

**Township of West Milford**  
**ENVIRONMENTAL COMMISSION**

**MINUTES**

**APRIL 6, 2009**

The regular meeting of the Environmental Commission was called to order at 7:35 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

**ROLL CALL:** Present: Andrew Abdul, David Watson Hallowell, Gillian Hemstead, Timothy Metcalf, Douglas Ott, Bernie Stapleton, Chairman Stephen Sangle, Alternates Maryellen Gabay (L-8:22), Gary Oppenheimer.

Absent: GIS Specialist Robert Sparkes.

**PRESENTATIONS** – None.

**APPLICATIONS** – None.

**TELECOMMUNICATION APPLICATIONS** - None.

**GRANT MANAGEMENT AND STATUS REVIEW**

Chairman Sangle asked the Commission to be patient while information on the grants' status is compiled. He hopes to report in more detail at the next meeting about the various grants the Commission is involved with.

Chairman Sangle advised the Commission that the ANJEC grant for a Trails Master Plan was submitted and has been received by ANJEC. We have requested \$20,000. with \$5,000. from the Township, \$5,000. for in-kind services, and \$10,000. from ANJEC.

**319H Grant:** Chairman Sangle reported that an extension, until November 30, 2009, had been received by the Township. In addition, approximately \$9,500. additional funds have been approved for completion of this project.

**604(b) OTWS 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 was ill and did not attend the Lakes Committee meeting. Later in the meeting Chairman Sangle requested that Gary Oppenheimer be the EC representative for the Green Team with regard to the Sustainable Jersey program. Another EC member will be appointed to the Lakes Committee at a future meeting, preferably a member who resides in a lake community.

**Wetlands Mitigation Project – Wallisch Estates:** David W. Hallowell was in contact with George White, who assisted with the ANJEC grant application for a Trails Master Plan. He did not speak to him about the Wallisch Estates project, but will follow up with Mr. White on this and report back to the Commission.

**Open Space Subcommittee:** Chairman Sangle read a letter from the Township Administrator about attending the Council's May 13, 2009 Workshop meeting to discuss Open Space issues and whether or not the Commission wants this to be placed with a consultant or other entity. Chairman Sangle commented that he personally believed that the Environmental Commission has the most knowledge of the land, trails, environmental issues, and greenbelts, and are in the best position to identify land for open space acquisition. Gillian Hemstead remarked that the Commission has always been impartial when making a determination about open space recommendations.

Due to the Commission's GIS Specialist/Liaison's absence (Rob Sparkes), the Commission concurred that the status of the grants should be assigned to several members for a report at the next meeting. Chairman Sangle advised that he will review the information provided to him, including a report by Rob Sparkes that he received on the individual grants' status. Following discussion, Chairman Sangle asked Gillian Hemstead

and Doug Ott to meet with Dorrie Fox and Kevin Boyle, the Township Administrator. The Commission concurred that, ultimately, the responsibility for the grants should be the Township's.

**Grant Subcommittee:** The formation of a grant subcommittee was discussed. Gillian Hemstead raised some issues regarding the grants, including who will provide the manpower to administer the grants and complete the tasks required. The Commission concurred that assistance with designation of open space sites is not needed. Assistance with the active grants is necessary.

The following members requested appointment to a Grant Subcommittee: Gillian Hemstead, Doug Ott, Andrew Abdul, and David W. Hollowell. Following a determination on grant status, specific assignments will be discussed at the next meeting. Chairman Sangle advised that Dorrie Fox, Land Use Administrator, should be kept informed of the Grant Subcommittee's progress. David Hollowell will follow up on the new ANJEC grant, Gillian will research the 604B and 319H grants with assistance from Bernie Stapleton, and Doug Ott will get information on the Streetscape grant. Contact information for Ron Farr will be provided to the Commission.

**Annual End of Year Report:** Chairman Sangle discussed the April 22, 2009 Council Workshop / Volunteer Night and it was determined that this would not be the appropriate place to provide an in-depth annual report to the Council. Following discussion, the Commission agreed that a brief overview of the Commission would be presented and then Gillian would give an abbreviated annual report.

**Renewable Energy Subcommittee:** Bernie Stapleton reported that the information he acquired on wind turbines should be provided to the Planning Board Ordinance Subcommittee for review. Mr. Hollowell reported that a presentation was made at Sustainable West Milford meeting the week prior, and commented on the need to be cautious in formulating an ordinance for recommendation. Mr. Stapleton advised that the height and size is determined by the wind available, and Mr. Hollowell commented about restrictions with the rebates. Ms. Hemstead noted that there is pending legislation that would allow developers to overrule municipalities and urged the Commission to devise a formula. Mr. Stapleton concurred on the need to move forward with this, and added that a formula should be based on percentage of lot size, similar to septic regulations. Mr. Hollowell commented that the ordinance regulations should be based on New Jersey Clean Energy standards, adding that there are minimum requirements for renewable energy. Ms. Hemstead advised that much of the language exists in the State Master Plan on the renewable energy element. An inquiry was raised about increased tax assessments for a landowner who installs a wind tower, and the members briefly discussed this matter.

**Sustainable Jersey:** David Hollowell advised that the Township is registered with Sustainable Jersey and ANJEC had sent out notices and advised that the Commission needs to determine what exactly they want to do. He added that much documentation is required for this program. One priority is the establishment of a Green Team with the Mayor, Council, Planning Board, Environmental Commission, civic groups, and School Board. Chairman Sangle advised that as many as possible should be involved, but within reason. Gary Oppenheimer expressed his interest in this endeavor and was appointed to oversee the Green Team. Mr. Hollowell agreed to draft a letter for the Commission's Secretary to send to various outside agencies requesting participation on the Green Team. Maryellen Gabay commented on her access to older Scouts through the Venturing Program. Mr. Hollowell opined that about 10 members on the Green Team would be practical in order to accomplish the required tasks. He noted that the Township currently has approximately 80 to 90 points accumulated under the program's guidelines, but these points will have to be documented. Mr. Hollowell reviewed some of the simple projects that the Township can receive credit for, including an alternative energy demonstration project. It was suggested that Phil Lugomeno from North Star Construction be invited to give a presentation on renewable energy projects. Mr. Oppenheimer commented on a program he is personally involved with, the Ample Harvest program, which would take excess harvest from local gardens and provide it to local food pantries. Mr. Hollowell asked the Commissioners to visit the Sustainable Jersey website at [www.sustainablejersey.com](http://www.sustainablejersey.com). Mr. Metcalf advised that he will attend the April 29, 2009 ANJEC meeting and report back to the Commission on the meeting.

Chairman Sangle asked the Commission members to choose the groups that they wish to include on the Green Team and forward the names to the Commission's Secretary as soon as possible. Ms. Hemstead advised that we should determine how many points we have qualified for, so we can proceed with what we

need to do. Mr. Hallowell will research what programs we can get credit for. He noted that an energy audit is a priority project.

**Other Business:** David Hallowell reported that the Highlands Greenfest will be on May 16<sup>th</sup> and will have Boy Scouts and Girl Scouts assisting this year. There will be local, healthy food, a farm and garden section, demonstrations, and other events and features. Parking will be at the Echo Lake Baptist Church and busing will be provided by the local women's shelter. He asked a representative of the Commission to be present, and Andy Abdul agreed to be present with a table. Any information that is available for handouts will be provided to him.

Gillian Hemstead reported that the owner of West Milford Lakes and his professionals had been at a prior Council meeting and had made some erroneous statements about the Commission. She noted that she will advise the Council during her annual report in May.

Mr. Oppenheimer brought in a sample of a biodegradable bag that is being promoted for use in place of plastic bags. He also raised the issue of ATV use on private and public property and expressed concerns about damage to the environment and personal property. He provided photos of damage to his own property from the ATVs. The Commission briefly discussed the matter.

### **MINUTES**

The Minutes of the Regular meetings of February 9, 2009 were approved by unanimous consent, on a **motion** by Douglas Ott and **second** by Andrew Abdul.

### **The following documents were noted by the Environmental Commission and filed:**

#### **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Notice and copy of application from Tennessee Gas Pipeline Company for a Highlands Applicability Determination regarding installation of a 30-inch underground natural gas pipeline within West Milford.
2. Notice and copy of application from Manor at Smith Mills for a Highlands Applicability Determination regarding 524 Hamburg Turnpike, Block 12701; Lots 9.01, 9.02, 9.03 for installation of a new septic system in an existing 3 unit condominium.
3. Notice of Technical Incompleteness received from NJDEP regarding a Highlands Applicability Determination for Cefes Financial, Block 1806; Lots 4 and 5, Magnolia Road for construction of a single family home. Requested information included metes and bounds disturbance area and narrative delineation; disturbance area calculations; supporting calculated values for proposed impervious surfaces; deeds for the subject property; notarized statement regarding subdivision for Lots 4 and 5; and various other documentation certifying to the amended information.
4. Notice of Technical Incompleteness from the NJ DEP dated March 25, 2009 regarding a Highlands Determination application for Vincent Lanza, Vreeland Store, 1385 Macopin Road, Block 9501; 12, requesting additional documents for further review of the application including a revised site plan indicating all existing versus proposed impervious surfaces and structures, identifying wastewater methods, proposed use of the single family dwelling, and a project description of the historical structure, among other requested documents and clarifications. Requested information is to be submitted within 30 days.
5. Notice of Cancellation of the Application for a Highlands Applicability Determination dated March 27, 2009 from the NJ DEP regarding the Minor Subdivision for Awosting Association, Block 4106; Lot 1 citing insufficient documentation for processing the application and failure to withdraw without penalty within the time period provided.
6. Agency Determination – Exempt #4, Water Quality Management Plan – Consistent received for Inserra West Milford/Shop Rite expansion; Block 6303; Lots 15 & 16, dated March 27, 2009.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. No Further Action and Covenant Not to Sue Letter dated March 3, 2009 from the NJ DEP for Anne Pryor, 73 Sugar Maple Avenue, Block 15302; Lot 12, regarding remediation of a 1000 gallon underground heating oil storage tank.
2. Notice and application copy for a General Permit #25 for Gary Stromberg, 60 Marshall Hill Road, Block 5708; Lot 5 with reference to proposed installation of a subsurface sanitary disposal system.

3. Notice of an application to the NJDEP for a General Permit from Russell Curving, Block 9001; Lot 17, 1494 Macopin Road, for construction of one or more buildings in areas adjacent to wetlands.
4. Letter from the NJDEP to the Township dated March 12, 2009 regarding the Township's compliance with the Water Quality Planning Rules as they relate to the Municipal Wastewater Management Plan (WMP), requesting the Township assume responsibility for filing the plan through alternative assignment.
5. Copy of a letter dated March 6, 2009 to the NJDEP, Bureau of Water Systems and Well Permitting, from Herold & Haines, attorney for Jack Levkovitz, with responses to the DEP's letter of February 5, 2009 requesting clarification of certain deficiencies in the permit application for the Old Milford System.
6. Freshwater Wetlands Letter of Interpretation from the NJDEP for Kurt Gardenier, Block 6204; Lot 16, 83 McKinley Place, with reference to construction of a proposed garage.
7. Copy of letter from NJ DEP, Division of Remediation Management & Response dated March 6, 2009 to Else Pettinato, 309 Lakeshore Drive, Block 2402; Lot 39 regarding On-Scene Coordinator Discharge Authorization, granting permission for emergency discharge of treated groundwater to the lake via a storm sewer.
8. Letter from NJ DEP dated March 30, 2009 regarding the West Milford Shopping Center Sewage Treatment Plant Service Area, Block 6303; Lots 15 & 16, acknowledging revisions to their Northeast Quality Management Plan.
9. Application for a Letter of Interpretation from Yoram and Beth Rosen, Block 4901; Lot 15 regarding a repair of the existing sanitary disposal system, received on March 30, 2009.

#### **CORRESPONDENCE**

1. Notice from the Hudson Essex Passaic Soil Conservation District regarding Awosting WWTP Upgrade by the M.U.A., Block 3802; Lot 3, certifying the plan submitted.
2. Notice from the Hudson Essex Passaic Soil Conservation District regarding Dr. Greg Rubenstein, 49 Lake Park Terrace, Block 4201; Lot 12, certifying the plan submitted.
3. Fertilizer Ordinance memo received from the Health Department, advising that local stores were noticed of local regulations, and listing the following as having no phosphorous fertilizer available: Stegels (Ace) Hardware, Marshall Hill Materials, Pequannock Feed, Sears.
4. Notice from ANJEC regarding Sustainable Jersey – An Environmental Commissioner's Guide – April 29, 2009 Rutgers – New Brunswick.
5. Copy of ANJEC application for the 2009 Smart Growth Planning Assistance Grant – Trails Master Plan.
6. Copy of West Milford Lake Mitigation Proposal presented to the Township Council on March 25, 2009.
7. Copy of a letter sent to the Land Conservancy of NJ from the Township Administrator regarding possible Environmental Commission suggestions for open space and inviting them to attend a future EC meeting.
8. Pequannock Post – Vol 14, #2, April 2009
9. ANJEC Anniversary Celebration – May 3, 2009 – NJ State Museum, Trenton, NJ
10. Rutgers Spring 2009 Catalog -Training in Wetlands Issues
11. Tidelines – Hackensack Riverkeeper – Winter 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 9:16 p.m. on a **motion** by Douglas Ott with a **second** by Tim Metcalf.

Approved: June 1, 2009

Respectfully submitted,

Tonya E. Cubby, Secretary