

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

SEPTEMBER 9, 2013

The September 9, 2013 regular meeting of the Township of West Milford Environmental Commission was called to order at 7:30 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 & Lucas Slott, Chairman Stephen Sangle.

Absent: None.

Also Present: Dr. Fred Lubnow, Bob Jonas, Ron Farr, Councilman Michael Hensley.

Chairman Stephen Sangle advised that a quorum was present to conduct this meeting.

PRESENTATIONS

2007 GWL NPS 319(h) Grant Projects: Update was provided by Dr. Fred Lubnow of Princeton Hydro. Dr. Lubnow reported that the Durant Road project, which included a manufactured device with vegetative swale, was approved by the NJDEP. The Adelaide Terrace project was approved for the installation of a manufactured device for stormwater treatment. The third site, Reidy Place, which did not require NJDEP approval, included the installation of 2 filtera treatment devices which will remove nutrients before they enter the water bodies. With regard to the proposed Marshall Hill Road project, Dr. Lubnow reported that it will not be completed this year, but a new round of funding will be available in the next year, and this project would qualify. He explained that the Passaic River Coalition was in accord with this project, but Green Acres approval was needed for the project to move forward, and approval was not received. Dr. Lubnow also reported that a 3-month no cost time extension was submitted to the NJDEP since the 319(h) projects were supposed to be completed in October. The Township was paying for the work to be completed and the DEP confirmed that they will be reimbursed since the extension was granted. He advised that the Township was purchasing the basins and the project was due to commence in October with completion estimated by mid November. Following this, water sampling will need to be completed and the final report filed.

Dr. Lubnow advised the Commission that the proposed Marshall Hill Road project was definitely feasible since a major portion of the engineering studies and plans have been completed, but coordination with Green Acres will take about a year. He did suggest submitting additional grant proposals for lake monitoring. Douglas Ott inquired about the concrete baffle boxes and Dr. Lubnow responded that 3 chamber concrete baffle boxes are used and are relatively easy to maintain, although the removal rate is not great, with 50%–60% for solids and 30% for phosphorous. Others have been used, but they determined that the concrete baffle boxes used (by Suntree Technologies) in this project are the most efficient for the cost, with little maintenance.

Chairman Stephen Sangle inquired about the amount of the engineering completed on the Marshall Hill Road site since it may increase chances for additional grants from the NJDEP, and Dr. Lubnow responded that with similar projects in Middlesex and Monmouth where the bulk of the engineering work had been completed, they received \$500,000. in funding. Dr. Lubnow advised that he would return to the Commission in October or November to report on the projects' status.

APPLICATIONS FOR REVIEW

**CHELSEA AT BALD EAGLE
Preliminary & Final Site Plan
& Bulk Variance #PB-03-12-03**

Block 5310; Lot 1

197 Cahill Cross Road; SCC Zone

Re: Seeking preliminary and final site plan with bulk variance approval from the Planning Board for a 20-bed addition to an existing assisted living facility.

Commissioner Thomas Tamayne reviewed the above referenced site plan plans for the Chelsea at Bald Eagle addition to an existing assisted living facility with the Commission. The Commission briefly discussed the proposed increase in impervious cover, steep slopes, use of native trees and shrubs, whether retaining walls would be required, the grading plan, the roof drainage, whether there would be upgrades to the existing sewer/septic system. The comments for the Planning Board were as follows:

- The Commission reviewed the plans and noted the steep slopes that are present on the site and inquired whether retaining walls would be required.
- The Commission suggested that the applicant include more native trees and shrubs in their landscaping.
- The Commission expressed concern about the condition of the existing sanitary system that services the facility and recommended that the Planning Board require proof of adequacy for the additional 20 beds that are proposed. If the sanitary system is found to be inadequate, the system should be upgraded to accommodate the additional 20 beds.
- The Commission acknowledged that the proposed addition to the assisted living facility serves a great function in the community.

GRANT MANAGEMENT AND STATUS REVIEW

NJDEP Green Communities \$3000.00 Grant for Community Forestry Management Plan: Ron Farr, Certified Forester, provided an brief update for the Commission, reporting that the Township received approval for the development of a Community Forestry Management Plan. In order to write the plan, Mr. Farr advised that 15 subjects are required, and these can include training, education, Arbor Day activities, tree inventory, storm damage assessment, and stormwater maintenance. He would provide a list to the Commission's Secretary of the items required in the plan. Mr. Farr reported that he would attempt to get the Forestry Plan Committee to meet to discuss what will be included in the plan. Chairman Sangle advised that the committee for the Community Forestry Management Plan will be the same as the No Net Loss Reforestation Grant committee and they should meet before the next Commission meeting. Mr. Farr noted that there are 22.71 hours for in kind service accumulated; the service hours will be tracked in an excel program. Luke Slott, Gary Oppenheimer, Tom Tamayne, Don Weise, Jennifer Easterbrook, Bob Jonas and Ron Farr will meet prior to October's meeting at 6:30 pm. Mr. Farr noted that the Forestry Management Plan will need to be completed by 2014.

NJDEP NNL (No Net Loss) Reforestation Grant - \$620,197.00: Ron Farr reported that the Forestry Division of the NJDEP lost approximately 11 staff members, so correspondence will be delayed. The Township received the letter of award of the grant for \$620,197.00 and the timeframe is from August 2013 to 2015(?) with several years added to determine survival rate of the trees. The Commission discussed various types of trees and locations for tree planting in the Township for the NNL Grant project. Luke Slott commented that when he was at the last [Council] meeting, remarks were made that we should concentrate on nut bearing trees, but he thought it should be kept less specific. Chairman Sangle noted that Bob Jonas had a good rapport with the School Board and may be our liaison for the school portion of the project. Mr. Farr advised that the project would be split with planting done in the spring, summer, and fall. He noted that he spoke to a local contractor who was not interested in the work since he felt it would be too complicated. Chairman Sangle remarked that in his experience, award of the contract to one contractor was advisable to avoid complications. He further noted that the Commission's intent was to award the contract to a local landscape contractor, but we may have to look beyond the Township. Bob Jonas commented that he has dealt with the NJ Tree Foundation, but they usually have seedlings. He also noted that in the early 2000's he helped to plant 150 trees and only about 5 survived. The Commission discussed the problems associated with getting trees to mature with nature and other elements as deterrents. The grant contract process was reviewed, and Chairman Sangle advised that the contract should be sent to the Administrator, Township Attorney, Mayor, and Council for approval, then to the Treasurer. Mr. Farr noted that with this grant, there is a 95% survival rate for reimbursement or replacement. He would work with the Forestry Committee to ensure that all the in kind services are accounted for and that the project progresses.

Recreational Trails Signage Grant: Bob Jonas reported that there was one remaining sign on Warwick Tpk. that was to be installed. The owner of the property originally wanted the trail moved, but research showed that the proposed trail was in timber rattlesnake territory, so the owner agreed to keep the trail at the present location. Mr. Jonas advised that he would be moving the sign about 25 feet to a better location at the site. As far as the trails signage project is concerned, Mr. Jonas advised that it is completed for the Township.

2006 (Re-purposed) Recreational Trails Grant for Environmental Boardwalk: Bob Jonas reported that the planks removed from the Environmental Boardwalk were approximately 80% recycled, with some sent to Apple Acres for the Community Garden, and some sent to Highpoint State Park. He also reported that the contractor received payment for the construction work, with the remaining funds to be used to pave a portion of the walkway in front of Maple Road School. He will speak with the Board of Education about the paving and installation of the parking spaces. Estelle Anderson was working on new signage for the kiosk at the Environmental Boardwalk.

2010 ANJEC Smart Growth Planning Grant-Trails Master Plan: Doug Ott reported that the Trails Plan Committee had not met in the past month. Tim Dalton advised that he needed to meet with one of the committee members to discuss the trails to be established. He noted that there were existing trails in the database, but it was difficult to describe the start and end sites. Chairman Sangle advised that the trails to be included should be the ones that interconnect to trails that are proposed or paths that are not official trails. Gary Oppenheimer suggested that trailblazing markers should be in the plan. Mr. Dalton noted the difficulty in including proposed trails. Mr. Jonas cautioned about certain hot spots that are known bog turtle or rattlesnake sites that people should be kept away from. It was agreed by the Commission that the information has to be carefully coordinated to produce a useful plan. Mr. Jonas commented on the inclusion of tentative trails since they have not been confirmed as safe sites. Chairman Sangle recalled that September was the date to have the plan substantially completed, and Mr. Ott advised that October was the target month. Mr. Jonas remarked that the Trails Master Plan will be a living document, to be taken from and added to.

ON GOING BUSINESS

Lakes Committee: Andy Abdul had nothing new to report.

Open Space Subcommittee: Chairman Sangle reported that in his correspondence with the Township Administrator, meetings would be held quarterly to review parcels of lands for preservation, trail access, or environmental constraints, and he suggested that the Open Space Committee set up a meeting soon. Doug Ott, Luke Slott, and Don Weise would attempt to contact the Administrator for possible meeting dates. Mr. Slott noted that at the August Council meeting, the Township Attorney advised that the inclusion of the language for environmentally sensitive properties in the referendum resolution was not recommended since the language was too specific and would not result in what the Commission had requested. They assured the Commission that the referendum was developed for the protection of the environment after much thought and consideration. Councilman Michael Hensley, who was present at this meeting, commented that the Council was adamant that the language provide flexibility, and they did not want to create a difficult situation for the Commission. He further explained that all current funds would be used for environmentally sensitive property purchases, and that any proposed maintenance of Township property from future funds would have to be approved by the Council. Chairman Sangle expressed the concerns of the Commission, noting that they only wanted to do what was best for the Township and the environment. Councilman Hensley advised that the Council wanted to make it fair for all involved and keeping the language flexible was the best option. He thanked the Commission for the work they do for the Township and the environment.

Environmental Contamination Issues: Tom Tamayne reported that the Health Officer had been researching the files for the contaminated sites and also contacted the DEP for copies, but was not successful. An OPRA request was filed with the state and they are waiting for a response.

Green Team–Sustainable Jersey: The Commission requested a draft of the renewal resolution in support of the Green Team. Tom Tamayne reported that a grant will be requested for \$2000. for signage for anti idling education. Chairman Sangle requested a draft resolution for review prior to recommending it to the Council.

Tennessee Gas Pipeline: No update at this time.

NEW OR CURRENT BUSINESS

Review Ordinance 2013 - 015 - Ordinance Of The Township Of West Milford, County Of Passaic, State Of New Jersey Amending §500-90 B. (3) Of The Township Code To Allow The Keeping Of Poultry On Less Than One Acre Of Lot Area

Review Ordinance 2013 - 016 – Ordinance Of The Township Of West Milford, County Of Passaic, State Of New Jersey Amending And Supplementing Chapter 71 Of The Township Code To Regulate The Keeping And Housing Of Chicken Hens On Less Than One Acre Of Land

The Commission discussed the above ordinances and made the following comments:

- The Commissioners suggested that the ordinance should specify a minimum distance from a main structure or residential home.
- The Commissioners recommended that the ordinance include a requirement that chicken feed should be kept in “air-tight” containers to discourage other animals from foraging in areas where chickens are kept.
- The Commissioners concurred that the ordinance will permit more homeowners to have access to a sustainable food source.

2013 Earth Hour City Challenge to Commit to 100% Renewable Energy – To be researched and reviewed at the next meeting.

2014 Environmental Commission Meeting Dates – The 2014 meeting dates were reviewed and unanimously approved on a motion by Luke Slott and a second by Tim Dalton.

Autumn Lights Festival – October 12, 2013, 10 am to 5 pm. Luke Slott, Tim Dalton, Tom Tamayne, and Andy Abdul will be present to assist.

MINUTES

The Minutes of the June 2013 Regular Meeting of the West Milford Environmental Commission were unanimously approved.

The Commission reviewed the correspondence received:

Highlands Water Protection And Planning Act Correspondence

1. Highlands Exemption #4, Water Quality Management Plan – Consistent, dated August 2, 2013, received for Kurt Renzland, 921 Burnt Meadow Road, Block 6002; Lot 39.02, received for proposed construction of a new 4250 square foot building /warehouse, a 9000 square foot addition to an existing metal frame building/warehouse, the installation of a new parking lot, and the re-location of the detention basin.
2. Copy of an application for a Highlands Applicability Determination, dated August 12, 2013, received from E2 Project Management Inc for Verizon Wireless – Ringwood 4, 750 Westbrook Road, Block 4701; Lot 61 for the construction of a wireless communication facility.
3. Highlands Applicability and Water Quality Management Plan Consistency Determination application, dated August 14, 2013, received from Schwanewede/Hals Engineering for John Vitale-Single Family Home, Block 5010; Lot 1, at 1060 Westbrook Road, regarding the construction of a new single family house, driveway, swimming pool on 11.55 acres, and the removal of an existing house, driveway and outbuildings.

NJ Department of Environmental Protection Correspondence

1. Notice from Holt Public Affairs for Motiva Enterprises regarding an environmental investigation and/or remediation of property at Route 23 & Union Valley Road, Newfoundland, NJ, Block 14604; Lot 1.
2. Notice from Vincent Lanza, dated August 10, 2013, regarding the submission of an application to the NJDEP for a General Permit for the cutting and clearing of trees for the installation of a driveway at 28 Lookover Drive, Block 206; Lot 14.02.
3. No Further Action and Covenant Not To Sue notice, dated August 13, 2013, received for Joseph Giannini, 180 Vreeland Road, Block 8706; Lot 10, regarding the removal of one 550 gallon #2 heating oil UGST.
4. No Further Action and Covenant Not To Sue notice, dated August 14, 2013, received for Lakeland Bank, regarding 2717 Route 23, Block 14605; Lot 2, for the removal of one 1000 gallon #2 heating oil UGST.

MISCELLANEOUS CORRESPONDENCE

1. ANJEC News – September 5, 2013

2. Certification from the HEPSCD, dated July 2013, for Chelsea at Bald Eagle, regarding a 20-bed addition to the assisted living facility.
3. Certificate of Exemption from Passaic County, dated 06-27-13, received for Chelsea at Bald Eagle, Block 5310; Lot 1 regarding plans dated 06-17-13 for a 20-bed addition to an existing assisted living facility.
4. Correspondence from Synergy Environmental Inc., dated August 13, 2013, regarding Lakeside Amoco, 2 Lakeside Road, Block 3509; Lot 16, ID # 012599, correcting an administrative error in the Response Action Outcome dated July 1, 2013 regarding "Unrestricted Use for Soil."
5. Correspondence from Synergy Environmental Inc., dated August 13, 2013, regarding Lakeside Amoco, 2 Lakeside Road, Block 3509; Lot 16, ID # 012599, correcting an administrative error in the Response Action Outcome dated July 1, 2013 regarding "Limited Restricted Use with Permit Requirements for Groundwater."
6. The New Jersey Shade Tree Federation 88th Annual Conference, October 25 & 26, 2013, Crowne Plaza, Cherry Hill NJ.
7. Rutgers Office of Continuing Professional Education – Programs for Wetland Delineation Certificate Series, Wetlands Training, Environmental Training.
8. Notice from ANJEC regarding an upcoming program entitled "High Performing Environmental Commissions", a two - part workshop beginning on September 16, 2013, 7:00 – 9:30 at the Highland Park Senior/Youth Recreation Center, with the second part of the seminar on October 10, 2013, via webinar.

PUBLIC COMMENTS – None.

ADJOURNMENT

With no further business to come before the Commission, the meeting was **adjourned** at **10:02 p.m.** on a **motion** by Chairman Stephen Sangle and a **second** by Andy Abdul.

Approved: December 9, 2013

Respectfully submitted,

Tonya E. Cubby, Secretary