

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

June 7, 2021

Virtual Meeting - Via Zoom

The June 7, 2021 Regular Meeting of the Township of West Milford Environmental Commission was held virtually, via Zoom, beginning at 7:00 pm with a reading of the Legal Notice.

The oath of public office was administered to new member William Cytowicz as Alt. #1.

ROLL CALL

Present: Janet Little, David Ofshinsky, James Rogers, Thomas Tamayne, Douglas Trainor, William Cytowicz, Chairman Stephen Sangle.

Absent: Don Weise.

Chairman Sangle advised Mr. Cytowicz that any project that he is interested in that the Commission is involved in, to please feel free to participate. He could not vote unless he was filling in for a member who was absent, and subsequently requested that Mr. Cytowicz sit in for absent member Don Weise. He advised that a quorum was present for this meeting.

PRESENTATIONS – None.

APPLICATIONS FOR REVIEW –

**NEW CINGULAR WIRELESS PCS, LLC – AT&T
Use & Bulk Variance and Preliminary & Final Site Plan #ZB-03-21-07
Block 3101; Lot 8
325 Lakeside Road; R-4 Zone**

Seeking: Use and Bulk Variances with Preliminary and Final Site Plan approval from the Board of Adjustment for a proposed wireless communications facility with use variance requested for the conditional use provisions and height of the principal structure which exceeds the maximum by 10 ft., and bulk variance for side yard setback where 60 ft is required, 57.5 ft exists and 15 ft is proposed.

Tom Tamayne provided an overview of the application for the Commission following his review of the documents submitted by the application, New Cingular – ATT. He noted that the tallest tree in the area is 130 feet, so the applicant is proposing to install a monopole with fake tree branches, but the tower will be 160 feet at the top of the branches. Mr. Tamayne commented that he hoped the applicant was installing level 2 enclosures. He explained that the silencers can be in or out, and outside the structure at hospital grade would be the best to minimize noise transmission to the surrounding areas. He also noted that the applicant did not indicate how they would be storing fuel. The Commission had reviewed an application for a telecommunication tower at this same site in 2015 and reviewed the comments that were sent to the Board of Adjustment at that time. The Commission requested that a new memo be sent to the BOA following a review of this application, to include the following:

- The Commission noted that the maximum height exceeds the allowable.
- The Commission recommended that testimony be provided regarding the following items that the plans did not include details on:
 - a. Define generator enclosure type (Open, Standard Enclosure, Level 1, Level 2)
 - b. Define generator silencer type (Hospital Grade?) and resulting Decibel Output
 - c. Define fuel storage type and volume (Base Tank Dual Wall with Interstitial Monitoring?)

The Commission also referred to their previous comments for an application submitted by another telecommunication company at this site in 2015, and requested that the comments be taken into consideration by the Board of Adjustment with regard to this new application:

- The Environmental Commission and Planning Board invested numerous hours into drafting the original cell tower ordinance, and one of the main issues they addressed was tower height. The current ordinance permits cell towers to be a maximum of 10 feet above the average tree line to avoid visual negatives, and encourages smaller towers with several collocations rather than tall single monopoles.
- The Commission inquired about adjacent properties that may be more suitable for a cell tower site that would not require several variances for approval, and suggested that the applicant consider other sites to situate the tower that would conform more to the ordinance.
- The Commission concurred that there may be other properties in the vicinity that could be just as effective with lower poles, or perhaps there were existing poles that the applicant could collocate on. Chairman Sangle had expressed that the Commission assisted in the preparation of, what they felt, was a very fair ordinance.
- The Commission concurred that the height was too extreme for that location, and it was one of their main concerns from an environmental perspective. It was noted that nothing attached to the pole [artificial tree branches] could make it visually appealing at the height proposed.
- The Commission concurred that situating the cell tower in the proposed location would interfere with vistas from various trails near the site, hindering ecotourism in and around Greenwood Lake.
- The Commission expressed concerns about the service/utility compounds that would be required near the cell tower, and that potential expansions would further impede the site.

ON GOING BUSINESS

Belchers Creek Testing: Jim Rogers provided an update on the Belchers Creek ongoing testing, advising that 8 samples were taken since last month. He reviewed the sample results in the latest report, and was surprised that the nitrate level was not too high at the bridge near West Milford Lake. Chairman Sangle noted that the sludge that had been dumped had probably dissipated with the rain. Dave Ofshinsky reviewed the results from Crescent Park and commented on the 14.5 Nitrate reading taken on May 28, 2021. He remarked that at the watershed it was 0, but increased closer to developments. Doug Trainor gave a brief explanation to Will Cytowicz regarding the ongoing Belchers Creek Nitrate and Phosphate testing that is being conducted by the Commission. Chairman Sangle suggested that Mr. Cytowicz get in contact with Jim Rogers or one of the other Commissioners to see how the tests are conducted.

Community Forestry Mgt. Plan: AAR – The Annual Accomplishment Report was submitted to the NJDEP and comments were received and forwarded to the Commission for review. The State noted that the Township had not completed the required CEU's for plan approval for 2020.

NNL Reforestation Grant: Update on Tree Survey and Closeout Analysis: Janet Little reported that there were three sites remaining, the WM Museum, CYO and Teen Center. She observed that most of the trees have not been maintained by the Township. Chairman Sangle did not believe that it was the Township's responsibility to maintain the trees after the two years, and did not think that there was anything in the agreement to require this. Jim Rogers suggested that the final report, which will be prepared at the conclusion of the surveys, should include that the Township maintain the trees that are in visible public locations, such as the Library, Town Hall and Museum. He recommended that the Township focus on 4 – 5 sites that are more prominent than others, until they flourish. Chairman Sangle stressed that the main objective is to comply with the two year NJDEP grant with regard to maintenance so that we can continue to receive grants in the future. Ms. Little commented that some of the trees may need several years before they are healthy and thriving, since some were not planted correctly. Chairman Sangle noted that the final report to the Administration on this matter should include contracting with a certified forester to advise the Township in the future.

Greenwood Lake Bi-State Commission: Janet Little advised that at a recent meeting of the GWLC, they discussed proposed installation of a boat launch at Brown's Point. Trees were planted at the site as part of the NNL Grant, and she observed that the area will become a large parking lot if this is the only public access for kayakers, canoes, and fishermen to Greenwood Lake. Currently there were no marinas that give them access to the lake, so it is essentially a private lake with access only through the marinas or private docks. The concern is that the lake will be overrun with out of state visitors and fishermen from all areas, but there is a coalition which has been appealing to the State for access to the lake. Chairman Sangle commented that the GWLC used to have a good working relationship with the Environmental Commission, but they don't seem to take the Commission into consideration anymore. Ms. Little expressed concern that a quiet serene location like Brown's Point may become a large parking lot with trailers and food trucks. She also reported that the State awarded \$30,000 for HAB (Harmful Algae Bloom) testing, and the GWLC is seeking \$10,000 for a boat ramp from Brown's Point.

Lakes Committee: Jim Rogers reported that at the most recent meeting of the Lakes Committee, Alan Fidele of Ringwood was present to review the watershed study plan for the three major lakes. Princeton Hydro completed a study of Ringwood Boro's watershed, and it revealed that the phosphorous load was exceedingly high from septic systems draining into the lakes. He noted that they do not have a septic maintenance ordinance, and they only seek voluntary compliance for septic pumping from their residents. The Lakes Committee is hoping to have West Milford's watershed study completed by 2024.

Open Space Committee: A presentation on the Draft Open Space & Recreation Plan Update was given by Barbara Davis of The Land Conservancy at the Planning Board meeting on June 3, 2021. The Board will review the plan following the comments and suggestions given at the meeting, which will be incorporated into the plan by TLC.

Environmental Contamination Issues: Tom Tamayne provided an update on contamination issues that were received by the Township. He did not receive an update from Suez this past month regarding their ongoing projects at the treatment plants.

Green Team–Sustainability Committee: No update.

Environmental Boardwalk: Chairman Sangle advised that he had sent an email to Ed Steines, Public Works Supervisor, thanking him for taking care of the Boardwalk, adding that they DPW always respond to the Commission's requests for assistance at this site. Tom Tamayne had contacted the State to request a trapper for the beavers during the winter months when, it was permitted to trap them. Mr. Tamayne reported that he was in contact with a landscaper and requested an assessment of the Environmental Boardwalk to determine how to permanently remove the phragmites and weeds that are taking over the site. Chairman Sangle advised that the Administration should be made aware of this since it is a Township facility, and they should be kept in the loop. The Secretary will send a memo to Administration and the Public Works Supervisor to advise that the Commission is seeking recommendations on permanent removal of the weed overgrowth at the Boardwalk.

NEW OR CURRENT BUSINESS – Chairman Sangle advised new member Will Cytowicz that the Commissioners would assist him in becoming familiar with any of the projects that he wanted to become involved in.

Doug Trainor advised that he will be attending a webinar through ANJEC, and commented on a number of webinars that are available for members to attend.

Mr. Trainor reported that the Stowaway Park Bridge is scheduled to be replaced in July 2021. He also noted that he had been taking interested parties into Emerald Forest for a "walk and talk".

MINUTES

The minutes from the March 1, 2021 regular meeting were unanimously approved by the members who were present on a **motion** made by Dave Ofshinsky, with a **second** by Jim Rogers.

The minutes from the April 5, 2021 regular meeting were unanimously approved by the members who were present on a **motion** made by Dave Ofshinsky, with a **second** by Jim Rogers.

The minutes from the May 3, 2021 regular meeting were unanimously approved by the members who were present on a **motion** made by Dave Ofshinsky, with a **second** by Jim Rogers.

CORRESPONDENCE RECEIVED: *The following items were reviewed and filed:*

Highlands Water Protection and Planning Act Correspondence

1. None.

NJ Department of Environmental Protection Correspondence

1. Suspected Hazardous Discharge notification, dated April 29, 2021, received from the NJDEP, for 1433 Union Valley Road, Block 7520; Lot 1, regarding the removal of a 550 Gal UST, with clean-up pending.
2. Groundwater Remedial Action Permit Modification Request, dated April 15, 2021, received from Envirotrac regarding the former Getty Service Station #56009, 2048 Route 23 north, PI # 001649.
3. Suspected Hazardous Discharge notification, dated April 22, 2021, received from the NJDEP, regarding 37 Sweet Briar, Block 12102; Lot 6 for the removal of a 1000 Gal UST, with clean up pending.
4. Suspected Hazardous Discharge notification, dated May 25, 2021, received from the NJDEP, for 22 Henry Road, Block 1406; Lot 2, regarding the removal of a 550 Gal UST, with clean-up pending.
5. Suspected Hazardous Discharge notification, dated May 15, 2021, received from the NJDEP, for Suez WWTP, Richmond Road, Block 5501; Lot 21, regarding exceedance of nitrogen readings.
6. LSRP General Information Notice, dated 05-07-21, from E2 Project Management LLC, regarding Matrax LLC (ESCO Products), 171 Oak Ridge Rd., Block 15901; Lot 7, for property sale/transfer of title.
7. CEA/WRA-Classification Exception Area, Well Restriction Area fact sheet public notice received from Environmental & Geotechnical Services, dated May 10, 2021, regarding Service Concrete, 173 Oak Ridge Road, Block 15901; Lots 5 & 13, advising that the CEA/WRA was to be removed following the completion of the cleanup and groundwater remediation at the site.
8. Suspected Hazardous Discharge notification, dated May 6, 2021, received from the NJDEP, for 45 Heritage Drive, Block 5204; Lot 5, regarding suspected dumping of contaminated soil, bricks and concrete by Intra Coastal Restoration, NY.
9. Notice from GZA Geoenvironmental, Inc. on behalf of Farm Crest Acres Assoc., dated May 13, 2021, advising of a submission of a Freshwater Wetlands General Permit #18 to the NJDEP for the rehabilitation of the Upper Crest Lake Dam and Lower Crest Lake Dam to bring them into compliance with the NJ Dam Safety Standards.
10. NJDEP Flood Hazard Area Verification and Individual Permit #1615-18-0011.1 LUP 200002, approved January 14, 2021, expiration date January 13, 2026, received for Kingwood Flex, LLC (formerly Belchers Run), regarding Block 6401; Lots 1 and 3, authorizing the grading within the

flood hazard area of Belchers Creek, access, and parking and other site improvements partially in the flood hazard area of Belchers Creek, with special conditions.

Miscellaneous

1. Hudson Essex Passaic Soil Conservation District denial of a request for Non-Applicability Determination - Ch. 251 for proposed soil disturbance activities up 15,000 s.f. of soil, dated 04-29-21, for Battinelli, 41 Castle Rock Road, advising that unless the disturbance is strictly for field production agriculture, exceeding 5000 s.f. does not qualify for this exemption.
2. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 8, 2021, for Randa Investment – Texaco Station Remediation, 1463 Union Valley Road, Block 7601; Lot 2.
3. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 17, 2021, for Bruce Rigg – Lake Park Terrace Improvements at 3 Lake Park Terrace, Block 4201; Lot 35.
4. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 19, 2021, for Tom & Laurel Harraka SFD at 28 Virginia Lane, Block 10002; Lot 16.
5. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 23, 2021, for Bubbling Springs Park Ballfield Reconstruction at 1428 Macopin Road, Block 9001; Lot 13.
6. ANJEC Newsletter

PUBLIC COMMENTS – None.

ADJOURNMENT

Prior to adjourning, the Commissioners who are engaged in the tree surveys agreed to meet at the W.M.H.S. at 10 am on the following Saturday. Jim Rogers noted that Tim Dalton, who is no longer on the Commission, has been present during the tree surveying and has been graciously assisting them as they conducted the tree surveys for the closeout of the NNL Grant. Chairman Sangle remarked that Mr. Dalton was the main person involved in the NNL grant project and was the liaison between the Township and the State. He suggested that the Commission should order a plaque to show their appreciation for all of his hard work and commitment to this, and many other endeavors as a member of the Commission.

Chairman Sangle noted that the next Environmental Commission meeting is scheduled for July 12, 2021 and will be held in the main meeting room at Town Hall. Those involved in testing should meet at Town Hall at 6:00 pm to conduct testing from the Belcher Creek samples prior to the meeting.

With no further business to come before the Environmental Commission, the June 7, 2021 regular meeting held via Zoom was **adjourned** at 8:25 p.m. on a **motion** by Chairman Sangle and a **second** by Dave Ofshinsky.

Approved: August 2, 2021

Respectfully submitted by

Tonya E. Cubby, Secretary