

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

September 10, 2018

The September 10, 2018 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:04 p.m. with a reading of the Legal Notice.

ROLL CALL

Present: Tim Dalton, David Ofshinsky, Douglas Ott, Thomas Tamayne, Don Weise, Chairman Stephen Sangle, Clint Smith (Alt #1), Douglas Trainor (Alt #2).

Absent: Jim Rogers.

Chairman Stephen Sangle asked Clint Smith to sit in for Commissioner Jim Rogers and advised that there was a quorum for this meeting.

PRESENTATIONS – None.

GRANT MANAGEMENT AND STATUS REVIEW

NJDEP NNL \$620,197.00 Reforestation Grant Project: Chairman Sangle reviewed the NNL Grant status and advised that the final amounts on the invoices had been verified by the Township Treasurer following a meeting with representatives of the Commission, the Township Treasurer and the Township Administrator. He reported that a letter was sent by the Township to Ron Farr to approve and sign, confirming that the invoices and amounts to be paid to both him and to Fullerton Grounds Maintenance were correct. Chairman Sangle noted that over \$10,000+ of the trees planted were not accepted by the State, which included the apple trees planted by the Wallisch property and the trees that were removed by contractors working on other projects for the Township. Based on the calculations verified by the Township Treasurer, Fullerton was to receive \$289, 707.71 in 2018 and 10% retainage in one year if all the trees survive. Tim Dalton observed that one of the issues with the State was the undersized caliper of the trees that were planted, which was contrary to the specifications in the grant contract. Chairman Sangle noted that he was not sure about the process for the re-inspection, and whether Mr. Farr will be involved. Mr. Dalton stated that the responsibilities were all laid out in the bid documents, which specified that all of the nurse stock was supposed to be hand selected by Mr. Farr, the project manager, and he was required to supervise all plantings, which apparently had not occurred with all of the plantings. The Commission briefly discussed the other factors that resulted in delays on the project including the State withholding approval of the original planting plan. Following discussion, Chairman Sangle requested that this item be removed from future agendas.

APPLICATIONS FOR REVIEW

JANET LITTLE

Bulk Variance #ZB-07-18-09

Block 12901; Lot 11

285 High Crest Drive; LR Zone

Seeking: Bulk Variance approval to construct a hobby greenhouse over an existing shed, with variance for a side yard setback where 30' is required, 23.5' exists, and 20' is proposed.

The Commission reviewed the above referenced application and copy of the Bulk Variance plan prepared by the applicant. Following their review, the Commission advised that there did not appear to be any apparent issues of environmental concern.

MARTIN KOWALCZYK

Bulk Variance #ZB-07-18-07

Block 4401; Lot 14

833 East Shore Rd.; LR Zone

Seeking: Bulk Variance approval to construct a two-story garage for parking and storage in the front yard, and bulk variances for side and rear yard coverage, where 3% is required and 4.9% is proposed, and side yard setback where 10' is required and 8' is proposed.

The Environmental Commission reviewed the above referenced application and copy of the Bulk Variance plan prepared by Rigg Associates, dated May 31, 2018. Following their review, the Commission advised that since the applicant is increasing the impervious coverage, the applicant should consider installing rain barrels to minimize the stormwater runoff.

ON GOING BUSINESS

Greenwood Lake Commission: Commissioner Clint Smith inquired if the Greenwood Lake Commission received notification about Board applications, especially if it affected the lake, and the Secretary advised that they are notified of all applications with the plans available for review in the Planning Dept. Mr. Smith was not sure that there was anyone on the GWL Commission who was qualified to review the plans, but they feel that their Commission should be advised of any proposed work around GWL. Doug Ott noted that the Board public hearings have testimony with qualified engineers to review the proposed projects. Chairman Sangle observed that if they receive notification, it is up to one of the members to review the file or attend the hearing to make any inquiries. With regard to work on the stump removal project on GWL, Clint Smith reported that the contractors came from Georgia and successfully located and removed the stumps.

Shade Tree Committee/Community Forestry Mgt. Plan: Commissioner Tim Dalton advised that he spoke to the Township Administrator and is waiting to hear back from the DPW Supervisor, Ed Steines, to review the Community Forestry Management Plan. The new CFMP plan is due in February 2019 and there are several items that need to be amended and updated. Chairman Sangle requested Doug Trainor to assist Tim Dalton with getting the information required for the new CFMP.

Open Space and Lakes Committee: Chairman Sangle noted that there were no new open space properties being considered at this time. He reported that Wallisch Farmstead received a grant from the County for work on the site. Don Weise reported that Carl Richko was the new Chairman of the Highlands Council and he would like to invite him to the October 1, 2018 Commission meeting. Doug Trainor suggested that the Lakes Committee reps be invited to attend. It was suggested that one or two Lakes Committee members attend and be prepared with a few questions for the end of the presentation, but it should not detract from our meeting with the Highlands reps. Mr. Trainor noted that the Lakes Committee are inquiring about the Highlands proposing to work with private lakes. Chairman Sangle suggested that they plan to meet with the Highlands Council themselves to discuss the proposed grant.

Environmental Contamination Issues: Mr. Tamayne reported on five environmental contamination issues that were brought to his attention. These items were listed under correspondence on the Commission's agenda.

Green Team–Sustainability Committee: Chairman Sangle advised that there was nothing new to report on this matter at this time.

NEW BUSINESS

Chairman Sangle noted that the Green Meadow Organics application was scheduled for a special meeting on October 15, 2018 at 7:30 at the West Milford High School. He advised that after

reviewing the plans several times, the details are still not clear, but from what he understands, they will be transporting the food waste as a form of slurry and mix that with wood mulch to create a high quality mulch. Following a brief discussion, Chairman Sangle suggested that anyone who was interested in the application should attend the meeting to hear the testimony. He observed that when the Commission reviewed the plans, the main concern was the proposed concrete recycling and the potential for runoff into the adjacent streams, as well as the significant number of truck traffic that would result from this business.

On another matter, Tom Tamayne discussed an email received by the Commission regarding the temperature increase on the Pequannock River. He inquired whether a monitor can be installed, and expressed concern that the NJDEP was not notified of the temperature increase. Doug Trainor commented that this was something that Ross Kushner would be able to address. Mr. Tamayne requested that it be suggested to Newark that they install an actuator for monitoring the water.

Belchers Creek Testing Project/Belchers Creek Clearing Project: Clint Smith noted that studies on the quality of water in Belchers Creek have been occurring since the 1940's and suggested that if some of the debris is removed, the flow will increase. He advised that Tim Dalton prepared a proposal for clearing debris from Belchers Creek and requested that the EC review and send their comments to him. Mr. Smith noted that essentially the project will include several people in a boat and it will be kept as simple as possible. As for the current conditions, the water is higher than normal. He observed that all the people who have been approached about this project have given positive feedback, and stressed that he was not proposing that the Commission do the work itself, but others would perform the physical work. Tom Tamayne commented that there were other entities that may need to provide permission before any work is begun, especially when liability is taken into consideration. Tim Dalton stated that it was on his list to determine who the responsible parties are with regard to the properties along Belchers Creek since jurisdiction is paramount. The Commission briefly discussed the ownership of the lake bottom.

With regard to the Belchers Creek Testing project, Doug Trainor reported that his readings were .03 for phosphates and Dave Ofshinsky reported that the readings were .2 for Belchers Creek just beyond the Crescent Park treatment plant. He will determine what the allowable limits are. The nitrate reading was 6.8. Tom Tamayne noted that it will be interesting to find out the allowable limits. Chairman Sangle asked that information on the allowable limits be emailed to the Commissioners, and observed that the weather conditions should be noted in the data, including the number of inches of rainfall that we received during each month that the testing is conducted.

On another matter, Chairman Sangle suggested that Rick Buchtman be invited back to a Commission meeting in the Spring to do a presentation on the Emerald Ash Borer and the Spotted Lantern Fly that can be taped for WM77TV for all the residents to view.

MINUTES

The minutes from the May 7, 2018 regular meeting of the West Milford Environmental Commission were **approved** by the Commissioners who were present at the meeting on a **motion** by Tom Tamayne with a **second** by Dave Ofshinsky.

CORRESPONDENCE RECEIVED

The following correspondence items were reviewed:

1. Highlands Applicability Determination application submitted by Dynamic Engineering on behalf of Kingwood Flex, LLC regarding Block 6401; Lots 1 & 3, 1592 Union Valley Road/New Jersey Avenue, requesting an Exemption #4 for building improvements proposed for a Doller Tree retail store and associated site improvements at an existing mixed use retail, office and apartment building site. Project will include modifications to the existing building, lighting, landscaping, grading, walkways, driveways, utilities, parking, and associated items.

NJ Department of Environmental Protection Correspondence

1. Correspondence from the NJDEP, dated August 6, 2018, to the City of Newark Dept. of Water & Sewer Utilities, regarding Cotter's Brook Diversion Dam, NJ Dam File No. 22-39, advising that the Dam will remain classified as a Class III low hazard dam, with sufficient spillway capacity to safely pass the 100 year, 24 hour Type III storm event. In addition to regular inspections every four years, maintenance activities and update of the Maintenance Manual should proceed.
2. NJDEP Flood Hazard Area (FHA) General Permit #6 and FHA Verification, dated August 9, 2018, regarding 38B Lexington Lane, for the total permanent disturbance of 3,644 s.f of riparian zone vegetation for the construction of a single family dwelling, associated driveway, garage, well and septic partially in the riparian zone of the Sawmill Pond Brook.
3. Suspected Hazardous Discharge notification from the NJDEP, dated August 4, 2018, regarding 203 Stephens Road, Block 15001; Lot 5, and the removal of one 2000 gallon non-regulated UST, with clean-up pending.
4. Suspected Hazardous Discharge notification from the NJDEP, dated August 5, 2018, regarding the Clinton Road area and Tennessee Gas Pipeline, for the venting of an 8-inch and 24 inch gas line for maintenance.
5. NJDEP No Further Action notification, dated August 3, 2018, regarding Block 8201; Lot 16, 1895 Macopin Road, for the removal of three 1000 gallon and one 550 gallon #2 H.O. UST.
6. NJDEP No Further Action notification, dated August 23, 2018, regarding Block 8802; Lot 8, 50 Sweetman Lane, for the removal of one 550 gallon #2 H.O. UST.
7. NJDEP No Further Action notification, dated August 30, 2018, regarding Block 15001; Lot 5, 203 Stephens Road, for the removal of one 2000 gallon #2 HO UST.

Miscellaneous

1. HEPSCD certification of a soil erosion and sediment control plan for Block 6101; Lot 26, 46 Moore Road, regarding a single family dwelling demolition and rebuild.
2. ANJEC Environmental Congress – 10/12/18, Mercer County College.

PUBLIC COMMENTS – None.

ADJOURNMENT

With no further business to come before the Environmental Commission, the September 10, 2018 regular meeting was **adjourned** at 8:30 p.m. on a **motion** by Dave Ofshinsky and a second by Tom Tamayne.

Approved: December 10, 2018

Respectfully submitted by

Tonya E. Cubby, Secretary