

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

MAY 4, 2009

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

ROLL CALL: Present: Gillian Hemstead, Douglas Ott, Bernie Stapleton, Chairman Stephen Sangle, Alternates Maryellen Gabay, Gary Oppenheimer.

Absent: Andrew Abdul, David Watson Hallowell, Timothy Metcalf, GIS Specialist Robert Sparkes.

Also Present: Councilman Joseph Smolinski.

Chairman Sangle requested that MaryEllen Gabay and Gary Oppenheimer sit in as regular Commission members for the absent members.

PRESENTATIONS

The Land Conservancy of New Jersey - OPEN SPACE

Matthew Dank, of the Land Conservancy of New Jersey was present to address the Environmental Commission. He reviewed maps he had been provided with and also reviewed the proposed Township "greenway." He stated that he had been in contact with 3 property owners who had land for possible acquisition that could add to the greenway plan. Chairman Sangle inquired what properties had the highest priorities for preservation, and Mr. Dank replied that the property owned by DIO Satellite did not have tremendous development pressure. The Chairman then inquired about properties that were farm assessed, and noted that it was not the Commission's intention to remove properties from the tax base, but farmland assessed properties were taxed very low, so were more desirable for open space. He also stressed that properties that were important for water quality and environmental sensitivity were a high priority. Councilman Smolinski, also present, reviewed the properties being considered for open space. The Chairman noted that it was important to know how much money was available for the acquisitions to determine what properties were affordable. Mr. Dank stated that Passaic County may bond for the monies this year to provide funds for the acquisitions. He suggested that they may package the three properties into part of a grant that will result in a 255 continuous acreage parcel. He noted that one owner was extremely anxious to sell. He added that he was not at liberty to discuss purchase price during the negotiations. Gillian Hemstead advised that the Commission's responsibility was only to make recommendations based on their parameters, not to determine funding. The Random Woods property was being considered by the Council for acquisition for recreational use. Chairman Sangle noted that the greenbelt did not have to be continuous. The properties were reviewed for recommendation to the Council. Property A consisted of 155 acres and could be used for hiking and fishing, and was in close proximity to Jungle Habitat. Following discussion, the Chairman suggested that properties A, B and C be pursued for open space. Mr. Dank advised that this may have to be done in two phases if the County doesn't provide sufficient funds, adding that the Township needs to move very quickly on the acquisitions in order to qualify for grant funding. Mr. Dank advised that the Township would submit the grant but the Land Conservancy would do the grant work and would come quarterly to give a grant status report. Gary Oppenheimer commented that the Passaic River Coalition was interested in one of the properties. A recommendation will be made to the Township Council on land acquisition for open space on the following:

- Block 5008; Lot 1 and Lot 2, owned by Jim Schwartz, 148 acres.
- Block 5301; Lot 45, owned by DIO Satellite, LLC, 38.365 acres.
- Block 5002; Lot 5, owned by Westview, 28.52 acres

The Commission determined that "Tract A" – Block 5008; Lots 1 and 2 would be a priority due to the tract being such an environmentally sensitive site, but noted that it would be within the purview of the Township to determine whether this purchase would be feasible. The properties listed above, if purchased for Open Space, will become part of a "greenbelt" surrounding the Township that the Environmental Commission has been a proponent of for many years.

Windmill Regulation Update

Jack Levkovitz, local resident, was present to address the Environmental Commission on wind turbine information that he obtained when considering the installation of a turbine on his property. The Chairman advised that the Commission has sufficient information for preparation of an ordinance recommendation. The Commission discussed height restrictions and Mr. Levkovitz noted that the height would be determined by any obstruction that would obstruct the free flow of air. He added that the average height of trees was 40 to 75 feet, and the turbines should be 30 feet above the tree line, or approximately 100 feet. In discussion of his property, he stated that he is 1060 feet above sea level, and could propose construction of several smaller turbines along the ridge, but was considering one larger turbine for his site. Bernie Stapleton commented on airflow and noted that 30 feet above the tree line is the cleanest air, adding that any obstruction creates turbulence in the air. As for municipal ordinances, he stated that there were about 6 in existence that he is aware of in the state. The Chairman commented that there should be a correlation between the size of the property and the height of the turbine. Mr. Levkovitz suggested that the property line distance should, at the very least, be the distance of the height of the turbine. Chairman Sangle also opined that the aesthetics is a factor, and Mr. Oppenheimer suggested horse pastures as they have the available open space. Mr. Stapleton expressed concern about using open space areas near lakes, adding that new technology will be available in the future and the current turbines will be improved.

APPLICATIONS – None.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OTWS Grant:

Gillian Hemstead reported that the QAPP had been submitted to the NJDEP and is pending approval. The plan is to monitor septic events in the aging system at the municipal building. On May 18, 2009 there will be a meeting with Princeton Hydro and a representative from the NJDEP regarding the draft plan. The deadline Ms. Hemstead had was March 20, 2010, and she noted that the quarterly reports for the 604b grant were due for submission as soon as possible as the last ones submitted were for April to July 2008. The Chairman inquired if it was determined who would be taking over the administration of this project, and Ms. Hemstead said that this has not been decided yet. She reported that Rob Sparkes and the Health Department had met with the Township of Jefferson on the mapping necessary for the project. She noted that an intern had worked with Mr. Sparkes on this project and once the digital [Spatial Data] system is up and running with the Health Department, they will be able to apply the overlays to make monitoring possible. What remains is 1 full day or 2 half days on the OWTS educational requirement.

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

Gillian Hemstead reported that the 2004 319h grant was assumed into the 2007 319h grant and the quarterly reports are due. There was additional money applied for that was to be used for weed harvesting, \$9,544.50 to be exact, and Pat Rector from the NJDEP just wanted to confirm that this came to the Township. Ms. Hemstead said that she is going to put together, along with Princeton Hydro, a request for a no-cost time extension for this grant. She reported that there was a delay due to additional survey work done on a swale because Passaic County had mistakenly paved over the area of the retention swale. A revised base map and additional survey work was needed as the swale was the point of pollution going into Greenwood Lake. The revised design and bid specs need to be prepared, reviewed and distributed. The deadline for this project is November 2009 with no extensions, so the bidding and work must be done this summer and fall. Gillian advised that she will follow up with the Township Attorney and Engineer on the bid spec reviews as there can be no delay. As for the public outreach on the educational component of the 2007 319h grant, the Greenwood Lake Commission will work with the Commission on the two brochures that are required, and information will be put on the Environmental and Greenwood Lake Commissions' websites, the first detailing what the project is, the objectives, and the benefits of the project. The second brochure will be to summarize the findings of the testing that will take place after the units are installed.

Streetscape Grant: No update available.

Urban Forestry Grants: No update available.

ON GOING BUSINESS

Community Forestry Plan: No update available.

Lakes Committee: The Chairman reported that Gary Oppenheimer has agreed to take over the Green Team so he is now off the Lakes Committee. A volunteer from the Commission for the Lakes Committee is needed.

Wetland Mitigation Project: No update available.

Open Space Subcommittee: Chairman Sangle advised that the Council requested the Commission attend the May 13, 2009 Council meeting to discuss whether the Commission was able to continue to assess properties for open space acquisitions. He stated that, personally, he felt that the Environmental Commission has been doing very well on this matter over the years and that the Commission is in the best position to make the most logical, sensible decisions regarding recommendations for open space. a report will be made on May 13 and it will be up to the Council to make a determination.

Renewable Energy Subcommittee: This matter was covered during the wind turbine presentation.

Sustainable Jersey: Gary Oppenheimer reported in David W. Hallowell's absence that the deadline for Sustainable Jersey grant was May 7, 2009. He was asked to follow up with the Clerk's Office and will contact the Administrator the following day. The Chairman noted that he was contacted by a person who offered his services to assist the Commission in the Sustainable Jersey grant process. He would invite this person to the next meeting. The Secretary advised Mr. Oppenheimer to contact the Administrator's secretaries about any grant submissions or documents necessary in the Administrator's absence.

NEW BUSINESS

Water Conservation Issues - Lawn & Garden Watering Ordinance

The Chairman referred to a draft lawn and garden-watering ordinance prepared by local resident Doris Aaronson with the intent that it be recommended to the Township Council. He expressed concerns about certain factual information included in the draft ordinance that the Commission was not in the position to dispute or concur with. He continued, stating that water conservation was very important and a goal of the Commission, but that it should be left up to the Council to determine if it is appropriate to enact. Doug Ott commented that public education and awareness on water conservation is necessary, but legislation is not up to the Commission. The Commission concurred that a recommendation to the Council should be, as follows: the Environmental Commission is in support of all water conservation endeavors that the Township proposes in order to protect the Township's water resources. Water conservation has always been one of the goals of the Commission. However, the Environmental Commission concurred that it is at the discretion of the Township Council to determine what methods or programs they will advocate for the residents with regard to water use.

Recreational Trails Grant Program – Westbrook Park:

A status report was requested by the NJDEP and it was suggested by Councilman Smolinski that this grant may have been for a handicapped accessible trail and signage for Westbrook Park. After some discussion, Doug Ott advised that he will contact the trails conference to get more information on this grant so that the Commission can determine what is necessary for submission.

Transportation Enhancement Grant:

David W. Hallowell had previously advised the Chairman about this grant and was anxious for the Commission to apply for funds that are available. The Commission discussed whether this would apply for the streetscape or bike path. The deadline for application is May 13th and grant submission was January 4, 2010, and the Commission felt that the deadline was too near to consider. Gary Oppenheimer offered to look into this grant.

Annual End of Year Report:

Gillian Hemstead reported that the Township Clerk did not have the annual report by the Commission on the draft agenda for May 13th. She advised that she will give the Mayor and Council a brief overview, including the grant projects that are still active and those that have concluded, such as the West Milford

Lake grant. Councilman Smolinski advised that he will contact Gillian on whether the annual report is on the agenda.

MINUTES

The Minutes of the Regular meeting of March 2, 2009 were approved by unanimous consent, on a **motion** by Douglas Ott and **second** by Chairman Stephen Sangle. The April 2009 minutes will be available for approval at the next meeting.

The following documents were reviewed by the Environmental Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Re-Application packet for Highlands Applicability Determination dated April 9, 2009 received from Giordano, Halleran & Ciesla for Tennessee Gas Pipeline Company – 300 Line Project through Vernon, West Milford and Ringwood in response to the Highland's determination of Administrative Incompleteness dated March 10, 2009.
2. Response dated April 28, 2009 to the DEP's request for additional information and revisions with regard to a Highlands Applicability Determination for Vincent Lanza, Vreeland Store, Block 9501; Lot 12, 1385 Macopin Road.
3. Notice of Technical Incompleteness from the NJDEP for Shoebox Storage, LLC, 140 Oak Ridge Road, Block 16006; 1.01, requesting a revised site plan depicting all existing structures and impervious cover on August 10, 2004 and proposed development and impervious cover, and a breakdown of the supported calculated values for the existing and proposed impervious cover.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. No Further Action Plan and Covenant Not To Sue letter received April 9, 2009 from the NJ DEP to William McLaughlin, 537 Burnt Meadow Road, Block 4701; Lot 54 with regard to a 550 gallon # heating oil underground storage tank.
2. Correspondence to Anthony Patire, Marshall Hill, LLC from the NJ DEP dated April 8, 2009 regarding the West Milford Lake Dam, notifying the owner of the DEP's intent to remove the dam, thus making the owner liable for the costs if an acceptable implementation plan is not submitted by June 15, 2009 that outlines the actions to be taken by the owner to bring the dam into compliance.
3. Letter from the NJ DEP – Division of Fish and Wildlife to the Township of West Milford, dated April 9, 2009, regarding the water lowering permit #08-378 for Gordon Lake. The permit will expire on May 1, 2009 and advising that refilling of the water body must be initiated prior to the expiration of the permit or an extension must be requested.
4. General Approval Renewal and Modification received from the NJ DEP dated April 21, 2009 for Skytop Recycling, Inc., Block 6002; Lot 34 for a Class B Recycling Center to allow 6 cubic yards of sheetrock.
5. No Further Action and Covenant Not To Sue letter from the NJ DEP dated April 20, 2009 for Block 11389; Lot 12, for 13 Highland Avenue.
6. Potable Well Water Analysis received from the NJ DEP dated April 21, 2009 for the following:
 - Surjit Singh, 555 Warwick Turnpike, Block 703; Lot 3
 - Dennis and Julie DeBalso, 7 Marlboro Road, Block 705; Lot 1
 - Karen & Darin Coslet, 551 Warwick Tpk., Block 703; Lot 2
 - Michael and Nancy Hunt, 23 Avon Road, Block 705; Lot 6
 - Dennis and Laurie Magee, 5 Smithville Road, Block 705; Lot 3
 - Ronald and Rene Gilbert, 10 Marlboro Road, Block 704; Lot 10
 - Walter and Heidi Mehlig, 8 Marlboro Road, Block 704; Lot 9
 - Joseph and Mirac Orzo, 600 Warwick Tpk., Block 902; Lot 1
 - Joseph and Marylynne McKee, 17 Allaire Road, Block 601; Lot 15
 - John and Patricia Binko, 9 Smithville Road, Block 705; Lot 7
 - Henry and Kerry Tomasiewicz, 1 Smithville Road, Block 705; Lot 9
 - J & T O'Connell, 11 Smithtown Road, Block 705; Lot 4
 - Frank Shortino, 574 Warwick Tpk., Block 705; Lot 2
7. Notice of application to the NJ DEP for a Transition Area Waiver for Block 6204; Lot 16 for 83 McKinley Place regarding cutting and clearing of trees and placement of one or more buildings.

8. No Further Action and Covenant Not To Sue received from the NJ DEP for Patrick Walsh, Block 1503; Lot 4, 10 Alps Road.

9. NJ DEP Notice of Deficiencies, dated April 15, 2009, requiring specific corrective actions for the deficiencies with regard to a submitted Remedial Action Report dated August 13, 2007 for Pazak Service Station, 3021 Route 23, West Milford.

CORRESPONDENCE

1. Update from the NJ League of Municipalities on the DEP Permit Efficiency Review Task Force Implementation Plan noting a final report submitted by the task force that is available on the DEP website.

2. Resolution 2009-155 adopted April 8, 2009 approving recommendations of the Planning Board with regard to the streetscape improvement plan.

3. Update from Pequannock River Coalition received April 16, 2009 on Pequannock River conditions and DEP permitting issues.

4. Notice from ANJEC regarding programs on the Passaic River and Passaic Watershed on May 4, May 18, and May 27, 2009.

5. Endangered and Threatened Species Field Course – Rutgers New Jersey Agricultural Experiment Station - May 13, 2009.

PUBLIC COMMENTS

A resident, who did not identify herself, addressed the Commission on the matter of wind farms, and cautioned that residents of adjoining properties need to become educated on the effects of a wind turbine, including the “flicker effect”, noise emanating from the turbine, and harm to wild life. She had a relative in New York State who has encountered problems with an adjoining wind farm and stated that the New York Attorney General is investigating the matter of wind farms taking over agricultural farms in the state. Chairman Sangle noted that the brief presentation that night before the Commission was by a local resident who proposed installation of one wind turbine on his residential property, not commercial property, and that wind farms were not being considered. He added that the Renewable Energy Committee was reviewing the installation of individual wind turbines as an alternative energy source on residential sites.

Councilman Joseph Smolinski was present to address the Commission regarding grants, adding that the administration of the many grants was much to ask of the volunteer Commission, and if they needed assistance, he will bring the matter up with the Township Council. He expressed concerns about grants being jeopardized. Gillian Hemstead commented that, prior to this, Rob Sparkes had administered the grants for the EC and the Township, acting on behalf of the Township to coordinate the quarterly reports, payments, and numerous associated duties with each grant, and she stated that it is a full time job to administer grants. Chairman Sangle concurred with Ms. Hemstead. Councilman Smolinski agreed that any grant that is lost results is a loss to the entire Township. Ms. Hemstead stressed that many of the grants that the Commission received are in conjunction with other programs or grants that the Township is involved with, and that Rob Sparkes had special training and expertise with grants management. Councilman Smolinski advised that the Commission should include these concerns as part of the annual report to the Council, and they should request assistance with administration of grants. Chairman Sangle noted that Gillian had spent many hours trying to assess the various grants that were currently active. The annual report to the Mayor and Council will be given on May 13, 2009.

Gary Oppenheimer announced that the Sustainable West Milford Greenfest scheduled for May 16 was having an electronics collection site for electronic recycling.

ADJOURNMENT

With no further business to come before the Environmental Commission, the meeting was adjourned at 9:24 p.m. on a **motion** by Douglas Ott with a **second** by Gillian Hemstead.

Approved: July 6, 2009

Respectfully submitted,

Tonya E. Cubby, Secretary