

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**April 1, 2019**

The April 1, 2019 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:03 pm with a reading of the Legal Notice.

**ROLL CALL**

**Present:** David Ofshinsky, Douglas Ott, Thomas Tamayne, Chairman Stephen Sangle, Clinton Smith (Alt #1), Douglas Trainor (Alt #2).

**Absent:** Tim Dalton, James Rogers, Don Weise.

**Also Present:** Councilwoman Marilyn Lichtenberg.

Chairman Sangle requested Clint Smith and Doug Trainor to sit in for Tim Dalton and Jim Rogers and advised that there was a quorum for this meeting.

**PRESENTATIONS/GUESTS** – None.

**APPLICATIONS FOR REVIEW**

**Environmental Impact Statement - Review**

**KINGWOOD FLEX LLC**

**Preliminary & Final Site Plan W Bulk Variance #PB**

Block 6401; Lots 1 & 3  
1592 Union Valley Road

**Seeking:** Preliminary & Final Site Plan with Bulk Variance approval for the redevelopment of an existing mixed use commercial building including the partial demolition of a commercial building and construction a 5,449 SF building addition to house a Dollar Tree retail store. Associated site improvements include parking areas, grading, landscaping, lighting and utilities.

The Environmental Commission was requested to review the Environmental Impact Statement and provide comments for the Planning Board at the April meeting. Commissioner Thomas Tamayne continued with a review the plans that were submitted by the applicant. He noted that it appeared that the total building footprint was being reduced from 2550 to 1906 and part, or all, of the second floor may be eliminated. He suggested that the Planning Board may want to encourage some environmentally friendly improvements, such as a photo voltaic (electric) charging station and a water separator. Chairman Sangle commented that Princeton Hydro might provide some suggestions to minimize the environmental impact since the subject site was directly adjacent to Belchers Creek.

**ON GOING BUSINESS**

**Shade Tree Committee / Community Forestry Mgt. Plan:** Tim Dalton was absent and no report was available at this time.

**Greenwood Lake Bi-State Commission:** Clint Smith reported that a new person had been appointed to the GWL Commission and he may have the expertise to assist the Commission with some of the technical issues they must address for the lake. Mr. Smith reported that the geese management issue has taken up a lot of the meeting time at the GWL Commission meetings, but it is something that is a problem for marinas, the public walking areas and water quality. He felt that the geese management program should have the State involved and not be the sole responsibility of the local communities. He noted that the GWL

Commission Chairman, Paul Zarillo, has requested direction from the State on an effective geese management plan.

**Lakes Committee / Lake Management Planning:** Commissioner James Rogers was absent but had provided a report via email on the Lakes Committee.

**Open Space Committee:** Chairman Sangle reported that the Open Space funds have been depleted for a recreation project that the Township Council had approved. He plans to attend the next Township Council meeting with Don Weise to address this matter. Chairman Sangle noted that the funds were to be used for repairing the PAL/Recreation Center building roof. He expressed concern about the funds not being used for open space acquisitions and requested an accounting report on the receipt and expenditures of the funds, adding that 1/3 each was to be dedicated to open space, recreation and historic preservation repairs.

**Environmental Contamination Issues:** Thomas Tamayne reported on the contamination issues that he received notification on as well as those listed on the agenda.

**Belchers Creek Testing Project:** Update on ANJEC 2019 OSS Grant – “Belchers Creek Cleanup and Recreational Enhancement Project” – Chairman Sangle reported that ANJEC had acknowledged receipt of the grant application and the request for \$1492. for the Belchers Creek project that was prepared by Jim Rogers. The grant awards should be announced in May.

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

## **NEW OR CURRENT BUSINESS**

**Belchers Creek – Debris at Rear of Tractor Supply on Union Valley Road:** With regard to the debris to the rear of the Tractor Supply and former A & P stores, Chairman Sangle advised that he sent photos of the site to the Mayor and the Zoning Officer. Clint Smith reported that the owners of the site and/or store staff have cleaned up the area, but they cannot continue to put debris at such an environmentally sensitive location. He observed that something is needed, perhaps a fence, to contain the Styrofoam that has been getting into the brook and ending up in Belchers Creek and Greenwood Lake. Chairman Sangle advised that he will take photos at the site the following day. He noted that the Township has been made aware of the problem and suggested that the GWL Commission might be able to encourage the owners to find a solution, such as installing a fence. He further recommended that Mr. Smith attend a Township Council meeting to express concerns about this matter. He commented that possibly imposing fines might bring about some positive resolution. Following discussion, the Commission concurred that a memo to the Governing Body should be drafted conveying the Commission’s concerns about the possible contamination and requesting a more permanent solution to be implemented to prevent further harm to the water quality and the overall health of Cooley Brook, Belchers Creek and Greenwood Lake.

**Open Space Funds:** Chairman Sangle continued the discussion on the Open Space Trust Fund and the use of monies for a recreation project. During discussion, the Commission concurred that a memo should be sent to the Governing Body requesting an accounting of the funds that have been collected and expended during the life of the trust fund. It was noted that the revised ordinance distributed the funds collected through taxes to open space, recreation and historic preservation projects. Chairman Sangle expressed concern about the expenditure of funds without the courtesy of informing the other entities, especially the Open Space Committee. He noted that there should be 3 separate sub-accounts established.

**Suez Plant Upgrades:** Commissioner Dave Ofshinsky reported that he had attempted to contact Suez earlier regarding the water conditions flowing from Belchers Creek outside of the Crescent Park treatment facility, but was unsuccessful in reaching anyone who could address the issue. Apparently there is a lot of debris in the water and when he called the emergency phone numbers to report this, no one answered, so he eventually emailed them. Councilwoman Lichtenberg commented that she had received a number of residents calling or

emailing about issues with the plants. Chairman Sangle remarked that he hoped this was not an indication of how they address the issues when they are contacted by the Commission if something is discovered during testing of Belchers Creek. Councilwoman Lichtenberg suggested that the work that they are doing to rehabilitate the plants may be disturbing the systems which is creating the issues that she is being made aware of.

Greenwood Lake Commission Grant: Commissioner Clint Smith reported that the \$90,000. planning grant from the Highlands Council for Princeton Hydro to conduct studies is going well. He observed that unfortunately the repairs to the Suez plants, which would greatly improve the water quality, will not begin for several years. Chairman Sangle noted that one would assume that sewers would be the optimal solution, but the soils are not conducive to installing sewers. He expressed that education would help to improve water quality, but federal government grants for sewer or septic repairs or locating malfunctioning septic systems would make a large impact. With the ongoing testing of Belchers Creek, he noted that the Health Dept. had offered to assist if we recognize a hotspot.

Stowaway Dam: Commissioner Doug Trainor reported on the water level near the Stowaway Dam on Passaic River Coalition property, and expressed concern about this environmentally sensitive location. He suggested that they were considering construction of a dyke to raise the water level to create a better environment for the wildlife, including blue spotted salamanders, fish and wood turtles. Chairman Sangle advised that no one can change the elevation of an existing water structure without a NJDEP permit for stream encroachment, even if the dam breaching was more intense than what was originally planned. He stressed that stream encroachment rules are very stringent. Mr. Tamayne commented that much of the wildlife probably wasn't at that location prior to the gristmill pond being created.

## **MINUTES**

The minutes from the March 4, 2019 regular meeting of the West Milford Environmental Commission were unavailable for approval.

## **CORRESPONDENCE RECEIVED**

*The following correspondence items were reviewed:*

### **Highlands Water Protection and Planning Act Correspondence**

1. Highlands Exemption #9, Water Quality Management Plan–Not Addressed – correspondence received from the NJDEP, dated March 1, 2019, regarding the Proposed Bridge Replacement & Roadway Improvement for the NJDOT – “Route 23 Over Pequannock River, Paterson Hamburg Turnpike and NYS&W Railway Bridge Replacement and Roadway Improvements, November 2018.”
2. Notification dated March 19, 2019, received from Dykstra Walker Design Group, regarding an application being submitted to the NJDEP for a Highlands Applicability Determination with respect to property located at Oak Ridge Road, Block 15903; Lot 1 for Robert Hamilton. Applicant requests a determination for the existing use of storage of commercial vehicles and whether or not it constitutes a major Highlands development and whether the Highlands Water Protection and Planning Act rules apply.

### **NJ Department of Environmental Protection Correspondence**

1. Follow-up Notice of Violation received from the NJDEP, dated February 22, 2019, received for Kirk Dokum, 21 Dockerty Hollow Road, Block 9901; Lot 23.01, advising that the property owner has failed to comply with the requirements set forth in the August 29, 2013 Notice of Violation requiring that certain specific actions comply with the Freshwater Wetlands Act. The required information must be submitted by June 1, 2019 or the owner will be subject to further enforcement action pursuant to the Freshwater Wetlands Act.

2. Correspondence received from D'Amico Engineering, dated February 26, 2019, advising of an application for Freshwater Wetlands Letter of Interpretation & Transition Area Averaging Plan for property on Canistear Road, Block 16901; Lot 4 for George Mesiha, regarding the construction of a single family dwelling with a septic system.
3. NJDEP Suspected Hazardous Discharge Notice, dated March 9, 2019, regarding 416 Morsetown Road, Block 6001; Lot 7, with respect to the relocation of two 275 Gal #2 HO AST resulting in discharge into soil near creek.
4. NJDEP Suspected Hazardous Discharge Notice, dated March 14, 2019, regarding Extreme Snow Pros, 99 Marshall Hill Road, Block 6303; Lot 4, with respect to oil spills on property near freshwater wetlands from maintenance on commercial vehicles.
5. Notification of a GP #24 application being submitted to the NJDEP, dated January 17, 2019, received from Paul Lapatka, LLC regarding 75 Dockerty Hollow Road, Block 8509; Lot 5, for the installation of an ISSDS in a wetlands buffer.
6. Notification of a GP #24 application being submitted to the NJDEP, dated January 17, 2019, received from Paul Lapatka, LLC regarding 71 Dockerty Hollow Road, Block 8509; Lot 6, for the alteration of an ISSDS in a wetlands buffer.
7. NJDEP Suspected Hazardous Discharge Notice, dated March 20, 2019, regarding the area near 46 Marshall Hill Road, Block 5708; Lot 2, advising that PSE&G will be releasing natural gas into the atmosphere while installing a new gas line.
8. Remedial Action Protectiveness/Biennial Certification Form–Groundwater, related to a remedial action permit, dated March 15, 2019, received from Synergy Environmental Inc. regarding Lakeside Amoco, 2 Lakeside Drive, Block 3509; Lot 16, NJDEP PI# 012599.

### **Miscellaneous Correspondence**

1. HEPSCD certification of a soil erosion and sediment control plan, dated February 13, 2019, received for Hernandez-Fernandez Residence, 117 Rockburn Pass, Block 5006; Lot 3 regarding installation of retaining walls, filling and grading of .78 acres of land.
2. HEPSCD certification of a soil erosion and sediment control plan, dated February 28, 2019, received for Cody Marienthal – Virginia Lane Single Family Dwelling, 76 Virginia Lane, Block 10002; Lot 9.
3. HEPSCD certification of a soil erosion and sediment control plan, dated February 27, 2019, received for Stephen Spear, Long Pond Single Family Dwelling Demo and Rebuild, 224 Long Pond Road, Block 4003, Lot 3.
4. Community Right To Know Survey Notification received from SUEZ, dated February 27, 2019, regarding the Bald Eagle Commons – Richmond Road Domestic Sewage Treatment Facility, Facility ID 00000043650.
5. Right Tree–Right Place Seminar – April 12, 2019 with NJ Tree Foundation and PSE&G, Hackensack, Registration Required.

**PUBLIC COMMENTS** – None.

### **ADJOURNMENT**

With no further business to come before the Environmental Commission, the April 1, 2019 regular meeting was **adjourned** at 8:10 p.m. on a **motion** by Chairman Stephen Sangle and a **second** by Thomas Tamayne.

Approved: May 6, 2019

Respectfully submitted by  
Tonya E. Cubby, Secretary