

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**NOVEMBER 26, 2012**

The November 26, 2012 regular meeting of the Township of West Milford Environmental Commission was called to order at 7:35 p.m. with a reading of the Legal Notice. This meeting was rescheduled from November 5, 2012.

**ROLL CALL:** Present: Andrew Abdul, Douglas Ott, Thomas Tamayne, Gary Oppenheimer, Lucas Slott.  
Absent: Don Weise, Gillian Hemstead, Alternate Timothy Dalton, Chairman Stephen Sangle.

Acting Chairman Douglas Ott advised that Alternate #2 Lucas Slott would sit in for one of the absent members. He also noted that a quorum was present to conduct this meeting.

**APPLICATION FOR REVIEW**

**MCDONALDS CORPORATION**

**Use Variance, Bulk Variance, Preliminary & Final Site Plan #ZB-11-11-14**

Block 6303; Lot 14 & 15

41 Marshall Hill Road; CC Zone

**Seeking:** Use and Bulk Variances and Preliminary & Final Site Plan application for the DEMOLITION AND reconstruction of the existing McDonald's restaurant to bring into conformance with the existing McDonald's prototype, in addition to providing an expanded drive-thru system. Use Variance is required since the proposed property does not meet the conditional use criteria for vehicular circulation. Bulk Variances are requested for setbacks, impervious coverage, loading, front yard buffer, minimum lot width, frontage, and depth, and signage.

**Limited Environmental Impact Statement** – The Commission reviewed the Limited Environmental Impact Statement submitted to the Zoning Board of Adjustment for the proposed McDonald's restaurant. The concerns expressed by the Environmental Commission following their review of the proposed site plan and the LEIS included possible reconsideration of the steep grade for the ingress and egress from Marshall Hill Road to address sight distance issues entering and exiting the site, use of a hybrid hemlock or other plant in the landscaping that is more disease resistant, and recommendation of an enclosed and secure dumpster to discourage bear visits and keep trash/litter under control. The Commission's comments will be forwarded to the Board of Adjustment for review prior to their hearing.

**AWOSTING ASSOCIATION INC.**

**Preliminary & Final Site Plan #0820-0320AB**

Block 4105; Lot 1

Long Pond Road; LR Zone

**Seeking:** Preliminary & Final Site Plan approval to construct a new private lake community clubhouse.

Doug Ott advised the Commission that the Awosting Association Clubhouse Site Plan was going before the Planning Board on December 6, 2012. The Commission reviewed the site and architectural plans for the proposed clubhouse. Gary Oppenheimer commented that a review of the satellite image of the site did not indicate anything that would raise any concerns. Tom Tamayne indicated the proposed dry wells on the plan and noted that this was a good choice for stormwater runoff. The Commission also discussed the possible use of rain barrels. Upon review of the lighting, it was determined that the incident lighting level within 20 feet of the building would be 0, so lighting would not be an issue. Doug Ott advised that if any issues of concern were revealed at the Planning Board meeting, he would advise the Commission.

**GRANT MANAGEMENT AND STATUS REVIEW**

**2007 Stormwater Implementation 319H Grant:** Doug Ott inquired if the Secretary had been advised of an update from Dr. Fred Lubnow of Princeton Hydro on the new 319H projects, to which the Secretary responded that she had not. Mr. Ott noted that Commissioner Gillian Hemstead was absent so perhaps she could provide an update at the next meeting.

**Recreational Trails Signage Grant:** Doug Ott reported that Ed Goodell from the Trails Conference advised him that the signs were completed and will be installed shortly, in conjunction with the Township D.P.W. He noted that these signs were separate signage from the kiosk units. Gary Oppenheimer suggested that the signs also post "No ATV Use". He reported that at the Mountain Rest site, much of the forest had been destroyed with the ATV use on the trails surrounding the area. Tom Tamayne suggested that the signage information could be posted on the Township website with an indication where the trails are located.

**2010 ANJEC Smart Growth Planning Grant-Trails Master Plan:** Doug Ott reported that the subcommittee was making progress, and various sites were explored for potential trails and for use as connectors to the established trails. He further reported that two consultants had been interviewed for the trails master plan project, but no decision would be made at this meeting. One of the consultants interviewed is employed with the same firm as the Township/Planning Board Planner and is also the Planner for Ringwood. The other consultant is employed by the NY/NJ Trails Conference and he presented a trails plan document for a New York park that included detailed trail information, but Mr. Ott suggested that it might be more detail than what is needed for this particular project. Mr. Ott also noted that time is of the essence since this grant project needed to be completed and closed out.

### **ON GOING BUSINESS**

**Lakes Committee:** Andy Abdul reported that he attended the Lakes Committee meeting in October and he distributed the minutes from the September and October 2012 meetings. He noted that the new Health Officer and the Health Inspector were present at the October meeting and discussed septic systems and the new regulations. The Lakes Committee was concerned about whether the regulations are being enforced. The Health Officer advised that he would evaluate the existing program and suggest modifications so that the septic pumping data is compiled and accessible for regulation enforcement. He noted that the program is in the second three-year cycle, so the information from the first three years will be reviewed and adapted, if needed, in the new cycle. The Lakes Committee also discussed abandoned buildings/houses, Lake Lookover's ongoing issues with the TGP, and cracks discovered in the new dam at Mount Glen Lake.

**Open Space Subcommittee:** Doug Ott reported that no new meetings have been scheduled at this time and that the Township Administrator would be in contact with the EC with new meeting dates.

**Environmental Contamination Issues:** Tom Tamayne had nothing new to report regarding contamination issues. He planned to meet with the new Health Officer on the following Wednesday.

**Green Team–Sustainable Jersey:** Tom Tamayne reported that he was unable to make the recent meeting of the Sustainable West Milford/Green Team. He advised that they had received a response to their inquiry regarding the reasons why the soil monitoring grant proposal was not accepted by Sustainable Jersey. The grantors felt that the impact of reducing the phosphorous in the lakes would take too long to determine (5-10 years) and with the number of people involved and analysis required, the grant proposal needed more clarity on the entire project and data management. Overall, Sustainable Jersey had favorable comments, but suggested that a smaller grant award might have had more consideration.

**Tennessee Gas Pipeline:** Luke Slott reported that the TGP project had passed the State review process and he was contacting U.S. Sen. Menendez's office regarding the environmental concerns about this project.

**Autumn Lights Festival – October 13, 2012:** It was reported that Gillian Hemstead, Luke Slott and Andy Abdul were present at the Autumn Lights festival to represent the Environmental Commission. Ms. Hemstead had prepared a quiz for the visitors that all seemed to enjoy as part of the Commission's educational outreach.

### **NEW BUSINESS**

**Resolution 2012-1 – Environmental Commission Approval of Township of West Milford's Highlands Master Plan Environmental Resource Inventory.**

It was reported that the Environmental Resource Inventory was reviewed by the Commission in May, with specific comments submitted to the Planning Board Planner by the Environmental Commission Chairman Stephen Sangle. The Secretary advised that this resolution of approval was a formality required as part of the Highlands Master Plan Element.

**Motion** was made by Andrew Abdul with a **second** by Gary Oppenheimer to **adopt** Resolution No. 2012-1 approving the Highlands Master Plan Environmental Resource Inventory.

Yes: Andrew Abdul, Douglas Ott, Thomas Tamayne, Gary Oppenheimer, Lucas Slott.

No: None.

This resolution would be forwarded to the Township Planner Chuck McGroarty for submission to the Highlands Council.

**2013 Commission Meeting Dates:** The Commission noted that their meetings dates for 2013 had been reviewed and approved at the prior meeting, but all concurred on the dates presented.

**Grant Applications Anticipated for 2013:** The Commission requested that a memo be sent to Renee Allesio inquiring about potential or planned grant applications for 2013 so that the Township has sufficient funds budgeted for any proposals received.

**2011 –12 Annual Environmental Commission Report to Township Council:** Doug Ott advised that this matter should be carried until Commission Chair Stephen Sangle and Commissioner Gillian Hemstead are prepared to present the report to the Council.

**Braemar at West Milford - Potential Open Space/Trail Connection** – Doug Ott provided an update on the major subdivision conditionally approved for Wooley Road, advising that trails were originally proposed for public use in the easements that had been established. Following the Planning Board hearing for the final subdivision approval, the owner of the property, as well as one of the neighbors, offered to inspect the site with several representatives of the Environmental Commission to determine the area's viability for trail connections. Gary Oppenheimer advised that he would be present to walk the trails and easements with Doug Ott and Braemar representatives. Mr. Ott advised the Commission that he recalled the discussions regarding the creation of public areas behind the Braemar development for access to other locations including Dockerty Hollow Road, TGP, Highview, and Macopin Road.

**Tree Damage from Hurricane Sandy** – The Commission discussed the recent damage to groves of trees throughout the Township from the recent Hurricane Sandy. Gary Oppenheimer commented that since sunlight can now reach the forest floor, it would be interesting to see if the new sapling growth that will result is devoured by the deer.

## **MINUTES**

The Minutes of the September 10, 2012 and October 1, 2012 Regular Meetings of the West Milford Environmental Commission were not available for approval but would be on the December 10, 2012 agenda for review and approval.

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

### **Highlands Water Protection and Planning Act**

1. Notice of an application being submitted to the NJDEP, dated October 8, 2012, for a Highlands Applicability and Water Quality Management Plan Consistency Determination from Weissman Engineering Co., for Lobosco, Vine Avenue and Ridge Road, Block 5603; Lots 2.01 and 2.02 for the construction of a single family home, not for use by the owner or immediate family member.
2. Notice and copy of an application, dated October 11, 2012, received from Murphy McKeon, P.C. for Chelsea at Bald Eagle, regarding a Highlands Applicability Determination for the proposed addition of a 20-bed facility to an existing assisted living facility located at 197 Cahill Cross Road, Block 5301; Lot 1.

### **NJ Department Of Environmental Protection**

1. Notice from the NJDEP regarding the Apshawa Auxiliary Dam (DEP File No. 22-314) advising that the revised Stability Analysis has been accepted by T.Y. Lin International's recommendation that the Apshawa Auxiliary Dam will remain stable during the spillway design storm event, and also advising that the next regular inspection of the dam is due by December 11, 2013.
2. Copy of an application to the NJDEP for a Statewide General Permit No. 6 Re- Issuance for Block 12110; Lot 3.01, regarding the construction of a proposed single family home with a disturbance of 248 sq. ft. of wetlands.

3. No Further Action – Covenant Not to Sue notice, dated September 24, 2012, received from the NJDEP, regarding the removal of a 550 gallon #2 heating oil UGST for 36 Cahill Cross Road, Block 5307; Lot 9, Kurt Rifembark.
4. Copy of a GP #25 Permit, dated October 12, 2012, #1615-12-0025.1 FWW 120001, received for Robert Morrison, 1673 Macopin Road, Block 8401; Lot 12 regarding the repair of a malfunctioning septic system.
5. Notice from the NJDEP, dated October 3, 2012, that 9 potable wells will be sampled in the vicinity of the Getty Service Station #57215, Compass Avenue, scheduled for October 24, 2012.
6. No Further Action – Covenant Not to Sue notice, dated October 10, 2012, received from the NJDEP, regarding the removal of a 550 gallon #2 heating oil UGST for Brenda Gross, 207 Long Pond Road, Block 4007; Lot 2.
7. Copy of Notice of Intent to Terminate from the NJDEP, dated October 10, 2012, received for William Baird, 7 Mountain Circle North, Block 5901; Lot 2, regarding failure to conduct remediation in accordance with NJAC 7:26E, and failure to submit reports in a timely manner pursuant to NJAC 7:26C, requesting compliance within 30 days of receipt of the notice.
8. Copy of a request to the NJDEP, dated October 16, 2012, from EcolSciences, Inc for Environmental Construction Company, regarding the Re-Issuance of a GP # 6, originally issued on January 17, 2008, for Block 12110; Lot 5.03, Inwood Road, for the construction of a single family dwelling.
9. No Further Action and Covenant Not To Sue notice received from the NJDEP, dated October 24, 2012, received for Block 15401; Lot 27, 45 Meadowview Crt. Regarding removal of one 550 gal UGST.

### **Correspondence**

1. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated September 18, 2012, for Twins Realty Group LLC, 937 Burnt Meadow Road, Block 3906; Lots 9 & 10, Block 6002; Lot 39.01.
2. Notice dated October 9, 2012 from the Passaic County Planning Board, regarding Oak Ridge Road Associates, Block 15901; Lots 1 and 2, 195 Oak Ridge Road, requesting revised plans and copy of the resolution and/or meeting minutes of the West Milford Planning Board approval confirming that the Planning Board doesn't require sidewalks.
3. Pequannock Post, Volume 17, Issue 5, October 2012.
4. Rutgers New Jersey Agricultural Experiment Station Office of Continuing Professional Education – Underground Storage Tanks, 12-04-12, Innovative Technologies for Site Remediation, 12-05-12, Environmental Funding, 01-30-13.
5. Notice from ANJEC – Capital Day, 11-16-12 – State House Annex, Trenton NJ; Inside Environmental Lawmaking in NJ.

### **PUBLIC COMMENTS**

No one was present to address the Environmental Commission on any matter of concern.

### **ADJOURNMENT**

With no further business to come before the Commission, the meeting was **adjourned** at 8:50 p.m. on a **motion** by Douglas Ott and a **second** by Gary Oppenheimer.

Approved: February 4, 2013

Respectfully submitted,

Tonya E. Cubby, Secretary