

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

**MINUTES**

**SEPTEMBER 8, 2008**

The regular meeting of the Environmental Commission was called to order at 7:32 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

**ROLL CALL**

Present: Andrew Abdul, Gillian Hemstead, Tim Metcalf, Douglas Ott, Irene Smith, Bernie Stapleton, Alternate David Watson Hallowell (7:38 pm), Chairman Stephen Sangle, GIS Specialist Robert Sparkes, Planning Consultant Charles T. McGroarty, P.P. (8:00 pm)

Absent: Alternate Maryellen Gabay.

Also Present: Fred Lubnow, Princeton Hydro.

Chairman Sangle advised that the meeting would commence with Fred Lubnow's reports of several projects, and be followed by review of the applications before the Planning Board and Board of Adjustment.

**GRANT MANAGEMENT AND STATUS REVIEW**

**604(b) Owts Grant:** Fred Lubnow reported on the status of the project. He stated that the quality assurance protection plan was submitted to NJDEP for their review on monitoring on the septic system at Town Hall. The data will reveal the phosphorous flowing through the older system, helping to calibrate the model to determine the amount of phosphorous moving through the system into receiving waterways. A memo was distributed to the Commission with details. The GIS mapping and plans are completed for natural resource information through Rob Sparkes' coordination. The database for Health Dept. information is complete. Rob Sparkes reported that all the Health Dept. records have been examined with regard to septic in the Greenwood Lake basin. This will be linked to the parcel layer and overlaying it with the environmental constraints and categorizing the systems. Mr. Lubnow noted that he was further ahead on the Lake Shawnee project in Jefferson Township and the resulting data is a good blueprint on how to address phosphorous loads coming out of a system. Rob needs to review the data before sending to Princeton Hydro. When received, the two data sets will be layered together, categorizing the target area – the Belcher's Creek corridor and Greenwood Lake. Mr. Sparkes reported that Jefferson is also ahead of us in having a septic maintenance program. He also noted that we are a bit behind in schedule and he will have to apply for an extension for about 1½ years to include the monitoring at Town Hall. Mr. Sparkes will meet with Princeton Hydro to review data.

**2007 Stormwater Implementation Grant 319H Grants:**

Fred Lubnow advised that the "quaff" had been submitted but has not heard anything from Pat Rector on this. He will contact her for an update. Rob Sparkes noted that we were on schedule with this project. Mr. Lubnow advised that monitoring will be done before and after the stormwater structures go in. Data has been collected on this area. A Princeton Hydro engineer, Rich McFadden, and Rob Sparkes will meet to review plans on the four sites, three are Township roads, which are complete, and surveying data has just been completed on the County road. A meeting is planned with Passaic County, the Township, Greenwood Lake Commission, and Princeton Hydro to review plans for Greenwood Lake Turnpike. The Township road plans are to be reviewed by Rich McFadden, Rob Sparkes and an engineer from Princeton Hydro. Mr. Sparkes commented that we should be able to go to bid for work that may begin in the spring. Mr. Lubnow explained the type of basins that will be used and the mechanism for collection on the County road and the Township roads.

**West Milford Lakes-ANJEC Grant:**

Rob Sparkes advised that the final report was put on the Environmental Commission webpage. He received a rough draft of the article that will be in ANJEC's magazine that he will forward to the members. Kerry Miller authored it and is open to suggestions. Mr. Sparkes also advised that there has been correspondence with regard to the owner of the West Milford Lake property requiring him to

submit a report or plan on the dam remediation or breaching. Their attorney requested a 60-day extension to the plan submission. A commissioner inquired whether the West Milford Lake would be considered a bio retention basin and Mr. Sparkes concurred this. Mr. Lubnow noted that this is another BMP that is part of the State stormwater manual – a designed wetland that will remove pollutants before flowing into Greenwood Lake tributaries. Usually manufactured treatment systems are suggested as alternatives in small lake communities with small lots, but with the West Milford Lake project, there is an opportunity to increase removal of phosphorous with vegetation before water goes downstream.

The Chairman advised that there is concern on the part of the GWL community about phosphorous flowing into the lake after the dam breach. Mr. Sparkes noted that the NJ DEP is very concerned about the phosphorous water flowing downstream into GWL. He reported that the Bureau of Dam Safety completes the breaching in a very controlled manner and the Bureau is not clear about the concerns being expressed. They are very conscious of the effects on the lake and they are not permitted to decrease the quality downstream when the dam is breached. Gillian Hemstead has received emails regarding GWL Commission concerns and has replied to them in an attempt to allay their fears with similar information that was relayed by Rob Sparkes and advised them to review the plan and contact the DEP. Following his updates Fred Lubnow left the meeting.

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Chuck McGroarty, Township and Planning Board Planner, was introduced and welcomed by the Environmental Commission. Chairman Sangle noted that in the past, the plans were reviewed by the Township Planner and any comments from the Commission would be forwarded to the Planning Board or Board of Adjustment.

#### **APPLICATIONS**

##### **INSERRA/WEST MILFORD, LLC (SHOPRITE)**

##### **Preliminary & Final Site Plan #0720-0308AB**

##### **Bulk Variance #0730-0793**

Block 6303; Lots 15 & 16

Marshall Hill Road; CC Zone

Mr. McGroarty reviewed the application for Inserra/West Milford, the renovation of the Shop Rite site and buildings, noting that the exits would be more “user friendly”, with various updates to the building both interior and exterior. He reviewed the removal of the water tank to the rear, noting that this may have an impact on the residents. He reviewed the additional parking being proposed, and said he will be requesting a definition of pedestrian walkways to coordinate materials with the streetscape. He advised that he will be making comments to the applicant in his report about increased landscaping. Mr. McGroarty noted that the applicant, the Township Engineer and Dewberry will be working to integrate the sidewalk with the one across from this site. The sign ordinance is being examined by the applicant as new signage is being proposed. The Commission reviewed the plans with the Planner, and discussed the ingress and egress to the site, security lighting that won't affect residents to the rear, the removal of parking spaces and impervious cover in the rear of the theater and replace with grass, the utility and water tank moved to the back to be out of view, reconfigure truck traffic to be separate from parking spaces. The Chairman advised that the Commission is concerned about noise and lighting with these types of applications. He noted that the loading docks are near the residential homes, and Mr. McGroarty advised that the loading docks will remain in place but the vegetation of some sort may help lessen the noise. The Chairman inquired about stormwater, and whether sedimentation basins will be used. Mr. McGroarty noted that the Township Engineer and the Board Engineer are concerned about this issue and will address it. He added that the inlets would be changed, but not sure the piping will be changed. The Chairman noted that sedimentation filters are a usual recommendation of the Commission. There were inquiries about fencing, lighting, and enclosures for the dumpsters. The Planner reviewed options for dumpster enclosures and noted that the new plans have not been received yet. He will be suggesting acoustical panels to help absorb the sound around the HVAC system.

Rob Sparkes noted that a report from Dewberry with respect to the sidewalks indicated a change in topography and sidewalks may have to be ramped. With respect to lighting, the Planner advised that down directed lighting will be installed in the parking lot, adding that the applicant intended to coordinate their project with the streetscape plans.

**MR. WONTON LLC**

**Preliminary & Final Site Plan #0720-0305AB**

Block 6303; Lot 18

1546 Union Valley Road; VC Zone

Mr. McGroarty reviewed the plans for Mr. Wonton, LLC, noting that the conversion of the building to a construction office is a permitted use. The plans revealed an extension of the sidewalk, maintain existing parking, upgrade of the site, and more buffers and screening. The Chairman inquired about exiting from Adelaide Terrace and not having exiting from the site parking lot. Lighting was discussed and it was noted that there was no lighting proposed for the back and one light mounted on the building. There was some discussion about village commercial zoning, and Mr. Sparkes noted that it is fairly recent zoning. A member inquired about the prior use as a dentist's office and the determination of presence or absence of mercury, to which the Chair replied that this is a Health Department issue.

**SCOTT LEONESCU**

**Use Variance #0820-0789A**

Block 15401; Lot 51

187 LaRue Road; R-4 Zone

Rob Sparkes reviewed the Use Variance request for Scott Lenoescu, noting that this was located on La Rue Road and is the current site of a funeral parlor. The owners are requesting a use variance in order to use the site for business offices if the current tenant leaves. This is a bifurcated application, with a site plan to be heard at a later date.

**TELECOMMUNICATION APPLICATIONS** – There were no telecommunication applications for review.

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The Commission briefly discussed with the Township Planner various issues including the Highlands Act, water permits, HUC 11 septic densities, regional master plan, initial assessment plan, COAH regulations, and several pending developments affected by the regulations. Mr. McGroarty noted that the deadline has been extended, and this will give time to sort through the inconsistencies in requirements.

**Streetscape Grant:**

Rob Sparkes reported that there are concept plans that were submitted to the Office of Smart Growth, apparently in time for reimbursement. He added that with respect to the sidewalks, they will be poured cement to match the existing.

**Urban Forestry Grants:**

The matter has gone to the Finance Committee of Passaic County and will be followed up by Kathleen Caren.

**ANJEC Smart Growth Planning Grant Program 2008:**

Mr. Sparkes advised that this will be off the agenda next month.

**ON GOING BUSINESS**

**Community Forestry Plan:** Rob Sparkes reported that he has a new intern, Jason Halvorsen, who will work with him 16 hours a week. He asked for suggestions from the Commission.

**Energy Committee:** Bernie Stapleton and Doug Ott asked that this item be removed from the agenda as there has been no response from the Council or Administration. The Secretary was asked to confirm if this committee still exists or if it has been dissolved. Tim Metcalf noted that the former Administrator

was a driving force behind this and when he left, there has been no movement. The energy audits were completed and recommendations made, but nothing has been accomplished since then. The Commissioners discussed another appointment to the Energy Committee since Tim Metcalf resigned. A memo to the Council about appointment of another EC member was discussed. Bernie Stapleton volunteered to be the EC representative to the Energy Committee, if, in fact, it still exists.

**Lakes Committee and Septic Maintenance Ordinance:** Irene Smith distributed a copy of the draft ordinance to the Commissioners. She reviewed some of the changes. Rob Sparkes advised that the Township Attorney and the Lakes Committee have worked closely on this to devise an ordinance. The Commissioners discussed several components of the draft ordinance. They discussed fees, follow-ups, and Mr. Sparkes advised that a computer program will keep track of compliance records, adding that the Lakes Committee and Greenwood Lake Commission are 100% behind this ordinance.

**Wetland Mitigation Project:** Rob Sparkes reported that he met with George White and Les Lynn to discuss signage. Once designed, he will bring back to the Commission for review and approval.

**Open Space Committee:** Rob Sparkes asked members to contact him with any additional suggestions for property to be included on the Open Space list and he will contact the Morris Land Conservancy with recommendations. He added that the amendment to the Open Space Plan includes West Milford Lake.

**Autumn Lights Festival:** Rob Sparkes reported on the purchase of Shower Coach units for disseminating at the Autumn Lights Festival. The Municipal Utilities Authority provided \$1,100. and the Environmental Commission provided \$370. for the purchase of the units. The Environmental Commission's bus trip with the Heritage Committee's historic tour is also planned for this year. Mr. Sparkes advised that Les Lynn will lead the Environmental tour and Andy Abdul suggested Tom Fowler to do the archeological tour.

### **NEW BUSINESS**

Following discussion on the meeting dates for 2009, the Environmental Commission approved the meeting dates for publication in the Township Calendar, as presented.

### **MINUTES**

The minutes of the July 7, 2008 regular meeting were approved by unanimous consent on a **motion** by Douglas Ott with a **second** by Bernie Stapleton.

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

1. Notice from NJ DEP regarding Christian Life Center, Block 6203; Lot 13, 184 Marshall Hill Road, Highlands Act – Exempt #6; Water Quality Management Plan – Not Addressed.
2. Notice of application for Highlands Applicability and WQMP Consistency Determination from Omland Engineering Associates regarding the Inserra (Shop Rite) Expansion at Marshall Hill Road, Block 6303; Lots 15 & 16.

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The following correspondence from or to the NJ DEP was noted and filed:

1. Copy of letter from Jeffrey Wilson, attorney for Marshall Hill, LLC, to NJ Bureau of Dam Safety & Flood Control regarding the West Milford Lake Dam, requesting a 60-day time extension for developing a remediation plan for the dam and possible redevelopment of the property.
2. Authorization for Freshwater Wetlands G.P. 25 and Waiver of Transition Area for Access for Amedeo Nazzaro, Block 10103; Lot 5; 14 Hirth Avenue.
3. Application for GP #25 from Michael and Maryann Baumohl of 17 Lenape Trail, Block 5714; Lot 5 for replacement of septic field.

4. Authorization for a Freshwater Wetlands General Permit #18, Water Quality Certification and Waiver of Transition Area for Access for Block 5708; Lot 1, regarding the West Milford Lake Dam Removal received August 7, 2008.
5. Notice received from the NJDEP on August 13, 2008 regarding Anthony Patire, Marshall Hill, LLC and his ownership of the West Milford Lake Dam, requiring him to submit a reply to this notice by August 22, 2008 and submit documents for the repair or removal of the dam by September 12, 2008.
6. Notification of pending application for Flood Hazard Area Permit from the Upper Greenwood Lake Property Owners Association received August 13, 2008.
7. Copy of a "No Further Action Letter and Covenant Not to Sue" from the NJ DEP for William Meyer at Block 15701; Lot 42, 88 Paradise Road regarding site remediation for a former 550 gallon underground storage tank.
8. Authorization for a G.P. #1, Waiver of Transition Area for Access and Water Quality Certification for the Rehabilitation of Morsetown Road Culvert.
9. Notice from the NJDEP regarding Block 6404; Lot 1.02, Greenwood Lake Tpk., Decker Site Plan received July 11, 2008. Agency Determination – Not Exempt for Exemption #3 and Water Quality Management Plan – Consistent.
10. Letter from NJ DEP to DIO Satellite LLC, regarding Carpi Lake Dam, requesting revisions to the Emergency Action Plan that was submitted March 28, 2008.
11. Freshwater Wetlands Letter of Interpretation/Line Verification for Ernest Oberer, Block 14201; Lot 14, Germantown Road.
12. Freshwater Wetlands Transition Area Redevelopment Waiver, Statewide General Permit No. 8 and Letter of Interpretation-Line Delineation for John Collins, Block 6605; Lot 22, at 30 Sophie Avenue.
13. Application notification for a Freshwater Wetlands Letter of Interpretation for Kurt Gardinier, 83 McKinley Place, Block 6204; Lot 16.

### **CORRESPONDENCE**

The following correspondence was noted and filed:

1. Recertification Notice from the Hudson Essex Passaic Soil Conservation District HEPSCD for Morsetown Acres – 6 Vanessa Court, Block 6002; Lot 2.02 received August 5, 2008.
2. Recertification Notice from HEPSCD for Union Valley Road Bridge Replacement, Union Valley Road over Greenbrook received August 5, 2008.
3. Resolution 2008-291 – Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Award of a Non-Fair and Open Professional Service Contract to Arthur J. Schappell, Jr. for Survey Services in Connection with the Greenwood Lake Stormwater Implementation Project in an Amount Not to Exceed \$3,500.00.
4. Notice from Passaic County Planning Board regarding conditions of approval for Vincent Lanza, 1383 Macopin Road, Block 9501; Lot 12 and 12.01 - Vreeland Store Site Plan and Subdivision approval.
5. Notice of Violation for Richard Slifer, Block 10602; Lot 39, 62 Schofield Road regarding performance of an unauthorized activity within a flood fringe, specifically the storage of unsecured materials and debris and placement of fill within 300 feet of waters classified as Category Trout 1 Production without a Stream Encroachment Permit.
6. Request to add E2 Project Management of Parsippany, NJ to bidders list for Environmental Services.
7. Update on ANJEC projects and request for donations for ANJEC.

### **PUBLIC COMMENTS**

There was no one from the public present to address the Commission regarding any matters of concerns.

Rob Sparkes reported that a notice was received from the Tennessee Natural Gas Pipeline that the second 30-foot pipeline will be built along the current pipeline, scheduled for completion in 2010-2011. There is a request for a review of the wells in this area. Rob advised the Commission that he will get the information to them. The Chairman commented that natural gas was discovered in Pennsylvania and the farmers are profiting. The Commission briefly discussed gas and oil drilling in general.

David Watson Hallowell reported that he was purchasing compost bins for \$50.00 for Sustainable West Milford and asked if any Commissioners were interested; he would get further information.

**ADJOURNMENT**

The Environmental Commission meeting adjourned at 10:15 p.m. by unanimous consent on a **motion** by Douglas Ott and a **second** by Andrew Abdul.

Approved: December 8, 2008

Respectfully Submitted,  
Tonya E. Cubby  
Secretary