

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

October 3, 2016

The October 3, 2016 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:36 p.m. with a reading of the Legal Notice.

ROLL CALL

Present: Andrew Abdul (7:51), Jim Rogers, Thomas Tamayne, Don Weise, Alt. #1 Dave Ofshinsky, Alt. #2 Clinton Smith, Chairman Stephen Sangle.

Absent: Tim Dalton, Douglas Ott.

Chairman Sangle requested Dave Ofshinsky and Clinton Smith to sit in for Tim Dalton and Douglas Ott; he advised that there was a quorum for this meeting.

GRANT MANAGEMENT AND STATUS REVIEW

NJDEP NNL \$620,197.00 Reforestation Grant Project: An update on the recent bids was provided by Ron Farr, Forestry Consultant. Mr. Farr advised that the latest bidding for the Reforestation Grant project produced two bids, as opposed to eight that were received the first bid cycle, and five the second time. The two bids received on September 30, 2016 were Fullerton Grounds Maintenance for \$590,943.96 and Ascape Landscape & Construction Corp. for \$678,304.00. Chairman Sangle inquired whether the scoring for the bids changed anything with regard to the acceptance of the bid, and further inquired whether Mr. Farr's fees would change based on the lowest bid received in the current round of bids. He noted that if we include Mr. Farr's estimated fees, the project will go over the grant limit. The Commission discussed the number of trees required to be planted (2060), and observed that the required maintenance cannot be adjusted, and reviewed all the items in the grant that could possibly be reduced. It was suggested that the actual caliper of the tree could be reduced to bring down the per tree cost, but Mr. Farr stated that a former NJDEP staff member advised him that if the caliper of the tree was lowered, then we would have to increase the number of trees. Chairman Sangle commented that if the caliper or quantity of the trees could not be adjusted, then the only area that could be adjusted was Mr. Farr's fees for managing this project, adding that Mr. Farr will continue to earn every cent for the time that he put into the project. Mr. Farr noted that he had a meeting with an NJDEP representative on another project and will apprise him of the situation to see what can be done since the bids received were higher than expected. Chairman Sangle suggested that the number of trees and the size must be determined to evaluate the cost savings. Commissioner Tom Tamayne remarked that the only two options appeared to be an adjustment in Mr. Farr's fees, or re-bid again. Mr. Farr noted that the Township Attorney has not provided comment on the latest round of bids. Commissioner Don Weise suggested that using different tree species may result in a cost differential, and Chairman Sangle concurred, observing that purchase of a less costly species could provide the funds needed for the consultant fees. Mr. Tamayne commented that this could require re-bidding, and Chairman Sangle noted that he used to include unit pricing in his bids as a private business owner so that adjustments could be made to keep projects from going over the bid limit. Mr. Farr reported that he received information that the NNL grant will be administered by another department in 2017 so funding would be precarious. He added that the trees will have to be tracked once they are planted. Commissioner Jim Rogers stated that Battinelli Landscaping is donating the landscaping for the new library, so the trees that were estimated for that site need to be coordinated with Battinelli. The Commission discussed the price difference that could be accomplished with the alteration of the tree species. Chairman Sangle suggested that Mr. Farr and the Forestry Committee reach out to the Administrator or Clerk's Office to determine if the Township Attorney has approved the recent lowest bid, and then Mr. Farr could reach out to the contractor to determine if the tree types and diameters are adjusted, would this adjustment result in a cost reduction. Chairman Sangle noted that there should have been an addendum included with the bid based on tree species and caliper.

PRESENTATIONS - Americorps Watershed Ambassador: Kathleen Fitzgerald, the newly appointed AmeriCorps NJDEP Watershed Ambassador for Area #3, was present to introduce herself to the Environmental Commission and to provide an outline of the services that she is required to perform under her position. She reported that she will take her message to the schools and to the volunteer community

organizations to enlighten them on need for healthy water and advise of the repercussions if the lakes and streams are not cared for. Ms. Fitzgerald observed that there were 23 watershed areas in New Jersey, and Area 3 included the Wanaque, Pequannock and Pompton watershed areas, water rich areas that were high in nutrients. The focus of her research will be on macroinvertebrates which will determine how healthy a waterbody is. She noted that she lives locally and works out of the Passaic County Planning Dept. and would be available to assist with any water based projects. Chairman Sangle suggested that she assist the Commission with the Belcher's Creek Testing. He inquired whether she was available to attend the Autumn Lights Festival to be held on October 8, 2016, and Ms. Fitzgerald advised that she had a prior commitment, but had provided brochures for distribution at the festival. Chairman Sangle reviewed the Belchers Creek testing project and Ms. Fitzgerald noted that she would be testing for macroinvertebrates along various sites on Belchers Creek and could coordinate her testing with the Commission's nitrate and phosphate level project. Ms. Fitzgerald explained that part of her research included collection of approximately 100 insects in a two hour period, and this will help determine the health of the water. She was asked to coordinate her testing schedule with Andy Abdul, Jim Rogers, Doug Ott and Don Weise. Chairman Sangle inquired whether the Watershed Ambassadors could be assigned for more than one year to establish continuity with the various projects and organizations. Kathleen Caren, staff member from the Passaic County Planning Dept. was present and advised that each Watershed Ambassador contributes to a "legacy book" so that there is continuity, but Chairman Sangle noted that we have established relationships with prior Watershed Ambassadors in the past, and when their terms are up, the projects fall by the wayside. Ms. Caren suggested that the Commission contact Princeton Hydro regarding water based environmental projects and grants for Greenwood Lake. Chairman Sangle advised that the Commission has worked on several grant projects with Dr. Lubnow of Princeton Hydro with respect to stormwater and non-point source pollution, but unfortunately, the grant funds are scarce for certain areas and projects in the State. Chairman Sangle observed that many areas in the Township that were a concern in the past have gotten better with regard to pollution, and he gave an example of the horse farm across from Pinecliff Lake on Union Valley Road. He stated that the Commission is attempting, through the nitrate and phosphate testing, to determine the source that is elevating the levels in Belchers Creek which eventually reach Greenwood Lake, and once identified, the Health Dept. will perform fecal coliform tests to locate a hot spot and then determine if it is animal or human. Following this, the EC will proceed from there, depending on the outcome. Ms. Caren remarked that she would attempt to locate grants to cover a project related to the Environmental Commission's efforts. Ms. Fitzgerald also advised that she is available to present environmental programs for children. Commissioner Andy Abdul commented that it would be a good if Ms. Fitzgerald tested for macroinvertebrates and the Commission tested the same sites for nitrates and phosphates. The Commissioners discussed whether it was better to start upstream or downstream, and Mr. Abdul stated that the best course would be to start upstream and work downstream.

APPLICATIONS FOR REVIEW

SHILOH BIBLE CAMP, INC.

Use & Bulk Variances ZB-08-16-08 With Preliminary & Final Site Plan

Block 6002; Lot 47

753 Burnt Meadow Road; R-4 Zone

Seeking: Use and Bulk Variances with Major Site Plan Approval for the proposed construction of a 4,000 sf indoor pool building, 1,600 sf maintenance garage, and 843 sf covered deck attached to the existing main camp building.

Following a review of the plans submitted by Shiloh Bible Camp, Inc., the Commission noted that there did not appear to be measures to address stormwater drainage from the pool building and inquired what the applicant proposed. The Commission suggested that the applicant consider installing rain barrels to collect roof runoff be used for irrigating landscaping. They also suggested seepage pits should be considered, or a combination of rain barrels and seepage pits. The Commission inquired if there will be any measure for controlling contaminants (oil, grease, vehicle fluids) in the proposed maintenance vehicle garage.

ROBERT BRANNAN

Bulk Variance ZB-08-16-15

Block 302; Lot 11

31 Brook Road; LR Zone

Seeking: Bulk Variances for side yard setback where 30' is required and 16.5' is proposed, and for lot coverage where 10% is required and 12.5% is proposed for the construction of a 2 bedroom, 2 bathroom, office and storage room addition to an existing single family home.

The Commission reviewed the bulk variance application for an addition to a single family dwelling for Robert Brannan, 31 Brook Road, and inquired how the applicant would be addressing stormwater runoff from the roof of the addition.

ON GOING BUSINESS

Shade Tree Commission: No update at this time.

Lakes Committee: Andy Abdul reported the Lakes Committee did not meet, but they substituted their meeting for a presentation on Bears that was held at Town Hall.

Greenwood Lake Bi-State Commission: Mr. Abdul reported that the Bi-State Commission met in September and the County Executive of Orange County was present. He noted that an agreement was signed to contribute \$20,000. for 2016 and \$20,000. for 2017 from New York State to the GWL Commission. Chairman Sangle commented that West Milford used to give \$10,000. to the GWL Commission. Mr. Abdul reported that the drawdown is scheduled to begin October 11, 2016, and apparently there were two marina owners who are not anxious for it to commence because they want additional time to remove the boats from the water before winter. There was concern expressed about recharge as the lake is permitted to refill, especially following a study which indicated that the prognosis was not good for a healthy recharge. Mr. Abdul reported that the GWL Commission discussed the rapid refilling of the lake the year that Hurricane Floyd hit the area, although this proved to be an anomaly. There was a discussion on the dam opening, and Chairman Sangle wondered why the gates couldn't be opened or closed if there was significant, or lack, of snow or rainfall. Mr. Abdul noted that a lot of questions were raised, but the main issue that was decided was that the drawdown would occur. Commissioner Tom Tamayne commented that the drawdowns must have a start and end date, based on the rate of water flowing in and out, otherwise there would be a fish kill. Commissioner Clinton Smith, who is also a Commissioner with the GWL Commission, reported that there was a report provided at their meeting by one of the marinas, but after careful consideration and after going over the numbers, he had to vote in favor of the drawdown. Mr. Abdul also reported that a company (Atlantic Restoration) had been contracted to remove the stumps, at approximately \$1500. per day for manpower and time spent on the project, but sufficient water had to be present to remove the stumps. Mr. Smith explained that the floating islands in Greenwood Lake are a problem, as well as the stationary tree stumps. He explained how the temperature in the water creates gases which raise the stumps, causing floating islands that are a hazard. Mr. Abdul further reported that, based on the information provided, the company (Atlantic Restoration) will do as much as possible with \$5,000. and will assess what they accomplished and provide a price for the remainder of the work. As for the stumps, it seems that West Milford will take them for recycling.

Open Space Committee: Don Weise reported that the NY/NJ Trail Conference purchased the easement for property on White Road and Warwick Tpk. and transferred it to the Land Conservancy so that the Terrace Pond Trail Connector project would be preserved. Chairman Sangle commented that the Weaver Road property was still in limbo and there was no update.

Environmental Contamination Issues: Tom Tamayne reported that he received three notices, with two No Further Action notices and one Suspected Hazardous Substance.

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

Belchers Creek Testing Project: Andy Abdul reported that he prepared a solution of higher concentrations of phosphates and nitrates to use for testing. Chairman Sangle observed that Tim Dalton

was supposed to be working on a spread sheet for the testing project. He noted that six or eight sites maximum should be included in the testing. Commissioner Jim Rogers inquired if there would be any change throughout the winter for testing, and Mr. Abdul replied that testing could be conducted throughout the winter. He added that if the Watershed Ambassador wanted to assist with the testing, that would help to keep this project progressing. Mr. Smith commented that a schedule should be established for the testing, outlining who will be testing, when and where. Chairman Sangle suggested that the Commissioners coordinate with the new Watershed Ambassador, Kathleen Fitzgerald, and give her the locations to be tested. Coordination was key to this project.

NEW OR CURRENT BUSINESS

Highlands Greenway: Jim Rogers reported that he attended the walking tour of the proposed Highlands Greenway and explained that this phase of the project was the feasibility study to determine if a pedestrian and bicycle friendly trail could be constructed along the old train routes. The first site meeting was located on a trail by train tracks in Wanaque, and this was attended by 40-50 people. They traveled the route of the former NY-Greenwood Lake Railway, from Union Ave. to Conklintown Rd. Mr. Rogers noted that this Highlands Greenway trail may or may not come to fruition, and that it was just in the planning stages, but there were a number of legal road blocks involved with the project. When Mr. Rogers inquired about the possibility of the trail going up East Shore Road at the walking tour, he was advised that it would be many years away before this could occur. He reported that the consultants are trying to determine community acceptance of the project, but money is the major issue.

MINUTES

The Environmental Commission Minutes of September 12, 2016 were **approved** on a **motion** by Douglas Ott and a **second** by Clinton Smith.

CORRESPONDENCE RECEIVED: *The following correspondence items were reviewed by the Commission and filed:*

Highlands Water Protection and Planning Act Correspondence

1. Highlands Exemption #11, WQMP-Not Addressed, received from the NJDEP, dated August 15, 2016, for the New Jersey Water Association-Woodland Heights HOA System Improvements.

NJ Department of Environmental Protection Correspondence

1. Notification from the NJDEP dated September 9, 2016 regarding the Lake Arcadia Dams No. 1 & No. 2 and Saddle Dikes, NJDEP Dam File Nos. 22-45 & 22-46, advising that the NJDEP concurs with the basic hydrologic model of the conditions within the Lake Arcadia drainage area following a review of the Hazard Classification Study and 2015 Inspection Reports Dam, and further advising that Dam #2 will remain a Class II Significant Hazard potential structure that may affect Macopin Road and Henion Pond Dam. With regard to Lake Arcadia Dam #1, the Bureau cannot accept the hazard recommendation due to lack of information for the residential home and camping cabins located downstream of the dam. The Bureau finds the dams to be in FAIR condition and further tests, documents, and actions are required.

2. No Further Action notice received from the NJDEP dated September 13, 2016 regarding 875 Macopin Road, Block 14301; Lot 20 for the removal of one 550 gal. #2 H.O. UGST.

3. Correspondence from John Moyle, NJDEP Office of Dam Safety, dated September 20, 2016, regarding the discontinuation of the operations at the Henion Pond Dam, NJ File #22-18, advising that the last Inspection Report found the dam to be in Unsatisfactory Condition with maintenance and construction necessary. Due to the changed status of the Hands In 4 Youth Camp, no stop logs will be permitted in the spillway, the valve must be fully opened, a fish salvage must be performed, if necessary, and the contacts in the Emergency Action Plan must be updated. Coordination with the NJDEP Div. of Fish & Wildlife is required to protect and relocate fish and associated aquatic wildlife affected by the lake lowering, and the impoundment must remain lowered until improvements are made per N.J.A.C. 7:20 for either repair or removal of the structure. The NJDEP Office of Dam Safety must be contacted by October 31, 2016 with the proposed course of action.

Miscellaneous Correspondence Received/Sent

1. Passaic County Planning Board notification of Unconditional Approval, dated September 14, 2016, for the Inserra WM Shop Rite Amended Site Plan, Marshall Hill Road, Block 6303; Lots 15 & 16.
2. 22nd Annual Fall Forestry Festival, Forest Resource Education Center, Jackson, NJ on October 1, 2016.
3. Hiking in Bear Country-Safety Tips & Great Local Hikes presented by West Milford resident Don Weise on Wednesday October 5, 2016 at 7 pm at Tuxedo Park Library, Rt. 17, Tuxedo Park, NY.
4. Ordinance No. 2016-012 – Vacating the Unimproved Portion of a Paper Street Known as Quinty Place, adopted September 21, 2016, effective October 11, 2016.

PUBLIC COMMENTS – Prior to adjourning, Commissioner Don Weise announced an upcoming event at which he will be the main speaker on the topic of Hiking in Bear Country. The event will be held in the Tuxedo Library on Wednesday, October 5, 2016. The Commission's Secretary announced an upcoming presentation on the Hudson River School artist, Jasper Francis Cropsey, to be held at the West Milford Museum on Saturday, October 15, 2016 at 2 pm.

ADJOURNMENT

With no further business to come before the Environmental Commission, the September 12, 2016 meeting was **adjourned at 9:11 p.m.** on a **motion** by Chairman Sangle and a **second** by Douglas Ott.

Approved: November 7, 2016

Respectfully submitted,

Tonya E. Cubby, Secretary