

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

JUNE 6, 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 (7:38), Gillian Hemstead, Gary Oppenheimer, Douglas Ott, Thomas Tamayne, Maryellen Gabay (7:38), Lucas Slott, Chairman Stephen Sangle.
Absent: Timothy Metcalf.

Alternate member Luke Slott was asked to sit in for absent Commissioner Tim Metcalf.

PRESENTATIONS

Richard Buchtman – Timber Tree & Spraying – Beetle Infestation: Mr. Buchtman addressed the Environmental Commission regarding a recent beetle infestation that is affecting ash trees in the region. He noted that ash wood has many uses, including furniture, baseball bats, and wood pallets. Mr. Buchtman explained that this beetle came into the New York State area in 2002, discovered in Ulster and Green Counties, arriving from Asia most likely on a wood pallet used in shipping. He provided a map of the areas that the beetle has been discovered, and stressed that the insect is moving from State to State through the exchange of firewood, adding that it is illegal to buy firewood from outside the State borders, and urged residents to only buy local firewood. He advised the Commission that the purple boxes that are located on trees throughout the Township are devices to monitor for the emerald ash borer, although this method is not too effective because they also attract other types of beetles with the generic pheromones. Mr. Buchtman noted that New York State has been very proactive in addressing this insect. With regard to wood, he advised that kiln dried wood, which reaches 160 degrees, will kill the beetle, and commercial firewood will be marked if it is kiln dried. There is concern about the beetle infesting West Milford, and he inquired about the sources of the wood that is brought to the Township Recycling Center for processing, suggesting that they use 1 inch screens on the tubgrinders. Due to the beetle's susceptibility to cold weather, sawmills are being asked to handle ash products only from November to April. As to treatments for the Emerald Ash Borer, Mr. Buchtman advised that the federal government should be releasing a recommendation on the accepted treatment regiment, but that Merit by Bayer may be used as an insecticide treatment product, but must be applied for the life of the tree. Removal of infested trees in park areas is also suggested. Mr. Buchtman stressed that wood should not be purchased or brought into the area from other areas. He suggested that the Recycling Center confirm the source of the wood they accept for processing, and that an inventory of the trees be taken and the ash trees removed. Although the emerald ash borer has not been confirmed yet in New Jersey, the beetle can fly up to 10 miles, which makes it a greater danger than the asian longhorn beetle. Mr. Buchtman asked the commissions assistance in alerting the residents and requesting that they contact the NJDEP – Department of Agriculture, Joseph Zoltowski at 609-292-5992 if the emerald ash borer is detected. Mr. Buchtman noted some of the trees that were affected in recent history by various diseases or infestations, including the dutch elm, hemlock, and chestnut trees. With regard to parasites that would attack the beetle, he advised that the US DOA has identified a parasitic wasp that may be effective in controlling the beetle, but research is ongoing. The Commission thanked Mr. Buchtman for his informative presentation on the emerald ash borer and asked that he keep them updated.

APPLICATIONS

FILIPPO ENTERPRISES LLC
Minor Site Plan #PB-04-10-01
Bulk Variance

Block 2402; Lot 2

399 Lakeshore Drive; NC Zone

Seeking: Minor Site Plan approval and Bulk Variances for construction of a fenced and roof-covered smoking area for patrons of Lakeshore Inn.

The Commission reviewed the application to add an outdoor smoking area for the patrons at Lakeshore Inn, Hewitt. A Commissioner inquired if radiant heating was proposed for the winter months. Other than issues that were under the jurisdiction of the Planning Board, the Commission had no environmental concerns about this application.

JAMES & TANYA BROZOWSKI

Bulk Variance #ZB-04-11-06

Block 2601; Lot 42

211 Point Breeze Drive; LR Zone

Seeking: Bulk Variance to construct a covered front porch, where 40 feet minimum front yard setback is required, 33.43 is existing, and 27 feet is proposed.

The Commission reviewed the application for a covered porch for Brozowski on Point Breeze Drive, and requested that the applicant address the matter of water drainage and stormwater runoff from the addition of a roof over the porch.

RICHARD & ROSEMARIE SONDERGARD

Bulk Variance #ZB-04-11-04

Block 11203; Lot 2

108 Larsen Road; LR Zone

Seeking: Bulk Variance approval to construct a sunroom, where 30 feet minimum setback is required, 41'3" is existing, and 27'3" is proposed.

The Commission reviewed the application for a sunroom addition for Sondegard on Larsen Road, and requested that the applicant address the matter of water drainage and stormwater runoff from the addition of a sunroom.

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 Stephen Sangle reported that Dr. Fred Lubnow would be attending the Commission's meeting in August to give an update on the projects. Gillian Hemstead commented that they were supposed to start the 604b project in the Spring so they could monitor the septic during different weather events, due to the variables present in the monitoring process.

Streetscape Grant: Doug Ott reported that the right of way easements must be obtained before they can begin the work on the streetscape, and hopefully that should be accomplished soon.

Recreational Trails Signage Grant: Doug Ott reported that he has nothing new regarding this project, and that maybe Bob Jonas can give him an update.

2010 Smart Growth Planning Grant - Trails Master Plan: Doug Ott reported that he had been trying to contact George White to schedule a meeting, but has been unable to reach him via email and telephone. The Chairman inquired whether he had contacted Kevin Boyle to apprise him of this. The Secretary was requested to send a memo to the Township Administrator to advise that we have been unable to get in contact with Mr. White regarding the Trails Master Plan.

ON GOING BUSINESS

Lakes Committee: Andy Abdul reported that the Lakes Committee had a presentation and discussion about new septic systems, but these are more expensive and require more maintenance. The next Lakes Committee meeting will have a review of the new Township ordinances that they have been involved with that will put additional requirements for building and septic permits for Lake Association homeowners. The Township Attorney may also be present at the meeting to provide guidance. It is expected that they will solidify the ordinances before they go to the Township Council.

Open Space Subcommittee: Doug Ott commented that there was nothing new except what is reported in the newspapers.

Environmental Contamination Issues: Tom Tamayne sent new updates on contaminated sites via email for the Commission to review.

Green Team – Sustainable Jersey: Gary Oppenheimer reported that 190 points were submitted to the State for approval, and that 150 are required. They anticipate that by August the Township should be advised on their certification status. Mr. Oppenheimer commented that Renee Alessio and the Green Team did a fantastic job of getting the information together and preparing the documentation. Chairman Sangle inquired about Phase 2 and Tom Tamayne replied that each year the community takes action to achieve higher certification. Chairman Sangle requested that any new items or plans that become available be brought to the Commission's attention for review as we could be eligible for grants. Mr. Oppenheimer noted that there is a significant amount of grant money available, and Mr. Tamayne commented that the Green Team/Township had from August to December to apply for grants, limiting the window of time that is available.

Environmental Boardwalk: Doug Ott reported that he has not heard from Bob Jonas and does not know how the Boardwalk is holding up. Gary Oppenheimer suggested that the Pequannock River Coalition may help with doing tours of the site. Mr. Ott suggested that Les Lynn be contacted to discuss giving a tour of the Boardwalk.

Website Updates: The Secretary advised that all the website updates requested by the Commission that were able to be implemented had been completed and the website is more user friendly with the changes.

NEW BUSINESS

Report on Highlands Council Meeting – Lakes Management Plans: Chairman Stephen Sangle reported on the meeting with the Highlands Council on May 24, 2011 at the Mohawk country Club. He noted that Princeton Hydro had been doing some of the work on the lake management project. The meeting was by invitation only, and Mr. Sangle was one of only ten invited, including Princeton Hydro and a New Jersey Water supply representative. The discussion included a lake management plan that the Highlands Council hopes to publish within a year. The attendees were given a confidential draft of the plan for review and comment. He reported that the intent is to develop a plan that will be acceptable to the people in lake communities and one that will be functional.

Open Space Acquisitions – Eagle Ridge: The Commission discussed the request by the Township Council to review the Eagle Ridge property as there may be an attempt for the future development of the property. The Mayor suggested that it be purchased for open space and recreation, although an agreement for purchase has not been feasible in the past. Chairman Sangle and Doug Ott had traversed the site several years ago and noted that massive excavation and blasting was necessary to develop it into a residential site due to the steep slopes. The Commission discussed some of the events that led to this property not being developed, including insufficient water. The Commission also discussed other properties that may be considered for open space acquisition. Doug Ott, Luke Slott, and Maryellen Gabay volunteered to walk the site and report back to the Commission. The Commission requested that a memo be sent to the Township Administrator to inquire about the list of properties that they are considering for open space. In addition, Doug Ott and Tim Metcalf request a meeting with the Administrator to discuss open space acquisitions and the possibility of adding the Eagle Ridge tract to the list.

MUA Issues: With regard to the MUA issues, Chairman Sangle advised that he had once been a Commissioner on the MUA, and he asked that the discussion be kept to the facts. The Commission concurred that there are issues, but noted that there are numerous sites to maintain and they are in need of repair. The Chairman commented that the system's problems need correcting, but in the most efficient and economical way that will not negatively impact the environment. It was noted that with the Highlands legislation, no new sewers can be added in the Township. Chairman Sangle advised that since the NJDEP has been alerted, they will devise a plan that will have to be enforced.

MINUTES

The approvals of the March 2011 minutes were held until the next meeting.

PRESENTATIONS

New Jersey Conservation Foundation (NJCF): Emile DeVito – Deer-Proof Fencing:

Emile DeVito, Science Director at the New Jersey Conservation Foundation, was present to review the Foundations' efforts to protect certain sensitive lands in the Township from being compromised by the over abundant deer population. A representative of the New Jersey Conservation Foundation met prior to the meeting with several members of the Commission to tour the Apshawa Preserve and assess the deer proof fencing that was installed several months prior. Dr. DeVito reviewed how the NJ Conservation Foundation had purchased the preserve, located near Highcrest Lake, in conjunction with Passaic County, and detailed the development of a trail system and forest restoration that the NJCF manages for Passaic County. He remarked about the corporate and volunteer resources that have benefited the site, with plantings and maintenance teams, and noted the grant received from the National Forest Foundation paid for the plants and fencing of the preserve. Dr. DeVito explained that the fencing project was unique because fencing to protect land had not been attempted on such a large-scale basis. The purpose of the fencing was to re-establish the forest and allow bird and animal species to return to the area that has been overrun by the deer population, adding that the fencing project will provide baseline data on fencing benefits in the restoration of forests. With regard to animal access, he noted that spaces had been installed to allow animals ingress and egress from the preserve, and gates are present to allow hiking access, but their goal is to keep the deer from feeding on the forest inside the preserve and allow it time to regenerate. Dr. DeVito stressed that the deer population has increased tremendously, with the last calculations in 2010 revealing at least 40 deer per square mile, a number that is too numerous to sustain, resulting in a loss of trees, shrubs and vegetation in the forested areas. He opined that additional hunting and more liberal hunting regulations in the northern area of the State would help in controlling the deer population. Commissioner Gary Oppenheimer commented about his own property that had been fenced by a previous owner, and observed that inside the fence the vegetation has been protected, but an area about 6 feet wide immediately outside the fence had been stripped of vegetation by the hungry deer. Mr. DeVito advised the Commission that the New Jersey forests are young, at only 100 to 150 years old, and that it is a misconception that the animals are disappearing because the forests are too old. He cautioned that if the research is not done now, and attempts are not made to restore them, the forests would disappear in approximately 15 to 20 years. With increased suburbanization, and lawns and landscaping containing species that are not native to the area, the deer are being provided with a rich and abundant diet, resulting in multiple births that are surviving and thriving. Luke Slott inquired about the new saplings he witnessed while at the Apshawa Preserve, and Dr. DeVito replied that although we had a huge seed crop the prior year, with a record number of acorns, most of the saplings would not survive because of the deer feeding on them. He stated that research from Wisconsin indicates that that the forest can tolerate only 3 to 5 deer per square mile. According to Dr. DeVito, the Apshawa Preserve was chosen for the study because it is the largest tract of land that has not sustained permanent damage, and the project will determine how effective the fencing is as an aid to reforestation. He discussed pollinators and the loss of flowering plants, noting that fencing will not solve all of the problems that exist. He reviewed several other forest sites, observing that some are beyond restoration, including Jockey Hollow. Dr. DeVito gave a short synopsis of the value of healthy forest, explaining how the air temperature can be raised at least 15 degrees when the forest floor disappears, affecting the whole ecosystem. He noted that there is an increase of European and oriental earthworms that consume the leaves on the forest floor, leaving the soil susceptible to freezing, and increasing the water run off, which is a detriment to the aquifers. There is also increased erosion and flooding with a depleted forest. Dr. DeVito stressed the need for a more resistant forest and the creation of a canopy to increase shading of the forest floor, which will decrease the temperature and increase foliage. As to climate change, he noted that the changes with our forests are occurring at a greater and more alarming rate, and efforts must be concentrated on what can be controlled. Dr. DeVito emphasized the need for additional hunting on preserve lands, and making it more economically viable for hunters until the deer population is at a manageable level. This would

require cooperation of several government entities and changes in the fish and wildlife laws. The Commission agreed to assist Dr. DeVito in contacting Passaic County Freeholder Terry Duffy and the Township to meet in an attempt to possibly coordinate a deer hunt at the Apshawa Preserve and thanked him for the educational presentation.

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

CORRESPONDENCE

1. Invitation from Passaic County to attend a Green Fair on Tuesday, June 28, 2011 (Rain Date June 29) from 11am – 5pm at the Passaic County Court House on Hamilton Street, Paterson, NJ.
2. Mayors Fax Advisory from the NJLM regarding Regulation of Solar Panels by S-2006/A-3125, prohibiting municipal zoning ordinances from regulating solar panels and limiting fees on certain installations of renewable energy.
3. Notice of Penalty Assessment and Offer of Settlement, dated May 13, 2011, regarding Theodore Hajek, 792 Warwick Turnpike, Block 1405; Lot 1, for disposal of solid waste in the form of wood, general debris, stumps, metal, asphalt, and tire retaining wall. Settlement offer in the amount of \$4500. and compliance is required within 30 days, or a compliance plan must be submitted with timeline for compliance.
4. Memo from the Township Administrator, dated June 1, 2011, regarding an environmental site assessment that was performed on the Wallisch site, and a recommendation for a surface soil sampling.
5. Correspondence from Conservation Resources, Inc., received June 1, 2011, a non-profit environmental consulting organization focusing on open space, farmland planning, acquisition, preservation, stewardship, and land management.
6. Highlands News Updates including article from Suburban Trends about the purple boxes installed on trees to detect invasive beetles.
7. Update on the 319H Grants from Dr. Fred Lubnow, dated May 25, 2011, advising that the four structures have been installed and the stormwater monitoring has begun.
8. Receipt of Hudson Essex Passaic Soil Conservation District 3.5 Year Recertification of the Soil Erosion and Sediment Control Plan for Battinelli Residence, 392 Lakeside Road, Block 3107; Lot 13, dated April 29, 2011.
9. Receipt of Pequannock Post – June 2011.
10. Notice from Rockland Electric Co. advising that all work and placement of objects within the easements of electric facilities is prohibited and requesting that RECO be notified if any work is being performed or planned to be performed in their easement areas.
11. ShopRite – Earth 2011 /Spring Summer News.

HIGHLANDS WATER PROTECTION & PLANNING ACT

1. Copy of a letter from Passaic County Planning Engineer to the NJDEP regarding an application for a Highlands Applicability Determination and Northeast Water Quality Management Plan with regard to the Clinton Road Bridge over Mossman's Brook, Block 16908; Lot 6, Clinton Road ROW, requesting that application process be expedited due to the urgency of the realignment project.
2. Correspondence from the Highlands Council, dated May 6, 2011, regarding Highlands Recommended Steps for Implementation of Plan Conformance Actions with a matrix table indicating the responsible entity for each action.
3. Notice of Administrative Completeness regarding an application for Highlands Determination for Donald and Kathleen Davies, Rockburn Pass, Block 5003; Lot 9 with regard to the construction of a 5 bedroom single family dwelling and septic system.

4. Notice of Administrative Completeness regarding an application for Highlands Determination for Paul Kas, Lukoil Site Plan, Block 6701; Lots 8 & 9, 1910 Union Valley Road, regarding the construction of a convenience store with an existing service station.
5. Copy of an application from the PSE&G for a Highlands Applicability Determination regarding the restoration of the right of way to the original width in accord with the BPU ROW maintenance requirements.
6. Notice received May 28, 2011 from Helping People Help Themselves regarding a proposed facility, Destiny's Gate, and an application for a Highlands Applicability Determination to construct a swimming pool, parking lot, and camping area for "underprivileged kids and families in Passaic County" on the former Sheridan Tract at 445 Morsetown Road, Block 5301; Lots 39 and 40.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice of an application for a General Permit #25 from the NJDEP for Chris Gruber, 119 Morsetown Road, Block 5001; Lot 2 with regard to the alteration of an existing septic system with no expansion or change of use.
2. No Further Action Letter from the NJDEP dated April 13, 2011 for Robert Koeppel, 315 High Crest Drive, Block 12901; Lot 18, with regard to the removal of a 550 gallon #2 Heating Oil Underground Storage Tank System.
3. No Further Action Letter from the NJDEP dated May 10, 2011 for Earl Hine, 26 Binnacle Avenue, Block 7702; Lot 1, with regard to the removal of a 1000 gallon #2 Heating Oil Underground Storage Tank System.
4. No Further Action Letter from the NJDEP dated April 19, 2011 for Tina George, Lakeland Bank with regard to 1943 Union Valley Road, Block 3504; Lot 1, for removal of a 1000 gallon #2 Heating Oil Underground Storage Tank System.
5. No Further Action Letter from the NJDEP dated April 26, 2011 for Carol and Nick Ligosh, 123 Vreeland Road, Block 8802; Lot 27, with regard to the removal of a 550 gallon #2 Heating Oil Underground Storage Tank System.
6. Authorization dated May 10, 2011 for a Freshwater Wetlands General Permit and Water Quality Certification received from the NJDEP for the Restoration of the Lower Mount Glen Lake Dam, Block 11001, Lots 50 & 51.
7. Copy of an application, received May 10, 2011, to the NJDEP for an FHA Verification and Individual Permit and FWW Transition Area Waiver for Inserra/West Milford, 47 Marshall Hill Road, Block 6303; Lot 12 with regard to construction of a single family dwelling.
8. No Further Action Letter, dated May 17, 2011, received for Cynthia Rea, 117 Long Pond Road, Block 4106; Lot 4, regarding removal of one 550 gallon No. 2 Fuel Oil Underground Storage Tank and associated contaminated soils.
9. No Further Action Letter, dated May 18, 2011, received for Betty Boyer, 23 Little Pond Lane, Block 9101; Lot 39 regarding removal of one 550 gallon No. 2 Fuel Oil Underground Storage Tank system.
10. No Further Action Letter, dated May 24, 2011, received for Harold and Lorelei Thomas, 89 Lincoln Avenue, Block 6607; Lot 5 regarding removal of one 550 gallon No. 2 Fuel Oil Underground Storage Tank and associated contaminated soils.

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 **10:20 p.m.** on a **motion** by Douglas Ott and a **second** by Gary Oppenheimer.

Approved: October 3, 2011

Respectfully Submitted,

Tonya E. Cubby, Secretary