

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

DECEMBER 10, 2012

The December 10, 2012 regular meeting of the Township of West Milford Environmental Commission was called to order at 7:42 p.m. with a reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Douglas Ott, Thomas Tamayne, Gary Oppenheimer, Don Weise (8:00), Chairman Stephen Sangle.

Absent: Gillian Hemstead, Alternate Timothy Dalton, Lucas Slott

Chairman Stephen Sangle advised 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

Review of Limited Environmental Impact Statement – Joseph Sparone P.E., Dynamic Engineering Consultants, engineer for the applicant McDonalds Corporation, addressed the Environmental Commission regarding their review of the Limited E.I.S. that was part of the application #ZB-11-11-14 for Use Variance and Site Plan approval from the Zoning Board of Adjustment. Also addressed was correspondence from William H. Drew, P.P., dated December 7, 2012, to the Environmental Commission outlining certain areas of the Limited E.I.S. for the Commission to review. The following comments were made relative to the review of the above referenced documents:

■ Chairman Stephen Sangle advised Mr. Sparone of Dynamic Engineering that he had reviewed the Limited Environmental Impact Statement and made comments about the Commission and Township's history of involvement with stormwater projects to limit the harmful effects on the bodies of water in the Township, especially Greenwood Lake. He expressed that the Commission, upon review of William Drew's comments dated December 7, 2012, fully support his recommendations, especially with regard to water quality and the installation of an underground retention system. Chairman Sangle reported about several grants secured for structures that have been installed in storm drains by Greenwood Lake for filtration of the stormwater to reduce phosphorous and pollutants.

■ With the proposed increase in traffic on the site, the Commission expressed concerns about the oil and other liquids discharged from vehicles using the drive thru lanes and parking areas. The Commission requested that the applicant consider an oil filtration system to prevent vehicular pollutants leaching into the adjacent stream, which drains into Belchers Creek and Greenwood Lake. Mr. Sparone advised that oil water separators were large units that required more space than is available, as well as requiring regular maintenance of the inlet filters, but an alternative system can be considered. In responding to an inquiry about the stormwater draining off the site, Mr. Sparone reported that the water drains into the storm drains on Marshall Hill Road which then drains into the nearby stream, adding that the applicant is not proposing any changes to that system.

■ Mr. Sparone advised the Commission that the Board of Adjustment professionals had recommended a seepage pit or dry well, and although there were existing utilities that had to be accommodated, it could be installed along with a recharge system in an attempt to mitigate the increase in runoff for the impervious surface. The Commissioners noted that the analysis and calculations should be approved by the Board of Adjustment professionals. Mr. Sparone advised that McDonalds could consider some other methods that have been mentioned, including a possible rain garden or other recharge system. Mr. Sparone noted that a parking space might need to be sacrificed, creating another variance, if an above ground recharge system is included. Mr. Sparone stated that he would work with the recommendations of the Commission and Board of Adjustment.

■ Mr. Sparone advised that the proposed new building will be larger than the existing restaurant, but seating will be reduced and the kitchen and storage will be larger, with an increase to approximately 60 – 70% vehicular traffic proposed based on the studies conducted.

- Chairman Sangle stated that the Environmental Commission is requesting that the applicant do whatever possible to protect the environment and that it should be consistent with William Drew's recommendations.
- Mr. Sparone advised that an underground water system for stormwater would be installed. An above ground system, such as a rain garden will also be considered. He added that a seepage pit would help with stormwater filtration.
- The Environmental Commission inquired about the kinds of green or sustainable programs that the applicant proposes and Mr. Sparone advised that McDonalds is committed to a 3-pronged effort with regard to sustainability: recycle, reduce, reuse, and this translates into recycling of oil used for cooking, as well as other recycling, such as reduction in packaging, etc.
- The Commission requested that the applicant consider efforts to reduce idling of vehicles, and Mr. Sparone responded that one of the goals of this project is to reduce drive thru time by installing energy efficient equipment and creating better and increased access for the drive thru customer. The Commission requested that the applicant install anti idling signage, and noted that often the customers use the drive thru to make a purchase and then park with the cars idling while they consume the food. Mr. Sparone responded that they could take a look at this and saw no problem with the installation of a sign. One of the Commissioners noted that this is a state law, and Mr. Sparone stated that they absolutely could put up a "No Idling" sign on the site.
- With regard to lighting, Chairman Sangle observed that the proposed 5 light stanchions will be substantially higher than the building, and that the Commission recommends fixtures that limit the amount of light that reaches off site. He also noted that from an aesthetic standpoint, the taller stanchions should not be installed with a low building. Mr. Sparone advised that the lighting was proposed to coordinate with the adjacent Shop Rite shopping center lighting to create a more seamless appearance. Mr. Sparone also noted that portions of the proposed McDonalds building will be from 18 to a maximum of 23 feet 4 inches in height, so the proposed 25 feet would not extend much more than the highest section of the building. Mr. Sparone advised that they will address this with the Board of Adjustment and will consider reducing the height if they are required to do so by the Board.
- The Commission inquired about the average lumens, and Mr. Sparone advised that the ordinance standard of a minimum of .5 foot candle overall is low, and that the average they have now is .9 proposed. He noted that they are trying to balance adequate lighting for safety and the ordinance requirements, but acknowledged that some of the lighting overlaps onto the adjacent shopping center and also recognized the concern about lighting affecting surrounding residential sites.
- The Commission reiterated a previous concern expressed during a site plan review about bears having continual access to dumpsters, and recommended a dumpster enclosure with a secure container that would limit access for bears. Mr. Sparone advised that he would pass the recommendation on to Operations since they contract with a local trash vendor and there may be a more suitable container they could consider.
- Chairman Sangle requested that the applicant keep William Drew, Board of Adjustment Planner, up to date on the issues that he outlined in his report to the Commission, and to advise him of the applicant's intent to address these issues, as well as the Environmental Commission's concerns expressed at this meeting.

The concerns expressed by the Environmental Commission following their review of the proposed site plan at a prior meeting on November 26, 2012 included possible reconsideration of the grade for the ingress and egress from Marshall Hill Road to address sight distance issues, 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. Doris Aaronson, resident of Bearfort Road, suggested that if a rain garden is installed at McDonalds, that educational signage should be included. Chairman Sangle requested that one of the Commissioners attend the Board of Adjustment meeting on December 18, 2012 for the hearing on McDonalds.

GRANT MANAGEMENT AND STATUS REVIEW

2007 Stormwater Implementation 319H Grant: Chairman Sangle requested that the Commission Secretary contact Dr. Fred Lubnow of Princeton Hydro for an update on the progress of the stormwater projects.

Recreational Trails Signage Grant: It was reported by Don Weise that Jonathan Martin of the NY/NJ Trails Conference had reached out to the Public Works Dept. for assistance in getting the small signage

installed at various trailheads and has not received a reply. He advised the Commission that he would follow up with the Public Works Dept. to get an update.

2010 ANJEC Smart Growth Planning Grant-Trails Master Plan: Chairman Sangle advised the Commission that he was abstaining from recommendation on the matter of hiring a consultant for the remainder of the Trails Master Plan project. It was reported that a resolution might need to be approved by the Township Council for the new consultant. Doug Ott reported that two interviews took place with regard to the Trails MP project, Joanna Slagle from Banisch Associates, and Ed Goodell, a representative of the New York/New Jersey Trails Conference. Mr. Ott spoke to Kerry Miller of ANJEC and she indicated that she was familiar with Ms. Slagle and had worked with her on other projects. Ms. Slagle has GIS proficiency and had done some work with the Township's former GIS specialist and has files that can be incorporated in the project. Mr. Ott noted that the Trails Conference possesses the knowledge of the trails, while Banisch Assoc. has GIS capabilities. The Commission discussed the attributes of both potential consultants. Following a review of the strengths of each candidate, Chairman Sangle advised the Commission that since Mr. Ott was coordinating this project, he would make the recommendation with a confirmation vote by the Commission. Mr. Ott advised that he felt this contract should be offered to Banisch Associates, noting that there were several other trails grant projects that the Trails Conference would be the preferred consultant. Motion was made by Chairman Stephen Sangle and a second by Gary Oppenheimer to recommend Banisch Associates for the consultant to complete the 2010 ANJEC Trail Master Plan Grant project. Four Commissioners voted in favor and two Commissioners recused from voting on this matter. It was noted that all in-kind service hours would have to be accounted for since they are included in the grant project for approximately \$5000. of the project total.

ON GOING BUSINESS

Lakes Committee: Andy Abdul reviewed the minutes from the Lakes Committee from September and October 2012. The Lakes Committee discussed septic pumping and whether the ordinance is being adhered to and, following discussion by the Commission, a memo was directed to be sent to the Township Administrator to inquire if the septic regulations were being enforced by the Health Dept. The Commission suggested that the Health Dept. coordinate with the private vendors to keep the customers informed of the septic pumping when due.

Open Space Subcommittee: Don Weise advised that Ben Burton, a resident who owns property off Macopin Road as well as other sites, is interested in creating a wildlife habitat and removing invasive species. Mr. Weise suggested that he speak to the Commission about some of his work. The Commission tentatively scheduled him to attend the January 7, 2013 EC meeting.

Environmental Contamination Issues: There was nothing to report on this matter. Mr. Tamayne is still attempting to meet with the new Health Officer for an update on contamination issues.

Green Team–Sustainable Jersey: No update was available per Thomas Tamayne, noting that the meeting was cancelled for November.

Tennessee Gas Pipeline: It was reported that there may be some archeological discoveries near the pipeline project and their projected path for construction may be reconsidered.

NEW BUSINESS

Braemar at West Milford – Doug Ott reported that this subdivision had recently received conditional final approval by the Planning Board, but a discussion had been raised by the Board regarding the trail/conservation easements behind the development. Mr. Ott noted that the developer, Ralph Loveys, indicated that he would examine the site with several Planning Board members and Mr. Ott as the EC representative. The Commission discussed the terrain and noted that it was very rocky and had wetlands throughout, and reviewed a plan of the proposed subdivision that Mr. Ott provided. Mr. Ott advised that the developer did not want an established trail on the easement for several reasons, including liability. Gary Oppenheimer advised that he would be interested in being present for the site visit.

Grant Applications Anticipated for 2013: Chairman advised that the Township requested information about possible grants that will be submitted in 2013 to insure that grant monies are available, adding that matching grants are not recommended since there are minimal funds that can be allotted.

2011 Annual Environmental Commission Report to Township Council: Chairman Sangle noted that this report would be presented in person to the Council in February or March 2013.

Chairman Sangle reported that he was a guest speaker at the Environmental Congress with ANJEC and advised that the event went very well.

MINUTES

The Minutes of the September 10, 2012 Regular Meetings of the West Milford Environmental Commission were **unanimously approved** on a **motion** by Chairman Stephen Sangle and a **second** by Douglas Ott.

The following correspondence was received and reviewed by the Commission prior to filing:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Copies of documents received November 13, 2012 from Chelsea at Bald Eagle addressing items of incompleteness for a Highlands Applicability Determination for Block 5310; Lot 1, 197 Cahill Cross Road regarding an addition to an existing assisted living facility.

2. Copy of an application received December 6, 2012 from Weissman Engineering Co., regarding a Highlands Applicability and Water Quality Management Plan Consistency Determination for Lobosco Single Family Home at Vine Ave. and Ridge Road, Block 5603; Lots 2.01 and 2.02.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Copy of a Flood Hazard Area Individual Permit dated November 19, 2012 for Faurot, 37 Lake Park Terrace, Block 4201; Lot 18, regarding reconstruction of a malfunctioning septic system within the 300 foot riparian zone of Greenwood Lake.

2. Copy of a Flood Hazard Area Individual Permit, Freshwater Wetlands Individual Permit, and Water Quality Certificate for Tennessee Gas Pipeline, dated November 9, 2012, authorizing 12.12 acres of freshwater wetland impacts, 49.01 acres of transition area impacts, 1.13 acres of state open water impacts, and 70.41 acres of riparian zone impacts for the widening of access roads, 44 watercourse crossing and other access related to the pipeline construction, with all impacts to be restored except the permanently maintained R.O.W. Additional mitigation is required as conditions of the permit.

3. Copy of an application for a GP 25 received November 16, 2012 for Michael Irven, 11 Bracken Road, Block 12102; Lot 7, regarding the installation of a sub surface sanitary disposal system.

4. Notice of an application for a GP 26, received November 26, 2012 for Jeffrey Weinman, 1860 Macopin Road, for the replacement of an existing septic system with no expansion or change in use.

5. Request for water supply information received November 26, 2012 from Synergy Environmental Inc. on behalf of Kimber Petroleum Corp, regarding an environmental investigation for Lakeside Amoco, 2 Lakeside Drive, as a result of contaminated groundwater discovered at the site. Request for current and potential groundwater uses within the Township based on a 25 year planning horizon using available water supply data. Referred request to Township Planner who noted that this information is not on file, nor has it been established.

6. Private Potable Well Water Analyses dated November 26, 2012 received from the NJDEP regarding GPS Enterprises, 551 Warwick Tpk., Block 703; Lot 3, advising that the water is acceptable for drinking and other domestic uses.

7. No Further Action & Covenant Not To Sue dated November 20, 2012 regarding removal of a 550 gallon #2 Heating Oil UGST at Block 15401; Lot 26, 46 Meadow View Court, for Jeanne Dougherty.

8. "After the Fact" Permit No. 8 and 10A to allow two portable carports and driveway within a freshwater wetlands transition area at Block 5001; Lot 4, 93 Morsetown Rd., for Lisa and Ken Perry, specifically authorizing the disturbance of 480 sf of wetland transition area for the carports, and 1080 sf of wetland transition area for the driveway. This permit also requires the restoration of several wooded areas within the wetland transition areas and riparian zones.

9. Copy of Amendment/Modification #4 dated November 26, 2012 received from the NJDEP Div of Policy Implementation and Watershed Restoration for the 2007 319H Grant – RP07-052 regarding a no cost time extension and budget line item revision for the “Initiate Stormwater Implementation Projects for Greenwood Lake” which will expire October 31, 2013.

CORRESPONDENCE

1. Notice from Passaic County Planning Department regarding Oak Ridge Road Associates, dated November 9, 2012, Block 15901; Lots 1 & 2, 195 Oak Ridge Road, advising of their final approval of the site plan for the installation of a new parking lot, and noting that the applicant will require a right of way access permit prior to widening the driveway.
2. Pequannock Post, Volume 17; Issue 6.

PUBLIC COMMENTS

Doris Aaronson, Bearfort Road, addressed the Environmental Commission on the septic database and noted that former Councilwoman Marilyn Lichtenberg had volunteered to assist with this project. She also stated that information had been provided to the Council regarding the use of college interns, but the Township did not have the funds available to pay the interns. Ms. Aaronson advised that a college graduate student with some knowledge of septic systems would be preferable. Chairman Sangle suggested that this may be something the watershed ambassador can assist with. Gary Oppenheimer advised that Rutgers has an environmental stewards program and he will get the information to Ms. Aaronson for the Health Board.

ADJOURNMENT

With no further business to come before the Commission, the meeting was **adjourned** at 9:40 p.m. on a **motion** by Chairman Stephen Sangle and a **second** by Andrew Abdul.

Approved: March 4, 2013

Respectfully submitted,
Tonya E. Cubby, Secretary