

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**MAY 6, 2013**

The May 6, 2013 regular meeting of the Township of West Milford Environmental Commission was called to order at 7:33 p.m. with a reading of the Legal Notice.

**ROLL CALL:** Present: Andrew Abdul, Timothy Dalton, Gary Oppenheimer, Douglas Ott, Thomas Tamayne, Don Weise, Alternates Jennifer Easterbrook and Lucas Slott, Chairman Stephen Sangle.

Absent: None.

Also Present: Bob Jonas, Doris Aaronson.

Chairman Stephen Sangle advised that a quorum was present to conduct this meeting. The Environmental Commission congratulated Commissioner Gary Oppenheimer for receiving the Volunteer of the Year Award for his efforts with regard to Ample Harvest West Milford, an national organization that fights hunger by pairing community gardeners with local food pantries, as well as Secretary Tonya Cubby for receiving the Lifetime Volunteer Award for her efforts in the community and the Township Museum.

**PRESENTATIONS**

**2007 GWL NPS 319(h) Grant:** Dr. Fred Lubnow of Princeton Hydro advised the Commission via email that he had another appointment and would not be at the meeting. He provided an update advising that the Marshall Hill stormwater project was not approved by the NJDEP, but the rain garden is still scheduled to be installed. The Adelaide and Stainsby Roads projects have also been approved. The Commission discussed the projects and expressed concern that all the grant funds may not be expended before the DEP deadlines. Chairman Sangle advised that he would contact Dr. Lubnow to inquire whether there were other projects to utilize the funds. He also noted that the Marshall Hill Road project could be completed in the future if more grant funds become available since much of the preliminary work, including engineering, has been completed.

**APPLICATIONS FOR REVIEW**

**VACAMAS PROGRAMS FOR YOUTH**

**Use and Bulk Variances with Minor Site Plan ZB-03-13-01**

Block 12501; Lot 41.05

256 Macopin Road; R-4 Zone

**Seeking:** Use and Bulk Variances with Minor Site Plan approval to install a new 32' x 75' swimming pool and accessory structures, with a use variance requested for an expansion of an existing non-conforming use, bulk variances requested for accessory building size, front yard setback, fence height, and accessory location for front yard.

No one was present to represent the applicant. The Commission reviewed the plans for the proposed in ground pool and made the following comments:

- The Commission inquired whether there would be any security lighting since none was proposed on the plans. The proposed pool location is close to the road and lighting could be an issue for drivers.
- The Commission inquired about the location, size, and use of the proposed "accessory building" that was noted on the Variance Application, but was not indicated on the plans.
- There was insufficient information provided on the site plan with regard to topography to determine if there would be any storm water run off issues.

**GRANT MANAGEMENT AND STATUS REVIEW**

**Recreational Trails Signage Grant:** Bob Jonas reported that he and Jonathan Martin of the NY/NJ Trails Conference worked with Gerry Storms and the DPW to mark out all 18 locations for the trail signage, but he did not have a date when they would be installed. He noted that the Trail Conference designed the signs and a Township grant covered the costs of the materials.

**2010 ANJEC Smart Growth Planning Grant-Trails Master Plan:** Doug Ott reported that the Trails Master Plan subcommittee met before this Environmental Commission meeting. The information is being compiled and the project is moving forward.

**NJDEP NNL Reforestation Grant - \$620,197.00** – Ron Farr could not be at the meeting to provide an update, but Chairman Sangle advised that a subcommittee meeting should be scheduled to coordinate the information for the planting plan that is required for submission to the NJDEP. He also advised that he contacted the Township Administrator to try to include the tree planting grant with the streetscape project. Chairman Sangle noted that Ron Farr's contract was approved and he was hired by the Township to administer both the \$3,000.00 Green Communities and the \$620,197.00 NNL grants. The Commission discussed various sites for possible tree plantings, including the Wallisch property, as well as schools who may want to plant groves of trees as an educational component. Luke Slott commented that the Marshall Hill Road School has open fields and that contributes to the stormwater runoff and road flooding in heavy rain events. Chairman Sangle requested that any suggestions for plantings should be sent to Ron Farr who is compiling a list and preparing the application. Gary Oppenheimer suggested that an aerial flyover of the Township would be a good indicator of sites that are in need of plantings. The Commission questioned whether tree removal could be included in the grant proposal, and whether fruit trees were on the list of DEP approved trees. The Commission reviewed the list of the suggested trees prepared by the Division of Parks and Forestry.

### **ON GOING BUSINESS**

**Lakes Committee:** Andy Abdul reported that he attended the April meeting of the Lakes Committee and the majority of the discussions concerned the opening of the lakes for the summer season. The Lakes Committee also discussed whether the Township was following up with homeowners regarding to the septic ordinance. It was noted that the Health Dept. was short staffed and sometimes used one of their volunteers to manually enter the information into the computer database. Doris Aaronson commented that a notice could be included with the annual tax bills at no extra cost for the mailings. Chairman Sangle requested that a memo be sent to the Township Administrator inquiring whether the Health Dept. is following up with the septic pumping ordinance, and what the procedure is with regard to notification to the residents. Luke Slott commented that a news article reported that there was someone in the Health Dept. following up on the regulations.

On another matter, the Lakes Committee inquired about the sweeping of the grits, and reported that many of the roads around the lakes have not been cleared of the winter grit material. Don Weise commented that he was riding his bicycle on Ridge Road and the grits in the bike lane made it dangerous to maneuver. Andy Abdul reported that the Lakes Committee requested a schedule for the removal of grits. Chairman Sangle requested the Secretary to send a memo to the Township Administrator expressing concern from the Lakes Committee and the Environmental Commission about the grits that are still on the roads and in the bike lanes. He also requested that a copy of the schedule for the removal of the grits be provided to 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 no response from the Health Officer regarding an update on contamination issues.

**Green Team–Sustainable Jersey:** Tom Tamayne reported that the Green Team was preparing a map with various hotspots in the Township where car and truck idling is a concern as part of the anti-idling campaign. He noted that the Green Team planned to prepare a powerpoint presentation for the Chamber of Commerce encourage large commercial owners and schools to comply with the anti idling law. Mr. Tamayne noted that it should be considered when land use applications are reviewed, and cited the recent McDonald's Use Variance application in which they agreed to comply with the request of the Commission to post a "No Idling" sign. The Commission commented that the Shop Rite application was already approved, but they may comply if a request is made. Jennifer Easterbrook observed that Cablevision and various contractors often leave their vehicles idling when they are working. The Commission discussed the matter and suggested that the Green Team prepare flyers for sending to various businesses to inform them about the law and to request compliance. Mr. Tamayne advised that the Green Team is looking to apply for grants for an educational program regarding idling.

On another matter, Mr. Tamayne reported that the Animals in the Community resolution needed to be adopted by the Township Council. The resolution essentially is a municipal pledge of support of pets and instituting a

wildlife action plan. Chairman asked that a sample resolution be prepared and the Commission will discuss it at the following meeting prior to making a recommendation to the Township Council.

Mr. Tamayne reported that they have been informed that credit can be given for the former Green Fests that were held in West Milford, as well as the Autumn Lights Festival since environmental education is a component of both events. With regard to the recent WM Lions Club Health and Wellness Fair, credit can be received as part of the Mayor's Healthy Town Campaign. Gary Oppenheimer suggested that Ample Harvest be included for its emphasis on fresh food and the result of less waste stream due to less garbage. He also stressed the environmental component of healthy eating and making healthy food accessible, especially with 1 out of 3 children developing diabetes.

**Tennessee Gas Pipeline:** Chairman Sangle reported on a recent news article about the Tennessee Gas Pipeline being fined \$175,000.00 for not re-planting trees along the pipeline easement. The Commission discussed the project's impact on West Milford, and it was noted that no one had an update on the condition of the Lake Lookover. Don Weise commented that TGP was still working in Ringwood State Park.

**Braemar at West Milford, LLC** – Wooley Road/Virginia Lane – Doug Ott reported that he emailed the owner and needed to follow up with him on the matter since it needs to be resolved before Braemar comes back to the Planning Board.

### MINUTES

The Minutes of the January 7, 2013 regular meeting were unanimously approved on a motion by Tim Dalton and a second by Luke Slott. It was noted that there was a typo regarding McDonald's. The February 4, 2013 regular meeting minutes were unanimously approved on a motion by Chairman Sangle with a second by Tim Dalton. It was noted that there was a typo on the spelling of Weisbecker.

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

### CORRESPONDENCE RECEIVED

#### Highlands Water Protection And Planning Act Correspondence

1. Responding to an NJDEP letter of March 8, 2013, a revised plan/survey submission for a Highlands Applicability and Water Quality Management Plan Determination, dated April 11, 2013, from Twins Realty Group LLC, 937 & 943 Burnt Meadow Road, Block 3906, Lots 9 & 10; Block 6002, Lot 39.01, including survey dated April 9, 2013 with site conditions indicated as of August 10, 2004, and confirmation from the Township of West Milford, dated April 10, 2013, confirming the site conditions as of August 10, 2004 as depicted on the survey.
2. Highlands Act – Exemption #4, Water Quality Management Plan–Not Addressed, dated April 12, 2103, received for Verizon Wireless – Ringwood 4 (Westbrook), Block 4701; Lot 61, 750 Westbrook Road, regarding the installation of a 40 ft x 70 ft wireless telecommunication compound including a 120 ft tall monopole supporting a total of 12 wireless antennas on 131.9 acre property.
3. Highlands Act – Exemption #2, WQMP – Consistent, dated April 18, 2013, received fro Lobosco Single Family Home, Vine Avenue & Ridge Road, Block 5603; Lots 2.01 and 2.02, for the construction of a four bedroom single family dwelling on a .46 acre site. No additional impervious surfaces such as sheds, pools, decks, or additions, and no disturbance may occur that would cause this site to meet or exceed the ¼ acre of impervious surface.
4. Highlands Area Delegated Exemption Certification Program, April 25 and May 1, 2013, applicable for municipalities who have approved petitions for Highlands Plan Conformance, with certification for issuing local exemption #1, 2, 4, 5, 6, 7, and 8.

#### NJ Department of Environmental Protection Correspondence

1. NJDEP Air Quality Awareness Week 04-29-13 to May 3, 2013.
2. Notification from John Moyle of the NJDEP, Bureau of Dam Safety, dated April 4, 2013, to Allison Hosford, Weaver Road, advising that the Zelifff Pond Dam, NJDEP Dam File # 22-76, was determined to be in Satisfactory Condition based on the report submitted by Richard Deubert, P.E., and further advising that the dam will be reclassified as a Class III, low hazard dam.

3. Notification from John Moyle of the NJDEP, Bureau of Dam Safety, dated March 19, 2013, to Lindy's Lake Association, advising that Lindy's Lake Dam, NJDEP File # 22-54, was repaired in accordance with the approved plans, but request revised as-built plans to be submitted by May 31, 2013, in addition to other repairs to the dam outlined in the NJDEP letter of November 4, 2011. The next regular inspection is due by July 2013.
4. Notification from John Moyle, NJDEP Bureau of Dam Safety, dated April 16, 2013, to Camp Vacamas, 256 Macopin Road, regarding the Henion Pond Dam, NJDEP File # 22-18, advising that, in response to a request from Civil Dynamics dated April 2, 2013, a 6" increase in the lake level during the summer season is approved and they will permit the installation of one, 6" high stoplog in each spillway section for the period of March 27, 2013 to August 31, 2013 provided that all the conditions outlined in the letter from Civil Dynamics are met. The Bureau may rescind the approval to raise the lake level if there is any indication of instability or deterioration of the embankment or spillway.
5. Correspondence from John Moyle, NJDEP Bureau of Dam Safety, dated April 5, 2013, to the City of Newark, Department of Water and Sewer Utilities, regarding Pequannock Watershed Dams and the 2011 Formal and 2012 Regular Inspection Reports for Canistear Reservoir Dam Nos. 1 & 2, Charlotteburg Dam, River Wall Dam, Clinton Reservoir Dam, and Oak Ridge Reservoir Dam, advising that a review of the 2011 Formal Inspection Reports from Civil Dynamics found the dams to be in fair condition with maintenance repairs and studies necessary, but noting that more details were needed regarding a No. 2 cone valve in the sluice gate for the Charlotteburg Dam. Also noted by the NJDEP were numerous immediate and long-term recommendations from prior reports that have not been addressed. With regard to the 2012 Regular Inspection Reports, NJDEP records indicate that the 2012 dam safety visual inspection reports were overdue. Additional comments note that inspections have been completed in winter months which are not permitted under NJAC 7:20-1:11(f) or they were conducted a year after they were due and not submitted in a timely manner; enforcement action is warranted and may be taken by the NJDEP if the matters are not addressed. The 2012 dam safety inspection reports for the above referenced dams must be submitted by May 31, 2013 and the 2013 inspections must be completed prior to November 2013, with a report filed within 30 days of the inspections.
6. No Further Action, Covenant Not To Sue, dated April 5, 2013, received from the NJDEP, regarding 28 Hewitt Road, Block 1903; Lot 2, for Edward Pevny, related to the removal of one 275 gal #2 heating oil AST.
7. Notice from Careaga Engineering Inc., dated April 8, 2013, regarding Surjit Singh, 555 Warwick Tpk., Block 703; Lot 3, advising that a Treatment Works Approval (TWA) application is being submitted to the NJDEP for the abandonment of a septic disposal system and replacement with a new tank, pre-treatment tank, and a chambered disposal bed for a proposed gas station convenience store.
8. Private Potable Well Water Analysis from the NJDEP, dated April 24, 2013 received for GPS Enterprises, 551 Warwick Tpk, Block 703; Lot 3, advising that water obtained from the well tested on January 23, 2013 was found to be acceptable for drinking water and other domestic uses.
9. Copy of an application for a GP 25 received on April 16, 2013 for Katie Beier, 18 Crescent Road, Block 12305; Lot 13 for the repair of a malfunctioning septic system.
10. Notice of an On Scene Coordinator Residential Discharge Authorization Approval from the NJDEP, dated April 19, 2013, to Gerald Struble and Andrew Allen, regarding 305 Germantown Road, Block 14202; Lot 3, with respect to the emergency discharge of treated ground water to a storm sewer, outlining the procedures to be followed with regard to the construction and operation for a ground water recovery and treatment system.

#### **Miscellaneous Correspondence Received/Sent**

1. ANJEC – Environmental Resource Inventory resource publication.
2. 2013 Spring Forest Stewardship Field Tour, Saturday, May 11, 2013, 8:30 – 3:30, Renault Winery, Egg Harbor City, NJ.
3. ANJEC North/Central New Jersey Field Training for the Protection of Threatened and Endangered Wildlife, Morris County Cultural Center, Mendham, May 4, 2013, 9 am – 3:30 pm, reservation required.
4. Municipal Preservation Projects; Past and Future – Continuing the Success of Municipal Preservation, Seminar sponsored by the NJ State League of Municipalities, Wednesday, May 15, 2013, 9:00- 12:30, Mercer County Community College, West Windsor, \$55. member rate, reservation required.

## **PUBLIC COMMENTS**

Doris Aaronson, Bearfort Road, advised that effluent was leaking from the leach field at Bald Eagle Village. It had been reported to the Health Dept. and the NJDEP.

With regard to the Greenwood Lake Commission instituting boat fees for boat users at Greenwood Lake to help defray costs for the GWL Commission's weed harvesting and other lake management programs, Ms. Aaronson reported that GWL Commissioner Clinton Smith lobbied with petitions and was successful in getting the boat fees rescinded. As a result, Ms. Aaronson stated that Ella Filippone was removed as chairperson of the GWL Commission and replaced by Freeholder Terry Duffy. She requested that a letter of support from the Environmental Commission be sent to Anthony DeNova, the Passaic County Administrator, acknowledging the environmental work that Ms. Filippone has done in the community and for Greenwood Lake. Chairman Sangle responded that he did not want to get involved in any potential controversy and that the Commission needed to stay objective, but that a letter could be sent recognizing and thanking her for her efforts on behalf of the Township and Greenwood Lake, with a copy to the Township Administrator.

## **ADJOURNMENT**

With no further business to come before the Commission, the meeting was **adjourned** at **9:11 p.m.** on a **motion** by Tim Dalton and a **second** by Don Weise.

Approved: August 5, 2013

Respectfully submitted,

Tonya E. Cubby, Secretary