

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

April 5, 2021

Virtual Meeting - Via Zoom

The April 5, 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.

ROLL CALL

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

Absent: None.

Chairman Sangle advised that a quorum was present for this meeting.

PRESENTATIONS – None.

APPLICATIONS FOR REVIEW

ADAM SCHECHTER

Bulk Variance ZB-12-20-12

Block 7503; Lot 11

16 Anchor Ave.; LR Zone

Seeking: Bulk Variance approval for a 2.5 story, 1,722 s.f. addition to an existing dwelling, with side yard setbacks requested where 30' is required, 15'2" exists, and 20'8" and 23'7" is proposed.

Subsequent to their review, the Commission made the following comments:

- The Commission noted that this application is to add a 1,120 sf second floor, 578 sf attic, and 781 sf to the first floor, with a height of 33.5 ft.
- The Commission noted that this property is located along a stream entering Pinecliff Lake
- The Commission recommended leaders and gutters, and suggested that the applicant consider the use of a rain barrel for collection of the roof runoff.
- The Commission suggested solar panels be considered by the applicant when constructing the addition.

GRAZYNA KLAPACZ

Bulk Variance ZB-01-21-01

Block 10102; Lot 10

18 Gould Road; R-4 Zone

Seeking: Bulk variance approval to construct a 40 ft X 70 ft accessory structure for storage of an RV camper, boat and car.

Subsequent to their review, the Commission made the following comments:

- The Commission noted that the plans indicate a dry well for the roof leaders to address stormwater runoff.
- The Commission noted that shrubbery is proposed for the exterior of the building.

- No exterior lighting is proposed that may affect adjacent properties.
- There did not appear to be any environmental concerns based on the application and plans submitted for this application.

DONNA WEINBRECHT

Bulk Variance ZB-03-21-16

Block 13102; Lot 18

388 High Crest Dr.; LR Zone

Seeking: Bulk variance approval for a covered entrance, with variance requested for a front yard setback where 40 ft is required, 28 ft exists, and 18 ft is proposed.

Subsequent to their review, the Commission made the following comments:

- The Commission noted that this application is for a covered entry addition, and recommended that leaders and gutters be installed.
- In addition to the leaders and gutters, the Commission recommended that the applicant consider the use of a rain barrel for collection of the roof runoff.

ON GOING BUSINESS

Belchers Creek Testing: Commissioner Jim Rogers reported on Belchers Creek testing at the Marshall Hill Road Bridge following the dumping of sewer sludge into West Milford Lake by a septic company employee. Mr. Rogers obtained several readings on various dates: 03-23-21: N=5.7, P=0.1; 03-27-21: N=5.7, P=0.1; 03-29-21: N=8.0, P=0 and N=5.9, P=0. He noted that at the end of January the readings were N=3.9 and P=0.1. Commissioner Tom Tamayne inquired if a clean-up was completed at the site of the contamination, and Jim Rogers responded that the DPW was dispatched and they tried to remove some of the sludge from the storm drains. Commissioner Don Weise observed that at Adelaide Terrace, the levels looked okay, but he noticed a line of sludge or a muddy slick along the edge of the shoreline, possibly indicating that sludge may have also been dumped on an earlier occasion. Commissioner Doug Trainor noted that the flow of water at the bridge on Marshall Hill was moving rapidly so it may have been from the recent incident. Chairman Sangle suggested that the testing be conducted regularly at this point.

Shade Tree Committee: Commissioner Janet Little suggested that the Commission discuss how they wish to proceed, or not, with regard to the Shade Tree Commission. She noted that other municipalities have environmental commissions, volunteers and Township staff on the Shade Tree Commissions. She observed that Tim Dalton remained as the lone member representing the Shade Tree Commission, and she did not get the sense that the Township wanted to be involved in this endeavor. Doug Trainor said that he would speak to Tim Dalton to see what he thought the best course of action was, and he expressed interest in continuing the forestry initiative. Chairman Sangle advised that this was a large commitment and suggested that he speak to Tim to see how much is involved. Ms. Little said that she will help out in any way that she can. Chairman Sangle observed that the Township needs to make a commitment to participate and assist in the forestry programs, and noted that they are a benefit to the entire municipality.

Community Forestry Mgt. Plan: **AAR** – The Annual Accomplishment Report was completed by Janet Little. The Secretary will contact the Administration to see if the Mayor signed it so that it can be submitted to the NJDEP for review and approval.

NJDEP NNL Forestry Grant Project Close-out: No update was available at this time but members were requested to assist with the assessment and close-out of the grant following Tim Dalton's resignation. The Commission discussed the request by Administration to review the report from the State of the trees that failed to meet their specifications, and prepare a report

on the trees that needed to be replaced. Once that information has been obtained, new trees will be planted (by the D.P.W.) with the funds remaining so that the requirements of the grant can be met. The satisfactory close out of this grant project will enable the Township to apply for new forestry related grants. Chairman Sangle noted that he had made the recommendation, during the initial grant application process, that the Township retain 10% in the event that the trees do not survive the two year survival period required by the grant. The money was to be used to replace the dead or substandard trees. The Commission opined that a certified forester would be required to ascertain which trees needed to be replaced and suggested that the Township employ the services of a forester to finalize the project. The Commission discussed sending a memo to Administration to advise that the services of a forester may be required to determine which trees need to be replaced. Further discussion on this will take place.

Greenwood Lake Bi-State Commission: Janet Little reported that there was a discussion at the GWLC meeting regarding the drawdown of the lake and both NY and NJ were in favor of one. They reported on a new website design for the GWLC, and discussed the social media sites that they would subscribe to. Mass emails would continue to be used to communicate with the general public. The GWLC was very concerned about the sludge dumping at West Milford Lake. The Highlands Council met with the GWLC to discuss possible funding for a boardwalk and pier at Brown's Point, and the NJDEP is installing buoys to monitor the HABs. Ms. Little reported that the GWLC was arranging a meeting with Battinelli Landscaping regarding their recent purchase of the former Wiggins Farm on Union Valley Road. There is concern about the potential use of the farm and possible pollutants draining into Belchers Creek from any farming activities that may occur. She noted that the GWLC also discussed the controversial swan policy and have decided to defer to the NJDEP on this matter.

Lakes Committee: Jim Rogers reported that the Lakes Committee hosted another annual septic maintenance program at this meeting, and he did not attend.

Open Space Committee: The Commissioners reviewed the draft Open Space and Recreation Plan Update received from the Land Conservancy. Don Weise referred to several of the trail maps in the plan, noting that the Jeremy Glick Trail has been decimated by ATV's, and he discussed the possibility of a connector trail to the Appalachian Trail. He reviewed the recommendation of creating crosswalks to stores and trails, the monitoring program for conservation easements, and the creation of a new recreation facility with vacant land. Chairman Sangle interjected that the Recreation Director should be included in discussion regarding this and suggested that Mr. Weise contact him. Mr. Weise reviewed the comments about the proposed greenway projects and forest management plan, and concluded that, overall, the plan was fairly straightforward. There is a recommendation that the Township should pursue recognition as an Appalachian Trail Community, as Vernon and Warwick are, and this would involve creating a viable trail connector to the Appalachian Trail with the funds in open space that are available for land acquisitions. Mr. Weise noted that the Township can continue to work on connecting trail systems such as Jungle Habitat to Norvin Green and Long Pond, and this will help to draw people into town for ecotourism. Chairman Sangle commented that there may be more opportunity for purchasing easements than actual property for trail connectors and access.

Chairman Sangle requested that Mr. Weise meet with The Land Conservancy to review the parcels they considered in their report, and wondered who would follow through to make sure the connectors are created in the future. Mr. Weis advised that he would contact them in his position with the NY-NJ Trail Conference, but inquired whether the Environmental Commission would have an ongoing relationship with them, and have them be the eyes and ears for the Township. Chairman Sangle suggested that there may be grants available to retain TLC for future work. He advised that the Commission has reviewed the document and is satisfied with the updated OSRP, and requested that Mr. Weise contact The Land Conservancy

to proceed to the next step. Mr. Weise will also contact the Township Recreation Director, Dan Kochakji, with regard to this updated plan document.

Environmental Contamination Issues: Tom Tamayne reported on the possible contamination notices that he received and those that were listed on the agenda. He reported on his conversation with a representative from Suez, and advised that they had a failure at the Highview Plant, resulting in exceedance and toxicity. The plant has been repaired and has passed the inspections. Regarding Bald Eagle Village, he maintained that Suez continues to make improvements to their wastewater treatment plant, adding that leakage notices were sent to residents but no responses were received. The Crescent Park plant clarifiers will be upgraded, but it will be a multi-step process.

Green Team–Sustainability Committee: No update at this time.

Environmental Boardwalk – Mr. Tamayne reported that the water at the dam is down at the Environmental Boardwalk and there didn't appear to be any beaver activity at this time. The DPW trimmed the overgrowth and the site is more easily traversable. He observed that the boardwalk itself is very soft when walking on it, and Chairman Sangle commented that if it feels spongy then it may be from being underwater. He suggested that moneys from open space fund may be able to be used for repair or replacement of sections of the boardwalk. Mr. Tamayne inquired if the open space funds could be used for maintenance of the site, including controlling the weeds and overgrowth. He will check with a few landscapers on an approximate cost for the work. Chairman Sangle requested that he obtain some prices and then the Commission could approach the Governing Body regarding the use of the funds for this maintenance.

NEW OR CURRENT BUSINESS

Sludge into Storm Drain near WM Lake – The sewer sludge dumping matter was addressed under the Belchers Creek report.

Effects of Climate Change in West Milford Updated Draft: Jim Rogers reported to the Commission on the draft document that was prepared regarding climate change. He advised that all municipalities are required to include climate change initiatives in the Master Plan, and this report is a prelude to the Master Plan work. It addresses the increase in precipitation, forest degradation, harmful algae blooms, etc., and lists ways to address and offset effects of climate change. Mr. Tamayne recommended charging stations for inclusion in the report, with the Township fleet to be gradually replaced with electric vehicles. He also suggested installation of renewable energy. He noted that the schools had installed solar panels. The Commission concurred that renewable energy projects should be recommended in the report.

Freshwater Wetlands Application for Telecommunications Facility – Block 3101; Lot 8, 325 Lakeside Rd. Chairman Sangle advised that the Commission had reviewed a similar Board of Adjustment application from Verizon for a telecommunications facility several years ago at this site, and based on the proposal then, and the information included in the Freshwater Wetlands application, the Commission stands by their recommendations made in 2015:

- 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 numerous 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 expressed that the Commission had assisted in the preparation of, what they felt, was a fair ordinance.
- The Commission concurred that the height was too extreme for that location, and it was their main concern from an environmental aspect. It was noted that nothing attached to the pole could make it visually appealing at the height proposed.
- The Commission acknowledged that it would require additional time to review all the plans that were submitted, but there may be other properties in the area that the applicant could assess for locating a tower.
- The Commission concurred that situating the cell tower in the proposed location could 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.

Upon receipt of the new application from the Board of Adjustment requesting a review, the Commission will complete their review and re-iterate their position on this matter.

Assembly Bill A-4843 – Forest Stewardship Plans: Don Weise advised the Commission that he spoke with one of the state legislators, Jay Webber, several weeks prior, but is not aware of the status of this assembly bill at this time.

Volunteer Night Presentations –The annual Environmental Commission report to the Governing Body, which was usually presented in person by a representative from the Commission, will be held until a later date since the number of attendees are currently limited for the Volunteer Night event.

Autumn Lights Festival – The Chairman advised that volunteers are needed for the EC table if the Autumn Lights Festival is to be held. He has a tent, as well as tables and chairs for the Commissioners to use. The Planning Dept. has the banners and brochures. Janet Little and Dave Ofshinsky volunteered to man the table at the event. More information on the event will follow.

Belchers Creek – Jon Boat – Chairman Sangle reported that the motor and battery for the Jon Boat that is used for Belchers Creek testing would be stored by the D.P.W. in one of their facilities. Chairman Sangle noted that electricity would be needed for charging the battery while it is in storage.

MINUTES

The minutes from the March 1, 2021 Environmental Commission meeting were unavailable for approval at this meeting.

CORRESPONDENCE RECEIVED:

The following correspondence was reviewed by the Commission:

Highlands Water Protection and Planning Act Correspondence

1. Notification from SUEZ Water New Jersey, dated March 12, 2021, advising that a HAD will be submitted to the NJDEP requested a determination for Exemption #11 which establishes whether the project or activity proposed (construction of new underground infiltration systems

within certain property limits for each site) are exempt. The sites proposed for this project include B 9901, L 8; B 97121, L 21; B 5503, L 1; B 6201, L 29; B 4501, L 1; B 4302, L 13; B 3503, L 18.02.

2. Application for a Highlands Resource Area Determination received from ACER Associates and AT&T Wireless, dated March 3, 2021, regarding 325 Lakeside Rd., Block 3101; Lot 8, for the construction of a 155 ft monopole cell tower and a 20 x 50 ft compound with associated equipment.

3. Highlands Applicability Determination Application notice, dated 03-02-21 received from the Township of West Milford regarding a request for an exemption determination for work at Bubbling Springs, 1468 Macopin Road, Block 9001; Lot 13.

4. Highlands Applicability Determination Application notice received 04-01-21 from the Township of West Milford regarding a request for an exemption determination for work on Nosenzo Pond Road, Block 9302; Lot 16.

NJ Department of Environmental Protection Correspondence

1. Correspondence from the NJ DOT, dated March 26, 2021 advising of an application submission to the NJDEP for a FHA GP#3 and FW GP#20 for the installation of 5 CY of riprap around the exposed bridge footing to resist further scour on the Route 23 Bridge over the Pequannock River, in addition to 40 CY of riprap placed along the upper slope and in the waterway along the abutment.

2. NJDEP Classification Exception Area/Well Restriction Area correspondence received on March 23, 2021 requesting CEA lift/removal, regarding the Verkerke Site, Block 16901; Lot 2, 3520 Route 23, noting that two consecutive rounds of groundwater samples obtained from the four monitoring wells on-site indicate no exceedances above NJDEP GWQS for any target compounds.

3. NJDEP Remedial Action Protectiveness Biennial Certification Form for Groundwater, received March 19, 2021, regarding Lakeside Amoco, Block 3509; Lot 16, 2 Lakeside Drive, PPI # 012599.

4. NJDEP application notice, dated March 17, 2021, received from Genesis Engineering for the Stowaway Park Association regarding the superstructure of Stowaway Road over Belchers Creek, advising that a permit for a FW GP #1 (maintenance of existing features) and a FHA Permit By Rule #42 (reconstruction of all or part of a lawfully existing bridge superstructure) was being submitted for the replacement of the bridge and approach roadways.

5. Suspected Hazardous Substance Discharge notification, received from the NJDEP, dated March 12, 2021, regarding a report of high nitrate in the potable water at the Highland Avenue Well, owner Wonder Lake Properties, with caller reporting nitrate levels of 11.40, possibly due to high groundwater.

6. NJDEP correspondence dated January 26, 2021 regarding Dam Safety Inspection Reports submitted for Upper Crest Lake Dam File No. 22-333 and Lower Crest Lake Dam File No. 22-334, advising that the structures were found to be in Poor condition, with permit applications for the rehabilitation of the dams to be submitted by March 31, 2021.

Miscellaneous Correspondence

1. ANJEC News, Webinars.

2. HEPSCD approval of a certified soil erosion and sediment control plan, dated January 8, 2021, for Paradise Road Holdings Pole Bard, 28 Paradise Rd., Block 15803; Lots 21 & 22.

3. HEPSCD approval of a certified soil erosion and sediment control plan, dated January 25, 2021, for Dunsdon Enterprises Condo Building & Parking, 165 Lakeside Road, Block 3401 and 3406; Lots 21 & 23.

4. NJDEP Freshwater Wetlands Application notification received from ACER Associates and AT&T Wireless, dated February 25, 2021, regarding 325 Lakeside Rd., Block 3101; Lot 8, for the construction of a 155 ft monopole cell tower and a 20 x 50 ft compound with associated equipment.
5. Public Notification received March 19, 2021 from Mott MacDonald, regarding applications for a Freshwater Wetlands General Permit #2, Flood Hazard Area Individual Permit for the replacement of chemical feed lines between the City of Newark Pequannock Water Treatment Plant at Block 14102; Lot 1 and the Pretreatment Facility at Block 14101; Lot 1. A hardship exception is being sought for the lines that were installed within 10 feet of the top of the bank per 7:13-12.8(b)3.
6. NJ Urban and Community Forestry News.

PUBLIC COMMENTS – None.

ADJOURNMENT

With no further business to come before the Environmental Commission, the April 5, 2021 regular meeting held via Zoom was **adjourned** at 9:10 p.m. on a **motion** by Don Weise and a **second** by Dave Ofshinsky.

Approved: June 7, 2021

Respectfully submitted by

Tonya E. Cubby, Secretary