

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

**MINUTES**

**JUNE 1, 2009**

The regular meeting of the Environmental Commission was called to order at 7:37 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

**ROLL CALL Present:** Andrew Abdul, Gillian Hemstead, David Watson Hallowell, Douglas Ott, Bernie Stapleton, Chairman Stephen Sangle, Alternate Gary Oppenheimer.

**Absent:** Timothy Metcalf, Alternate Maryellen Gabay, GIS Specialist Robert Sparkes.

Chairman Sangle requested that Alternate Gary Oppenheimer sit in for absent Commission member Timothy Metcalf.

**PRESENTATIONS: Fred Lubnow, Princeton Hydro – Grant Updates**

Fred Lubnow of Princeton Hydro was present to address the Environmental Commission regarding the grants that he has been involved with for the Township:

**604b** – This grant is to develop a natural management plan. A meeting was held with the NJDEP, regarding onsite wastewater management, in order to confirm their requirements for a wastewater plan. The DEP made recommendations for the plan. Mr. Lubnow noted a state approved plan is needed. This project will hopefully be completed by the year's end. Monitoring is also anticipated to be for complete by the end of this year, depending on the weather and other factors. Some testing may be done this summer. Mr. Lubnow also noted that this is a very different type of monitoring, and is taking more time; this is the first septic monitoring for QAPP and the State. The Township of Jefferson is using a lake clubhouse for their monitoring. There will be comparisons on holiday use. He will follow up with Pat Rector. He added that Rob Sparkes had facilitated much of the data information that will be utilized, noting that Jefferson's data is much smaller in comparison. Mr. Lubnow also noted that some of West Milford's data is missing (some blocks and lots), and this would result in a difference in prioritization, but West Milford would not be penalized because of missing data.

**319H** - Mr. Lubnow reported that the bid spec review for this project was provided to the DEP, the Township Engineer, and Passaic County. He noted that this is the second set of specs completed for this project due to a redesign of a bio-detention swale, adding that it should not adversely affect the project, except a delay in the project being put to bid. He stressed that the bid documents must go to the Township Attorney for review and approval. He has been before the Greenwood Lake Commission and requested comments back in two weeks, adding that the DEP may need longer for the review. Gillian Hemstead said that she will contact Fred Semrau regarding his timely review of the documents. Mr. Lubnow reported that four stormwater events are necessary prior to the devices being installed and monitoring begins. He asked if there are any recommendations for local contractors to bid on this project, he should be contacted with the names.

In closing, he noted that he will contact Pat Rector about the QAPP, a one-year time extension, and also to alert the State Engineer about the bid specs for the 319H project. Chairman Sangle thanked Mr. Lubnow and expressed his confidence that everything was moving forward.

**APPLICATIONS**

**DENA CAR, LLC, c/o FRANCIS KASABRI**

**Use Variance #0840-0816**

**Bulk Variance #0830-0817**

**Prel. & Final Site Plan #0820-0329AB**

Block 14104; Lot 1

2038 Route 23 North, HC Zone

Following review of the application for the Dena Car, LLC Use Variance, the Commission expressed concerns about whether repairs will be performed on the site, and what protective measures will be incorporated into the plans to capture oil, liquids, or pollutants. Also, with storage of vehicles on newly installed blacktop, runoff should be contained and discharged into "specialized" storm drains to filter out possible contaminants before they can enter the stream corridor. A memo will be sent to the Board of Adjustment outlining the Commission's concerns.

## **WILLIAM HART**

### **Bulk Variance #0930-0827**

Block 3508; Lot 6

14 Gleason Rd., R-1 Zone

Following review of the application for a Bulk Variance, the Commission expressed some concern about stormwater runoff and drainage due to the proximity to Greenwood Lake, and recommended that the Board Engineer review the plans to address these issues. They also recommended that leaders and gutters discharge into dry wells. A memo will be sent to the Board of Adjustment outlining the Commission's concerns.

**TELECOMMUNICATION APPLICATIONS** - None.

### **GRANT MANAGEMENT AND STATUS REVIEW**

**604(b) OTWS Grant:** Status Report given by Fred Lubnow at the beginning of this meeting.

**2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant:** Status Report given by Fred Lubnow at the beginning of the meeting.

**Streetscape Grant:** None.

**Urban Forestry Grants:** None.

### **ON GOING BUSINESS**

**Community Forestry Plan:** None.

**Lakes Committee:** Andy Abdul was asked to attend the Lakes Committee meeting as a representative of the Environmental Commission. The meetings are held on the 3<sup>rd</sup> Monday of the month at Town Hall. The Secretary was requested to forward meeting dates to him.

**Wetland Mitigation Project:** David Hallowell spoke to George White and said the project at Wallisch Estates is moving along. He noted that the site has been damaged by ATV riders and asked what measures we can take to protect the site. It was suggested that a memo be sent to the Police Chief to advise of the damage on Wallisch's property. It was also suggested that signs be made, stating "No Motorized Vehicles," and be posted. Bernie Stapleton stated that he would contact Jerry Storms about possible signs that the DPW can provide.

**Open Space Subcommittee:** Chairman Sangle reported that an open space recommendation was sent to the Township Council for the acquisition of the "Schwartz" property, and he was unofficially informed that the Township chose another site that could be used for recreational purposes. The Commission recommended sites that are environmentally sensitive. Gillian Hemstead noted that it was beneficial for the Township to have both uses and that her opinion on this has changed from the past due to Highlands legislation and recent financial constraints facing municipalities. She added that the Township's needs have to be met. The Commissioners discussed the use of the open space tax for acquiring properties that will have multiple uses, including recreational ballfields. Bernie Stapleton remarked that the tax should be removed if it is not being used specifically for open space. The Commission also discussed Green Acres funding. Chairman Sangle noted that with the current economic crisis, he can be persuaded to accept the acquisition of property that will be used for several purposes. He reviewed the role of the Land Conservancy in the open space acquisition and the recommendations made by the EC following the Land Conservancy's presentation at a prior meeting, adding that it was up to the Environmental Commission to make recommendations, but ultimately the decision was the Township's.

**Renewable Energy Subcommittee:** Bernie Stapleton noted the objection of a resident at the last meeting when Wind Turbines were discussed. Gillian Hemstead commented about a program she saw on mini wind turbines. Gary Oppenheimer commented that he could not find the website referred to by the objecting resident, and added that her warnings about bird and animals exploding might be somewhat exaggerated. Chairman Sangle reported on a program he attended, and noted that more birds are killed by cars than by windmills. Bernie Stapleton was advised to get the information to the Planning Board Ordinance Subcommittee and ask that they review it and make recommendations.

**Sustainable Jersey:** David Watson Hallowell apologized for not being able to submit the Sustainable Jersey grant. There was discussion about the establishment of a Mayor's Wellness Campaign and the Green Team, both of which were necessary for the submission of the grant. Mr. Hallowell noted that the grant was very competitive and West Milford may not have received funds. Gary Oppenheimer added that there were documents that had to be completed by administration and weren't. Gillian Hemstead noted that with the absence of Rob Sparkes, there was no one currently on the Township staff to act as a liaison and follow up with the grant work, adding that it required special training and lots of time. Mr. Oppenheimer inquired whether an intern could submit the grant, and Andy Abdul replied that it required someone with knowledge, dedication, and skills in grant writing. Mr. Hallowell commented that this grant was not as simple as he originally thought, and there was another certification in September, so the Township could still be a Sustainable Community if the deadline is met in September. Mr. Hallowell also advised that the Township submitted a grant application to ANJEC, unbeknownst to the Environmental Commission. Ms. Hemstead commented that it was not good for the Township to apply for grants from the same funding source. Chairman Sangle and Gillian Hemstead resolved to meet with the Township Administrator on communication issues. The Commission continued discussion on the lack of personnel to oversee the grant administration and the confusion over the status of various grants.

**Trails Master Plan:** Doug Ott reported that the Recreation Department may have applied for a grant for trail signage, and the Commission discussed duplication of a grant already awarded. The Commission requested a copy of the grant. Doug Ott would follow up on this and get further clarification.

### **NEW BUSINESS**

**Environmental Boardwalk:** Doug Ott reported that the kiosk at the Environmental Boardwalk was identified as being installed partially on a neighboring property. Bob and Estelle Jonas, local environmentalists and volunteers, examined the site and noted that the neighbor had planted shrubs, etc. at the pond. He was under the impression that he had ownership of the property. Mr. Ott will contact Les Lynn to inspect the site with him and determine if the neighbor is encroaching on wetlands. Chairman Sangle advised that he spoke to the neighbor and the DEP, and he advised that that it needs to be determined what has been done at the site. Gillian Hemstead advised that we needed to move the kiosk if it is on another property owners' land, but we should wait until we get verification in writing.

**Annual End of Year Report:** Chairman Sangle reported that he and Gillian Hemstead presented the Annual End of Year Report and it was well received by the Township Council.

**Airport Open House:** Bernie Stapleton reported that numerous complaints were made about the noise resulting from the recent open house at the Greenwood Lake Airport. The Commission commented about the noise ordinance in the Township as it would relate to this.

### **MINUTES**

The Minutes of the Regular meeting of April 6, 2009 were approved by unanimous consent with amendment (Tim Metcalf to attend a Sustainable Jersey seminar on April 29, 2009, not Gary Oppenheimer as was reflected in the draft minutes.) A **motion** was made by Bernie Stapleton and **second** by David Watson Hallowell.

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

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

1. Additional information and maps received on May 7, 2009 provided to the NJDEP for the Tennessee Gas Pipeline 300 Line Project with regard to a Highlands Exemption Request for Sussex and Passaic Counties.
2. Highlands Exemption #5, Water Quality Management Plan-Consistent, received for Hazelman Gardens, Block 12107; Lots 2 & 3, 774 Macopin Road, with regard to construction of a greenhouse, fruit tree orchard, and vegetable gardens for personal use of owner.
3. Application notification for a Highlands Exemption received on May 15, 2009 for William Hart, Block 3508; Lot 6.
4. Additional information sent to NJ DEP on May 20, 2009 regarding Technical Incompleteness for a Highlands Applicability Determination for Shoebox Storage, Block 16006; Lot 1.01.

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. No Further Action and Covenant Not To Sue received from the NJ DEP for Harold Newman, Block 4004; Lot 2, 176 Long Pond Road.
2. No Further Action and Covenant Not To Sue received from the NJ DEP for Carol Jordan of Hamburg for Block 7903; Lot 1, 12 Mickens Road.
3. Application for a Freshwater Wetlands General Permit #25 received on May 5, 2009 for Jeffrey Fulton, 40 Ponderosa Place, for repair of a septic system.
4. Revised Notice of Technical Incompleteness from the NJ DEP dated May 7, 2009 for Shoebox Storage, LLC, Block 16006; Lot 1.01, 140 Oak Ridge Road.
5. Notice of application for a General Permit #1 received from Public Service Electric & Gas Co. for Overhead Electric Transmission Rights of Way Maintenance – cutting and clearing of trees and vegetation, access road maintenance, tower foundation repairs.
6. Letter from the NJ DEP dated May 6, 2009 to Anthony Patire and Marshall Hill, LLC regarding the owners non-compliance with an acceptable implementation plan to bring the dam into compliance and providing a deadline to June 15, 2009 for submission of an acceptable implementation plan that includes detailed steps and schedule.
7. Notification from the NJ DEP dated May 14, 2009 to Paul Vanderveen, 1855 Macopin Road, that the violation issued on November 13, 2008 has been resolved.
8. Change in application to NJ DEP from LOI to Line Delineation received on May 15, 2009 for Beth and Yoram Rosen regarding Block 4901; Lot 15, 64 Kitchell Lake Drive.
9. No Further Action and Covenant Not To Sue received from the NJ DEP for Nicola Wronekin, Block 401; Lot 15.01, 16 Commanche Lane.
10. No Further Action and Covenant Not To Sue received from the NJ DEP for Joan Krause, Block 6604; Lot 11, 235 Ridge Road.
11. Notification of application for a Letter of Interpretation received on May 18, 2009 for Kristopher Schmerling, 138 Wooley Road, Block 10001; Lot 16, with regard to placement of one 24' x 20' pre-fab single story garage and one 12' x 12' storage shed.
12. Notification of an application to be made for a 5-year extension of a Letter of Interpretation received on May 19, 2009 for Steve Olsen (Apple Valley Estates LLC) for Block 9901; Lots 10, 11, 12, Union Valley Road.
13. Notification from the NJDEP dated May 19, 2009 to Eugene Hazelman regarding Block 12107; Lot 2, 778 Macopin Road, advising that the restoration of the site has been completed as required and the violation dated June 10, 2008 has been resolved.
14. Notice of Violation from the NJ DEP Bureau of Coastal and Land Use Compliance & Enforcement received on May 22, 2009 for Gregg & Loree Rodriquez, Block 14901; Lot 35, 50 Oxbow Lane, regarding placement of soil and grading within 2000 sq. ft. of a riparian buffer without permits.

## **CORRESPONDENCE**

1. Green Building Design & Energy Conservation Techniques – Seminar – William Paterson University, Tuesday, June 16, 2009, 8:30 – 12.

## **PUBLIC COMMENTS:**

David Watson Hallowell reported that the electronic collection went very well at the Greenfest hosted by the Sustainable West Milford. He thanked Andy Abdul and others for their assistance with the event. He noted that the Township pays \$150. a ton to have the electronics removed and that it should be receiving approximately \$5000. for electronics collection. He was advised from reliable sources that towns can get reimbursed for electronic recyclables.

## **ADJOURNMENT**

With no further business to come before the Environmental Commission, the meeting was adjourned at 9:10 p.m. on a **motion** by Bernie Stapleton with a **second** by Gillian Hemstead.

Approved: September 14, 2009

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Respectfully submitted,

Tonya E. Cubby, Secretary