleton (7:37), David Watson Hallowell, Timothy Metcalf, Chairman Stephen Sangle, Alternates Maryellen Gabay, Gary Oppenheimer.

Absent: Gillian Hemstead, GIS Specialist/Liaison Robert Sparkes.

Maryellen Gabay was asked by Chairman Sangle to sit in for regular member Gillian Hemstead, who was absent.

PRESENTATIONS

Annual Amphibian Migration – Dave Emma

Dave Emma was present to speak to the Commission about the annual amphibian migration that occurs annually on Clinton Road. He reported that these amphibians, mainly spotted salamanders, come out of hibernation and cross Clinton Road to their breeding ground. He has been observing this for the past three years. His concern was traffic on the road that kill the amphibians as they cross, noting that their habitat is fragmented, crossing to breed, then crossing again to return to their habitat. Their migration occurs in the early spring when the temperatures reach above 39 degrees, on a rainy night. Mr. Emma asked for possible assistance in having a culvert installed, the road closed, or in having volunteers assist with the crossing and alerting drivers to the migration. The Chairman commented that Clinton Road was a main artery to Route 23 and inquired about the number that were killed in prior years. Mr. Emma reported that about 198 were killed the prior year, approximately half that attempted to cross the road. He added that they cross individually and instinctively go where nature directs them. The Chairman suggested that perhaps piping installed in certain locations would help. Doug Ott noted that Clinton Road is about 9 miles long. David Hallowell inquired whether Mr. Emma had contacted Newark Watershed, and he replied that he had not. The Chairman suggested that Mr. Emma research any funding that may be available for a project to be undertaken. Mr. Ott noted that this should be a press release/news item so that the public can become educated about the migration. Gary Oppenheimer suggested that Mr. Emma contact WGHT and WSUS about doing a public service announcement. The Chairman also advised that if information is made available, it could be disseminated by the Commission at the Autumn Lights Festival for the following year's migration. The Commission agreed that information regarding this should be on the website.

APPLICATIONS – None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OTWS Grant: - There was nothing to report at this time.

2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: There was nothing to report at this time.

Streetscape Grant: There was nothing to report at this time.

Urban Forestry Grants: There was nothing to report at this time.

ON GOING BUSINESS

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

Lakes Committee: Gary Oppenheimer reported that he attended the Lakes Committee meeting on February 16, 2009 and there were four people in attendance. The major concerns addressed were grits in the roads, and catch basins that have not been cleaned out, with resulting weeds and plants taking root. He reported that the Lakes Committee also discussed septic maintenance, how to assist residents in locating

their septic systems and comply with new regulations. Another issue was fertilizer use, monitoring, penalties and the use of alternatives. The Commission briefly discussed each of these matters, including the ratio of grits versus salt for the roads, and the Township's ability to effectively remove the grits in a timely manner with limited equipment.

Wetlands Mitigation Project – Wallisch Estates: There was nothing to report at this time.

Open Space Subcommittee: There was nothing new to report at this time.

Renewable Energy Subcommittee: Information on the wind turbines and associated material had been emailed to the Commissioner's by Bernie Stapleton. He reported that height was a major concern to address. The maximum allowable building height is 35 feet, so without a variance, a large tower couldn't be constructed on a lot. The Commission expressed concern about construction of wind towers on small lots. As to the issue of visibility, there are cell towers and power lines in numerous locations throughout the Township, so this should not be a deterrent that would prohibit them from being constructed. The Commission discussed the wind towers being used as power sources for individual use and additional power produced that could result in a profit. Tim Metcalf inquired whether this would be a zoning issue if used as a business for profit. Various issues with regard to wind turbines were discussed by the Commission. In response to an inquiry about the Commission's intention to draft this wind tower ordinance, Chairman Sangle replied that the intent was to get as many residents as possible to produce clean energy with the windmills, without infringing on neighboring property owners. The Commission discussed including more stringent restrictions initially, and make adjustments in the future. The goal would be to draft an ordinance that would be reasonable. Atlantic City was given as an example, with the manufacturer/installer leasing the property, constructing the turbines, and maintaining them; Atlantic City then sells the electricity. The Commission discussed several factors, including the airport hazard zone, noise emanating from the towers, and vegetation growing up the towers. Bernie Stapleton reminded the Commission that the Planning Board Ordinance Subcommittee will look all the issues, including zoning requirements, with regard to development of an ordinance.

Sustainable Jersey: David Hallowell reported that the Sustainable Jersey web site is now open. He asked that the resolution of approval for applying to this program that was adopted by the Township Council be forwarded to him. Mr. Hallowell advised that the main priority is a mandatory municipal Green Team that would include representatives from the Planning Board, Zoning Board of Adjustment, Parks and Recreation, and Environmental Commission, among others. Representatives from various segments of the community need to be involved and need to meet on a regular basis. Chairman Sangle suggested that Sustainable Jersey be placed as an item on the agenda each month. The Commission discussed the formation of the Green Team and also many of the projects required that have already been completed in the Township. Mr. Hallowell will inquire about the projects that have been completed and whether they will apply as credits. He advised that a water conservation ordinance was a priority of the Sustainability program. Maryellen Gabay noted that the Environmental Commission has disseminated information on water conservation for several years, and distributed shower misers this past Autumn Lights Festival. Gary Oppenheimer inquired whether the MUA recorded a drop in water use after the distribution of the shower timers. Chairman Sangle commented that a drop in water use would be difficult to determine by the MUA due to water infiltration from numerous sources, including sump pumps. He also noted that the majority use wells in the Township, so any significant drop would be difficult to ascertain.

NEW BUSINESS

Annual End of Year Report:

Chairman Sangle requested that the Commission send to Gillian Hemstead any issues that need to be addressed in order for her to include these in the Commission's annual report.

Other Business:

The Commission discussed outdoor furnaces and woodstoves inserts.

The Volunteer of the Year program notices were sent to all volunteer groups announcing the program on April 22, 2009.

David W. Hallowell announced that the Sustainable West Milford Greenfest will be held at Bubbling Springs on May 16, 2009.

MINUTES

The Minutes of the Regular meetings of December 8, 2008 and January 5, 2009 were approved by unanimous consent, 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 of Technical Incompleteness for Highlands applicability application submitted by Mr. Wonton, LLC for Block 6303; Lot 18, 1546 Union Valley Road, requesting plans or documentation with regard to calculated values for existing and proposed impervious surfaces.
2. Application notice with attachments for Highland's Applicability Determination received from Cefes Financial dated 01/14/09 regarding Block 1806; Lot 4 & 5, Magnolia Road.
3. Letter from Tibor Latincics of Conklin Associates regarding the Awosting Association Minor Subdivision, dated February 18, 2009, objecting to the NJDEP Notice of Intent to Cancel the Highlands Applicability Determination request.
4. Revised application for Highlands Exemption dated February 24, 2009 for Mr. Wonton, LLC, Block 6303; Lot 18, with requested documents and plans.
5. Notice and application for Highlands Exemption received on February 25, 2009 for Shoebox Storage, LLC, Block 16006; Lot 1.01, 140 Oak Ridge Road, regarding demolition of existing buildings and construction of multi use building with commercial, residential, and storage.
6. "Notice of violation and offer of settlement" for Peter Esposito for property located at Block 6701; Lot 13, advising that violations remain uncorrected and a restoration plan has not been received by the DEP with regard to the placement and grading of 23,000 sq. ft of fill on subject property.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice received from Keyspan Services for Paulus, Sokolowski & Sartor, LLC regarding Block 3802; Lot 3, on behalf of the West Milford Municipal Utilities Authority's Individual Transition Area Waiver application for the Upgrade of Wastewater Treatment Facility Capabilities.
2. Notice of Deficiency dated February 11, 2009 from the NJDEP regarding 1477 Union Valley Road – Missing Progress Reports and Revised Classification Exception Area.
3. Application from PK Environmental for Ed Ostrowicz, Block 4701; Lot 33.04, 350 Morsetown Road, regarding a General Permit #2 and revisions to wetlands buffers.
4. Notice and application received February 24, 2009 for Robert Gigliuto, Block 8401; Lot 21, 10 New Dockerty Hollow Road, of application for a GP 25 for installation of a subsurface sanitary disposal system.
5. Revised plan for application for GP #2 received on February 19, 2009 for Ed Ostrowicz, Block 4701; Lot 33.04, 350 Morsetown Road per DEP request.
6. "No further action and covenant not to sue" letter regarding Elaine Berkowitz, 628 Warwick Tpk., Block 902; Lot 9 and remedial action with regard to a 550 gallon underground oil tank.

CORRESPONDENCE

1. Notice from the Hudson Essex Passaic Soil Conservation District certifying the plan submitted as meeting Standards for Soil Erosion and Sediment Control regarding Block 6303; Lot 15 & 16, Inserra (Shop Rite) Expansion.
2. Resolution adopted by the Township of West Milford on February 11, 2009 authorizing the registration of the Township as a participant in the Sustainable Jersey Program.

3. Notice for the Township of West Milford 2009 Volunteer of the Year program on April 22, 2009, requesting nominations by March 20, 2009.

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 9:24 p.m. on a **motion** by Chairman Sangle with a **second** by Maryellen Gabay.

Approved: May 4, 2009

Respectfully submitted,

Tonya E. Cubby, Secretary