

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

August 5, 2019

The August 5, 2019 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:05 pm with a reading of the Legal Notice.

ROLL CALL

Present: Tim Dalton, James Rogers, Douglas Ott, James Rogers, Chairman Stephen Sangle, Clinton Smith (Alt#1), Douglas Trainor (Alt #2).

Absent: David Ofshinsky, Tom Tamayne.

Chairman Stephen Sangle requested Doug Trainor and Clinton Smith to sit in for two of the absent Commissioners and then advised that there was a quorum for this meeting.

PRESENTATIONS – None.

APPLICATIONS

JEFF GUNTHER

Bulk Variance #ZB-06-19-09

Block 601; Lot 14

15 Allaire; LR Zone

Seeking: Bulk Variance approval for the construction of a 11'7" X 24' carport, with bulk variance needed for side yard setback, where 30' is required and 6' is proposed.

Following a review of the bulk variance application for Jeff Gunther, the Commission recommended that the applicant should consider rain barrels for additional stormwater run-off and requested that lighting not adversely affect the neighboring property owners.

JOSEPH GENEROSO

Bulk Variance #ZB-06-19-11

Block 6002; Lot 9.01

578 Morsetown Rd.; R-4 Zone

Seeking: Bulk Variance approval for the replacement of a deck and addition of a roof over the deck, with bulk variance requested for front yard setback, where 125' is required and 8' is proposed.

The Secretary was advised that the applicant indicated to the ZBOA Secretary that he may be withdrawing his application, so no review was necessary at this time.

CHARLES SCHNEIDER

Bulk Variance #ZB-04-19-04

Block 3007; Lot 10

1 Kushaqua Trail; LR Zone

Seeking: Bulk Variance approval for a fence in the front yard, where 4 ft is permitted and 6 ft is proposed.

The Commission reviewed the application for Charles Schneider regarding a 6 ft fence in the front yard and commented that there appeared to be no environmental concerns associated with this bulk variance.

GEORGE ENGLISH

Bulk Variance #ZB-06-19-10

Block 5901; Lot 28

111 Mountain Circle So.; R-3 Zone

Seeking: Bulk Variance approval for the construction of an attached 2 car garage with storage above with variances requested for side yard setback where 50' is required, 39' and 43' exists, and 39' and 10.6' is proposed; rear yard setback where 100' is required, 53' exists, and 45.8' is proposed; and building coverage where 10% is required, 8.9% exists, and 15.9% is proposed.

The Secretary advised that the applicant was having a professional site plan prepared due to the amount of building coverage being proposed, so this application will be reviewed at a future date.

GREEN MEADOW ORGANICS LLC

Use & Bulk Variances and Prel & Final Site Plan #ZB-10-17-13

Block 4601; Lots 17 & 21

960 Burnt Meadow Road; LMI Zone

With regard to the application for an organic mulch and concrete recycling facility for Green Meadow Organics LLC, a special meeting will be held in September. The Commission will be provided with the Environmental Impact Statement and revised plans to review for comment.

ON GOING BUSINESS

Shade Tree Committee / Community Forestry Mgt. Plan – Tim Dalton reported that he was still attempting to set up an appointment with the Mayor and the Public Works Director so that the 5 year Community Forestry Management Plan (CFMP), which must be submitted in August, can be completed. He noted that he had been discussing this matter with them and there was a general agreement that a series of meetings would take place until the plan was completed, but none have taken place since that time. He observed that with the resources the Township has, the plan needs to be revised, adding that the Shade Tree Committee needs more volunteers since there are only three people currently designated. Mr. Dalton stressed that grants cannot be obtained without an updated CFMP. Chairman Stephen Sangle advised that he should meet with the Mayor and DPW and review what must be done with regard to this the CFMP. Mr. Dalton stated the Township needs a consulting forester, and he has reached out to several on the NJ State Forestry Division list, adding that Tim Slavin, Ron Farr, and Don Donnely are possible foresters under consideration. Chairman Sangle commented about some of the issues that occurred with the NNL Reforestation grant project, and Mr. Dalton advised that there were extenuating circumstances which should not be an issue for future projects.

With regard to the NNL Reforestation Grant project, Mr. Dalton reported that the NJDEP will complete an inspection of all the trees before the final payment is made to Fullerton Grounds Maintenance. They will assess the survival rate and whether the trees would need to be replaced.

Mr. Dalton advised that he will consult with the Mayor and/or Administrator to request access to the Township's GIS system so that layers can be created with all the tree/reforestation information imposed on them. Chairman Sangle inquired if the Trail Master plan was related to the Township Master Plan and Open Space Plan, and Mr. Dalton responded that they were interconnected. He also observed that he would be available to input information on septic systems onto the Township's data base system due to the insufficient staff in the Health Dept.

Greenwood Lake Bi-State Commission: No update at this time.

Lakes Committee Commissioner Jim Rogers reported that the Lakes Committee met on July 15, 2019 and discussed Assembly Bill #5043 which currently sits with the Governor. The bill proposes to prohibit lake associations from requiring homeowners in lake communities to be members of the associations. The Lakes Committee considered lobbying the legislature to override this bill with a veto due to the detrimental effects that would result on the lake associations and their ability to maintain and operate the lakes with the membership funds. Clint Smith observed that if the lake membership was not part of the deed to a lake property, there may be no recourse for the associations to require membership.

Mr. Rogers reported the Lakes Committee also discussed a proposed rain tax which would permit towns to establish stormwater utilities and impose a tax to protect waterways from stormwater runoff and septic runoff. He noted that the Lakes Committee was in favor of protecting the waterways, but were opposed to another tax.

Mr. Rogers reported that the draft Airbnb ordinance was discussed and the Lakes Committee members were concerned about the additional trash, noise, and the stress on septic systems that would result if Airbnb's are approved. He noted that a representative from the Lakes Committee will attend the Township Council meeting on August 14, 2019 to express their concerns.

Mr. Rogers reported that the Lakes Committee expressed concern about the use of boats on various lakes after they have been exposed to the HAB - harmful algae bloom. Paul Zarillo, from the Greenwood Lake Commission, commented that the HAB could not infect other lakes or water bodies from the boats, and if that were the case, New Jersey boats would have been prohibited from traveling to the New York side of Greenwood Lake. He observed that the conditions that created the HAB outbreak on Greenwood Lake were created in the "perfect storm" conditions.

Open Space Committee: Don Weise reported that he was continuing to research properties for open space that would not significantly affect the tax roles.

Environmental Contamination Issues: Thomas Tamayne was absent and no report was available. The Commission reviewed the NJDEP contamination correspondence listed on the agenda.

Belchers Creek Testing Project: Chairman Sangle advised that, due to the recent HAB (harmful alga bloom) identified by the NJDEP on Greenwood Lake, the Commission would hold off on testing the lower end of Belchers Creek until it was determined that the water was safe to come in direct contact with. He noted that Doug Trainor could test the waters near Belchers Creek by Bald Eagle Village, and Don Weise could collect samples near Pinecliff Lake.

ANJEC Grant Project – Belchers Creek Clean-Up: The Commission discussed the estimates for the boat and equipment purchase with the grant funds, and Chairman Sangle commented that there may be an issue with purchase of a boat from Walmart, so alternate vendors are being researched. The Commission concurred that they need to physically assess the Belchers Creek corridor and have access to maps which would give topography and boundaries, as well as identify the small feeder streams along the creek.

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

NEW OR CURRENT BUSINESS

The Land Conservancy of NJ – The Commission was provided with proposals from The Land Conservancy for updating the Open Space Plan (\$14,000) and for reviewing and researching open space properties (\$12,000). The Commission will review and discuss the

proposals at the next Environmental Commission meeting after the matter is reviewed with the Council at the August 14, 2019 meeting.

Environmental Boardwalk - Update from Bob Jonas – The Commission reviewed the update from Bob Jonas on the condition of the Environmental Boardwalk site and the concern he expressed about the invasive plant species. Don Weise noted that there may be a grant for removal of invasive species for West Milford, and reported that the NY-NJ Trail Conference has been involved in doing work on invasive species with the large amount of funding and grants that are available for New York locations. He noted that an invasive species strike force is working north of the border and are using a dog trained to detect invasives and will be ready to begin work once funds for New Jersey are available following an audit.

Environmental Commission Annual Report to the Governing Body – Chairman Stephen Sangle reviewed the matters that would be discussed with the Governing Body at their August 14, 2019 meeting, including the Belchers Creek Corridor Enhancement Project, ongoing testing of Belchers Creek for phosphorous and nitrates, potential path/trails along the Belchers Creek corridor, septic tank monitoring and enforcement, open space and the proposals from The Land Conservancy.

On another matter, Doug Trainor reported that the dam on Pettit Pond by Bald Eagle Village will be replaced. Work will include lowering the water and relocating the fish to the water body across the road. He noted that the pond was subject to the overflow from the sewer plant. The Commission concurred that Princeton Hydro should be alerted since they are conducting testing along Belchers Creek and Greenwood Lake under a grant with the Greenwood Lake Commission.

MINUTES

The minutes from the June 3, 2019 regular meeting of the W.M. Environmental Commission were approved on a motion by Jim Rogers and a second by Doug Ott.

The Commission reviewed the following correspondence items:

CORRESPONDENCE RECEIVED:

Highlands Water Protection and Planning Act Correspondence

1. None.

NJ Department of Environmental Protection Correspondence

1. Response Action Outcome received from Mary Morelli, LSRP, of GZA regarding 1367 Union Valley Road, Block 7508; Lot 16, advising that the remediation of the areas of concern are in compliance with the Administrative Requirements For The Remediation Of Contaminated Sites (N.J.A.C. 7:26C). Scope of Remediation: AOC#9- Three out of service USTs: One 12,000 gal unleaded gasoline UST (E5), one 10,000 gal medium diesel fuel oil UST (E6), and one 10,000 gal unleaded gasoline UST (E7) and no other areas.
2. Receptor Evaluation & Public Notification correspondence and CD, dated July 11, 2019, received from SRG Site Remediation Group, regarding NFL Exxon, 2899 Route 23, Block 15505; Lot 1, NJDEP Case #19-04-04-1113-55.
3. Correspondence received from the NJDEP Division of Dam Safety & Flood Engineering, dated June 27, 2019, regarding the Dam Safety Inspection Report for Apshawa Main and Auxiliary Dams, NJ Dam File Nos. 22-1 & 22-314, advising that the structures were reported to be in Satisfactory condition. Recommendations of the reports and compliance schedules can be implemented, with maintenance/repair work may be undertaken without further approval by the NJDEP.

4. Remedial Action Protectiveness/Biennial Certification Form for Groundwater, dated July 26, 2019, received from Kleinfelder regarding the Former Exxon Facility #32950, 1 Lakeside Road, Block 3504; Lot 3, NJDEP Case #09-07-20-1606-22.
5. Suspected Hazardous Discharge notice received from the NJDEP, dated July 23, 2019, for Suez Water, 1290 Macopin Road, Block 10202; Lot 4, regarding monthly overage for phosphorous at the Highview Acres Wastewater Treatment Plant, with the average monthly value at 3.7 MG/L and the permit level is 2 MG/L.
6. Suspected Hazardous Discharge notice received from the NJDEP, dated July 23, 2019, for Suez Water (Crescent Park), 51 Morris Avenue, Block 9711; Lots 17 & 21, regarding monthly overage for phosphorous at the Crescent Park WWTP. The actual monthly value is 4.3 MG/L and the permit level is 2 MG/L.
7. Suspected Hazardous Discharge notice received from the NJDEP, dated July 16, 2019, for 18 Eagle Rock Road, Block 8802; Lot 37, regarding the removal of one 550 gal #2 HO UST, with clean-up pending.
8. No Further Action notice received from the NJDEP, dated July 11, 2019, regarding 40 Delmont Road, Block 1207; lot 6, for the removal of one 550 gallon #2 HO UST.
9. Response Action Outcome, dated July 15, 2019, received from GZA GeoEnvironmental, Inc. and ELS Environmental, LLC, regarding 225 Oak Ridge Road, Block 16102; Lot 27 & 28, AOC 1: Former pit areas containing debris and ash, and AOC 2: Groundwater, advising that the remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C).

Miscellaneous Correspondence

1. NJ Planning Association Newsletter – May-June 2019.
2. HEPSCD certification of a soil erosion and sediment control plan, dated June 18, 2019, received for Marla Lemonik, regarding “Lemonik Pool and Shoreline Restoration”, 38 Somerville Road, Block 3013; Lot 1, with certification valid for 3.5 years.
3. HEPSCD certification of a soil erosion and sediment control plan, dated June 11, 2019, received for Richard J Kernan, regarding “Kernan Vista 2 Dwellings”, 33 & 37 Vista Road, Block 7616; Lots 2 & 3, with certification valid for 3.5 years.
4. Right Tree–Right Place Seminar, NJ Tree Foundation, 08-23-19, Old Bridge NJ, reserved seating.

PUBLIC COMMENTS – Councilwoman Marilyn Lichtenberg was present for the meeting and commented that the information about septic systems is in the Township’s computer system, although emails should be included on the septic applications to make noticing a simpler process. She noted that there are insufficient staff to inspect all the systems for compliance, and as a realtor, she is aware that the pumpers do not always return the forms back to the Health Dept., so sometimes there is no record of pumping activity.

ADJOURNMENT

With no further business to come before the Environmental Commission, the August 5, 2019 regular meeting was **adjourned** at 8:30 p.m. on a **motion** by Jim Rogers and a **second** by Tim Dalton.

Approved: October 7, 2019

Respectfully submitted by

Tonya E. Cubby, Secretary