

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

June 1, 2015

The June 1, 2015 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:31 p.m. with a reading of the Legal Notice.

ROLL CALL

Present: Andrew Abdul, Tim Dalton, Gary Oppenheimer (7:35), Douglas Ott, Don Weise, Alternate #2 Lucas Slott, Chairman Stephen Sangle.

Absent: Thomas Tamayne, Alternate #1 Jennifer Easterbrook

Also Present: Ron Farr, Dave Ofshinsky-M.U.A., Doug Trainor.

Alternate Member Lucas Slott was requested to sit in for one of the absent Commissioners. Chairman Sangle advised that a quorum was present to conduct this meeting.

PRESENTATIONS - None.

APPLICATIONS FOR REVIEW

STEVEN BARKLEY

Bulk Variance ZB-04-15-02

Block 12402; Lot 5

280 Weaver Road; R-4 Zone

Seeking: Bulk Variance approval from the Zoning Board of Adjustment for Side Yard Setback (Ordinance 500:12A) in an R-4 Zone where 50 ft side yard setback is required, 31.07 ft exists, and 12.3 ft is proposed, for an addition to an existing garage that will be used for additional storage, parking and a bonus room. A Freshwater Wetlands G.P. #8 for disturbance of 494 sq. ft. of freshwater wetlands transition area was issued by the NJDEP on November 14, 2014.

Following a review of the above referenced Zoning Board of Adjustment application for environmental concerns, the Environmental Commission made the following comments:

- The Commission inquired how the additional stormwater runoff from the increased impervious coverage would be addressed, and suggested installation of rain barrels or a seepage pit to prevent run-off to the adjacent property. The Commission also suggested that the ZBOA review the topography of the site to determine if there will be any adverse effects from stormwater run off.
- The Commission noted that the plans did not indicate any dwellings on the adjacent property, but suggested that proposed lighting be addressed to prevent disturbance to any adjacent properties.

GRANT MANAGEMENT AND STATUS REVIEW

NJDEP NNL Reforestation Grant - \$620,197.00: Ron Farr, Certified Forester, reported that a Reforestation Subcommittee meeting will be held the following week at which time he will have a copy of the proposed specifications for the project. He has not received a response from the Board of Education regarding the proposed planting sites. Chairman Sangle commented that he had not received a response either and suggested that Mr. Farr contact Dr. Fred Lubnow who may have a need for trees in one of the proposed 319H stormwater or non-point source pollution grants. Mr. Farr said that he spoke to someone from, or near, Bubbling Springs, and he requested trees be planted as a buffer. Chairman Sangle noted that the Township Council requested that chestnut trees be included in the plantings, and Mr. Farr observed that he has some on his property that are doing well. He added that his clay soil may be keeping the fungus at bay. During discussion about the areas that the chestnut trees are to be planted, Mr. Farr believed that the Wallisch Farm site was the preferred site. With regard to the fungus and the three-year survival rate required by the State, Mr. Farr remarked that usually the fungus in the soil attacks the tree within the first three years. He also referred to an email from the Township Administrator regarding the liberty elm tree, adding that they seem to grow well. Chairman Sangle advised that the cost and payment details need to be clarified as soon as possible for this project. Ron will review the RFP forms he was provided from the Clerk's Office and the Commission's Secretary will provide him with a copy of the RFP's used for the Township Museum project as a template. When Chairman Sangle requested clarification on the source of

the trees, Mr. Farr advised that the planting contractor and trees will come from nurseries, such as Downs Tree Co. and Williams Forestry, as well as from public bidding. The Commission discussed the tree planting process, and Mr. Farr noted that “gators” are usually brought to the site and hoses are attached to water the trees. Chairman Sangle commented that \$620,000+ was not much money for trees when the contractors fees for planting and maintenance were included.

2015 319(h) Grant for Greenwood Lake Watershed: No update was provided.

ON GOING BUSINESS

Lakes Committee: Andy Abdul provided two sets of minutes (April and May 2015) to the Commission from the Lakes Committee meetings. He noted that one of the meetings included a guest insurance agent who discussed combining lakes policies to get better coverage, but the Lakes Committee determined that there was not enough participation to make it cost effective. CPR Certification was also discussed for the lakes, as well as road grits and emergency preparedness with evacuation plans. Mr. Abdul noted that there would be no Lakes Committee meetings in August, December, January and February.

Greenwood Lake Bi-State Commission: Andy Abdul advised that he was unable to attend the recent GWL Commission meeting due to the stream testing course that he attended.

Open Space Committee: Chairman Sangle reported that he was disappointed to read in a local newspaper that the Township was not planning to move forward on the Weaver Road acquisition, but he was not totally dismissing the possibility of acquiring the property, since there may be legal technicalities that they may be able to resolve. The Commission’s Secretary sent a memo to the Township Administrator to inquire about the status and the Commission has not received a response, to date. Commissioner Don Weise reported that he had spoken to Linda Glosinsky of the Land Conservancy regarding Westbrook Mountain, and a site visit was planned with County representatives, so hopefully that acquisition may be moving forward. He noted that the Trust for Public Land may be assessing the Westbrook Headwaters project, also. Chairman Sangle advised that he would contact Ms. Glosinsky about the Weaver Road project, and if it is not destined to move forward, the Open Space Committee can concentrate on other properties.

Environmental Contamination Issues: Chairman Sangle reviewed some of the contaminated sites reports received under correspondence. He noted that there was a complaint for the MUA sewer plant at Bald Eagle Village, and Mr. Ofshinsky observed that there were problems near Black Walnut Lane that the MUA is addressing.

Green Team–Sustainable Subcommittee: With regard to Sustainable Jersey certification, Mr. Dalton reviewed the Google Docs program and advised that various people are providing information and documentation for the next certification.

Beaver Dam at Environmental Boardwalk: Bob Jonas reported that the environmental boardwalk seems to be holding up well, with no indication of damage from the beavers. Commissioner Gary Oppenheimer observed that he has not witnessed beaver damage this year on his property, although he noticed beaver damage on several trees on Echo Lake Road.

NEW OR CURRENT BUSINESS

Autumn Lights Festival: Tim Dalton reported that the plans for the Green Fest at Autumn Lights was moving forward, with Dr. Bair’s site on Union Valley Road as the site selected to accommodate the environmental groups. Mr. Ott noted that the Recycling Committee did not coordinate with the Commission the prior year, and Mr. Dalton advised that he would contact them. With regard to selling food or other items, Mr. Dalton noted that people would be contacting Autumn Lights Festival coordinators directly regarding requirements for the sale of any goods.

Belchers Creek Testing Equipment: Andy Abdul reported that he performed chemical testing during his stream-testing course the prior week. Commissioner Tim Dalton noted that a filtration devise was installed in Upper Greenwood Lake near the old firehouse, and it may be a devise to catch road grits. Chairman Sangle observed that under one of the 319H grants there was a filtration devise installed by Awosting for this purpose. MUA representative Dave Ofshinsky advised that the MUA was agreeable to

coordinating their efforts with regard to the testing of Belchers Creek, although they cannot absorb the costs of the testing, and Chairman Sangle responded that the Commission will cover the costs with the purchase of the testing equipment. Mr. Dalton mentioned that he met someone from the North Jersey Water Commission who was involved in testing of Belchers Creek and he will forward any information he receives. Chairman Sangle advised that the Environmental Commission would work with the Greenwood Lake Commission and the W.M. Municipal Utilities Authority to coordinate the testing locations. Mr. Abdul noted that the testing equipment included 100 tests, and Chairman Sangle commented that testing could be conducted several times a year. Mr. Abdul reported that the Raritan Headwaters is tested quarterly, but they use color comparison charts instead of instrumentation. Chairman Sangle suggested PH testing and developing spread sheets. The Commission discussed other sites, including near Crescent Park, and Mr. Ofshinsky suggested testing up off of Stephens Road and at locations as it travels down.

Chairman Sangle advised that the new subcommittee would be identified as the Waterways Testing Subcommittee with Andy Abdul, an M.U.A. representative, and a representative from the Greenwood Lake Commission. Mr. Abdul suggested using forms similar to what the Raritan Headwaters use in their testing protocol. The Commission and guests agreed that it was a mutual cooperation between several volunteer groups joining their efforts for the betterment of the community and cleaner water. When Mr. Ofshinsky raised the issue of trying to get community support for solutions to the aging sewer treatment plants, Commissioner Doug Ott cautioned against making the project too complicated or there may be legal repercussions. Commissioner Luke Slott commented that he would like to make this an official study, but Chairman Sangle advised that it was unofficial at this point, and that it was not a State sanctioned program.

With regard to the testing protocol, Chairman Sangle noted that testing for nitrates and phosphates would provide a baseline for further testing, but positive results could be a red flag that fecal coliform was present. He noted that the old septic tanks used to have one tank for the wastewater, but newer systems have two tanks, one for sinks, etc, and one for waste. He also noted that in prior testing on Pinecliff Lake, geese were a major problem, not the septic tanks. Mr. Weise commented that it would be important to test before and after the dam at Pinecliff Lake because the fish like to congregate and there is a higher concentration of droppings. Mr. Slott requested testing near the Community Garden, and it was noted that David Watson Hallowell has test results from the Apple Acres site. The Commission will discuss the matter further prior to the testing project proceeding.

MINUTES

The Minutes of the January 2015 Regular Meeting of the West Milford Environmental Commission were **unanimously approved** on a **motion** by Chairman Sangle and a **second** by Luke Slott.

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

Highlands Water Protection And Planning Act Correspondence

1. Highlands Exemption #4 and WQMP Consistency Determination received from the NJDEP, dated May 18, 2015 for Inserra-West Milford–Shop Rite, 9-27 Marshall Hill Road, Block 6303; Lots 15 & 16, regarding the proposed renovation and expansion of the existing movie theater to accommodate a TJ Maxx department store.

NJ Department of Environmental Protection Correspondence

1. Notice dated May 22, 2015 from McKittrick Engineering Associates, regarding an application to be submitted for a Statewide General Permit for 147 Bearfort Road, Block 7307; Lot 6 (no details or plans were received with the notice).

2. Compliance Status Letter, dated April 7, 2015, received from the NJDEP regarding 3 Momentos, 374 Morsetown Road, Block 4701; Lot 38.02, with respect to the August 31, 2010 Notice of Violation, and a meeting on May 30, 2014 following receipt of a site plan dated February 2012 depicting changes in impervious cover between 2003 and 2012. The owner was advised that the impervious cover does not appear to exceed 125% of impervious cover that existed in August 2004, so there is no violation of the Highlands Act. All other requirements as a result of the NOV must be restored as outlined in the

correspondence, including removal of all fill from the watercourse, trees to be removed from the fill area and replaced after final topography is restored and final grading is complete, all disturbed soils shall be stabilized with seed and straw, installation of 5 red maple and 5 black oak trees within the restoration area, with all restoration to be completed no later than November 1, 2015.

3. No Further Action Letter received from the NJDEP, dated May 14, 2015, regarding removal of a 550 gallon # 2 H.O. U.G.S.T. for DePeola, 55 Wayside Road, Block 801; Lot 1.

4. Notification from the NJDEP – Bureau of Dam Safety & Flood Control for Forest Hill Park Dam, c/o Sean Clark, 32 Peach Lane, NJ Dam File No. 22-51, advising that the 2015 Regular Dam Safety Inspection Report and their records indicate that that the dam was in Satisfactory condition with minor repairs and maintenance recommended. The Operation and Maintenance Manual and Emergency Action plan updates are to be submitted by July 31, 2015, and advising that Class II Dams are required to be inspected every two years.

5. No Further Action Letter received from the NJDEP, dated May 1, 2015, regarding removal of a 550 gallon #2 H.O. U.G.S.T. for Schopp, 2 Arundel Road, Block 8802; Lot 4.

6. No Further Action Letter received from the NJDEP, dated May 4, 2015, regarding removal of a 550 gallon # 2 H.O. U.G.S.T. for Hoon, 17 Mallory Road, Block 13101; Lot 1.

7. Notification from the NJDEP, dated May 6, 2015 for the Former Shell Service Station, 2771 (2731) Route 23, Block 14604; Lot 1, advising that a Classification Exception Area/Well Restriction Area was established for ground water at the site due to the contamination that exceeds the Ground Water Quality Standards. Remediation of the contamination at the site is planned, and attainment of GWQS will be confirmed through sampling; the CEA/WRA may be revised to upon relevant data reflecting ground water conditions.

8. Notification from HCI (Hydrotechnology Consultants Inc.), dated May 14, 2015, to DeMaio, 27 Ringwood Lane, Block 3604; Lot 2, regarding an investigation of ground water contamination at 2019 Greenwood Lake Tpk., for Adelo Corporation. Elevated levels of COC's (contaminants of concern) were detected in groundwater at the 2019 Greenwood Lake Tpk. site, necessitating collection of water samples from nearby potable wells to determine if they have been impacted from the contamination at 2019 Greenwood Lake Tpk. HCI requested completion of a questionnaire prior to the water sampling. Sampling is proposed to occur between June and July 2015, with all potable well sampling results being provided to the NJDEP; information from the sampling results will be available to any interested party from the NJDEP.

9. Treatment Works Approval Public Notification, dated May 6, 2015, received from Houser Engineering LLC for 81 Forest Lake Drive, Block 4301; Lot 17, regarding the construction of a individual subsurface sewage disposal system.

Miscellaneous Correspondence Received/Sent

1. Notification from Passaic County Planning Department, dated April 29, 2015, to the West Milford Zoning Board of Adjustment and Planning Board regarding Greenwood Lake 2 – NYSMSA Verizon Wireless, for Block 3101; Lots 7, 8, 9, (325 Lakeside Road), for a proposed telecommunication tower, advising that approval has been withheld pending receipt of additional information including proposed new impervious cover, drainage report, identification of proposed improvements to gravel road, frequency of use of boat storage that is onsite, encroachment easement for bath house or remove from County ROW, and a deposit of \$5,000 to County Corridor Enhancement Fund.

2. H.E.P.S.C.D. certification, dated April 16, 2015, of the Soil Erosion and Sediment Control Plan prepared by Steve Edmond, P.E., County of Passaic, for the Marshall Hill Road Culvert Replacement 1600-282, Block 5708 and 6303, Lot ROW, certifying the plan dated March 2015 for 3.5 years.

3. Notification from the New York/New Jersey Trail Conference regarding the recent publication of “Hikes in Harriman...” highlighting hikes in Harriman and Bear Mountain State Parks, available for purchase.

PUBLIC COMMENTS -

Doug Trainor – resident of Bald Eagle Village, advised that there were milkweed plantings occurring along the Tennessee Gas Pipeline to encourage butterflies. He also noted that the Township is experiencing a large infestation of gypsy moths this year. With regard to the “Emerald Forest” Mr. Trainor noted that he

witnessed many people using the trails. He discussed the Stowaway Dam and access to the trail, as well as material that would be used for an ADA accessible trail. He referred to a \$30,000. grant that was received by Passaic River Coalition that may be used for improving the trail conditions. The Commission discussed various aspects of the tract, including trail material, kiosks, bridges, weeds, and trees. Mr. Trainor noted that the new owner of the Reflection Lakes property (Tilcon) may be able to donate or provide some of the quarry products to improve the site. Mr. Weise noted that there are two wheelchair accessible trails at Bear Mountain that were developed this year. The Commission concurred that further discussions and details would be required before the Emerald Forest project would move forward.

ADJOURNMENT

With no further business to come before the Environmental Commission, the May 4, 2015 meeting was **adjourned** at **9:20p.m.** on a **motion** by Doug Ott and a **second** by Tim Dalton.

Approved: November 2, 2015

Respectfully submitted,

Tonya E. Cubby, Secretary