

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**OCTOBER 5, 2009**

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, Gillian Hemstead, Douglas Ott, Bernie Stapleton, David Watson Hollowell, Chairman Stephen Sangle, Alternates Maryellen Gabay and Gary Oppenheimer.  
Absent: Timothy Metcalf.

Gary Oppenheimer sat in for absent Environmental Commission member Timothy Metcalf.

**APPLICATIONS**

None.

**TELECOMMUNICATION APPLICATIONS** - None.

**GRANT MANAGEMENT AND STATUS REVIEW**

**Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant:** Gillian Hemstead advised that she received an email from Fred Lubnow noting that the bid specs were put together and were supposed to go out within the week. Chairman Sangle commented that he could provide names and addresses of several contractors for the bid list.

**604(b) OTWS Grant:** Ms. Hemstead advised that all the collected data needs to be integrated and there may be money remaining to fund personnel to input the data into the Spatial Data System. She noted that Ron Farr appears to be somewhat frustrated that he cannot move forward at this time.

**Streetscape Grant:** No update at this time.

**Urban Forestry Grants:** Nothing to report.

**ON GOING BUSINESS**

**Community Forestry Plan:** Nothing to report.

**Lakes Committee:** Andrew Abdul reported that he attended the Lakes Committee meeting. Discussion at the meeting included possible dredging of debris from creeks and waterways that flow into Greenwood Lake. The development of an ordinance regarding lake preservation and rights, and the need to develop a mission statement was also discussed. Mr. Abdul reported that the Draft Highlands Element – Module 5, was briefly reviewed, but will be discussed further at another meeting. The topic of trash collection was raised and the Lakes Committee was advised that they need to notify the Township for pickup. Chairman Sangle inquired whether the Lakes Committee discussed *desilting* or *dredging* and he stressed the difference between the two. Some of the Commissioners inquired about the lake rights issue and Chairman Sangle suggested that it may be an attempt to insure that residents of the lake communities contribute to the maintenance of the lakes. The Commission briefly discussed the use of lake dues and their application towards maintenance. Mr. Abdul advised that he could not attend the scheduled November Lakes Committee meeting and the December meeting had been cancelled.

**Wetland Mitigation Project:** David Watson Hollowell reported that the dedication plaque and signs have been installed; these were paid for with funds from the project. He encouraged everyone to visit the mitigation site by the Wallisch property.

**Open Space Subcommittee:** Chairman Sangle advised that the Township Council is redirecting what they are seeking in open space acquisitions, adding that he could see the logic in acquiring properties that could serve multiple uses. Gillian Hemstead commented about a Council meeting she attended where the Council expressed their interest in purchasing developable undersized lake lots (the areas formerly indicated as “purple zones” on the preservation map) because of their vulnerability, and also to prevent further contamination and stress on the lakes from the septic systems. The Commission briefly discussed variances that would be applicable to undersized lots that would allow them to be buildable. Chairman

Sangle commented on a local newspaper article about one Councilmember questioning the Township's purchase of these properties to preserve the lakes when the State should be subsidizing the Township with a water tax. Ms. Hemstead referred to a Council meeting that she attended several months prior when a presentation was made by the Highland's Council. She noted that the issue of a water tax was raised and it was implied that a water tax would not be beneficial to the Township, and if the tax was instituted, it would most likely be used to fund the Highland's Council and the Highland's Act and their goal to protect the water in New Jersey. Chairman Sangle commented that the Township should receive some of this water tax funding in exchange for the cost to the Township for preserving the water supply and aquifers for the rest of the State.

**Renewable Energy Subcommittee:** Bernie Stapleton advised that he had nothing new to report on this matter. The draft wind turbine ordinance had been sent to the Planning Board for review. Chairman Sangle reported on a Passaic County Economic Development seminar that will include information for funding various projects, and there will also be a presentation by PSE&G regarding solar power projects. Maryellen Gabay advised that she would attend this seminar. David Watson Hallowell inquired if the Commission would be interested in having the B.P.U. do a presentation to the Township. He noted that there are many options available in the State right now, including energy audits, reimbursements, etc. He would contact a representative about a presentation. Chairman Sangle noted that Orange & Rockland should be contacted about any programs they may offer. Bernie Stapleton commented about notices from Rockland Electric with the monthly invoices regarding customer's optional purchase of energy from a renewable source, but several past attempts by him to get a response or to become involved in this program have not been successful.

**Sustainable Jersey:** David Watson Hallowell advised that the Sustainable West Milford Green Team has not been formed, but he has two groups that have signed on to date. He will need to speak to the Township Administrator regarding municipal involvement. He advised that he drafted a letter to the press and will offer membership to the general population. Chairman Sangle inquired about the location and frequency of the meetings, and Mr. Hallowell suggested that there would be bi-monthly meetings with sub-committee meetings in between. These meetings will probably be located at the Town Hall and will be open to anyone on the Environmental Commission. He said that a date had been chosen and he will send an email to the Commission with that date. He continued to comment that the goals and purposes are included in the letter, and that the Green Team will not be a decision making body, but rather would be providing direction to the Township, in a similar manner as the Environmental Commission. After the Green Team forms, West Milford's application for certification as a sustainable community can be made.

Gary Oppenheimer advised that Ample Harvest and Ample Harvest.org have been selected to receive the ANJEC 2009 Environmental Achievement Award for their nationwide effort to work with food pantries. He also announced that it is expected that Ample Harvest will surpass 1000 registered food pantries. Of the 10 awards in New Jersey, only 3 are for non-profit organizations, and the other 7 are environmental commissions. The Commission congratulated Mr. Oppenheimer on this achievement.

**Trails Master Plan:** Doug Ott had no update and nothing to report at this time.

### **OLD BUSINESS**

**Communications with Administrator:** Chairman Sangle reported that a meeting will be held between him, the Township Administrator and another member of the Commission sometime in October regarding communications about various matters involving environmental issues. He noted the miscommunication with regard to certain Health Department violations, adding that if water, soils and aquifers are affected, the Commission should be apprised. He also added that the Administrator is researching the Commission's jurisdiction in all matters of environmental concern. Gillian Hemstead commented that it should be noted what exactly the Commission has done in the past, and what the Township Council has requested of the Commission. Chairman Sangle concurred that anything of environmental concern is the Commission's concern, adding that the Commission should be informed by the various Township departments if a matter involves environmental issues.

**Beaver Dams at Environmental Boardwalk:** Doug Ott reported that Bob Jonas has been regularly visiting the boardwalk site, and the beavers keep rebuilding the dam. Following discussion, the Commission

concurred that another letter should be sent to the Division of Fish and Wildlife. It was also noted that Bald Eagle Village has been having problems with beaver dams for quite some time, and they requested suggestions or assistance with the beaver removal.

### **NEW BUSINESS**

**Autumn Lights Festival:** Maryellen Gabay advised that she would not be present at the Environmental Commission's table at Autumn Lights due to a conflict. Andy Abdul and Gillian Hemstead will be present for the event. Mr. Abdul advised that he did not have any luck with the EPA brochures, and that a minimum of 4 weeks was needed to get handouts. He would contact Wakefern Foods or Inserra for brochures to distribute. Doug Ott spoke to Rob Sparkes and he has brochures and information that may be given out at Autumn Lights. Ms. Hemstead advised that her husband may also be demonstrating soda bottle bird feeders for the event.

**Model Highlands Element for Municipal Master Plans:** The Commission was asked to review the Draft Highlands Element and forward comments in writing to the Commission's secretary at [PlanningBoard@westmilford.org](mailto:PlanningBoard@westmilford.org). The Commission briefly discussed the document, but there were some questions about the maps, and the Commission noted that there was no clear legend. Gary Oppenheimer advised that he has a soil analysis document for all of Passaic County that he would bring in to the next meeting. The Chairman advised that this matter would be continued for discussion at the next meeting.

### **MINUTES**

The minutes of the August 3, 2009 regular meeting of the West Milford Environmental Commission were approved, with amendments (to note Apple Valley Estates, not Apple Acres on correspondence from the DEP), on a **motion** by Douglas Ott and a **second** by Gary Oppenheimer.

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

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

1. Agency Determination dated September 21, 2009 from the NJ DEP regarding Thomas Celano, Minor Subdivision, Block 5309: Lot 1, Cahill Cross Road, Highlands Act – Not Major Highlands Development; Water Quality Management Plan – Consistent.
2. Letter from the NJ DEP dated September 21, 2009 regarding the Celano Minor Subdivision, Block 5309; Lot 1, acknowledging the Revision to the Northeast Water Quality Management Plan and West Milford Township Wastewater Management Plan, identifying the subject property as within the Morsetown- Ridge sewer service area.
3. Notice from Michael Hoek, Block 7903; Lot 12, 1468 Union Valley Road, of pending application for Highlands Applicability Determination - Exemption.
4. Notice from Janet Williams – Presbyterian Church, Block 7903; Lot 11, 1452 Union Valley Road, of pending application for Highlands Applicability Determination - Exemption.
5. Copy of applications and plans received on September 30, 2009 from Dykstra Walker Design Group for Brookside Development, Oak Ridge, NJ regarding a Highlands Applicability Determination for Minor Subdivisions for Block 14601; Lot 5 and adjacent Block 14601; Lot 6 for the creation of 2 two-lot subdivisions and construction of 4 residential homes.
6. Copy of letter to the Highlands Council from Giordano, Halleran & Ciesla dated September 30, 2009 regarding a Highlands Exemption request from Tennessee Gas Pipeline 300 Line Project and proposed relocation of a minor above ground facility associated with the project.

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. Notice of application received September 23, 2009 for a General Permit #25 for Dianna Blanke, Block 6603; Lot 17, 20 Madelyn Avenue.
2. Notice from the NJDEP to Anthony Patire of Marshall Hill, LLC, dated September 17, 2009, regarding West Milford Lake Dam, and advising that the DEP is proceeding with the breach of the West Milford Lake

Dam due to the owner's failure to provide an acceptable implementation plan to bring the dam into compliance.

3. Copy of letter to the NJDEP from Anthony Patire of Marshall Hill, LLC in response to the correspondence from the DEP dated September 17, 2009 regarding the West Milford Lake Dam.
4. Notice from Tennessee Gas Pipeline Co., dated September 24, 2009, regarding a Pipeline Safety Maintenance Project – Mowing, which will commence on November 1, 2009 along the existing pipeline right of way within the Township of West Milford.

#### **CORRESPONDENCE**

1. Notice of the 2009 NJ Clean Energy Conference and Leadership Awards on October 21 & 22, 2009 at Atlantic City Convention Center.
2. Copy of a letter dated September 23, 2009 from Kevin Boyle, Township Administrator to Anthony Patire, Marshall Hill, LLC, requesting a deposit of escrow funds with regard to meetings and reviews involving various Township professional consultants.
3. Pequannock Post, Volume 14, Issue 5.
4. Copy of a letter from Bald Eagle Village to the Township Engineer, received on September 23, 2009, requesting suggestions for controlling the beaver population in Petit Pond. Also attached is documentation of Bald Eagle Village Condominium Association's attempts to contact various state and environmental officials for assistance.

**PUBLIC COMMENTS** – No one was present to address the Commission on any matter of concern.

#### **ADJOURNMENT**

With no further business to come before the Environmental Commission, the meeting was adjourned at 8:34 p.m. on a **motion** by Chairman Stephen Sangle with a **second** by Bernie Stapleton.

Approved: December 14, 2009

Respectfully submitted,

Tonya E. Cubby, Secretary