

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

FEBRUARY 6, 2012

The regular meeting of the Township of West Milford Environmental Commission was called to order at **7:37 p.m.** followed by the reading of the Legal Notice.

Prior to the Roll Call the Oaths of Public Office were administered to the two newly appointed members, Citizen Member Don Weise and Citizen Member Alternate #1 Timothy Dalton.

ROLL CALL: Present: Andrew Abdul, Timothy Dalton, Gillian Hemstead, Douglas Ott, Thomas Tamayne, Don Weise.

Absent: Gary Oppenheimer, Stephen Sangle, Alternate Lucas Slott.

Douglas Ott presided over the meeting.

APPLICATIONS

FRANCESCO PETROSILLO

Bulk Variance ZB-12-11-16

Block 10810; Lot 1

645 Otterhole Road; LR Zone

Seeking: Bulk Variance approval for an addition to an existing 2 bedroom residence to expand the dining room, add a family room, add a second floor bedroom, with variance required for the side yard setback, where 30 ft. is required, 20 ft. is existing, and 11 ft. is proposed.

Doug Ott explained to the two new members that the main details of the land use applications are handled by the respective boards, but the Environmental Commission reviews the topography, stormwater, and environmental issues that would result or affect a proposed project. There were no apparent concerns with the application and plans presented.

TELECOMMUNICATION APPLICATIONS - None.

ON GOING BUSINESS

Green Team – Sustainable Jersey: Tom Tamayne and Tim Dalton reported that at the last meeting of the Sustainable West Milford/Green Team the matter of the green fleet was discussed and he noted that he has not received the information from the DPW, to date. They were submitting an OPRA request to get the information, but advised that gathering the information on the entire Township fleet is just the beginning, with maintenance and energy efficiency issues to be compiled into a data spreadsheet for Sustainable Jersey credits. Tamayne suggested that the new Administrator be invited to attend one of the Environmental Commission meetings.

Renee Alessio reported that the anti idling resolution, presented to the Commission at the last meeting, should be sent to the Township Attorney to review prior to recommendation for adoption. Doug Ott inquired whether we need another law on the books replicating one that is already in effect, and he was concerned about the claims made in the resolution that are difficult to document. Tim Dalton responded that the issue is about education, to provide signage that will make people aware of the law, and help to get us credits with Sustainable Jersey. Gillian Hemstead commented that the focus should be on the areas in the Township where there are issues, adding that gas is so expensive that it is somewhat surprising that it is a problem. Ms. Alessio noted that parking lots, schools, and shopping centers were identified as problems areas. The Green Team members stressed that the resolution is primarily an education component. Resident Doris Aaronson joined the meeting and stated that she met with the Police Chief, Gene Chiosi, and he was on board with this and agreed with the resolution. She noted that it needs to go to the Health Board, but she is now a member and will see to it that they approve it. Renee continued to report on the green grounds – fertilizer use as the next step with the Sustainable Jersey program. They will also be concentrating on composting education and will be prepared for the next round of Walmart grants. Tom Tamayne suggested that a grant application was considered to perform a study on the amount of waste produced. Ms. Aaronson began to distribute to the Commission information from the Health Dept. on

fertilizer use. Ms. Alessio noted that Sustainable West Milford organization has a college student who is taking a class on grant writing and hopefully they will be able to secure grants for some of the projects. Don Weise commented that as an experienced grant writer, he knows that grant projects encompass a lot more than submitting applications. Ms. Alessio also reviewed the recently adopted Township Resolution 2012-068, "Expressing Local Concerns Related to the Tennessee Gas Pipeline Extension Project" and distributed photos of the areas affected by the gas pipeline project. The Commission discussed the amount of land taken over by the TGP and some commented that they had not properly remediated the sites that they "violated."

Ms. Alessio advised that she is an employee with the County Health Department, and is distributing radon kits to the Township residents through the local Health Department. Andy Abdul inquired whether local detergents contain phosphates, and Ms. Alessio advised that most do not, but education of the public is needed to discourage phosphate detergent use. It was suggested as a topic to include on the website.

Doris Aaronson suggested a Commissioner to act as a liaison with the Health Advisory Board and Sustainable West Milford. She suggested possibly Andy Abdul acting as the liaison.

GRANT MANAGEMENT AND STATUS REVIEW

2004 Greenwood Lake 319H Grant/2007 Stormwater Implementation 319H Grant: Gillian Hemstead reported that Dr. Fred Lubnow would be returning to the Environmental Commission for another update on the grants.

604(b) OWTS Onsite Wastewater Treatment Plan Grant: Gillian Hemstead reported that on April 25, 2012 an encore presentation of the OWTS prioritization plan will be made by Dr. Fred Lubnow at the Greenwood Lake Commission meeting to be held at the West Milford Town Hall. She noted that her husband will be videotaping the presentation, which will be incorporated with the January program and used as an educational tool. Don Weise inquired about the grants and the Commission provided some background information on the purpose of the stormwater filtering grants to reduce the phosphorous from leaching into the streams and lakes, and the 604(b) on-site wastewater treatment plan that will establish the BMP's for standardized use. With regard to the 319(h) grants, Ms. Hemstead advised that there were some aspects of the original project that were not included in the final phase (swales that could not be installed on a County road) and there were monies that remained to do other projects that Dr. Lubnow is in the process of reviewing with the NJDEP and Township.

A Stainsby Road resident of 50 years, Steven McKenna, approached the Commission with concerns about Greenwood Lake and the lake level, and he questioned if any grant monies could be utilized for remediation of the lake and some ongoing issues on Stainsby Road. He also noted that he applied for appointment on the Commission but did not receive a response from the Mayor. Gillian Hemstead advised that the remaining NJDEP grant funds were earmarked for several projects that must be approved before moving forward. She explained that the grants were for stormwater devices to filter stormwater and pollutants draining into the lakes, and that the projects did not include dredging the lake.

Streetscape Grant: Doug Ott advised that there was nothing new to report at this time, but he gave an overview for the new members, noting that the Walgreen's site contains the elements of the approved streetscape design. He discussed the sidewalks that are proposed to extend past the Presbyterian Church and down to West Lake Drive across from McDonalds. He reported that most of the funds were used by the consulting engineering studies, and that the former Township Engineer had been coordinating the project for the Township until he retired two years ago. Resident Steven McKenna commented that Walgreen's has concrete curbs and inquired if the rest of the streetscape will be concrete or Belgium block curbing. Mr. Ott replied that, at this time, we do not know as there are limited monies remaining to complete the streetscape.

Recreational Trails Signage Grant: Doug Ott reported that sign kiosks continue to be installed, albeit at a slow pace, once any necessary permitting is received.

2010 ANJEC Smart Growth Planning Grant - Trails Master Plan: Doug Ott reported that the public meeting was held in December and the Commission is currently waiting to be contacted by George White on the status of the project.

Lakes Committee: Andy Abdul reported that the new liaison for the Lakes Committee is Councilwoman Carlla Horton. At the last meeting, the Lakes Committee discussed silt in the lakes and are concerned that there is no Health Officer in the Township. Andy reported on the presentation that Dr. Fred Lubnow made on the 604(b) grant project and he distributed to the Commission minutes from the Lakes Committee.

Open Space Subcommittee: Gillian Hemstead discussed recent comments made by a Council member who commented at a recent Council meeting that he was unaware of the open space recommendations of the Environmental Commission that had been sent to the Township Administrator. The Commission suggested compiling the past recommendations, along with the Greenway Prioritization Plan, to send to the Township Council and new Administrator so that they are aware of the specific properties that the Commission proposed for acquisition. It was also noted that the Annual Report to the Township Council could address the various properties recommended by the Commission based on the Greenbelt/Greenway Plan. Ms. Hemstead commented that there may be somewhat of a disconnect between the Council and the Environmental Commission's perception about open space, adding that the Commission is concerned with creation of the greenway/greenbelt, and the Council may not share the same view. A Commissioner commented that the Township seems to favor land that can be used for recreation.

Environmental Contamination Issues: No update was available at this time as there is no Health Officer currently employed by the Township.

Tennessee Gas Pipeline: Doris Aaronson reported that she attended a meeting regarding the Tennessee Gas Pipeline project, which is proposed to traverse through Ringwood and under the Monksville Dam. She advised that the Ringwood Council gave unanimous approval for the project, but they are attempting to get as much compensation as possible. She reported that the Passaic River Coalition was receiving 16 acres south of Bald Eagle Village in exchange for land that the TGP requires for their project. She added that an additional 13 acres along Belchers Creek has been purchased by TGP and is being transferred to the PRC. The Commissioners concurred that this land was offered to the Township but it was not determined to be a property that was at risk for development due to the wetlands present on the site.

NEW BUSINESS

Amphibian Crossing – Doug Ott reviewed the recent information regarding the annual amphibian crossing on Clinton Road as the amphibians migrate to their breeding pools, and the Commission discussed the event that usually occurs in March following the winter thaw and periods of rain.

MINUTES

The minutes of the November 7, 2011 Regular Meeting of the West Milford Environmental Commission were **unanimously approved** on a **motion** by Doug Ott and a **second** by Andy Abdul.

The following documents were reviewed by the Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notice received from ANJEC on January 11, 2012 regarding a program being offered entitled "Economic Development Opportunities in the Highlands" on Thursday, January 31, 2012 at 7:00 – 9:30 pm at the Morris County Cultural Center, Morristown, NJ. Registration is required.
2. Updated information received on January 19, 2011 from the Highlands Council regarding the Highlands Plan Conformance, including the WM Environmental Resource Inventory and Figures, WM Master Plan Element and Exhibits, and the WM Highlands Area Land Use Ordinance with Exhibits.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice from the NJDEP Bureau of Dam Safety, dated January 10, 2012, advising that, based on the inspection report dated 12/22/11, the Apschawa Main Dam and Auxiliary Dam (NJDEP File No. 22-1, 22-314) are in Satisfactory condition with improvements necessary, and requesting the next inspection report by December 11, 2013. Although the compliance schedule was acceptable, a request was made for an evaluation to be completed of the overtopping by March 31, 2012 to ensure that the overtopping during storm events does not affect the integrity of the dam structure.

2. Response from the NJDEP, dated January 10, 2012, regarding the Henion Pond Dam, NJ File No. 22-18, advising that the request for additional time for submission of the Dam Safety Permit Application could not be approved, and provided two options for the owner, Camp Vacamas Assn, Inc., namely that 1) the extension could be granted until December 31, 2012 if the lake is drained completely and remains drained until the dam is in compliance, or 2) the lake may remain at the current lowered level (2' below normal pool) if a contract has been made with an engineering consultant within 30 days of this letter and a permit application submitted by July 31, 2012.
3. Notice received from Gerald Gardner Assoc, dated January 6, 2012, regarding the submission of an application to the NJDEP for a GP 25 and a Flood Hazard Area Applicability Determination regarding the repair of an existing septic system for Shamsji Property, 31 Cherry Ridge Road, Block 17201; Lot 21.
4. Notice dated January 15, 2012 received from Synergy Environmental Inc. regarding the Biennial Certification for Kimber Petroleum – Lakeside Amoco – 2 Lakeside Road, Hewitt, regarding remediation of the site, in accordance with NJAC 7:26E-8.6-2.
5. Correspondence dated January 16, 2012 from HCI regarding a request to conduct Vapor Intrusion Testing at 5 Lambert Road, Block 3603; Lot 2, and advising that this is part of an investigation into ground water contamination at the Adelo site, 2019 Greenwood Lake Tpk., which includes elevated levels of Tetrachloroethene (PCE) and Vinyl Chloride (VC) which were detected in the ground water. The testing is expected to be conducted in February 2012.
6. No Further Action Letter, dated January 11, 2012, received from the NJDEP regarding Remedial Action for Unrestricted Use for the Mercury Discharge Areas of Concern, Tennessee Gas Pipeline/Station 02-0339, Greenwood Lake Tpk., Block 332; Lot 37.
7. Notice of an application to the NJDEP, dated January 11, 2012 regarding a GP 25 received from Houser Engineering, LLC for the repair of an existing septic system at 10 Chester Road, Block 2018; Lot 4.
8. Notice of an application to the NJDEP, dated January 10, 2012 regarding a GP 25 received from Houser Engineering, LLC for the repair of an existing septic system at 16 Jenkins Road, Block 1611; Lot 22.
9. Notice dated January 11, 2012 from the NJDEP advising that online “E-Permitting” will be available for property owners and contractors to obtain certain types of freshwater wetlands permits.
10. Notice from the NJDEP, dated January 11, 2012, advising NJ residents to test for radon during January, Radon Action Month, and also advising that several NJ towns and counties, including Passaic County Health Dept., were honored for their efforts to bring attention to the potential dangers of radon.
11. Notice of Deficiency dated January 13, 2012 received from the NJDEP, Bureau of Underground Storage Tanks, acknowledging receipt of the Remediation Plan for Singh Brothers Petroleum, 555 Warwick Tpk., but noting deficiencies with regard to the delineation of contaminants previously detected in soil borings SB-9 & SB-10, as well as delineation of the septic area contamination, completion of overburden groundwater delineation, completion of additional bedrock delineation wells, failure to adequately characterize the impacted bedrock aquifer, and failure to perform a Preliminary Assessment and Site Investigation (PASI) for a contaminant (tetrachloroethene) not related to the material stored in the UST. Corrective Action includes completion and submission of required items by May 1, 2012, and formulation of a Remedial Action Workplan to be submitted May 1, 2012.
12. Response Action Outcome received from BETTS Environmental Services Corp. with regard to Lakeland Bank, 250 Oak Ridge Road, Oak Ridge, NJ, Block 16502; Lots 3 & 4, issued for unrestricted use of a 2,000 gallon heating oil underground storage tank. The required closure and investigation activities were conducted in accordance with current regulations and no evidence of a release of petroleum product was identified.
13. Notice of Violation received from the NJDEP dated January 23, 2012 regarding Marek Wenit, 40 Old Hoop Pole Rd., Block 16704; Lot 6, for performance of unauthorized activities within a wetlands transition area, including cutting and clearing of approximately 12,250 square feet of vegetation, trees and shrubs, for the purpose of expanding a lawn area, in addition to the placement of over 70 cubic yards of soil in the cleared area. Restoration proposal plan to restore the site to the pre-disturbance condition required within 30 days to the NJDEP.

CORRESPONDENCE

1. Application for the 2012 Sustainable Land Use Planning Grants for Municipalities, with a maximum award of \$15,000. provided through ANJEC, with 50% matching funds required for projects that may include land use plans, ordinances, and studies that will foster more sustainable use of natural resources.

PUBLIC COMMENTS

Maryellen Gabay – Former Commissioner Maryellen Gabay addressed the Commission, advising that she has been working for many years on various environmental projects with the Boy Scouts in their quest to achieve conservation awards. Projects have included soil erosion issues, stormwater runoff, and an ongoing project involving the St. Joseph's Church and Cemetery, which is addressing the steep slopes and severe runoff that erodes the soil. She reported that The Good Turn Award has been awarded for the erosion mitigation measures that have been in progress for over 10 years and included installation of topsoil, mulch and various plantings. She requested that the Commission keep her apprised of projects or information that the scouts can use in their conservation projects.

Doris Aaronson addressed the Commission, advising that she was a recent appointee to the Health Advisory Board, and noted that the Mayor is actively seeking a new Health Officer with experience. She advised the Commission that education on fertilizer use in the Township was vital to the health of the water and lakes. She has been in contact with one of the Health Dept. inspectors and they will assist in enforcing the fertilizer ordinance. She had further information for the Commission and Gillian Hemstead advised that she should make it available for the Autumn Lights Festival. Ms. Aaronson noted that press releases were planned for the spring, and Ms. Hemstead requested that she send them to her and she will be responsible for getting them into the newspapers. It was also suggested that the information be posted on the Commission's website.

With regard to open space, Ms. Aaronson commented that she did not understand the Township's pursuit of open space purchases for recreational use as the law prohibits purchase of land with open space funds for recreation use. Ms. Hemstead responded that there was a distinction between the State, County, and Township open space funding with each having different components and requirements. She reviewed the draft of the open space letter from the Mayor regarding potential properties the Township may be interested in for the 2012 Green Acres Incentive Grant, and noted that the two properties, Apple Valley Estates and Greene Valley Park, were being pursued for their recreational value.

Ms. Aaronson announced that the Democratic Club was having various speakers at their upcoming meeting and she distributed fliers to the Commissioners on the event.

ADJOURNMENT

With no further business to come before the Commission, the meeting **adjourned** at **9:15 p.m.** on a **motion** by Andy Abdul with a **second** by Tim Dalton.

Approved: May 7, 2012

Respectfully Submitted,

Tonya E. Cubby, Secretary