

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

APRIL 5, 2010

The regular meeting of the Environmental Commission of the Township of West Milford was called to order at 7:34 p.m. by Chairman Stephen Sangle, followed by a reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Gillian Hemstead (7:37), Timothy Metcalf, Douglas Ott, Bernie Stapleton, David Watson-Hallowell, Alternates Gary Oppenheimer, Maryellen Gabay, and Chairman Stephen Sangle.
Absent: Gary Oppenheimer.

APPLICATIONS

SUSAN BORRELLI-GERACE

Bulk Variance ZB01-10-04

Block 5703; Lot 7
9 Center St.; LR Zone

Seeking: Bulk Variances for lot coverage and side yard setback for a proposed addition to a single family home. (Approved by Board of Adjustment on March 23, 2010).

The Commission reviewed the above application and had no concerns or comments. It was noted that the applicant had already received approval from the Board of Adjustment.

PETER BONGIARDINO

Bulk Variance #ZB03-10-05

Block 2319; Lot 3
9 Aura Court; LR Zone

Seeking: Cover existing deck (front porch).

The Commission reviewed the application and recommended that the applicant address roof run-off or erosion control methods if gutters are not being installed.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant:

Gillian Hemstead reported that all final documents are being prepared by Fred Lubnow of Princeton Hydro and Fred Semrau, Township Attorney. The question of easements arose and Ms. Hemstead commented that the Township is responsible for any required easements.

604b OWTS Grant: Ms. Hemstead reported that Fred Lubnow is reaching out to the NJ DEP for a final report so he can move forward.

Streetscape Grant: Doug Ott commented that he will reach out to Rich McFadden, Township Engineer, to check on the status of this project.

Urban Forestry Grants: Doug Ott spoke to Ron Farr and he had nothing new on this project.

ON GOING BUSINESS

Community Forestry Plan: No report or update.

Lakes Committee: Andy Abdul reported that the Lakes Committee discussed a sediment suction machine (?) He advised that he could not attend the next meeting and asked someone from the Commission to attend in his place.

Open Space: Chairman Sangle reported that the Township had hired Matt Dank of the Morris Land Conservancy to research more properties for open space acquisition. Doris Aaronson commented that he was hired to do an open space and recreation plan for the Township.

Renewable Energy Subcommittee: The Commission discussed the proposed wind turbine ordinance and the height of the units was debated. Following discussion, the Environmental Commission advised that a memo should be sent to the Planning Board and Board Planner with the following recommendations:

- *The maximum system height (to the top of the blade) should not exceed the maximum height permitted for cell towers, or **135 feet**.*
- *The system height would be subject to the recommended setback requirements.*
- *The required topography shall be the circumference area around the system equal to **1 ½ times** the system height.*
- *The USGS topography can be utilized with an overlay of the site.*
- *Section E – Site Plan Requirements for Small Wind Energy Systems*
 - 1(a) Property lines and dimensions of the proposed site including topographic information with contours no greater than **10-20 foot intervals, per USGS**.*
- *Batteries shall be stored and used in an area that will not cause a hazard to the environment.*

Bernie Stapleton noted that the draft he originally submitted was a compilation of six wind turbine ordinances from various other towns. Doug Ott commented that the Township and Board Planner, Chuck McGroarty, has information from the State regulations that he used in the ordinance. Chairman Sangle advised that he sent an email to the Planner about turbines mounted on individual houses. The Commission concurred that the goal is to have an ordinance that will be reasonable, and if the State changes their regulations, the ordinance can be re-visited in the future. Doris Aaronson commented about the decibel level and thought it was too loud for residential sites, but noted that the Planner used the State's standards of 55 DBA. Ms. Hemstead commented that when the ordinance is sent to the Department of Community Affairs, the language of the ordinance must be in line with the State's established regulations or it will be referred back to the Township. It was noted that the Planning Board was contemplating limiting the wind turbines to commercial sites. The Commission discussed electricity generated from the turbines and some alternatives for the turbine owner.

Environmental Contamination Issues: Bernie Stapleton, liaison to the Health Department, advised that he would receive quarterly reports on environmental contamination issues, unless a matter was in litigation.

Sustainable Jersey: David Watson-Hallowell reported that there was a good response for the March 16th meeting. A presentation was made at the meeting regarding West Milford becoming a fully sustainable community. The goal is to receive certification by the end of this year. An energy audit needs to be accomplished and he will coordinate this with the Township Administrator. Mr. Hallowell also advised that municipal carbon footprints were discussed at the meeting. He noted that green construction methods will be utilized in the new library construction. He advised that the next meeting is April 20, 2010 and all are invited to attend. The Sustainable West Milford Greenfest will be held on May 22, 2010 at Bubbling Springs from 9 to 5, with registration required. Ms. Hemstead advised that she will do a power point presentation, and noted that part of the presentation at the Greenfest and Autumn Lights will be about recycling. It was also noted that if the Township does not approve the payment of \$84.00 for the new EC banner, which replaces the original banner, the Commissioners will contribute to the cost.

Trails Master Plan: David Watson-Hallowell inquired about the Township applying for another grant from ANJEC, and noted that the Environmental Commission had submitted a grant request for the Trails Master Plan. The Commission discussed the matter and concurred that the Township should not seek grant funds for two grants from the same organization as it could jeopardize the award of both of the grants.

Recreational Trails Grant: Doug Ott reported that a site was chosen and the construction of the kiosk is ongoing.

Beaver Dams at Environmental Boardwalk: Doug Ott reported that the beavers are back and water is overflowing the boardwalk. Bob Jonas advised Doug Ott that something permanent needs to be done.

NEW BUSINESS

Lawn Watering Ordinance: Chairman Sangle opened the discussion about the proposed ordinance and commented that he was concerned about the Health Department staff cutbacks and the enforcement aspects of the ordinance. Doug Ott concurred, stating that if an ordinance is established it will not be effective if it cannot be enforced. Gillian Hemstead commented that it was not the Commission's problem to enforce. Doris Aaronson addressed the Commission and stated that the Health Board had discussed this and felt that the enforcement would be accomplished in the same manner as other health issues, whereby neighbors report people suspected of violating the ordinance and the enforcement agency issues the violation. Mr. Ott commented that water conservation should be an educational component of the Commission and Health Department. He expressed concern that this ordinance was not provided from an attorney's office and was not comfortable about the language, adding that many of the statements had not been verified. Ms. Aaronson replied that education has been attempted for many years, but without much success. Mr. Ott recommended that the ordinance be sent to Fred Semrau, Township Attorney for review, and Ms. Aaronson replied that Mr. Semrau had requested input from various Boards and Commissions. The Commission continued discussion on the language of the ordinance, and made various suggestions and comments.

Following discussion, the Environmental Commission recommended that the Planning Board and Township Council consider the proposed water conservation ordinance for adoption with the following **revisions**:

DELETE all of the following from the Draft ordinance:

- *Whereas much of West Milford is steeply sloped, facilitating precipitation run-off rather than aquifer replenishment, and*
- *Whereas much of West Milford is underlain with dense, poorly fissured granite and gneiss bedrock that has poor water-storage capacity, and*
- *Whereas West Milford's potable private and community well water supplies draw from the bedrock aquifer, and*
- *Whereas many township wells are deep, often 400 – 800 ft., and/or have poor yields, often 2 gallons/minute or less, and*
- *Whereas hundreds of Township wells had intermittent or permanent water outages during the past 4-year drought, and*
- *Whereas many township wells regularly have intermittent water outages during August dry periods, and*

INCLUDE the following in the Draft ordinance:

- (1) WATER CONSERVATION ACTIVITY: Irrigation, i.e., the watering for sprinkling of lawns, shrubs and gardens, shall be prohibited between **9 am** and **6 pm** during the months of June, July, and August.
- All newly planted grass and shrubs shall be exempt from the restrictions.
- All farms, nurseries or agricultural sites are exempt from the restrictions.

By a Roll Call Vote of the members present, the Environmental Commission approved the recommendation for consideration of the ordinance by the Planning Board and Township Council, with the revisions noted above, on a vote of 5 to 3 (5 members in favor and 3 members opposed).

MINUTES

Motion by Douglas Ott with a **second** by Stephen Sangle to **approve** the minutes of the January 4, 2010 Environmental Commission meeting. **Motion** by Douglas Ott with a **second** by David Watson Hallowell to **approve** the minutes of the February 8, 2010 Environmental Commission meeting. **Motion** by Douglas Ott with a **second** by Maryellen Gabay to **approve** the minutes of the March 1, 2010 meeting of the Environmental Commission.

The following correspondence was reviewed by the Environmental Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Consistency Determination, Final Recommendation Report, and Highlands Council Resolution 2010-3 received from the Highlands Council, dated March 9, 2010, regarding Block 7903; Lots 13, 14, 15, & 16, West Milford Municipal Complex and New Public Library - Proposed Highlands Redevelopment Area Designation.
2. Notice of Technical Incompleteness, dated March 22, 2010, received from NJDEP regarding a Highlands Applicability and Water Quality Management Plan Consistency Application for property at 38 Setting Sun Trail, Block 12307; Lot 32, owner Frank Schultz, requiring additional items for review including a revised site plan and various other documents.
3. Highlands Act – Exempt #5 and Water Quality Management Plan - Consistent – with regard to 52 Krattiger Court, Michael DelVecchio, Block 10301, Lot 16, dated March 8, 2010 regarding a residential addition and septic system.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice from the NJ DEP – No Further Action-Covenant Not To Sue, dated March 23, 2010 regarding Nils Wigertz, Block 13101; Lot 14, 310 High Crest Drive, relating to a remedial action on the site and conditional on the owner decommissioning the monitoring wells.
2. Correspondence from the NJDEP dated March 1, 2010 regarding the Echo Lake Intake Dam and Spillway Dam and the 2008 regular inspection reports prepared by Civil Dynamics, noting that existing conditions were accurately described, including the improvements and modifications needed. In addition, a request for a compliance schedule is to be submitted by April 15, 2010.
3. No Further Action Letter dated March 2, 2010 received from the NJDEP for 599 Macopin Road, Block 13402; Lot 101.2 regarding remediation of a 550 underground storage tank.
4. Copy of an application to the NJDEP for a General Permit #8 received on March 15, 2010 from Wander Ecological Consultants for Richard Wirth, 1812 Clinton Road, Block 207; Lot 11 regarding an addition for a single family home.
5. Copy of an application to the NJDEP for a G.P. #25 regarding proposed installation of a subsurface sanitary disposal system for Block 2004; Lot 13, 27 Lakewood Road, Scott Leonescu.
6. Copy of notification of a pending application for a GP #25 to the NJDEP from Jeff Nachowitz and Theresa LaCava, 47 Dogwood Lane, Block 3005; Lot 1 for repair of an existing septic system.
7. Flood Hazard Area Applicability Determination from the NJDEP dated March 10, 2010 received for Dr. Greg Rubenstein, for 49 Lake Park Terrace, Block 4201; Lot 12, advising that an individual flood hazard area permit must be obtained.
8. Flood Hazard Area Applicability Determination from the NJDEP dated March 16, 2010 received for Doug McKittrick, P.E., regarding The Philadelphia Church, Block 1590; Lot 16, advising that a flood hazard area verification and an individual flood hazard area permit must be obtained prior to the commercial redevelopment of the site.

9. Flood Hazard Area Applicability Determination from the NJDEP dated March 15, 2010 received for Arthur McQuaid, 31 Morsetown Road, Block 5009; Lot 8, noting that the Department is unable to determine whether the Flood Hazard Area Control Act rules apply to the proposed replacement of an existing septic system until additional information is received.

CORRESPONDENCE

1. Copy of a submission to ANJEC for a 2010 Smart Growth Planning Grant – Trails Master Plan by the West Milford Environmental Commission received March 25, 2010.
2. Resolution of the Township of West Milford authorizing the award of a professional services contract without competitive bidding to the Land conservancy of New Jersey to develop and open space and recreation plan update in an amount not to exceed \$14,000.
3. Resolution of the Township of West Milford authorizing the submittal and acceptance of a grant application for an ANJEC 2010 Planning Grant for an Update to the Open Space and Recreation Plan in the amount of \$20,000.
4. Notice from Borough of Wanaque advising of the Master Plan Re-Examination 2010 Report Hearing on March 18, 2010 and transmitting a copy of the Master Plan Re-Examination 2010 Report.

PUBLIC COMMENTS

Doris Aaronson, Bearfort Road - Ms. Aaronson commented that the Environmental Commission's recommendation that farms, agricultural sites and nurseries be exempt from the lawn-watering ordinance was important and appreciated.

Chairman Sangle recognized Councilwoman Marilyn Lichtenberg in the audience and thanked her for coming to the meeting.

ADJOURNMENT

With no further business to come before the Commission the meeting was adjourned at 9:15 p.m. on a **motion** by Douglas Ott and a **second** by Tim Metcalf.

Approved: May 3, 2010

Respectfully Submitted,

Tonya E. Cubby, Secretary