

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

APRIL 1, 2013

The April 1, 2013 regular meeting of the Township of West Milford Environmental Commission was called to order at 7:39 p.m. with a reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Gary Oppenheimer, Douglas Ott, Thomas Tamayne, Don Weise
Alternate Ronald Farr, Chairman Stephen Sangle.
Absent: Timothy Dalton, Alternate Lucas Slott.

Chairman Stephen Sangle advised that a quorum was present to conduct this meeting. Alternate Ron Farr was requested to sit in for Tim Dalton.

APPLICATIONS FOR REVIEW – None.

GRANT MANAGEMENT AND STATUS REVIEW

2007 GWL NPS 319(h) Grant: Dr. Fred Lubnow of Princeton Hydro advised the Commission at the March meeting that he would be present at the May meeting to provide an update on the status of the latest grant projects.

Recreational Trails Signage Grant: Don Weise reported that the trail signs were with the Public Works Department, but he needed to follow up with them for projected dates for the installation of the signage.

2010 ANJEC Smart Growth Planning Grant-Trails Master Plan: Chairman Sangle advised that Kerry Miller sent emails inquiring about the status of the grant project, and Doug Ott advised that he had difficulty arranging a meeting, but plans to schedule a meeting prior to the Commission's next meeting. He also reported that Joanna Slagle was waiting for the GIS map data from the NY/NJ Trails Conference.

NJDEP NNL Reforestation Grant - \$620,197.00 – Ron Farr provided an explanation of the NNL Reforestation Grant offered by the NJDEP to the Township, advising that the DEP requires any forest that was cleared to be reforested, or funds must be paid for the re-planting of trees. Tennessee Gas Pipeline created vacant areas that are required to be replanted, but instead of replanting the trees removed to get access to their project, submitted \$620,197.00 into a fund for the replanting. Mr. Farr reported that the Township submitted a letter of interest, but needs to commit to applying for the grant or jeopardize losing more than half a million dollars in grant funds. He advised that tree planting can occur on public lands and in ROW's, but not on private property, nor on state lands. Planting on another entities' properties (Newark Watershed, County, Passaic River Coalition, etc.) would require their permission. Mr. Farr also advised that a pre-requisite for the NNL Grant was a Certified Community Forestry Management Plan, which West Milford does not currently have, so another grant is available under the Green Communities Grant program for \$3,000.00 to develop a forestry management plan in conjunction with the NNL grant. Chairman Sangle commented that the streetscape project includes street trees, and the grant could provide these plantings, allowing streetscape funds to be applied to other hardscape items. Mr. Farr noted that he had been in contact with Evan Dilluvio from the NJDEP – Division of Forestry, and he estimated that the grant would provide approximately \$300.00 per tree for 2067 trees, but the application should be submitted by May 1, 2013. The cost per tree would also include the forestry consultant's fees, planting, guide wires, mulching, and maintenance of the trees. Since a 90 per cent survival rate is required, Chairman Sangle commented that a landscaping contractor will need to be hired for the tree planting and maintenance. Tom Tamayne suggested that a local contractor may be able to do the small planting locations, and requested that local contractors be considered for the project whenever possible. Mr. Farr noted that if the trees fall below a 90% survival rate, the trees will have to be replanted. When Doug Ott inquired who would make the decision on the planting locations, Mr. Farr advised that if he is hired as the forestry consultant, he would research the locations and make recommendations. Chairman Sangle suggested that a subcommittee be formed, and the subcommittee will compile information on potential tree planting sites and work with Ron Farr, if he is the designated consultant, to provide a map for the Council to review and approve. Mr. Farr advised that the State requires a specific planting plan with the species and location for each tree. Mr. Tamayne commented that a mix of hardwoods and other indigenous species be used in various locations, adding that the trees needed to be approximately 6 to 8 feet in height and 2 to 3 inches in diameter. With regard to the contractors hired for the planting, Mr. Farr noted that there will probably bidding for the contracts on the larger parcels, but smaller parcels may be awarded in separate contracts. With regard to trees that are in jeopardy, Mr. Farr reported that the Emerald Ash Borer has not surfaced in NJ, to date, but

the hemlocks have been experiencing a disease cycle for years. Chairman Sangle noted that Luke Slott requested to be a member of the reforestation subcommittee if the grant is approved. Don Weise and Tom Tamayne also expressed interest in the subcommittee. Chairman Sangle reported that he spoke to the Township Administrator and everything seem to be in order with regard to Ron Farr's proposal as the certified forestry consultant for the Township for the Green Communities Grant and the NNL Reforestation Grant. He made a motion that the Commission accept Ron Farr's proposal in the amount of 10% of the total grant funds to administer the grant projects, and request the Township Council to apply for the grant monies as soon as possible. Don Weise seconded the motion. All members were in favor, with Ron Farr abstaining from the vote. Mr. Farr advised that he would submit his resignation from the Environmental Commission to avoid any appearance of a conflict. Chairman Sangle requested that a memo be sent immediately to the Township Administrator and Council advising of the Commission's endorsement of Ron Farr as forestry consultant for the two grants, and advising of the formation of the EC subcommittee to assist with the grant projects.

PRESENTATIONS

Ben Burton, a local landowner, addressed the Commission about property that he recently purchased, initially as a tax incentive, located next to Norvin Green State Forest on Larsen Road, and another 57 acres off of Macopin Road. Mr. Burton stated that he intended to donate the land to several conservancies, but the land would eventually become accessible to the public, and he wanted the land only available for wildlife. He noted that he resides near the Ramapo Dam in Mahwah and has seen the damage done to the environment by the public access to the trails. He intends to prevent ATV use and clean up the various debris on the properties that he purchased to allow the natural habitat to thrive. When Chairman Sangle inquired what the Commission can do to assist him in his goals, Mr. Burton stressed that he wanted to preserve the land as a natural habitat, and he discussed the issue of genetic diversity in combating invasive species. He advised the Commission about a book, *Bringing Nature Home*, which emphasizes the need for propagating native species and sustaining wildlife with native plants, and stated that a free copy is offered to all municipalities in the State. Don Weise commented that the NY/NJ Trails Conference has been proactive with invasive species management in the lower Hudson Valley and they are trying to get funding for a program in New Jersey. Doug Ott requested a copy of the *Bringing Nature Home* for the Township library and WM High School. Mr. Burton suggested that high school educational programs may be useful, but he stressed that he did not want his property used for public access. Gary Oppenheimer suggested that Mr. Burton's property be included on the Beautification Day schedule for clean up, and would provide several contacts to him. Mr. Oppenheimer recounted the incident with the TGP representatives regarding several 200 year old trees at the Wallisch homestead, and how they re-routed the pipeline at the Commission's and Township's request to avoid destroying the trees. Mr. Weise suggested that Mr. Burton's properties may also be considered for inclusion in the Trails Master Plan as wildlife sanctuaries. Mr. Farr suggested he contact the NRCS - Natural Resources Conservation Service for assistance.

Chairman Sangle requested that Mr. Burton attend a future meeting to provide an update on his properties, and noted that the Commission is affiliated with several programs and organizations and may be able to assist him.

James Presendanse, the Passaic County Watershed Ambassador, advised that he grew up on Larsen Road and is very familiar with the terrain, noting that much damage has been done to the natural habitat. He offered to visit the site with Mr. Burton. The Commission discussed ATV use and it was noted that access to the trails should be blocked, with a copy of the trails provided to the police and rangers to scout the areas and impound the vehicles as a deterrent.

ON GOING BUSINESS

Lakes Committee: Andy Abdul was unable to attend the Lakes Committee meeting in March and had no report for the Commission.

Open Space Subcommittee: Doug Ott advised that he had nothing new to report on Open Space matters.

Environmental Contamination Issues: Tom Tamayne had nothing to report since he had not received an update from the Health Dept.

Green Team—Sustainable Jersey: No update was available from members of the Green Team.

Tennessee Gas Pipeline: The Commission inquired when the drilling under the reservoir would commence since several members requested to be present during this unique procedure. Ron Farr advised that to his knowledge, TGP has not received approval to begin drilling under the reservoir yet.

NEW BUSINESS

Braemar at West Milford, LLC – Wooley Road/Virginia Lane – Doug Ott reported that he emailed the owner and had not received a response regarding a site visit.

ANJEC Webinar – April 4, 2013 – The Commission was reminded about the Green Infrastructure Techniques in the Community webinar program for ANJEC members.

2012 Volunteer of the Year Program – The Commissioners were requested to attend the Volunteer program to show support for the Volunteer program and to promote their efforts.

Reforestation Grant - Chairman Sangle advised that some of the residents on Macopin Road requested trees to be re-planted near their property if the Township receives the NNL grant, but he noted that most of the trees that have been destroyed in that area during the hurricane are on Newark Watershed property, and permission will have to be obtained.

MINUTES

The Minutes of the January, February and March Regular Meetings of the West Milford Environmental Commission were not available for approval but were available in draft form upon request.

The following correspondence was received and reviewed by the Commission prior to filing:

CORRESPONDENCE RECEIVED

Highlands Water Protection And Planning Act Correspondence

1. Notice of Technical Incompleteness, dated March 8, 2013, received from the NJDEP regarding a Highlands Applicability and WQMP Consistency Determination application submitted for Twins Realty Group, LLC, 937 & 943 Burnt Meadow Road, Block 3906; Lots 9 & 10 and Block 6002; Lot 39.01.
2. Notice of Technical Incompleteness, dated March 14, 2013, received from the NJDEP regarding a Highlands Applicability and WQMP Consistency Determination application submitted for Destiny's Gate – People Helping People Help Themselves, 445 Morsetown Road, Block 5301; Lots 39, 39Q, 40.
3. Highlands Act Exemption #11, WQMP – Not Addressed, dated March 15, 2013, received from the NJDEP for NYSMSA LP dba Verizon Wireless – WM 8, 246 Morsetown Road, Block 4701; Lot 43, regarding the installation of a telecommunication facility on a PSEG transmission steel tower.
4. Highlands Act Exemption #4, WQMP – Consistent, dated March 15, 2013, received from the NJDEP for Chelsea at Bald Eagle, 197 Cahill Cross Road, Block 5301; Lot 1, regarding an addition to the existing Assisted Living Facility.
5. Notice from the NJDEP, dated March 15, 2013, regarding an Adopted Revision to the West Milford Wastewater Management Plan and the Northeast Water Quality Management Plan with respect to the sewer service area of United Water West Milford Sewage Treatment Plant on Block 5310, Lot 1.

NJ Department of Environmental Protection Correspondence

1. Notices dated March 1 & 4, 2013 from GES-Groundwater and Environmental Services regarding Potable Well Testing Results for Walgreen's, 1502 Union Valley Road, as it relates to the former Exxon Service Station, 4 Marshall Hill Road, NJDEP Case #89-08-03-2304, advising that based on the February 15, 2013 sampling the well is not considered acceptable for potable purposes such as drinking and cooking. Exxon Mobil Environmental Services has provided the Walgreen's site with bottled water as an interim response action with follow up sampling scheduled for March 4, 2013. Case #13-02-27-1617-08 has been assigned by the NJDEP.
2. Notice dated March 19, 2013 received from LAN Associates regarding an Initial Receptor Evaluation report filed with the NJDEP regarding the West Milford Board of Education Transportation Depot regarding groundwater contamination.
3. Freshwater Wetlands Individual Permit and Flood Hazard Area Individual Permit – Modification No. 1, dated March 14, 2013, received for Tennessee Gas Pipeline, regarding a project modification for the Monksville

Reservoir drilling, utilizing the long drill as opposed to the short drill version shown on previously approved plans, eliminating large amounts of clearing, grading and excavation adjacent to the reservoir and upslope. Additionally, modifications to utilize a new Access Road 25, expansion of the temporary disturbance in the area of the Mainline Valve Site in Ringwood, and expansion of the temporary riparian zone disturbance at the confluence of Access Roads 70 and 71.

4. Ground Water Remedial Action Permit #RAP130001, dated March 15, 2013, received for Lakeside Amoco, 2 Lakeside Road, requiring the permittee to conduct monitoring, maintenance and evaluation for compliance and effectiveness of the remedial action.

5. No Further Action letter received from the NJDEP dated March 19, 2013 for 1 Alpine Ridge Road, Block 5301; Lot 1 regarding the remediation following the removal of a 550 gallon #2 Heating Oil USTS.

Miscellaneous Correspondence Received/Sent

1. HEPSCD Certification dated February 4, 2013 received for Aiello East Shore Wetlands Mitigation, 828 East Shore Road, Block 4401; Lot 1.

2. HEPSCD Certification dated February 25, 2013 received for Clinton Road Bridge 1600-175 Replacement on Clinton Road.

3. Correspondence received from Passaic County Planning, dated March 13, 2013, regarding the Shop Rite Site Plan, Block 6303; Lots 15 & 16, 25 Marshall Hill Road, advising of several conditions that must be met for approval including a recent Highlands Preservation Area Applicability Determination or confirmation that the previous determination is valid, revised plans noting the proposed center lines, and a copy of the filed Sidewalk Easement between West Milford and Inserra West Milford.

4. Correspondence received from Passaic County Planning, dated March 25, 2013, regarding McDonald's Site Plan, Block 6303; Lot 14, 41 Marshall Hill Road, advising that the following must be received prior to approval: revised plans for the proposed rain garden and sign, revised drainage calculations showing the actual flow in the 24 inch pipe, revised plans removing the signs and pavement markings, copy of the Highlands Preservation Area Applicability Determination from the NJDEP, and \$50,000. bond to cover the cost of the proposed improvements in and near the Marshall Hill Right of Way.

5. Notice from Passaic County regarding the April 17, 2013 Brownfields Commission meeting at 3:00 at the Totowa Business complex, 930 Riverview Drive, Totowa, NJ, featuring guest speakers on "Compressed Natural Gas Fueling Systems - Integrating Alternative Fuels on New Jersey's Brownfields."

6. Notice from Sustainable Jersey regarding Northern New Jersey Sustainable Resources & Networking Forum on Tuesday, April 16, 2013, 5 – 8 pm at the Sparta Middle School, 350 Main Street, Sparta, NJ 07871. Registration required for this free forum; contact SustainableJersey.com.

7. Notice from ANJEC regarding a Beer Tasting and Silent Auction on June 2, 2013 at Cricket Hill Brewery, Fairfield, NJ. More information available on the ANJEC website.

PUBLIC COMMENTS – None.

ADJOURNMENT

With no further business to come before the Commission, the meeting was **adjourned** at **9:01 p.m.** on a **motion** by Chairman Steve Sangle and a **second** by Gary Oppenheimer.

Approved: August 5, 2013

Respectfully submitted,

Tonya E. Cubby, Secretary