

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

AUGUST 1, 2011

The regular meeting of the Environmental Commission of the Township of West Milford, was called to order at 7:40 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

ROLL CALL: **Present:** Andrew Abdul, Gillian Hemstead, Gary Oppenheimer, Douglas Ott (7:55), Lucas Slott, Chairman Stephen Sangle.
Absent: Timothy Metcalf, Thomas Tamayne, Maryellen Gabay.

Alternate member Luke Slott was asked to sit in for absent Commissioner Timothy Metcalf.

PRESENTATIONS

Doris Aaronson – Co-existing With Bears – Doris Aaronson addressed the Commission, noting that she was present on behalf of the Pinecliff Lake Trustees to invite the Commission to co-host a bear education program at the Pinecliff Lake Club House. This program would be open to all residents. She took exception to the EC agenda stating that the proposed bear education program was “in conjunction” with the NJ DEP, stressing that the program would be independent and non-biased, although it would include a film produced by the NJ DEP Division of Fish and Wildlife entitled “Living With New Jersey Black Bears.” Ms. Aaronson advised the Commission of her expertise in the field of animal behavior and emphasized the need to educate the residents about effective ways to keep the bears in the woods and away from neighborhoods. The program at the Clubhouse may feature a non-controversial guest speaker who would be knowledgeable about bears and their behavior, and the Pinecliff Lake Community has offered to provide refreshments. The Commission suggested several sources for speakers, including the staff at Space Farms in Sussex. Chairman Sangle noted that Tim Metcalf was interested in assisting with the presentation at the Pinecliff Lake Club House and would be in touch with Ms. Aaronson. In addition, more copies of the video will be obtained and several of the Commissioners and Doris Aaronson will meet to preview the video. Gary Oppenheimer suggested that the video be placed on ‘You Tube’ for a wider viewing audience, provided that the licensing agreements permit it. The Commission discussed scheduling the program for mid-September.

APPLICATIONS

JAMES CAMPION

Bulk Variance #ZB-05-11-09

Block 168.02; Lot 9

129 Doremus Road, R-4 Zone

Seeking: Bulk Variance approval for front yard setback, where 125 ft. is required and 13 ft. is proposed, for the extension of an existing porch and addition of a 2nd level deck over the new 1st floor deck and changing the depth from 4’10” to 11’10”.

The Commission reviewed the above referenced application and determined that there were no environmental concerns, and that the issues were variance related and not within their jurisdiction.

RONALD HEDDY

Bulk Variance #ZB-07-10-09

Block 7515; Lot 2

7 Ash Road, LR Zone

Seeking: Bulk Variance approvals for building coverage and accessory structure coverage to enlarge a 12’ x 20’ garage to 30’ x 30’ and construct a 10’ x 12’ addition to dwelling.

The Commission reviewed the above referenced application and made the following comments:

“With the increase in impervious area and the fairly steep slopes that are common in this location, the Commission inquired how the applicant planned to address storm water run-off. The Commission suggested that the applicant consider french drains, a dry well, or sealed rain barrels to address storm water run-off from affecting Pinecliff Lake.”

ARVE DYVIK

Bulk Variance ZB-04-11-05

Block 4201; Lot 16

41 Lake Park Terrace; LR Zone

Seeking: Bulk variance relief requested for a rear yard setback where 60 feet exists and 49.5 feet is proposed for a 7 foot by 22-foot addition.

The Commission reviewed the above referenced application and made the following comments:

“Due to the size of the existing lot and the close proximity to Greenwood Lake, the Commission suggested that the applicant consider the use of a sealed rain barrel to address storm water run-off.”

TELECOMMUNICATION APPLICATIONS - None

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OWTS Grant and 2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: It was reported that Dr. Fred Lubnow was in attendance at the July Environmental Commission meeting and he will attend again sometime in the Fall. Chairman Sangle reported that the pipes are installed around the Town Hall septic system and monitoring will soon begin. He has requested a soil log to determine how the system is working and whether the water is running laterally. With regard to the 319h project, most of the stormwater filters are installed. There are remaining funds available from this grant for other projects that Dr. Lubnow is researching. He will present options at a future meeting. Chairman Sangle suggested that some of the money be used, if possible, on streetscape improvements, with installed retention basins to monitor phosphorous that eventually end up in Pinecliff Lake. Dr. Lubnow had noted in his report that easements from Passaic County may present delays, so he will provide a priority list for the Commission to review. Doris Aaronson commented that Pinecliff Lake spends about \$10,000. for algae removal, so anything that would assist in keeping the phosphorous from affecting the lake would be appreciated. Gillian Hemstead noted that the Commission needs to include educational components as part of the grant, but unfortunately the project moved forward without documentation by the Commission. Chairman Sangle noted that Dr. Lubnow offered to be part of the Autumn Lights Festival and demonstrate how the systems work, adding that it is important for the public to know what the Commission does with the grants that are awarded.

Streetscape Grant: Nothing at this time to report.

Recreational Trails Signage Grant: Doug Ott reported that all the trails signs were made for this project, but he did not have any additional information regarding installation.

2010 Smart Growth Planning Grant - Trails Master Plan: Doug Ott reported that there will be a meeting on August 23, 2011 that will include representatives from the Trails Conference, the EDC, and a local biking group. The Secretary will reserve one of the meeting rooms. Chairman Sangle received a phone call from Kerry Miller from ANJEC and advised that the Township was late in sending out the status report as part of the grant agreement. Doug Ott assured the Commission that, moving forward, he will keep the Township Administrator informed of the project's progress so that the Administrator can file his report to ANJEC in a timely manner.

ON GOING BUSINESS

Lakes Committee: Andy Abdul reported that the Township Administrator was present at the meeting to answer questions from the Lakes Committee. He noted that the questions from the Lakes Committee mainly centered on financial issues, and the Administrator advised them that the catch basins had been cleaned, although some of the DPW equipment was in disrepair and they were waiting on parts. Mr. Abdul reported that the meeting ended early when the fire alarm sounded, and that there was no scheduled meeting for the Lake Committee in August.

Open Space Subcommittee: Chairman Sangle advised the Commission that he had requested a list of the open space properties that the Township Council was considering so that he could compare it with the list from the Commission to insure that the best properties are chosen for open space. He has not had a response to his request as of this meeting. Gillian Hemstead suggested that the Township should

approach Tennessee Gas Pipeline to purchase properties for mitigation that are included on the Commission and Township lists. Chairman Sangle stressed, once again, that he did not favor taking properties off the tax rolls, especially if they are environmentally sensitive and cannot be developed, but properties that were farm assessed and produced little tax revenue should be considered, especially if they were part of the green way.

Environmental Contamination Issues: Tom Tamayne was absent but he emailed the updated list of contaminated sites in the Township. It was suggested that he request an update from the Health Dept. on the Adelo property.

Green Team – Sustainable Jersey: Gary Oppenheimer advised that Renee Alessio had to re-submit documentation to the State for the Sustainable Jersey certification. He also reported that Joe Arcovella would be at the next Green Team meeting to discuss transportation.

Beaver Dam at Environmental Boardwalk: No update.

Website Update: Luke Slott commented that he had reviewed other Environmental Commission websites and they often post information about former commissioners and their contributions to the environment. It was suggested that Luke contact Dick Meaney, a former commissioner, for information about past EC projects and history. It was also suggested that he contact Martha Tappan, former Secretary for the Commission, for information.

NEW BUSINESS

Tennessee Gas Pipeline – Luke Slott reviewed the recent application for the Tennessee Gas Pipeline to the NJ DEP for the Northeast Upgrade Project and noted that they are proposing to store pipes in the Jungle Habitat parking lot until the project is completed, and questioned whether this would interfere with the Township's annual Thunder in the Highlands. The Secretary was requested to send a memo to the Township Administrator to advise that there may be a conflict with the annual Independence Day program. Mr. Slott continued with his review of the proposed upgrade project, advising that the pipeline will be visible from the water, and the State of New Jersey may collect approximately \$8.5 million dollars. He commented that he had been in contact with a representative from the DEP, and noted that public meetings were scheduled for mid August regarding the conveyance of public lands, which included 120 acres of conservation land. The Commission discussed land acquisitions that could be purchased as mitigation sites and Gary Oppenheimer commented that the TGP representatives have been working with the Township to address concerns that have been raised.

Resident Elaine Buchtman was present and addressed the Commission about recent events in the Upper Greenwood Lake section of the Township at Lake Lookover. She noted that she is a Co-Chair of the Environmental Committee for Lake Lookover, and reviewed the damage to the lake that resulted from silt washed into the lake from the pipeline project up hill from the lake. Ms. Buchtman recounted how the numerous storms and heavy rainfall had caused severe erosion in the areas that were stripped of vegetation for the pipeline project. She advised that she had been in regular contact with Mike Lennon from TGP about the various problems resulting from the excessive rains, and that silt barriers had been installed, but to no avail, and the silt from the runoff had turned the lake water brown. She had been in contact with state and federal representatives and local officials to seek some solutions to the problems. She provided photos to the Commission of some of the damage that was evident at the lake. She was adamant that TGP needed to address the water that is coming off the mountain due to the deforestation of the pipeline easement without providing sufficient measures to control erosion. Ms. Buchtman was extremely concerned about the condition of the site once the project has been completed, adding that TGP plan to sow grass seed on the soil and leave. She requested that the Environmental Commission send correspondence to the Tennessee Gas Pipeline representatives to request that their environmental specialists investigate the matter and provide solutions so that the residents of the Lake Lookover community do not have to suffer permanent adverse affects from this project. Gary Oppenheimer advised that he would contact them on behalf of the Commission. Chairman Sangle noted that this was beyond the scope of the Commission, and that TGP has to answer to the NJDEP about the major engineering issues that have resulted. He added that the Commission could send correspondence and copy the DEP, but that the DEP has to enforce compliance. Gillian Hemstead advised Ms. Buchtman to document everything that transpires, including taking photos. The Secretary was instructed to send a

memo to the Administrator, Township Council, with a copy to the NJDEP and TGP that the Commission saw documentation and feel that the remedies that have been used are inadequate, that there is concern about another serious weather event that could cause irreparable damage to Lake Lookover, and request that TGP use engineering techniques to adequately address the silt, including installation of swales.

Food Waste Digester: Luke Slott reported on a food waste digester, similar to the rocket composter used in Europe. Chairman Sangle noted that he received information on DEP grants and suggested that recycling might be able to apply for a grant for a food waste digester unit. Andy Abdul noted that there needed to be a means to collect the food scraps, and that perhaps there could be a central location for all the schools to take their food waste materials. The Recycling Center was suggested as a good location for a food digester system.

Anti-Idling Law: Luke Slott inquired whether there is an anti-idling law that can be enforced in the event that cars are left idling for long periods of time. He reported on an incident at Town Hall when he witnessed a car idling for a very long time, he reported it, but there was no enforcement. He thought there was a law against idling vehicles and asked that this be researched for more information.

MINUTES

The Minutes of the April 4, 2011 and July 11, 2011 Regular Meetings of the West Milford Environmental Commission were **approved** by unanimous consent on a **motion** by Luke Slott and a **second** by Douglas Ott.

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

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Copy of Application package from AECOM of Piscataway, NJ, received July 26, 2011, regarding an Amendment to the Existing Highlands Exemption for Tennessee Gas Pipeline 300 Line Project – Loop 325 and the Addition of the northeast Upgrade Project – Loop 325.
2. Copy of letter to Thomas Germinario, West Milford Township Planning Board Attorney, dated June 27, 2011, regarding the Braemar at West Milford subdivision application for Block 10001; Lots 14, 19, 20, 23, advising that the Highlands Applicability Determination and WQMP Consistency Determination had expired due to the expiration of the Freshwater Wetlands General Permit.
3. Correspondence from Diane Marichal, Director of the Helping People Help Themselves organization, advising of a resubmission to the NJDEP for a Highlands Determination due to insufficient documentation on the prior submissions.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice of Administrative Incompleteness for a Treatment Works Approval application No. 11-0154/P.I. ID#558368 received July 14, 2011 from the NJDEP regarding the Lanza Residence, Block 12110; Lot 5.01, requiring the following: a USDA Soil Survey Map with site location delineated, Appendix B, the \$850.00 review fee, construction cost estimate with breakdown, and proof of public notification to the local planning board and environmental commission.
2. Treatment Works Approval No. 11-0086 received from the NJDEP, dated June 30, 2011, regarding the Marion Plaza Wastewater Treatment/Disposal System at Marshall Hill Road, Block 5701; Lot 6. Approval is granted for a period of two years.
3. Notice from GES, Groundwater & Environmental Services, dated July 18, 2011, regarding Petro Two, 4 Marshall Hill Road, Block 5701; Lot 3 and the Biennial Certification Monitoring Report for a Groundwater Classification Exception Area submitted to the NJDEP – Site Remediation Program.
4. Public Notification received on July 19, 2011 from Lukoil of North America regarding remediation at the Lukoil Station #57360, 1910 Union Valley road, Block 6701; Lot 8.
5. Authorization for a Freshwater Wetlands G.P. 25 and Waiver of Transition Area for Access received from the NJDEP, dated July 12, 2011, for John Valent, 6 Ferndale Road, Block 12304; Lot 11, with regard to repair or alteration to a malfunctioning individual subsurface sewage disposal system.

6. Authorization for a Freshwater Wetlands G.P. 25 and Waiver of Transition Area for Access received from the NJDEP, dated July 15, 2011, for James Geocos, 36 Shadyside Road, Block 806; Lot 8, with regard to repair or alteration to a malfunctioning individual subsurface sewage disposal system.
7. Potable Well Water Analysis received on July 22, 2011 from Sovereign Consulting regarding results of water samples by Accutest for Waseem Choudhary, 2731 Rt. 23, Newfoundland, Block 14604; Lot 1 with reference to the Shell Service Station, advising that no regulated compounds were detected at concentrations above the standards, with attached report, based on sampling taken on June 1, 2011.
8. Potable Well Water Analysis received on July 22, 2011 from Sovereign Consulting regarding results of water samples by Accutest for S. Sisti & John Mcdavitt, 2750 Rt. 23, Newfoundland, Block 14601; Lot 12 with reference to the Shell Service Station, advising that no regulated compounds were detected at concentrations above the standards, with attached report, based on sampling taken on June 1, 2011.
9. Potable Well Water Analysis received on July 22, 2011 from Sovereign Consulting regarding results of water samples by Accutest for Marco Silvestri, 2713 Rt. 23, Newfoundland, Block 14605; Lot 4.01 with reference to the Shell Service Station, advising that no regulated compounds were detected at concentrations above the standards, with attached report, based on sampling taken on June 1, 2011.
10. Request from Thomas Scala, Jr. to the NJDEP requesting reconsideration of extension of the Freshwater Wetlands Letter of Interpretation/Line Verification under the Permit Extension Act for File # 1615-06-0014.1, for Block 5010; Lots 10, 6 and 4.
11. Copy of application for a Freshwater Wetlands GP 25 and Flood Hazard Area Applicability received from Houser Engineering regarding replacement/upgrade of 40+ year old septic system with new aerobic treatment unit and pressure dosed disposal system for 14 Beaver Avenue, Block 6717; Lot 2.
12. Copy of application for a Freshwater Wetlands GP 25 received from Houser Engineering regarding replacement of a septic system with a new pressure dosed disposal system for 47 Northwood Drive, Block 13203; Lot 39.

CORRESPONDENCE

1. Memo with attachments, dated July 21, 2011, from the Township Administrator regarding the Highlands Council June 21, 2011 Stakeholders Meeting concerning Water Use and Conservation Management.
2. Copy of a letter to the NJDEP from the Township Administrator requesting a No-Cost Time Extension on the SFY07 NPS Grant (RP07-052) – 319(h) grant to “initiate Stormwater Implementation Projects to Reduce the Phosphorous Load Entering Greenwood Lake, Passaic County, New Jersey - Orange County, New York.”
3. Copy of a letter to Braemar at West Milford from several residents of Wooley Road requesting that well monitoring equipment be removed from their properties and aquifer monitoring cease until such time that a new testing phase begins.
4. Notice received July 13, 2011 from PSE&G advising of impending tree removal as part of a vegetation management program in the Township, with work commencing on or about September 1, 2011 and continuing throughout 2011 and 2012. PSE&G will remove all trees within the easement and side trim all branches originating from inside the easement that hang over or cross onto the electric transmission right of way.
5. Report dated July 2011 from the NJDEP entitled “Report on Proposed Conveyance of Lands to Tennessee Gas Pipeline Company by the Department of Environmental Protection.”
6. Copy of Deed between the Diocese of Paterson and the Township of West Milford regarding the acquisition of the Nosenzo Pond Property, Block 9301, Lot 12 and Block 9302, Lots 1 and 16.
7. Notice received July 29, 2011 from ANJEC (Association of New Jersey Environmental Commissions) requesting donations, advising of the 38th Annual Environmental Congress on Saturday, October 15, 2011 at the Brookdale Community College in Lincroft, NJ featuring “Water Worries, Strategies and Solutions”, and recommending members read about the New Jersey Fertilizer Law enacted on January 5, 2011.
8. Notice from Rutgers, New Jersey Agricultural Experiment Station regarding classes on Soils and Site Evaluation for Septic Disposal Systems and Stormwater BMP’s (\$695), Stormwater Management for

Engineers (\$825), and HEC-RAS Workshop – the Army Corps of Engineers Hydrologic Engineering Center River Analysis System program (\$825).

The Commission referred to the notice from PSE&G regarding vegetation maintenance and the Secretary was requested to contact PSE&G's Director of Vegetation Management to express concern about excess vegetation and trees being removed as part of this program, especially in light of the recent events with the Tennessee Gas Pipeline project and the effects from the erosion following vegetation removal. The Commission also requested that a representative be invited to attend the October Environmental Commission's meeting.

PUBLIC COMMENTS - Doris Aaronson, Bearfort Road, addressed the Commission about Open Space properties and stated that the Town Council is only interested in properties with recreational value. She also commented about composting in the Township and noted that the Green Team has discussed this matter at great length, suggesting that the Recycling Coordinator, David Stires, be contacted for more information about the organic recycling that is in operation next to the Recycling Center. With regard to the anti idling law, she suggested that the Commission check into the state laws governing this. As to the PSE&G notification about vegetation management along the easements in the Township, she stated that the residents should be notified and that a meeting should be arranged with the Commission to justify their removal of additional trees in their right of way. Gillian Hemstead commented that PSE&G does not have to justify to the Township residents about their vegetative maintenance program because they have easements and are permitted to maintain vegetation within their easement areas.

ADJOURNMENT

With no further business to come before the Commission the meeting was **adjourned** at **9:45 p.m.** on a **motion** by Chairman Stephen Sangle and a **second** by Douglas Ott.

Approved: November 7, 2011

Respectfully Submitted,

Tonya E. Cubby, Secretary