

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

JANUARY 3, 2011

The regular meeting of January 3, 2011 of the Environmental Commission of the Township of West Milford was called to order at 7:34p.m. by Chairman Stephen Sangle, following the reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Gillian Hemstead, Timothy Metcalf, Gary Oppenheimer, Douglas Ott, Thomas Tamayne, Alternate Lucas Slott, and Chairman Stephen Sangle.
Absent: Maryellen Gabay.

PRESENTATIONS

604(b) OWTS Grant and 2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant

Dr. Fred Lubnow of Princeton Hydro, LLC was present to address the Commission regarding the 2004 and 2007 319H Grants and the 604(B)OWTS Grant. With regard to the 319H grants, he reported that Mulligan, Inc. had been chosen to construct the basins for the 4 sites. Weather permitting, the construction will begin in January. He will notify the Township, Environmental Commission, and Greenwood Lake Commission when work will commence. He noted that there was approximately \$500,000. remaining in the implementation projects, and a list of potential projects has been sent to the NJDEP for review. Any additional projects would include technologies that require little maintenance and no permits. He will forward the list to the Commission when the State approves utilization of the remaining grant funds. Chairman Sangle inquired about the timeframe for the projects, and Dr. Lubnow noted that the 2004 project should be completed in 2011, but that a no cost time extension was an option. He also advised that some of the 319H money has been reserved for design modifications and a budget amendment will be made and submitted to the DEP. Of the sites originally included in the project, the Wallisch site and the County road site (Greenwood Lake Turnpike) were removed.

Regarding the 604(b) OWTS grant, approved QAPP was received in the Fall of 2010, and installation was attempted, but unsuccessful, adding that a driller will be hired to install the sample wells at Town Hall. He noted that the sampling needs to be done to quantify the pollutants that result from an aging septic system. With regard to the monies remaining, \$5,000. will be applied to Princeton Hydro services, \$13,000. for sampling, with the remaining funds to be applied to a driller. He also noted that the Township was originally going to do the work, with Rob Sparkes overseeing the project, but Princeton Hydro will be responsible now, with a driller to be hired. The Commission discussed using ANJEC grant funds for the projects, and Dr. Lubnow advised that the DEP grant for this project actually comes from federal money that was allocated to the states, then to the communities. He also noted that there was one pre-installation sampling to be done, with the remainder to be post installation sampling.

Dr. Lubnow provided an overview of the projects for the new members on the Commission. There were inquiries about the determination of the phosphorous load that is leaching into the water bodies, and Dr. Lubnow provided an analogy that a 1-pound bag of phosphorous would result in 1100 pounds of green algae in the lakes, with 20-30 pounds of leaching phosphorous estimated each year. Doris Aaronson, resident of Pinecliff Lake, commented that she authored a grant for the sampling of water from Dockerty Hollow to Pinecliff Lake and will forward the information to Dr. Lubnow. Gillian Hemstead requested that the Commission be apprised of the projects' commencement so that they can be videotaped for posting on the Commission's website. Dr. Lubnow concluded by noting that he would return to the March Commission meeting to provide an update, and would contact the Commission if any issues arise.

APPLICATIONS – None.

TELECOMMUNICATION APPLICATIONS – None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OWTS Grant: *See above report from Dr. Fred Lubnow.*

2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant:
See above report from Dr. Fred Lubnow.

Streetscape Grant: Chairman Stephen Sangle will contact the Township Administrator for an update.

Recreational Trails Signage Grant: It was reported that the Commission received an email from Bob Jonas of the NY-NJ Trails Conference who advised that there had been some delays due to technicalities with certificates of insurance for one of the sites (East Shore Road and Greenwood Lake Turnpike), but it has been resolved with the assistance of the Township Attorney and they are moving forward.

2010 Smart Growth Planning Grant - Trails Master Plan: There was nothing new to report at this time.

ON GOING BUSINESS

Lakes Committee: Andrew Abdul reported that there was no meeting in December, and that he may be out of town for the next Lakes Committee meeting in January.

Open Space Subcommittee: Chairman Sangle reported that a meeting is planned in the following weeks that will include the Township Administrator, the Open Space Subcommittee (Doug Ott, Tim Metcalf, Steve Sangle), the Land Use Administrator, the Recreation Director, and a representative from the Land Conservancy. Luke Slott suggested that the Recreation Director be invited to a Commission meeting to discuss open space and recreational needs. Douglas Ott commented that he had recently read that the Township is purchasing Greene Valley Park and Apple Acres. Gillian Hemstead noted that a protocol had been established at prior meetings with the Township and that it does not seem to be working. Gary Oppenheimer suggested that this matter be raised during the Annual Report to the Council.

Environmental Contamination Issues: Thomas Tamayne advised that he was unable to meet with William Wallace, the Health Officer, but will meet with him before the next meeting on environmental contamination issues.

Green Team – Sustainable Jersey: Gary Oppenheimer reported that he had attended the Green Team meeting on December 21, 2010 and the members are planning to use You Tube and the internet to get information out to the public on green initiatives. He also noted that the Green Fleet inventory is in progress, and that there was a discussion about the idling of police vehicles. It was determined that the police vehicles need to be kept running for emergency equipment that must be kept charged at all times. The Green Team also discussed the Wallisch site, and reviewed the list for certification as a Sustainable Jersey Community in 2011. He noted that all the information is being compiled for submission at this time. Chairman Sangle reported that he attended a presentation in Paterson recently and was informed that Paterson would be receiving their sustainability certification in the very near future. The Commission expressed surprise at Paterson receiving certification before West Milford, especially with the numerous environmental efforts put forth by various entities within the Township. Chairman Sangle also noted that the presentation stressed using community resources and services when considering green initiatives.

Beaver Dam at Environmental Boardwalk: Nothing new to report.

NEW BUSINESS

ANJEC Grants – The Commission was asked to review potential projects for a possible grant from ANJEC for 2011. It was noted by the Chairman that the availability of matching grant funds must be explored. Luke Slott suggested that a grant could be applied for the green building that has previously been planned for the Recycling Center. The ANJEC grants matter will be placed on the next agenda for further discussion.

Tennessee Gas Pipeline – Wallisch Estates: Gary Oppenheimer reported that he had made a site visit to the Wallisch property and went to a recent Council meeting, as a resident of the Township, to

implore the Council to save the trees by requesting Tennessee Gas Pipeline move the pipeline around the trees. Following his request at the meeting, he met with representatives at the site and they discussed alternatives to the tree removal. The alternative would require removal of the lower 20 feet of the branches to allow truck movement, but would save the trees. He reviewed with the Commission photo simulations of the trees with the lower branches removed. Following numerous discussions and emails, it appears that Tennessee Gas Pipeline is seeking to arrive at a solution that will be acceptable to all parties. Mr. Oppenheimer advised the Council and TGP representatives that an arborist should be consulted for the removal of the branches. Chairman Sangle also recommended the use of timber mats to prevent the machinery from sinking in the mud and damaging the roots of the trees.

On another matter related to this, Chairman Sangle reported that he conveyed to the Administrator and Council that one of the three parcels considered for the "Greenbelt" should be considered for purchase by TGP and donated to the Township to satisfy their mitigation requirements. TGP had originally suggested purchase of 18 acres of swamp near the Wallisch site, but the parcel that includes the trout stream would be more beneficial to the Township as the 18 acres could not be developed anyway.

Gillian Hemstead commented that the TGP 300 Line Project and the Northeast Upgrade Project did not have the supervision of a Township official. Following discussion, it was determined that a memo be sent to the Administration to request that someone be appointed to oversee the project, decipher the files, and to keep the Commission and public informed. The Commission also requests that representatives for any future projects should attend a Commission meeting prior to application with the Township, County or State. The Secretary noted that a large file was kept in the Planning Department that included copies of all correspondence and submissions received by the Township. Thomas Tamayne commented that he reviewed the file and found it to be somewhat confusing with the two projects (300 Line Project and the Northeast Upgrade) overlapping. He also noted that the majority of the 300 Line Project travels through property that is owned privately or by the NJDEP, not the Township. Following inquiries and further discussion, it was requested that representatives from the TGP projects attend the next Commission meeting to clarify the projects and answer any questions that the Commission may have.

Annual Report to Township Council: The Environmental Commission's Annual Report will be held until February 2, 2011 Council Workshop. The Commission's Secretary was directed to send a memo to the Administrator, Clerk and Council to advise them.

MINUTES

The minutes of the October 4, 2010 Regular Meeting of the West Milford Environmental Commission were approved on a motion by Douglas Ott and a second by Chairman Stephen Sangle.

The following documents were reviewed by the Environmental Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Highlands Act – Exempt #1 – Water Quality Management Plan – Consistent, dated December 17, 2010, received for Alan and Giannella Buffalino for Block 14301; Lot 14.01, 30 Misty Lane, regarding construction of a 4 bedroom single family dwelling with septic and associated improvements.
2. Application for a Highlands Applicability Determination received on December 17, 2010 from MAP Engineering regarding Michael VanderPloeg, for Block 16005; Lot 16, Paul Street regarding construction of a single family, two story dwelling, and associated improvements.
3. Notice from the NJDEP, dated December 20, 2010, of applicant's request for Withdrawal of application for a Highlands Determination with regard to Michael VanderPloeg, Block 16005; Lot 16, Paul Street due to the application not meeting ownership criteria and the expiration of the LOI. Applicant was advised to also consult with the Div of LUR with regard to current Flood Control Act rules.
4. Notice of Administrative Completeness received December 21, 2010 from the NJDEP regarding a Highlands Applicability and Water Quality Management Plan Consistency Determination application for the Replacement of Clinton Road Bridge over Mossman's Brook, West Milford, submitted by the Passaic County Engineering Division.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Public Notice from the NJDEP Division of Water Supply, received December 20, 2010, regarding Tennessee Gas Pipeline Loop 300 Project and Applications Nos. 1290D and 1291D to divert water from a series of trenches and 6 surface waters in Vernon and West Milford Township (Bearfort Waters and Monksville Reservoir). Hearing on January 3, 2011 if request for hearings are received by December 22, 2010.
2. Notice from the NJ Dept. of Transportation, Div. of Aeronautics, dated December 22, 2010, regarding an Intent to Renew An Aeronautical Facility License for Greenwood Lake Airport (A-6), a Public Use Aeronautical Facility for the Period February 1, 2011 through January 31, 2012. Comments must be received within 30 days of the notice.
3. Notice from PSE&G of application for a Statewide General Permit to cut or clear trees and other vegetation, in addition to repair and maintenance of PSE&G's Natural Gas Distribution Mains in Public Rights of Way within PSE&G's Natural Gas Service Area. Comments must be received in writing within 30 days after publication in the NJDEP Bulletin.
4. Certification of Market Value for the Green Valley Park property, Block 9901; Lot 27.01, received from the NJ DEP – Green Acres Program, dated December 15, 2010.
5. Response Action Outcome – for Apple Valley Estates, Block 9901; Lot 12 regarding Soil Blending of 8.93 Acres received from Norton Conservation Company, Inc., certifying that the remediation is completed in compliance with Administrative Requirements for the Remediation of Contaminated Site – NJAC 7:26C-6.2(c), and that post remediation soil samples were reported below the most current NJDEP Residential Soil Cleanup Criteria (June 2008). This RAO notice supercedes the RAO dated November 16, 2010 to correct administrative errors.
6. Follow-Up Notice of Violation, dated December 3, 2010, received from the NJDEP regarding 3 Momentos Inc., 374 Morsetown Road, Block 4701; Lot 38.02, in response to owner's letter of October 8, 2010 addressing violations. NJDEP investigation revealed unauthorized activities within environmentally sensitive areas requiring permit approval. NOV requires proposal for restoration of disturbed areas to pre-existing condition or application to the NJDEP Div. of L.U.R. for appropriate after-the-fact approvals.
7. Residual General Permit Authorization New, dated December 10, 2010, received for Ray Barnitt, R-D Trucking, 1874 Route 23, for a NJ Pollutant Discharge Elimination System Authorization, allowing permittee to temporarily store liquid domestic sewage sludge, domestic septage, and grease in a permanently fixed storage tank located at this facility, at a capacity not to exceed 30,000 gallons, prior to transfer to a duly approved residual management operations.
8. Notice of application from Brookside Development, LLC for Union Valley Road, Block 14601; Lots 5 & 6 for a NJDEP Letter of Interpretation to establish where regulated wetlands are located.
9. Copy of application, dated December 2, 2010, for a GP25 received for Joann Aron, 103 Gould Road, Block 10102; Lot 33, regarding repair of existing septic system.
10. Copy of application for a GP25, received December 14, 2010, for Michael Guli, 228 Ridge Road, Block 5303; Lot 5, regarding a septic alteration.

CORRESPONDENCE

1. Recertification of HEP File #93-P-1764, Audit #210-P-0008, SESC Plan dated 6/4/91 by Gerald Henry, received for Village on Ridge, Block 5201, 5303; Lots 16, 19, 20; 1, dated November 7, 2010.
2. Recertification of HEP File #202-P-2582, Audit #210-P-0007, SESC Plan dated 10/01/02 by Berry Associates, dated November 1, 2010.
3. Notice of Penalty Assessment and Offer of Settlement, in the amount of \$4,500., received from the County of Passaic regarding Swen Bos, 268 Wooley Road, Block 10001; Lot 18, for the improper disposal of buried asphalt, and requiring receipts from certified solid waste hauler that the material has been disposed of in a proper disposal facility. Violator is requested to comply within 30 days of the notice or request a meeting within 20 days and submission of a compliance plan, subject to approval by the Passaic County Dept. of Health.

4. Ordinance 2010-018, adopted December 15, 2010, rezoning certain parcels in the Township from R-1/PN Zone to R-4 Zone and amendment to zone district map, effective January 4, 2011.
5. Memo from the Township Administrator to State Senator Joseph Pennacchio regarding recent proposed legislation on COAH, and requesting further review and consideration based on the potential impact on West Milford and other municipalities within the Highlands preservation area.
6. Memo from the Township Administrator, dated December 14, 2010, transmitting articles from the NJ League of Municipalities magazine regarding sustainability and streetscapes and Sustainable Jersey recognition on national level.
7. Memo to the Township Administrator from the Environmental Commission, dated December 17, 2010, regarding possible donation of property by Tennessee Gas Pipeline/El Paso Gas, and recommending certain greenways properties for consideration.
8. Memo dated December 14, 2010 to the Mayor and Council and Administrator regarding a review of the Tennessee Gas Pipeline project and potential environmental impact on the Wallisch site on Lincoln Avenue, addressing various concerns of the Commission.
9. Notice of several environmental classes offered by Rutgers Office of Continuing Professional Education including Environmental Funding, Environmental Law and Regulation and the Role of the Environmental Consultant in Litigation.
10. Fact Sheet from the USDA regarding Managing Canada Goose Damage, dated January 2009.
11. Copy of Ordinance #2010-25, adopted November 23, 2010 from the Township of Hardyston addressing Wind and Solar Energy and establishing standards.

PUBLIC COMMENTS

Doris Aaronson, Bearfort Road, addressed the Commission regarding the Apple Valley Estates site, which had recently been remediated for arsenic contamination, and is scheduled to be purchased by the Township for Open Space. She noted that a neighboring property owner, at 9 Morris Avenue, informed her that he witnessed shale and quarry process stone being brought to the site and placed in a wetlands buffer area near Belchers Creek approximately 7 years ago. She asked the Commission to contact the DEP regarding this matter to determine if the site had been disturbed. Chairman Sangle advised that the Commission could not report something that had not been validated, and that the person witnessing the event should report it to the DEP. Douglas Ott advised the Commission that he would contact the owner of 9 Morris Avenue and also visit the site, and will report back to the Commission at the next meeting.

ADJOURNMENT

With no further business to come before the Commission, the meeting was **adjourned** at 9:35 p.m. on a **motion** by Douglas Ott and a **second** by Gary Oppenheimer.

Approved: April 4, 2011

Respectfully Submitted,

Tonya E. Cubby, Secretary