

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

June 26, 2017

The June 26, 2017 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: Tim Dalton, David Ofshinsky, Douglas Ott, Chairman Stephen Sangle.

Absent: Kathleen Fitzpatrick, James Rogers, Clinton Smith, Thomas Tamayne, Don Weise.

Also Present: Ron Farr.

Chairman Sangle advised that there was a quorum for this meeting.

GRANT MANAGEMENT AND STATUS REVIEW

NJDEP NNL \$620,197.00 Reforestation Grant Project: Ron Farr reported that a new invoice was received from the contactor, Fullerton Grounds Maintenance - the past invoices did not include the 3 stages. He noted that the Net 30 still needed to be removed. Chairman Sangle suggested that Ron Farr could approve and initial the invoices with the Net 30 crossed off since it was not in the contract. The Commission discussed the rates quoted and billed for the tree planting and installation minus the 10% retainage and the 2 year maintenance. Mr. Farr advised that the most recent invoices he received were correct. He noted that the Brown's Point and Bubbling Springs trees were moved as directed. The Secretary noted that one of the Museum trees needed to be straightened since it was planted off center. Mr. Farr reported that there were 36 more trees planted at Bubbling Springs and an additional 21 at the CYO field.

Chairman Sangle took exception with the Net 30 Days that continues to be on the invoices, noting that the first invoice was dated March 30, 2017. He observed that they removed the finance charge from the invoice but their invoice indicates that they are to be paid in 30 days. Chairman Sangle suggested a meeting with the Administrator and the Treasurer regarding this. Ron Farr advised that he will send the Secretary an email with an explanation so she could include it with the invoices when she forwards them to Administration and/or Finance. Chairman Sangle inquired when the balance of the trees would be planted and Mr. Farr responded that they will be installed in the Fall 2017. Commissioner Tim Dalton commented that the UGL POA may want some trees planted on their property. Mr. Farr commented that he hoped the schools and the UGL POA and Firehouses will be on board with the proposed tree planting. Mr. Farr provided the most recent invoices that he signed to the Commission Secretary. The Secretary would make a copy and email them back to him and will initiate the processing of the originals invoices for payment after consulting with the Treasurer's Office. Following the report, Mr. Farr left the meeting.

APPLICATIONS FOR REVIEW

ED & MARILYN MARZORATI

Bulk Variance #ZB-01-17-01

Block 604; Lot 13

89 Witte Road; LR Zone

Seeking: Bulk Variance approval from the Board of Adjustment for Side Yard Setback where 30' is required, 15.43 and 20.29 exists, and 14.56' and 6.5' is proposed; for Rear Yard Setback where 60' is required, 34.22' exists, and 33.26' is proposed; and for Lot Coverage where 10% maximum is required, 11.44% exists, and 15.61% is proposed for the reconstruction of an existing dwelling with an attached garage in a Lakeside Residential Zone.

The Commission reviewed the plans that were submitted with an application for a Bulk Variance for 89 Witte Road, including a site plan prepared by McKittrick Engineering Associates Inc, with a revised date of 05/15/17, as well as architectural plans prepared by Dennis Kaczka, A.I.A., dated

12/09/16. The Commission inquired where the excess run-off would go since there were no leaders or gutters shown, and the rear of the property appeared to pitch towards the lake. They suggested that the applicant consider the installation of gutters, leaders, seepage pits and/or rain barrels.

JAMES HENNEN

Bulk Variance #ZB-05-17-03

Block 4902; Lot 2

113 Kitchell Lake Drive; R-4

Seeking: Bulk Variance approval from the Board of Adjustment for Rear Yard Setback where 125' is required and 85' is proposed for the construction of a roof over an existing 360 s.f. patio in the R-4 Zone.

The Commission reviewed the plans submitted for James Hennen regarding a Bulk Variance request for the proposed construction of a roof over an existing patio at 113 Kitchell Lake Drive. Following their review, the Commission recommended that the applicant advise how the roof run off will be addressed and whether there will be additional lighting added that could adversely affect neighboring properties.

KATHLEEN NICOLETTI

Bulk Variance #ZB-05-17-04

Block 6710; Lot 8

58 Spring Ave.; R-1 Zone

Seeking: Bulk Variance approval from the Board of Adjustment for Side Yard Setback where 30' is required, 16.3' exists, and 5.3' is proposed; and for Lot Coverage where 10% maximum (750 s.f.) is required, 14.42% (1082 s.f.) exists, and 19.72% (1482 s.f.) is proposed for the construction of a one bay attached garage.

The Commission reviewed the plans submitted for a Bulk Variance for an attached garage for Kathleen Nicoletti at 58 Spring Avenue, which included plans prepared by Brian Murphy, Architect. The Commission recommended that the applicant address any lighting that may affect adjacent property owners, and they suggested the use of rain barrels to capture additional stormwater run-off.

CFA CUSTOM HOMES

***Environmental And Community Impact Statement**

Minor Subdivision #ZB-05-17-05

Bulk Variance

Block 9501; Lot 19.02

144 Wesley Drive; R-3 Zone

Seeking: Minor Subdivision and Bulk Variance approval for one new building lot consisting of 3.7 acres from existing 11.74 acre (homestead) lot. This property was the subject of a prior Board of Adjustment subdivision and use variance application.

The Commission reviewed the plans prepared by MCB Engineering Associates, dated 05/25/17 submitted by the applicant for a Minor Subdivision with Bulk Variance for creating one new building lot from an existing [homestead] lot. The Commission reviewed the (ECIS) Environmental and Community Impact Statement prepared from an original report by Wander Ecological Consultants, dated October 1, 2002, and updated by MCB Engineering Associates, dated May 25, 2017. The Commission inquired if the applicant would have access directly off of a Township road, and whether the applicant would have MUA or septic and well. The application indicated public sewer and water, although the report states that the area is not within the sewer service area. The ECIS indicated either septic and well or public water and sewer. Dave Ofshinsky, a Commissioner on the M.U.A., noted that they had not received an application for a

connection to the MUA's sewer and water system. The Commissioners requested more information before making a determination on the ECIS.

ON GOING BUSINESS

Shade Tree Committee / Community Forestry Mgt. Plan: Tim Dalton advised that he will attend some seminars to keep up with the certification, and it was noted that the Commission had a training session this past Spring with Forester Ron Farr on street tree maintenance that accounted for 8 hours.

Lakes Committee/Greenwood Lake Bi-State Commission: No report was available at this time.

Open Space Committee: Nothing new to report at this time.

Environmental Contamination Issues: Chairman Sangle reviewed the correspondence regarding environmental issues and noted that PSE&G was making an application to the State to install new gas lines in existing rights of way through various towns.

Belchers Creek Testing Project: Chairman Sangle advised that no testing was performed for Belcher's Creek for this meeting, but samples should be taken for the next regular meeting on August 7, 2017. The Commissioners who are performing the tests are to meet at 6:30 pm. With one group testing nitrates and the other testing phosphates.

Green Team–Sustainability Committee-Sustainable Jersey Re-Certification: No report at this time.

NEW OR CURRENT BUSINESS

Governor's Environmental Excellence Award Program – The Commission briefly discussed the application and concurred that next year an application could be made following the conclusion of the reforestation project.

Environmental Boardwalk – Chairman Sangle advised that no update was available, although he was under the assumption that Passaic County performed the spraying for mosquitos since they were given the approval by the Health Officer.

Autumn Lights – October 14, 2017 – Chairman Sangle advised that this event would be coordinated by Tim Dalton, Kathleen Fitzgerald, Jim Rogers, with other Commissioners assisting throughout the day. Mr. Dalton commented that he would get in contact with Rocky Hazelman to confirm that the Commission is registered for the event. Chairman Sangle suggested that the Commission be placed near Recycling or Pinecliff Lake Dam.

WM Economic Development – PC Economic Development – Environmental Compliance Seminar – No report.

NJDEP Division of Community Forestry – Community Tree Inventory Survey – Chairman Sangle reviewed the request for the Township to complete a tree inventory. The Commissioners questioned whether it was feasible to complete the inventory. Chairman Sangle suggested that the tree inventory information be emailed to Ron Farr and the Commission, and thought that Mr. Farr may have access to the information on this.

MINUTES

The minutes from the 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 correspondence items were reviewed by the Commission:

CORRESPONDENCE RECEIVED:

Highlands Water Protection and Planning Act Correspondence

1. Highlands Applicability Determination and Water Quality Management Plan Application, dated May 24, 2017, received from Ferriero Engineering Inc. for Nosenzo Pond Road, Block 9302; Lot 16.

NJ Department of Environmental Protection Correspondence

1. NJDEP correspondence, dated June 6, 2017, advising of a Suspected Hazardous Substance Discharge Notification from an occurrence on August 15, 2016, NJDEP Case #17-06-05-1525-10, regarding the West Milford Banker Road Depot, 29 Banker Road, Block 1001; Lot 30. Groundwater contamination results: Sodium 17,400,000 PPB; Chloride 26,000,000 PPB.

2. NJDEP correspondence, dated June 7, 2017, advising of a Suspected Hazardous Substance Discharge Notification, NJDEP Case #17-06-06-1542-10, regarding 14 Plymouth Ave., Block 7101; Lot 16. Report of a suspected UST causing soil contamination from a tank that is located under the house; report states that pipes were purportedly cut to the UST and a new AST was installed. Responsible party has since moved and new owners occupy the site. No permit on record for the tank abandonment or removal.

3. No Further Action correspondence received from the NJDEP, dated June 2, 2017, regarding 5 Woodside Drive, Block 10703; Lot 12, for the removal of one 550G #2 HO UST.

4. NJDEP Freshwater Wetlands General Permit #8, dated June 12, 2017, received for Valeriy Guzhva, 21 Northwood Drive, Block 13203; Lot 32, authorizing the permanent disturbance of 0.017 acres (750 SF) of freshwater wetlands transition area for the construction of a fireplace, garden, and fence, with disturbed wetlands, filled wetlands, and filled transition areas to be restored per the plan dated 05-05-17 submitted by Amy S. Greene Environmental Consultants.

5. Notification from PSE&G, dated June 13, 2017, advising of an application being submitted to the NJDEP for a Modified Statewide Freshwater Wetlands General Permit #2 for the Installation of New Natural Gas Distribution Mains in the Public Right of Way Within the PSE&G Natural Gas Distribution System.

6. Request from the NJDEP Community Forestry Division, dated June 21, 2017, for participation in a survey for a Community Tree Inventory.

Miscellaneous Correspondence Received/Sent

1. Notification from the HEP Soil Conservation District, dated May 15, 2017, regarding Green Valley Estates, Virginia Lane, Block 10002; Lots* 1, 3, 4, 6-10, 12, 14, 16, 11, 28, 39, 42, 47, 56, 61, 67, 70, 75, 76 (*New Lots 1, 3, 4, 6, 7, 8, 9, 10, 12, 14, 16, and Block 10001; Lot 19) advising that they have reviewed the transfer of ownership for the Soil Erosion and Sediment Control (SESC) plan and have recertified the plan to September 10, 2019.

2. Notification from the HEP Soil Conservation District, dated May 31, 2017, regarding Gorivodsky Olcott SFD Demo and Rebuild, 52 Olcott Road, Block 3705; Lot 55, certifying the plan for 3.5 years from the date of the letter.

3. NY-NJ Trail Conference correspondence advising of the 12th edition of the North Jersey Trails Maps for \$10.95.

PUBLIC COMMENTS – Residents from Union Valley Road were present at the meeting to express concern about the spraying of herbicides by Passaic County along Union Valley Road in close proximity to their well and garden. They advised that they did not have much success or satisfaction when they contacted the County and they were told that the chemical being used would dissipate. One of the residents, Geoffrey Toye, noted that he was in the environmental remediation field and understands the dangers when chemicals get into soils. Chairman Sangle

advised that the Commission can draft a letter to Passaic County stating that residents are concerned about the rate of herbicides being applied along County roads. One of the residents stated that he had contacted the Township Engineer's Office and he said that he was informed that Passaic County is spraying the herbicide on County roads all over the Township, including near the reservoirs. The chemical will be applied again in July and August. The resident, Geoffrey Toye, provided his contact information and would be copied on the correspondence to the County.

ADJOURNMENT

Prior to adjourning, Chairman Sangle advised that he recently encountered a former Commissioner, Dan Kochjaki, who expressed interest in working with the Environmental Commission again. With no further business to come before the Environmental Commission, the June 26, 2017 meeting was **adjourned** at 8:25 p.m. on a **motion** by Douglas Ott and a second by Dave Ofshinsky.

Approved: August 7, 2017

Respectfully submitted,

Tonya E. Cubby, Secretary