

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**JULY 9, 2012**

The July 9, 2012 regular meeting of the Township of West Milford Environmental Commission was called to order at **7:43 p.m.** with a reading of the Legal Notice.

**ROLL CALL:** Present: Andrew Abdul, Gillian Hemstead, Douglas Ott (L), Thomas Tamayne, Don Weise, Chairman Stephen Sangle, Alternates Timothy Dalton and Lucas Slott.  
Absent: Gary Oppenheimer.

Chairman Stephen Sangle advised that Tim Dalton would sit in for Mr. Oppenheimer.

**APPLICATIONS**

**TWINS REALTY GROUP LLC**

**Preliminary and Final Site Plan #PB-03-12-02**

Block 6002; Lot 39.01, Block 3906; Lots 9 & 10  
937 & 943 Burnt Meadow Road; LMI Zone

**Seeking:** Preliminary and Final Site Plan approval for an existing pre-cast concrete manufacturing facility that proposes a 5-phase project including the removal of an existing commercial structure, construction of new commercial buildings, and installation of parking areas, with variances requested for number of parking spaces and for building height.

David Hals, P.E., engineer for the applicant, Twins Realty, LLC, and John Vitale, owner and applicant, were present to address the Environmental Commission regarding this preliminary and final site plan application. Mr. Hals reviewed the plans and photos with the Commission, identifying the phases that are proposed for the project. He noted that the subject site, comprised of 13+ acres, is a very active site, with the majority of the fabrication currently done on the exterior grounds, with limited manufacturing done on the interior of an existing deteriorating building. The applicant must keep the concrete fabrication site operating while the site plan project is in progress, and Mr. Hals advised that the intent is to move all the fabricating operations inside a new pre-fab building, away from the elements, in several phases. He noted that the site is fairly level with a 1% to 3% grade, with some steeper slopes (50%) further up from the site. Mr. Hals advised that the business has been in operation as a concrete manufacturing site for many years, and reviewed the surrounding business, including Renzland Construction, and the former Tilcon quarry, which is now partially used by RVH Mulch Company. He noted that there is a pre-existing non-conforming use residential structure on the site that is being used for two employees of Northeast Concrete. A Commissioner inquired if there are issues with run off from the stockpiles of sand and gravel used in the pre-cast concrete manufacturing, especially during heavy rain periods, but Mr. Hals advised that he has witnessed no overall issues with the material stockpiles and he has been to the site during a variety of weather conditions.

Mr. Hals advised the Commission that the applicant has submitted an application to the NJDEP/Highlands, but since the expansion of the footprint is under the 125% per cent of the existing impervious cover, and they are reducing impervious cover, he anticipates that they will receive an exemption. With regard to the existing building, Mr. Hals stated that it is not heated, and production slows down somewhat during periods of extreme cold, but the new buildings will enable the production to continue in all types of weather, with an interior crane to replace the current use of cranes brought in by trucks when needed for large concrete products. He advised that the new building would be heated with overhead infrared heaters, but the applicant has not decided whether they will be run by gas or oil. He also noted that the building has to be approximately 40 feet high to accommodate the crane and forms that are used in the fabrication, and they will be installing large overhead doors for the trucks that will have access to the building. Mr. Hals reviewed the sites ingress and egress, noting that the entrance will be modified slightly to make easier access for the tractor-trailers, and he advised that the parking spaces for cars would be separated from the truck parking. With regard to reducing impervious cover, Mr. Hals explained that asphalt and stone was being removed from the brook that crossed the front of the property, with trees added as a privacy screen. The Commission was also advised that a new septic system was being installed. When a Commissioner inquired the number of employees, Mr. Hals responded that currently there are 10 employees, but they are projecting 15, with two employees renting the residence that is on the site.

Chairman Sangle commented that the increased activity would require more water, and Mr. Hals advised that there is a spring that feeds a cistern, and this water is used in production of the concrete products. With regard to drainage, there are three systems proposed for drainage, and water from roof run-off will be collected and

used. He noted that the soil had been tested for the proposed septic, with the results being favorable, consisting mainly of sand and gravel, with no loss of vegetation. Doug Ott inquired about a height restriction of 35 feet and Mr. Hals replied that the zoning officer had informed him that 40 feet is permitted over 12(?) acres. Chairman Sangle commented that having the whole system enclosed is better for the environment, and noted that noise may be decreased as a result. The Commissioners inquired about the distance from Greenwood Lake Turnpike (about 1000 feet) and also the adjacent residential zone, and Mr. Hals replied that residences are up the hill from the commercial site and would not be adversely affected. The Environmental Commission concurred that it was good to see clean manufacturing in the Township, and the site will be much improved from an aesthetic perspective. Mr. Ott commented that the Environmental Impact Statement was very well prepared.

### **RVH MULCH SUPPLY LLC**

#### **Use Variance No. ZB-05-12-09**

Block 4601; Lot 21

960 Burnt Meadow Road; LMI Zone

**Granted:** Use Variance for facility to manufacture and process products including mulch and topsoil from vegetative waste, and such other variances and waiver relief as the Board deems necessary, as it is not one of the principal permitted uses in Article IV, Chapter 500-46. *This application was approved for a Use Variance by the Board of Adjustment on 06-26-12.*

The Commission was advised that this use variance had already been approved at a recent Board of Adjustment meeting. They reviewed the plan that accompanied the application and one of the Commissioners inquired about the height of the mulch piles. He then referenced extremely large mulch piles being produced by a business just over the border in New York that is visible from Meadow Road, and it is causing a bit of controversy. The Commission noted that the application was for a site on Burnt Meadow Road and should not have an impact since that is a commercial/manufacturing area, and the location of the business is at a low point in relation to surrounding businesses. The Commission briefly discussed the combustion that often occurs from untended mulch piles. In conclusion, there were no apparent environmental concerns noted.

### **TELECOMMUNICATION APPLICATIONS** - None.

### **GRANT MANAGEMENT AND STATUS REVIEW**

**604(b) OWTS Onsite Wastewater Treatment Plan Grant:** This item is to be taken off of future agendas since this grant project has been completed as reported by Dr. Fred Lubnow from Princeton Hydro.

**2004 Greenwood Lake 319H Grant/2007 Stormwater Implementation 319H Grant:** Gillian Hemstead had no update to report. The Secretary was directed to contact Dr. Fred Lubnow of Princeton Hydro to request a report on the status of additional stormwater projects that will use the remaining grant funds.

**Recreational Trails Signage Grant:** Doug Ott reported that Bob Jonas had advised him that the project is in the hands of the Township's Engineering Dept. Don Weise reported that "Martin" from the NY/NJ Trails Conference has offered to provide an update on the project.

**2010 ANJEC Smart Growth Planning Grant - Trails Master Plan:** Doug Ott reported that he had emailed George White several times and has received no response.

**Former Stanford Tract** – Gillian Hemstead referred to a recent article in the Trends stating that the Environmental Commission was the "grantee" for a trails grant at the former Stanford Tract on Union Valley Road, and she requested that the record be corrected since it is Passaic River Coalition and Skylands Clean that are applying for the grant. Chairman Sangle observed that we do have an interest in creating a pedestrian greenbelt, and Ms. Hemstead noted that if the proposed trail fits into our green belt and it is an optimal site for passive recreation, then that's where our interest should end. Chairman Sangle responded that he did not feel the newspaper article inaccurately portrayed us, and several Commissioners concurred, adding that the Commission is merely trying to promote an interconnection of trails in the Township, and the Commission supports the grant application because it mirrors our own plans. Chairman Sangle also noted that the Passaic River Coalition needs to get grants to make this a reality, and until such time, we technically do not have

permission to use the property. Chairman Sangle then stated, in order to set the record straight, that the proposed grant for the Passaic River Coalition property is not an Environmental Commission grant.

### **ON GOING BUSINESS**

**Lakes Committee:** Andrew Abdul reported that the Lakes Committee addressed many issues at their prior month's meeting. He advised that they discussed the test kits that are part of the proposed Sustainable Jersey grant submitted by the Green Team/Environmental Commission, but they are not sure at this time who will be involved with the subcommittee. Chairman Sangle advised that the grant has not been submitted, to date, but if awarded, he requested that Mr. Abdul coordinate the test kits with the Lakes Committee and assist in getting the residents to cooperate with the testing and reporting. Mr. Abdul noted that the Lakes Committee wanted to be in a booth next to the Commission at Autumn Lights, and Gillian Hemstead stated that they could share the space, adding that the Recycling Dept. usually shares the space with the Commission. The Secretary will confirm with ALF that the Commission is registered for Autumn Lights. With regard to the minutes of the Lakes Committee, Mr. Abdul observed that they were concerned about having a shared service agreement with a Health Officer since he would have no vested interest in the Township. The Commission discussed the Township's difficulty in finding a qualified candidate for the position, especially someone with septic system experience. The Lakes Committee discussed the trees planted by TGP and noted that they were hemlock and ash, which are susceptible to disease. Gary Oppenheimer commented that he would inquire about the tree species from his contacts with TGP. Mr. Abdul also reported that the Lakes Committee members were enthusiastic about the proposed soil-testing (fertilizer) grant.

**Open Space Subcommittee:** Don Weise reported that there were two properties discussed for open space acquisition, one off of White Road, which is being pursued by the Land Conservancy, and another property adjacent to Shop Rite that may be used for potential trails, adding that Bob Jonas is looking into the latter property. Chairman Sangle advised that he received a response from the Township Administrator and he is arranging a meeting to apprise her of some of the work that the Environmental Commission has been involved with, as well as open space possibilities. He also noted that the Annual Report to the Council will be postponed until he has had a chance to meet with the Administrator. He requested that any properties that may be a potential open space purchase should be brought to his attention before he has his meeting at the end of July.

**Environmental Contamination Issues:** The Commission discussed the prior month's matter concerning notification of certain residents off of Greenwood Lake Turnpike, behind the Adelo Corporation site, and the inability of the environmental remediation consultant to get cooperation from the residents to perform vapor intrusion testing. It was noted that this was reported in the local newspapers and the Township is aware, so there is not much more they can do on this issue.

**Green Team–Sustainable Jersey:** Tom Tamayne reported on the Sustainable Jersey-PSE&G Grant, entitled "Impact Assessment of the Utilization of Soil Condition Evaluation Information on Fertilization Use and Surface Water Nutrient Concentration" that is being prepared, and noted that an organizational chart and resumes are required for the grant package submission, which is due July 15, 2012. The Township Council approved the submission of the grant at a regular meeting on June 27, 2012 by Resolution #2012-217. Gillian Hemstead commented that prior grants for the Commission were prepared, submitted, and administered by a Township Official. Chairman Sangle advised that there is no one in the Township to administer grants, and added that Tom Tamayne and Renee Alessio from the Green Team will have to see this grant through. Ms. Hemstead cautioned that approval to deviate from the usual process must be obtained before proceeding. Chairman Sangle noted that any matter with regard to this grant should initiate with Ms. Alessio and Mr. Tamayne, with the advice and consent of the Commission, and be forwarded to the Secretary to provide to the Township Administrator and Township Council. The Commission discussed the organization chart and determined that it would include Thomas Tamayne, Renee Alessio, Gary Oppenheimer, Andrew Abdul, Lynn Mandon, and Paul Neitzer, representing the Environmental Commission, Green Team, and Lakes Committee. The Secretary advised that the Township Treasurer should be included since she has to handle the grant finances, and the Commission determined that the Secretary should be the municipal contact. Ms. Hemstead reiterated that the Commission is an entity of the Township, therefore this grant is coming from the Township, so all required procedures must be followed.

**Tennessee Gas Pipeline:** Luke Slott reported that the Highlands Council/DEP had given approval for the remainder of the project, but noted that an environmental assessment determined that there may be a

venomous snake violation on the part of the TGP. Don Wiese advised that the DEP is making sure that the rattlesnake dens are not compromised.

## **NEW BUSINESS**

**Annual Environmental Commission Report to Township Council:** Chairman Sangle advised that he was waiting for several matters to be completed or updated, including grant projects, before presenting the annual report to the Township Council.

**Autumn Lights Festival** – The Commission plans to participate in the Autumn Lights Festival on October 13, 2012. Luke Slott advised that he will be present to assist.

## **MINUTES**

The Minutes of the April 2, 2012 Regular Meeting of the West Milford Environmental Commission were unanimously approved on a **motion** by Tim Dalton and a **second** by Don Weise.

***The following correspondence was reviewed by the Environmental Commission and filed:***

## **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Twins Realty Group LLC application for a Highlands Applicability Determination received on June 15, 2012 regarding the demolition of two existing buildings and four trailers and construction of two new buildings for an existing pre-cast concrete manufacturing facility at 937 & 943 Burnt Meadow Road, Block 3906; Lots 9 & 10 and Block 6002; Lot 39.01. The new buildings will be constructed on existing impervious surfaces, with new septic and new parking area proposed, with total impervious coverage reduced by 8,500 s.f.
2. Notification dated June 12, 2012 received from E2 Project Management regarding an application for a Highlands Applicability and Water Quality Management Plan Consistency Determination for Verizon Wireless West Milford 8, 246 Morsetown Road, Block 4701; Lot 43, regarding the co-location of 12 wireless antennas on an existing 130 foot PSE&G electrical tower, with equipment shelter, CSC telco cabinet and meter bank.
3. Highlands Exemption #4, WQMP-Not Addressed received from the NJDEP dated July 2, 2012 regarding Verizon Wireless – Upper Greenwood Lake Fire Co. #5 GenSet, Block 1701; Lot 59, 776 Warwick Tpk., for the proposed installation of a new 150 kw emergency power back up generator associated with an existing telecommunications facility.
4. Copy of an application received from Wander Ecological Consultants, dated June 20, 2012, regarding a request for a Highlands Applicability Determination Exemption #4 for proposed improvement at Block 4701; Lot 38.02, 374 Morsetown Road (Momentos II). Application is in response to Notice Of Violation received from the NJDEP for expansion without Highlands determination

## **NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. Notification received June 22, 2012 from Environmental Compliance Brigade Corp., advising that the owner of Getty Petroleum/Lukoil, 1367 Union Valley Road, has failed to submit to the NJDEP an LSRP Notification by the deadline of May 7, 2012.
2. Notification from Bucharth Horn, Inc., received June 22, 2012 regarding an application submitted to the NJDEP by the NJDOT for a Flood Hazard Area General Permit and a Freshwater Wetlands General Permit for the installation of rip rap along portions of the exposed footings on Route 23/Pequannock River Scour Repairs.
3. Community Notification Documents received from Synergy Environmental on June 18, 2012 for site remediation of the groundwater for the Lakeside Amoco, 2 Lakeside Drive, Hewitt, Block 3509; Lot 16.
4. Notice of a treatment works permit application for a septic alteration at The Manor At Smith Mills, 524 Hamburg Tpk, Block 12701; Lots 9.01, 9.02, 9.03 received on June 15, 2012 from Richard Deubert, P.E.
5. Notice from the NJDEP, dated June 12, 2012, regarding the High Crest Lake Dam, NJ Dam File No. 22-161, advising that the dam was in poor condition with studies and repairs necessary, and a conceptual design to be provided to the DEP by July 31, 2012. Also advised of a 2004 Dam Restoration Loan Program from the NJDEP that is available to fund dam restoration projects.

6. Notice from the NJDEP, dated June 7, 2012, advising that the Pettet Pond Dam, NJ Dam File No. 22-293, was found to be in fair condition with maintenance and repairs necessary, with a schedule for submission of repair details due by July 31, 2012.
7. Notice from the NJDEP, dated May 30, 2012, regarding the Lower Mount Glen Lake Dam, NJ Dam File No. 22-102, advising that the Bureau of Dam Safety has no objections to the replacement of a storage shed provided that it is within the footprint of the existing structure as shown on the plans.
8. Notice from the NJDEP, dated June 12, 2012, regarding the Butler Intake Reservoir Dam, NJ Dam File No. 22-3, advising that a review of the submitted report finds the dam to be in satisfactory condition with minor maintenance required.
9. Authorization Renewal Notice from the NJDEP Bureau of Nonpoint Source Pollution Control, dated June 5, 2012, regarding the Greenwood Lake Airport for the NJ Pollutant Discharge Elimination System Discharge to Ground Water General Permit under the Existing Sanitary Septic System General Permit that was effective June 1, 2003.
10. Notice of Violation, dated June 6, 2012 received from the NJDEP for the Tennessee Gas Pipeline 300 Line Upgrade, regarding the absence of the required Primary Level Venomous Snake Construction Monitor during re-vegetation activities in violation of condition 4a of the permits.
11. No further Action and Covenant Not To Sue notice received from the NJDEP, dated May 29, 2012, regarding 1163 Macopin Road, Block 10102; Lot 3 for the removal of one 550 gallon #2 heating oil underground storage tank.
12. No Further Action-Covenant Not To Sue notice dated June 15, 2012 received from the NJDEP regarding removal of a 1000 gallon #2 Heating Oil Underground Storage Tank from 251 Bearfort Road, Block 7402; Lot 11, and advising that all monitoring wells should be decommissioned as part of the remediation.
13. Notice of an application to the NJDEP from MAP Engineering for a GP#25 for the alteration to a malfunctioning septic system at Block 8102; Lot 1, 1948-1950 Macopin Road. Subject property is in a Freshwater Wetlands Transition Area.
14. Notice of a proposed application to the NJDEP from Map Engineering for a GP#25 for the remediation of an existing septic system for an existing residential dwelling, with no proposed expansion, for Block 12001; Lot 28, 1002 Macopin Road. Subject property is in a Freshwater Wetlands Transition Area.
15. Copy of a Receptor Evaluation Form submitted to the NJDEP Bureau of Case Assignment and Initial Notice for Site Remediation Program, dated July 7, 2012 from LAN Associates, regarding Village Garage, 101 Otterhole Road, Block 12403; Lot 1, aka Block 12402; Lot 7.

### **CORRESPONDENCE**

1. Notice from the Township Clerk, dated June 12, 2012 regarding a request for a waiver to permit a street opening for the installation of gas service at 26 Ridge Road, with waiver required for any roads paved within a period of five years.
2. Certification of the soil erosion and sediment control plan received from the HEPSCD for Verizon West Milford 8-Tower 61-4 PSE&G, 246 Morsetown Road, Block 4701; Lot 22, 43, dated May 21, 2012.
3. Certification of the soil erosion and sediment control plan received from the HEPSCD for Reilly Ridge Rd. Fill & Grade, 281 Ridge Rd., Block 8602; Lot 17, dated May 21, 2012.
4. Notice from Rockland Electric, dated May 30, 2012, requesting that we advise them of any work that we become aware of taking place in RECO easement areas located in the Township, noting that working in the easement areas and placement of obstructions in the easements is restricted.
5. Copy of memo from the Environmental Commission to the Township Administrator requesting updated information on the Streetscape grant project for the Township of West Milford.
6. Notice from the Dept. of Economic Development of Passaic County Brownfields Commission meeting on July 18, 2012 at 3:00 at the Totowa Business Complex, Riverview Drive, Totowa NJ. Special presentation on

Overview of Regulatory and Mandatory Timeframes for Remediation. Call 973-569-4720 or email [ecodev@passaiccountynj.org](mailto:ecodev@passaiccountynj.org) to attend.

### **PUBLIC COMMENTS**

Doris Aaronson – Bearfort Road – Ms. Aaronson advised that she had maps, including a topographic map, of the former Stanford Tract and reviewed them carefully for access locations and trail potential. Chairman Sangle advised that, at this juncture, the site is not officially open to the public and this was still private property. With regard to the grant being submitted by Skylands Clean for \$10,000., Ms. Aaronson advised that the granting agency informed them that they had been selected for the first stage of judgment. She requested information from the Commission on the benefits of the potential trails system, and noted that Skylands Clean and PRC would be partnering with the NY/NJ Trails Conference. Ms. Hemstead suggested that the educational opportunities and the unique features of the site should be emphasized. Mr. Weise commented that when the information is compiled, letters highlighting the value of the site from various state and regional entities should be requested for submission with the grant.

With regard to open space, Ms. Aaronson commented that the Township Council only wanted recreation sites. Chairman Sangle responded that he reviewed the ordinance and recreation is part of the open space ordinance.

With regard to the Adelo site remediation, Ms. Aaronson suggested that the residents should be apprised of the situation in a non-technical manner, and thought that the Commission could send letters to the residents. Gillian Hemstead advised that neither the Commission, nor the Township, could legally send them any correspondence, noting that the owner has certain requirements to meet with regard to the remediation efforts, and he has been complying. Ms. Aaronson commented that the information sent to the residents may have been too threatening, and they may be concerned about the value of their homes if a contaminant is found. Ms. Hemstead reiterated that any correspondence would have to come from the owner or his consultants.

### **ADJOURNMENT**

With no further business to come before the Commission, the Regular Meeting of August 6, 2012 was **adjourned** at **9:30 p.m.** on a **motion** by Tim Dalton and a **second** by Douglas Ott.

Approved: October 1, 2012

Respectfully submitted,

Tonya E. Cubby, Secretary