

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

**MINUTES**

**NOVEMBER 9, 2009**

The regular meeting of the Environmental Commission of the Township of West Milford, was called to order at 7:39 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, Alternate Gary Oppenheimer, Chairman Stephen Sangle.  
**Absent:** Timothy Metcalf, Maryellen Gabay, David Watson Hallowell.

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

**APPLICATIONS**

None.

**TELECOMMUNICATION APPLICATIONS** - None.

**GRANT MANAGEMENT AND STATUS REVIEW**

**2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant:**

Gillian Hemstead reported that she spoke to Fred Lubnow of Princeton Hydro and he indicated that the bids were supposed to go out the week of November 9, 2009. She commented about the old 319h grant and the use of funds for weed harvesting, adding that the grant coordinator for the State, Pat Rector, has left the DEP and is now working for Rutgers University. Fred Lubnow believes there may be monies owed to West Milford from DEP. She referenced a \$9,000.00 check that was sent to West Milford following a meeting with Pat Rector and Fred Lubnow and she suggested that we verify if the monies have been sent to the Greenwood Lake Commission. Dorrie Fox, Land Use Administrator, and Art Magnotti, Treasurer, will be contacted for any information on this matter.

**Streetscape Grant:** Nothing to report at this time.

**Urban Forestry Grants:** No report or update.

**ON GOING BUSINESS**

**Community Forestry Plan:** No report or update.

**Lakes Committee:** Andy Abdul reported that he did not attend the November Lakes Committee meeting, but had read in the local newspaper that the Lakes Committee might be forming a more formal commission. The Environmental Commission will be represented in this organization.

**Wetland Mitigation Project:** Nothing to report.

**Open Space Subcommittee:** Chairman Sangle had nothing new to report at this time other than what he previously reported about the Township purchasing smaller parcels of land to prevent overdevelopment that add further stress to the lakes in the lake communities. Bernie Stapleton noted that there may not be many of these lots remaining, and also wondered if the adjacent property owners would be offered the parcels to add to an existing parcel, keeping the land on the tax roles. Gary Oppenheimer inquired whether the Township would purchase the land and offer it to people who are willing to farm it. The Chairman suggested that he approach the Township with the concept.

**Renewable Energy Subcommittee:** Chairman Sangle inquired about the draft wind turbine ordinance and requested that the Planning Board be contacted for an update on the matter.

**Sustainable Jersey:** There was nothing new to report at this time.

**Trails Master Plan:** To update, Doug Ott reported that apparently there were three different types of signs proposed with the plan, and the issue is currently sitting in Trenton. It seems that the State prefers a more involved project that would include a kiosk, instead of the simple trailhead markers originally proposed indicating where the trails are located.

## **NEW BUSINESS**

**Beaver Dams at Environmental Boardwalk:** Chairman Sangle commented about the numerous emails that have been sent and received regarding solutions to the beaver matter. Gillian Hemstead reported that the “bars” that have been proposed with fencing are effective and she commented that her husband had witnessed this technology being used in Maine where there is a beaver population problem. Doug Ott reported that Bob Jonas cleans out the dams on a regular basis, but the beavers are tenacious.

**Model Highlands Element for Municipal Master Plans:** Gary Oppenheimer reported that he reviewed the comments sent by Doris Aaronson regarding the Draft Highlands Element and he agreed with all of it, but he will redo the numbering so that it relates to the latest document, and then will forward it to the Planning Department. Gillian Hemstead noted that she agreed with the comments as they relate to the plan, but the extraneous comments should not have been included, as they are not pertinent to the document. Mr. Oppenheimer added that this particular review was a very succinct document.

**Wetlands Mitigation Project - West Milford Lake:** Chairman Sangle advised that this matter would be discussed in closed session and was listed as an addendum on the agenda.

**Autumn Lights:** Gillian Hemstead reported that more preparation for Autumn Lights would be needed next year, including the use of a canopy so the Commission can be represented out on the main thoroughfare. Their table was unfortunately facing the Pinecliff Lake Dam, so few visitors came. It was suggested that the Commission be near or with the Sustainable West Milford group. Ms. Hemstead also noted that another banner would have to be made as the Commission’s custom-made banner has been misplaced. The Commission discussed laminating their presentations, and Andy Abdul commented about the State providing a laminating service for a nominal fee. Ms. Hemstead advised that she would consult with Fred Lubnow from Princeton Hydro to inquire about information on stormwater management that should be disseminated as part of the education component of the grant. She also will contact Rich McFadden, who is the designated stormwater management representative for the Township.

Gillian Hemstead reported that the Library is seeking environmental displays, and suggested the Commission may want to prepare a presentation or display for them. Gary Oppenheimer suggested that our Commission collaborate with other town Environmental Commissions on exhibits, and rotate them between towns. Andy Abdul commented that this may be something ANJEC can assist with. Chairman Sangle requested that Gary Oppenheimer contact other Commissions, through ANJEC, and report back at a future meeting.

## **OLD BUSINESS**

Bernie Stapleton reported that he met with Bill Wallace and it was agreed that the Health Department will provide a quarterly report to the Environmental Commission about new and ongoing contamination issues within the Township. Chairman Sangle reported that he, Tim Metcalf, and Bernie Stapleton met with the Township Administrator and the Health Officer and it was decided that the Environmental Commission will be notified in the event of any contamination of soil, rivers and lakes. Bernie Stapleton noted that the Commission used to receive regular reports from one of the Health Inspectors when the salt contamination in UGL was an ongoing issue. Chairman Sangle commented that the Administrator and Health Officer were very cooperative and expressed their willingness to discuss any matter of the Commission’s concern. Bernie Stapleton has been designated as the Commission’s liaison with the Health Department for all environmental or contamination matters, other than litigation.

## **MINUTES**

The minutes of the September 14, 2009 regular meeting of the West Milford Environmental Commission were approved on a **motion** by Douglas Ott and a **second** by Bernie Stapleton.

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

**HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Agency Determination – Highlands Act Exempt #4 – Water Quality Management Plan – Consistent, with limitations noted, dated September 30, 2009, received for Mr. Wonton, LLC, Block 6303; Lot 18, 1546 Union Valley Road, for reconstruction of parking area, including new curbing, paving and drainage.
2. Notice of Intent to Cancel, dated September 30, 2009, received for Cefes Financial, Harold Smith, for construction of a single family dwelling on Magnolia Road, Block 1806; Lots 4 and 5, due to insufficient documentation submitted for Highlands Determination.
3. Supplement to Highlands Applicability Exemption Request for Tennessee Gas Pipeline – 300 Line Project dated September 30, 2009 from Giordano, Halleran & Ciesla, regarding submission of documents for minor adjustments to the proposed 325 loop route, right of way, and temporary work space due to a more detailed design engineering analysis.
4. Notice to the Township of West Milford from the Highlands Council that they received and reviewed the Township’s Draft Environmental Resource Inventory (ERI) and supplied a CD with comments from the Highlands for review prior to the Basic Plan Conformance Petition being submitted by December 8, 2009.
5. Notice from Michael Hoek, Block 7903; Lot 12, 1468 Union Valley Rd., received September 21, 2009, of an application to be made for a Highlands Exemption.
6. Highlands Act Determination– Exempt #15, Water Quality Management Plan – Not Addressed, dated October 19, 2009 for Apple Valley Estates, LLC, Steven Olsen, Union Valley Road, Block 9901; Lots 10, 11, 12.
7. Notice of Technical Incompleteness received for David Koblitz, 225 Ridge Road, Block 8704; Lot 26 for improvements to an existing single family dwelling, requiring revisions to plans submitted and other documents in support of the exemption requested.
8. Notice of Technical Incompleteness received for Greg Rubenstein, 40 Lake Park Terrace, Block 4201; Lot 12 for construction of a single family dwelling, requiring plans and documents to be submitted in support of the exemption requested.
9. Notice of Technical Incompleteness received for William Hart, 14 Gleason Rd., Block 3508; Lot 6 for improvements to an existing single family dwelling, requiring various documents to be submitted in support of the exemption requested.
10. Response letter from the NJDEP, Land Use Management, dated October 28, 2009 regarding the new Township Library and a request by the Township to schedule a meeting to discuss with the DEP the development (or redevelopment) of the library on the proposed site, in addition to Highland’s legislation that would apply to the project.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. No Further Action and Covenant Not To Sue letter received from the NJDEP, dated September 30, 2009, regarding removal of a 550-gallon underground storage tank for Block 7003; Lot 4.02, Bender Residence.
2. No Further Action and Covenant Not To Sue letter received from the NJDEP, dated October 20, 2009, regarding removal of a 300-gallon underground storage tank for Block 15502; Lot 28, Anthony Simcic Residence.
3. Notice from the NJ DEP regarding private commercial bus owners and a diesel retrofit program submission deadline as part of a Stop the Soot initiative.

4. Notice of additional information submitted to the NJDEP with regard to a Highlands Determination application from Oleksiy and Tomira Luchynski, Block 12001; Lot 36.01, 166 Maple Road, Program Interest No. 435442.
5. Copy of letter dated September 28, 2009 to Kevin Boyle, Township Administrator from the Assistant Commissioner for Natural Historic Resources, NJDEP, advising that the Trailhead Signage System Implementation – Phase II grant application was not selected for funding from the 2009 Recreational Trails Program.
6. Notice from the NJ DEP regarding Carpi Lake Dam sent to DIO Satellite, LLC dated October 28, 2009 advising that the Emergency Action Plan submitted in November 2008 is acceptable, and that the freeboard waiver is justifiable and granted with conditions.
7. Copy of an application to the NJ DEP for Kerry Greene for a GP #25 for 40 Maple Road, Block 10204; Lot 4 regarding installation of a subsurface sewage disposal system.
8. No Further Action and Covenant Not To Sue letter received from the NJDEP, dated October 2, 2009, regarding removal of a 550-gallon underground storage tank for Block 7503; Lot 13, for Mitchell Schechter.
9. Notice of Violation dated September 29, 2009 for Pazak Service Station, aka Rt. 23 Corporation for Block 16001; Lot 9 for failure to address deficiencies noted in the remedial action report.
10. Permit #1302 issued on October 8, 2009 to the NJ Office of Engineering and Construction for removal of the existing dam structure known as West Milford Lake Dam.
11. Copy of an application for a GP#25 for a septic alteration for 72 Circle Drive, Block 16307; Lot 11, for Cynthia Cassidy.
12. Copy of an application for a GP#25 for a septic alteration for 31 Morsetown Rd., Block 5009; Lot 8, for Arthur McQuaid.
13. Notice from the NJ DEP dated October 21, 2009 regarding the City of Newark – Modification to Water Allocation Permit #5123, approved with revised temperature and passing flow conditions.
14. Notice of Deficiency dated October 27, 2009 sent to the MUA regarding the Greenbrook Well House No. 2, Woodland Ave., for failure to submit a sampling results summary table in an electronic version with the Site Investigation Report.
15. Notice of a GP#25 application received for John and Linda Barker, 1943 Clinton Rd., Block 102; Lot 20.03 regarding installation of a subsurface sanitary disposal system.

#### **CORRESPONDENCE**

1. Certification of Soil Erosion and Sediment Control Plan dated September 22, 2009 received from Hudson Essex Passaic Soil Conservation District for Apple Valley Estates Remediation, block 9901; Lot 12, Union Valley Road, West Milford.
2. Certification of Soil Erosion and Sediment Control Plan dated September 22, 2009 received from Hudson Essex Passaic Soil Conservation District for Dena Car, LLC site Improvements, Block 14104; Lot 1, 2038 Route 23 North, West Milford.
3. Denial of Soil Erosion and Sediment Control Plan dated October 15, 2009 received from Hudson Essex Passaic Soil Conservation District for Valley Ridge Townhomes, 244 Dockerty Hollow Rd., Block 8002; Lot 4 due to the lack of revised plans being submitted per HEPSCD request on June 29, 2007 and June 25, 2008.
4. Notice from PSE&G regarding vegetation maintenance procedures, and inclusion of tree removal as part of the vegetation management work on the PSE&G easement.
5. Letter sent to Shop Rite thanking them for the 100 complimentary copies of Shop Rite Earth 2009 that were distributed at Autumn Lights Festival 2009.

6. Minutes from the County of Passaic Brownfields Commission from July 22, 2009 and notice of a regular meeting on October 21, 2009 at 3:00 pm in the Totowa Business Center.

7. Letter from Anthony Patire of Marshall Hill, LLC, dated October 10, 2009 requesting a Township resolution of support in his efforts to create a wetlands mitigation site and with the Highlands Council and NJDEP regarding the West Milford Lake Dam sit.

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

#### **ADDENDUM TO AGENDA**

#### **CLOSED SESSION**

Following the regular meeting, a **motion** was made by Doug Ott with a **second** by Gillian Hemstead for the Environmental Commission to go into closed session at 8:52 pm with the adoption of the following resolution:

#### **RESOLUTION 2009-1**

Prior to the conclusion of this meeting, the Environmental Commission shall meet in Closed Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12. sub-section (s)

- ( X ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

- *West Milford Lake Dam and Proposed Wetlands Mitigation Project*

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

**Absent:** Timothy Metcalf, Maryellen Gabay, David Watson Hallowell.

#### **ADJOURNMENT**

Following closed session the Commission reconvened and the meeting was adjourned at 9:24 pm on a **motion** by Doug Ott with a **second** by Gillian Hemstead.

Approved: December 14, 2009

Respectfully Submitted,

Tonya E. Cubby, Secretary