

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

MAY 2, 2011

The regular meeting of the Environmental Commission of the Township of West Milford, was called to order at 7:31 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

ROLL CALL: **Present:** Andrew Abdul, Gary Oppenheimer, Douglas Ott, Thomas Tamayne, Maryellen Gabay (8:00), Lucas Slott, Chairman Stephen Sangle.
Absent: Gillian Hemstead, Timothy Metcalf.

Alternate member Luke Slott was asked to sit in for one of the absent Commissioners.

PRESENTATIONS

Economic Development Committee: Bicycling in West Milford

Bob Nicholson, Chair of the Economic Development Committee, was in attendance to provide some information to the Commission regarding a proposed Pump Track that the EDC was supporting in the Township of West Milford. Mr. Nicholson explained the basics of the non-motorized sport and distributed photos of a track installed in Alexandria, NJ. He noted that installation of a pump track would help local businesses with the influx of people coming to use the track. He also emphasized that JORBA (Jersey Off Road Bicycle Association) will maintain the track. Jeff Mergler, Chairman of JORBA, was also present to address the Commission, advising that this 501(c)3 organization concentrates their efforts on the establishment and maintenance of sustainable tracks for bicycle riding, and that the approximately 800 volunteers work in over 25 parks to maintain trails. Mr. Mergler provided a video for the Commission on a family pump track built in Alexandria Township in Hunterdon County. He explained the dynamics behind bicycling on a pump track, and noted that the track can be used by anyone who can ride the trails. He observed that the pump track was similar to a BMX track and can be used as a practice track for BMX riders. Mr. Mergler discussed the amount of space required for a track (approximately 1000 sq. ft.), and he reviewed how the Highlands Act does not consider natural trails a major Highlands development, and noted that grants would be obtained for constructing the track. Another representative of JORBA commented that the main concerns of the tracks are soil erosion and drainage, but he explained the process of constructing the track, with compaction of the soil, grass on the side of the berms, and trees planted around the site to limit the environmental impact.

The Commission and pump track representatives discussed various sites within the Township for an optimal location for the pump track. Some of the sites considered were Jungle Habitat, a site near Apple Acres, Westbrook Park, Green Valley Park, and Farrell Field. Bob Nicholson advised that the Township's Recreation Director recommended Farrell Field as the best site for a pump track, but he wanted the Commission to review the sites they felt most appropriate. Chairman Sangle commented that the obvious choices would not entail additional disturbance and had existing parking, was easily accessible and a secure site. He wondered whether the construction of a track would require an approval from the Soil Conservation District, and also noted that lighting could be an issue if the track was located near residential neighborhoods. Mr. Mergler advised that the track would be used only during the day, so lighting would not be an issue. The Commission reviewed the properties considered and they noted that Farrell Field had sufficient parking, was easily accessible, had sufficient lighting, and had portajohn facilities. Chairman Sangle advised that a memo should be sent to the Township Administrator to report what was presented at the Environmental Commission meeting and state that the Commission was not opposed to the development of a pump track in the Township. Mr. Nicholson and the JORBA representatives thanked the Commission for their time.

APPLICATIONS

LAURIE EVANCHICK

Bulk Variance # ZB-03-11-03

Block 6708; Lot 7

22 Pine Lane; R1 Zone

Seeking: Bulk Variance Approval for height regarding installation of a new fence.

The Commission reviewed the bulk variance application and determined that there were no environmental concerns with regard to this application.

TELECOMMUNICATION APPLICATIONS – None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OWTS Grant, the 2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: Chairman Sangle reported that Dr. Fred Lubnow would be attending the Commission's meeting the following month in June.

Streetscape Grant: Doug Ott reported that Paul Ferriero, Planning Board Engineer, would be updating the Planning Board at the May 26th meeting, and he would report back to the Commission in June.

Recreational Trails Signage Grant: Doug Ott reported that the trails signage project was moving along, that three kiosks had been completed, but that there were delays in getting permits for certain locations.

2010 Smart Growth Planning Grant - Trails Master Plan: Doug Ott reported that he had contacted George White to schedule a meeting. The intent is to include the bike trails and hiking trails in the trails master plan, so they will be working to coordinate that.

ON GOING BUSINESS

Lakes Committee: Andy Abdul reported that the next Lakes Committee meeting would have a presentation on new septic systems designs. The Lakes Committee also discussed waterfowl and consideration of a local resolution to deter the presence of waterfowl.

Open Space Subcommittee: Chairman Sangle advised that he had requested another copy of a memo from the Township Administrator with regard to an open space properties list.

Environmental Contamination Issues: Tom Tamayne reported that the Health Officer was unable to meet with him and no update was available on the contaminated sites. Chairman Sangle commented on a contamination issue with a Shell Gas Station on Route 23 listed on the correspondence list and asked that Tom look in to this and keep the Commission informed.

Green Team – Sustainable Jersey: Gary Oppenheimer reported that Renee Allesio and the Green Team had been sorting through the various documents that need to be filed for certification. The Commission discussed the energy audit, in addition to the vehicle list that was still unavailable from the Township. Chairman Sangle said that he would contact the Township Administrator for a copy of the list.

Beaver Dam at the Environmental Boardwalk - Chairman Sangle noted that the boardwalk could have been built as a floating structure or dock, which would have prevented the damage that submersion under the water has created. Doug Ott commented that beavers and flooding had never been a problem prior to the boardwalk being constructed.

NEW BUSINESS

Tennessee Gas Pipeline: The Commission discussed the recent rains and the erosion that has occurred, but concurred that the company has been responsible in addressing any adverse effects to the environment. Luke Slott inquired about the role that the Commission can play in the proposed Northeast Upgrade Project, and Chairman Sangle observed that a majority of the pipeline would be going through State land and the Commission may not have any jurisdiction.

Review of Proposed Website Revisions: Luke Slott reviewed the recommendations for updating and enhancing the Commission's website. The suggestions included making the homepage easier to navigate and access, enable the drop down tab menu, change the downloadable forms tab to "Helpful Information", adding an ordinance search tool, add a tab for environmental regulations, add a links tab for reporting environmental issues, and linking to additional resource sites such as the NJDEP and ANJEC. Gary Oppenheimer suggested preparing a "You Tube" video. The secretary advised that she would contact the Network Administrator about the updates requested and have him work with her to

institute the changes. The Commission suggested that a memo be sent to the Township Administrator about the updates suggested to keep him apprised of the changes. They also suggested that a press release be prepared to notify the public when the changes are made.

Aphsawa Preserve - The Commission planned to meet with the New Jersey Conservation Foundation on June 6, 2011 at 5:30 for a tour of the Aphsawa Preserve and the deer proof fencing. The Secretary commented that this could be listed on the News and Information section of the Township website.

Clinton Road Amphibian Migration – The Commission briefly discussed the annual amphibian migration on Clinton Road and it was noted that the police department had assisted the volunteers in alerting the motorists of the amphibian crossing.

MINUTES

The minutes of the February 7, 2011 Regular Meeting of the West Milford Environmental Commission were **approved** on a **motion** by Doug Ott and a **second** by Gary Oppenheimer.

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

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Highlands Applicability Determination Application copy received on April 20, 2011, regarding Paul Kas, 1910 Union Valley road, Block 6701; Lots 8 & 9, regarding the Lukoil site and the proposed conversion of one of the three existing bays into a convenience store, with expansion of parking and canopy over the gas pumps.
2. Letter from Hatch Mott MacDonald, dated April 15, 2011, advising that the Passaic County Public Works Division of Engineering was amending their Highlands Applicability and Water Quality Management Plan Consistency Determination Application for the Replacement of Clinton Road over Mossman's Brook Bridge No. 1600-175 and was seeking Exemption #10 instead of the original Exemption #9.
3. Notice of Administrative Completeness, dated March 18, 2011, received from the NJ DEP regarding a Highlands Applicability and WQMP Consistency Determination for the Pequannock Water Treatment Plant Improvement, Route 23, Blocks 14010 and 14102; Lot 1.
4. Notice of Application for a Highlands Exemption for Donald Davies, Block 5003; Lot 9, Rockburn Pass, regarding construction of a 5 bedroom single family home and septic.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice of an application for a Freshwater Wetlands General Permit application received on April 15, 2011 from Tennessee Gas Pipeline.
2. Notice from Tennessee Gas Pipeline, dated April 14, 2011, advising that TGP applied to FERC for a Certificate of Public Convenience and Necessity with regard to the proposed construction, installation, modification, operation and maintenance of the Northeast Upgrade Project facilities to increase pipeline capacity to provide up to an additional 636,000 dekatherms per day of firm natural gas transportation service to northeast U.S. markets.
3. Letter from the Tennessee Gas Pipeline, dated April 13, 2011, updating the Township on the Northeast Upgrade project, and advising that additional information may be obtained at www.elpaso.com/northeastupgrade.
4. Draft Settlement Agreement copy received from the NJ DEP, dated April 11, 2011, regarding Ernie and Barbara Suto, 24 Dudley Street, Block 11001; Lot 58 to settle violations of the Freshwater Wetlands Protection and Flood Hazard Area Control Act at the subject site.
5. Flood Hazard Area Applicability Determination received from the NJ DEP, dated March 30, 2011, regarding Robert Kruitof, Block 2704; Lot 7, determining that no written flood hazard area approval is required for the septic alteration along Upper Greenwood Lake.

6. No Further Action letter received from the NJ DEP, dated March 30, 2011 regarding Giuseppe Macaluso, 20 Barnegat Rd, Block 1206; Lot 3 for the removal of a 550 gallon #2 Heating Oil Underground Storage Tank.
7. Letter from the NJ DEP Bureau of Dam Safety & Flood Control, dated April 7, 2011, regarding Zeliff Pond Dam, advising owner Allison Hasford, 2 Pond Farm, Weaver Road, that the Zeliff Pond Dam height is 6.97 feet, therefore requiring plans to be submitted implementing the modification necessary to lower the existing dam to the regulatory height of 5 feet, or complete necessary studies to demonstrate why the existing dam can be classified as a Class III, Low Hazard Dam.
8. Potable Well Water Analysis received on March 29, 2011 from Sovereign Consulting regarding results of water samples by Accutest for Waseem Choudhary, 2731 Rt. 23, Newfoundland, Block 14604; Lot 1 with reference to the Shell Service Station, advising that no regulated compounds were detected at concentrations above the standards, with attached report.
9. Potable Well Water Analysis received on March 29, 2011 from Sovereign Consulting regarding results of water samples by Accutest for S. Sisti & John Mcdavitt, 2750 Rt. 23, Newfoundland, Block 14601; Lot 12 with reference to the Shell Service Station, advising that no regulated compounds were detected at concentrations above the standards, with attached report.
10. Potable Well Water Analysis received on March 29, 2011 from Sovereign Consulting regarding results of water samples by Accutest for Marco Silvestri, 2713 Rt. 23, Newfoundland, Block 14605; Lot 4.01 with reference to the Shell Service Station, advising that no regulated compounds were detected at concentrations above the standards, with attached report.

CORRESPONDENCE

1. Notice from ANJEC regarding a Citizen's Forum on Environmental Literacy, 04-25-11, Newark Museum.
2. Notice received April 11, 2011 regarding the Passaic County Brownfields Commission meeting on April 20, 2011 at 3 pm, with speaker Wayne Staub, Office of Economic Growth and Green Energy, NJDEP.
3. Memo from Kevin Boyle, Township Administrator, dated April 6, 2011, identifying the properties that the Township has acquired since 2009 (Gallman Tract, Random woods, CYO Fields) with the addition of Apple Valley Estates in the near future.
4. Report from Matt Mulhall, M2 Associates, dated April 20, 2011, advising of the impending aquifer testing for the Braemar at West Milford subdivision, outlining details of the testing procedures that are scheduled to begin April 25, 2011.
5. Invitation to Stephen Sangle, dated April 18, 2011, for a meeting with the Highlands Council, May 24, 2011, Lake Mohawk Country Club, 7:30 pm, "Lessons Learned in the Development of Lake Management Plans."
6. Email dated April 6, 2011 from the Conserve Wildlife Foundation regarding the success of the Clinton Road Amphibian Migration.

PUBLIC COMMENTS - No one was present to address the Commission on any matter of concern.

ADJOURNMENT

With no further business to come before the Commission the meeting was **adjourned** at 9:30 on a **motion** by Douglas Ott and a **second** by Luke Slott.

Approved: September 12, 2011

Respectfully Submitted,

Tonya E. Cubby, Secretary