

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

SEPTEMBER 12, 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, Thomas Tamayne, Alternates Maryellen Gabay and Lucas Slott, Chairman Stephen Sangle.
Absent: Timothy Metcalf.

Alternate member Luke Slott was asked to sit in for absent Commissioner Timothy Metcalf. Also present were Councilmen Joseph Smolinski and Michael Ramaglia, in addition to Renee Allesio.

PRESENTATIONS

Aerobic In-Vessel Food Composting Technology – Dr. Nicholas Smith-Sebasto of FOR Solutions, LLC was present to provide information on the aerobic in-vessel food composting technology. He quoted statistics and gave examples about food waste and what is being accomplished by means of recycling, composting, and harvesting the waste as a recoverable natural resource. He reviewed the science behind the breakdown of the food scraps in the landfills, and how they may not decompose as expected. Dr. Sebasto presented details to the Commission about the food composter that is being utilized at Kean University, which processes approximately 1000 lbs of food scraps per day with a unit that initially cost \$100,000. He described how the food scraps are mixed with wood chips (at a ratio of 4 lbs of food scraps to 1 lb of wood chips), resulting in organic fertilizer in 5 to 7 days that is used in the gardens on the campus. Dr. Sebasto reviewed the economics of landfills and discussed the byproducts, noting that mining of landfills for the nutrients may be a future industry. He commented on the increased population with a corresponding decrease in soil nutrition and a decrease in food supplies. Dr. Sebasto reviewed the cost of municipal garbage collection and provided figures on the approximate amount of food scraps that find their way into the landfills (14.4%) and the landfill fees for New Jersey residents, which is 23% higher than the national average. He provided an explanation on the process involved with the aerobic in-vessel food composter, noting that the microbes create heat, which help to decompose the scraps as the machine rotates each hour with an injection of air, and advised that several towns have shown interest in the unit. Gary Oppenheimer commented that logistics may be an issue, and Dr. Sebasto replied that other countries and cities are already using this technology with much success. Tom Tamayne observed that it might be beneficial to focus on larger producers of food scraps, such as schools. The Commission discussed the potential use of this technology in West Milford, and various means to collect and store the schools' food scraps for processing, as well as residential food scraps, which would be brought to a centralized location for processing. It was noted that West Milford already has a recycling facility and it could potentially accommodate a composting unit, although the high price of the units was a major factor for the Township. Regarding an inquiry about bacteria, Dr. Sebasto commented that weed seeds and pathogens are a problem unless enough heat is generated, but 140 degrees will address this, adding that E-coli and staph would generally not be present in the food scraps that would be processed. He stressed that nutrient soil is essential to sustainability, and the use of food composters would provide a means for producing a viable solution to the depletion of the nutrients while addressing the shrinking landfill space and increased haulage costs. Upon conclusion, the Commission thanked Dr. Smith-Sebasto for his informative presentation.

APPLICATIONS REVIEW

JACK LEVKOVITZ (VILLAGE ON RIDGE) Section II

Amended Final Major Subdivision #0510-1744C

Block 5201; Lots 16, 19 & 20; Block 5301; Lot 1; R-3

Ridge Road; R-3 Zone

Seeking: Extension of Time for Amended Final Major Subdivision Approval and several associated conditions due to delays in securing other governmental agency approvals required per Planning Board Resolution No. 2010-20.

The Commission reviewed the time extension request for Jack Levkovitz and had no concerns about granting the extension provided that there were adequate water supplies for this development, that it would not adversely affect the aquifer, and that the applicant could verify to the NJDEP, Township, and residents that there was a sufficient water supply to service the proposed and existing residential development.

TRIPLE T CONSTRUCTION, LLC

Preliminary Site Plan #PB-03-11-01

Block 6002; Lot 29

280 Marshall Hill Road; LMI Zone

Seeking: Preliminary & Final Site Plan and Conditional Use Approval to permit the outdoor storage of boats.

The Commission reviewed the request for site plan approval specifically for the outdoor storage of boats for Triple T Construction and had the following comments: The Commission inquired about the use of shrink-wrap for the boats and requested that if it is used, that it be recycled. They also inquired if mechanical work would be performed on the boats during storage, which could result in petroleum and other harmful products leaking onto the parking area.

TIM BOLDUC

Bulk Variance #ZB-08-11-12

Block 9408; Lot 3

48 Alvin Road; R-3 Zone

Seeking: Bulk Variance approval for a side yard setback where 15' is required and 2' is proposed to permit a 12' x 16' shed.

The Commission reviewed the above referenced application and had no environmental concerns about the proposed shed construction.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OWTS Grant and 2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: The Secretary was requested to contact Dr. Fred Lubnow to inquire when he would be attending another Commission meeting. The Commission discussed the remaining funds that were available from the 319H grants and it was noted by Chairman Sangle that Dr. Lubnow was attempting to get NJDEP approval for several more projects to utilize the remaining grant funds.

Streetscape Grant: Nothing at this time to report.

Recreational Trails Signage Grant: Doug Ott reported that the project was moving along slowly. Gary Oppenheimer commented that he was biking along Clinton Road recently and that the sign/kiosk was in good condition.

2010 Smart Growth Planning Grant - Trails Master Plan: Doug Ott reported that, in speaking with Bob Jonas of the NY/NJ Trails conference, an attempt had been made in the past by Rob Sparkes to coordinate the hiking and biking trails, but he was unsuccessful in reaching an accord with both entities. Luke Slott reported that work is ongoing in getting the trails mapped out. Chairman Sangle suggested that the bike trails be separate from the hiking trails. Doug Ott advised the Commission that JORBA (Jersey Off Road Bicycle Association) had already prepared detailed maps of biking trails that can be utilized in the Trails Master Plan.

ON-GOING BUSINESS

Lakes Committee: Andy Abdul reported that the Lakes Committee did not have a meeting the previous month.

Open Space Subcommittee: Doug Ott had nothing new to report on this matter. Councilmen Smolinski and Ramaglia requested that a memo be sent to the Township Council with a packet of information on the properties that the Commission had previously recommended for open space acquisition that would complete the approved Greenways plan.

Environmental Contamination Issues: Tom Tamayne had nothing new to report, adding that the data he receives from the Health Dept. is based on DEP files and notifications.

Green Team – Sustainable Jersey: Renee Alessio reported that she hoped that the Township would receive Sustainable Jersey certification soon. She explained to the Commission that West Milford had more ordinances and had accomplished more than what Sustainable Jersey had developed or been prepared for in the program. She noted that there was an upcoming seminar on the Animals in the Community grant program in October that should have a representative attending on behalf of the Animal Shelter and/or Township. Ms. Alessio commented on the feral cat ordinance that the Township had adopted that is being used as a model by Sustainable Jersey. She was assured that the Township has sufficient points through the sustainable program to be certified. The Commission concurred that communication with the public was essential and recognized the efforts she had put into the certification process.

Updated Commission Website: The Commission requested that the recent waterfowl ordinance be posted by the Secretary on the Commission's website.

Beaver Dam at Environmental Boardwalk: No update available.

Lake Lookover – It was reported that the NJDEP had ceased operation of the pumping and filtering machine that Tennessee Gas Pipeline had installed to remove silt from Lake Lookover until permits had been received and the process had been approved by the NJDEP. Renee Alessio commented that the stormwater runoff and silt damage now involved Lake Lookover and Upper Greenwood Lake. Luke Slott reported that the TGP clearing for the pipeline near Marshall Hill Road already had grass growing on the site, which will help with erosion issues. Chairman Sangle reported that the pipeline had traversed through a golf course in Vernon and no measures seem to have been taken for stabilization of the soil.

Autumn Lights Festival – October 8, 2011: Gillian Hemstead reported that she will be in contact with Dave Stires of Recycling to coordinate their resources and provide educational presentations at the event. Luke Slott commented that the High School Green Team would be doing a presentation about composting.

NEW BUSINESS

Proposed Ordinances and Lake Community Requirements– Ordinance No. 2011-016 – Amending Chapter 110 - Construction Codes

Ordinance No. 2011-017 –Amending Chapter 300 - ISSDS - Chairman Sangle raised the issue of the proposed Lake Community ordinances that require notification of Lake Community organizations whenever any construction is proposed by residents of lake community organizations. He commented that there should have been more communication between the Lakes Committee, the Council, the Planning Board, and the Commission, adding that the Lake Community organizations were justified in their concern about the lakes, but that the local regulations and codes were restrictive and posed a hardship on the lake community residents. Gillian Hemstead observed that she understood the intent of the ordinance, but noted that compliance may be difficult for many who rely on volunteers to operate the organizations. Councilman Smolinski addressed the Commission, noting that the ordinances were not introducing anything new, and that a similar ordinance had been approved by the Council several years prior, adding that the Council may not necessarily be supporting the ordinances. Andy Abdul provided some information as to why the Lakes Committee had requested the ordinances, noting that when a permit is issued for construction around a lake, the community wanted to be notified. Following discussion, the Commission had the following comments for the Township Council:

- The Commission considered the ordinances to be unduly prejudicial to the lake community residents.
- The Commission concurred that the ordinances added another layer of bureaucracy to the permitting process.

- The Commission was concerned that many of the lake associations do not have staff to address the permit notification in a timely manner, which may delay the permitting process, resulting in a hardship on the lake community resident seeking a construction or septic permit.
- The Commission felt that there were sufficient codes and regulations currently in place to discourage violations that could affect water sources and bodies of water.
- A Commissioner questioned the legality of the ordinances, and noted that lake associations do not have control over land use in their communities.
- A Commissioner noted that many of the lake residents do not join lake associations, although an association may exist, and questioned whether they would be bound by the ordinances.
- The Environmental Commission liaison to the Lakes Committee acknowledged that the Lakes Committee was merely seeking a uniformity of the notification process by means of the ordinances.

The Environmental Commission requested that the Township Council delay the adoption of these ordinances until such time that they can be reviewed by the Planning Board at their regular meeting on September 22, 2011, and the concerns of the residents, Boards and Commission are adequately addressed.

Wallisch Estates – Contamination and Soil Testing - Chairman Sangle reported that he had spoken with the Township Administrator about the contamination at Wallisch Estates, and Envirotechnics has been contracted with for mitigation. He suggested increased sampling at various depths, having adjacent wells tested for lead contamination, and suggested that another company, other than the one conducting the mitigation, should recommend the various test sites for sampling. The Commission discussed the possible source of the lead contamination, and one suggestion was that it might have resulted from the uranium on Bearfort Mountain. Andy Abdul observed that lead can come from many sources, adding that the dated outbuildings had paint that would have contained lead, and also the farm machinery would have used leaded gasoline. It was noted that the history of the site would be needed to assess the possible sources.

NJ Black Bears Video Review – Chairman Sangle reported that he, Tim Metcalf, and Doris Aaronson had viewed the NJDEP Black Bear video and a presentation is scheduled for the following Thursday at the Pinecliff Lake Clubhouse. The Commission concurred that training on bears needed to begin early in the schools. Doris Aaronson commented that black bears are territorial and it was necessary to get to them before they claim their territory.

2012 Meeting Dates – The Secretary was requested to provide the dates to the Commission via email. There was a suggestion that the July 2 meeting be rescheduled for July 9 due to the possible conflict with the 4th of July.

MINUTES

The Minutes of the May 2, 2011 Regular Meeting of the West Milford Environmental Commission were **approved** by unanimous consent on a **motion** by Douglas Ott and a **second** by Gillian Hemstead.

The following documents were reviewed by the Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notice of Administrative Completeness for a Highlands Applicability Determination received from the NJDEP, dated August 3, 2011, for Destiny's Gate, People Helping People Help Themselves, Block 5301; Lot 39 & 40, Morsetown Road, advising that this application will now be under technical review for proposed renovations to a camp, installation of a new pool, parking and other facilities.
2. Highlands Act Exempt-#2, Water Quality Management Plan–Consistent, dated August 15, 2011, received for Shoebox Storage LLC, Block 16005; Lot 16, Paul Street, for construction of a 5-bedroom single family dwelling and removal of existing wood buildings and bituminous pathways.
3. Notice received from the NJDEP, dated August 15, 2011, advising of an informal review to determine consistency with the provisions and recommendations of the Northeast Water Quality Management Plan, (Informal Consistency Determination-Not Addressed) regarding a proposal to change the use of an

existing structure located on Block 5708; Lot 4, 54 Marshall Hill Road, from a retail space to a restaurant space for Joe and Gail Van Hook.

4. Copy of an application packet for a Highlands Applicability Determination sent to the NJDEP, dated August 8, 2011, received from CK & Sons, LLC, for 909-911 Burnt Meadow Road, Block 6002; Lots 41, 42, 43, submitted as a requirement of Planning Board site plan approval with reference to an existing storage site for heavy construction equipment.

5. Notice received August 2, 2011 from AECOM advising of an application for an Amendment to the Existing Highlands Exemption for the Tennessee Gas Pipeline 300 Line Project – Loop 325 and Addition of the Northeast Upgrade Project – Loop 325.

6. Highlands Act – Exemption #11 and WQMP–Not Addressed, dated September 1, 2011, received for PSE&G Co. – BPU Vegetation Maintenance Compliance.

7. Highlands Act – Exemption #2 and WQMP–Consistent, dated September 2, 2011, received for Cefes Single Family Dwelling, Block 1806; Lot 4, Magnolia Road, for the construction of a three bedroom dwelling on a .206 acre lot.

8. Highlands Act – Exemption #2 and WQMP–Consistent, dated August 18, 2011, received for Paul Kas, Lukoil Site Plan, Block 6701; Lots 8 & 9, 1910 Union Valley Road, for modifications to an existing gas station, including expansion of the parking area, conversion of a service bay into a convenience store, and construction of a canopy over the existing pumps.

9. Notice of an application for a Highlands Applicability Determination for Joan DeFreest, Block 4016; Lot 1, 195 Awosting Road, regarding abandonment of an ISSDS, and connection to existing sanitary sewer system.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Copy of a General Information Notice received August 2, 2011 as part of the NJDEP Site Remediation Program, advising of cessation of an existing business, MCB Screen Printing and Embroidery at 2887 Route 23, Block 15505; Lot 2.02.

2. Notice received on July 29, 2011 from LAN Associates regarding an application being submitted to the NJDEP for a Flood Hazard Verification for 31 Morsetown Road, Block 5009; Lot 8, with reference to construction of a septic alteration with no expansion or change of use.

3. Notice of Violation received from the NJDEP, dated July 25, 2011, for Tim Birkoff, 470 Ridge Road, Block 5501; Lots 2.03 & 2.04, for unauthorized regulated activities within a freshwater wetlands transition area including destruction of vegetation and placement of soil and asphalt millings within this area and within the 150 ft riparian zone associated with a tributary to Belcher Creek.

4. Copy received on August 11, 2011 from MAP Engineering regarding an application to the NJDEP for a GP#25 for 89 Lincoln Avenue, Block 6607; Lot 5, for an alteration to an existing malfunctioning septic system.

5. Copy received August 8, 2011 from Houser Engineering, LLC regarding an application to the NJDEP for a GP#25 for 101 Lincoln Avenue, Block 6606; Lot 4 with reference to an upgrade of an existing septic system with a new pump tank and pressure dosed disposal bed.

6. Application copy received August 15, 2011 for an NJDEP General Permit for Lindy's Lake Association, for the emergency repair of the upstream slope of the Lindy's Lake Dam in accordance with the NJDEP Dam Safety Standards, due to the failure of the upstream stone masonry retaining wall that failed in March 2011 requiring replacement with a rip rap slope.

7. Notice from AECOM received August 9, 2011 advising of submission of a Clean Water Assurance Certification Form to the NJDEP to conduct hydrostatic testwater discharge activities for a segment of natural gas pipeline associated with the Tennessee Gas Pipeline 300 Line Project with temporary discharge activities to occur on or after August 17, 2011 at the Monksville Reservoir for approximately 4 hours, at a rate of 488,000 gallons at 2,000 gpm. This process will assist in certifying that the new pipe will be capable of operating at a specific pressure prior to placing in service.

8. Notice received August 15, 2011 from AECOM regarding the Tennessee Gas Pipeline project, and submission to the NJDEP of a Response to Action Outcome for a Remedial Action for Unrestricted Use on Union Valley Road, Block 6402; Lot 7 (Belchers Creek) advising that all remediation has been completed in compliance with Administrative Requirements for the Remediation of Contaminated Sites and completion of a Preliminary Assessment.
9. Notice received from the NJDEP, dated July 28, 2011, advising of a Minor Modification #7 for the Freshwater Wetlands Individual Permit and Individual Flood Hazard Area Permit, File #0000-09-0038.1 regarding the TGP 300 Line Project and a proposed shift in the location of the pipeline within the existing approved limit of disturbance at Bearfort Waters near Clinton Road.
10. Notice received from the NJDEP, dated August 3, 2011, advising of a Minor Modification #8 for the Freshwater Wetlands Individual Permit and Individual Flood Hazard Area Permit, File #0000-09-0038.1 regarding the TGP 300 Line Project and Bearfort Waters, allowing Special Condition #23 to be waived in order to limit the construction time within Bearfort Waters, and imposing additional conditions with the waiver for storage of equipment, fuel, and other associated precautionary measures with regard to turbidity in the lakes and streams.
11. Follow-up Notice of Violation, dated July 11, 2011, received from Armand Perez, NJDEP, regarding Igor Kordik, Block 1005; Lot 2, 67 Hanover Road, for placement of soil and a boulder retaining wall in 2,250 square feet of freshwater wetlands adjacent to Sawmill Pond Brook. Action required within 30 days of the date of the letter.
12. Notification of Public Outreach with regard to Block 14604; Lot 1, Rt. 23 & Union Valley Road, received from MOTIVA Enterprises, LLC regarding an investigation to determine the presence or absence of petroleum related constituents at a former gas station.
13. Notice dated August 10, 2011 from Ferriero Engineering, Inc. regarding the submission of a Treatment Works Approval Permit Application to the NJDEP for the West Milford Municipal Complex, Block 7903; Lot 13, 1480 Union Valley Road, and the construction of a new ISSDS for the proposed new library and an existing dwelling.
14. Response Action Outcome, received August 29, 2011 from TERMS Environmental Services for MCB Screen Printing & Embroidery and Village Square Inn, Village Holdings, LLC, at Block 15505; Lots 2.01, 2.02, 2887 & 2991 State Hwy 23, regarding a remediation at the site that included preliminary assessment, site investigation, remedial investigation, and remedial action in accordance with NJAC 7:26C-6.2(c).
15. Notice from AECOM, dated August 26, 2011, advising of a submission for Tennessee Gas Pipeline of a Clean Water Assurance Certification Form to the NJDEP to conduct hydrostatic testwater discharge activities for a segment of the natural gas pipeline associated with Loop 325 of the 300 Line Project, with temporary discharge activities to occur on or after September 6, 2011 in West Milford Township.
16. Public Notification received September 6, 2011 from GES Services for Petro Two, Block 5701; Lot 3, 4 Marshall Hill Road, regarding an investigation for environmental conditions at the former Exxon Service Station.

CORRESPONDENCE

1. Notice from Passaic County Planning Board, dated July 28, 2011, advising that their approval of the site plan submitted for Esco Products, 171 Oak Ridge Road, Block 15901; Lot 7, was being withheld pending receipt of additional documents including a deed for portion of driveway in the county's right of way, a positive drainage plan, revised plans eliminating eastern driveway due to sight distance issues, written confirmation that West Milford does not require curbs or sidewalks along Oak Ridge Road, revised plans for planter that is encroaching on the right of way and existing building sign, copy of Highlands Applicability Determination, electronic version of the plans in PDF format.
2. Notice received September 9, 2011 from Rutgers Office of Continuing Professional Education advising of Wetlands Delineation Certificate Series and various other environmental training classes.

3. Notice from ANJEC received September 9, 2011 regarding the 38th Annual Environmental Congress on October 15, 2011 from 8:15 to 3:30 at the Brookdale Community College in Lincroft, NJ, \$60. for ANJEC members, \$70. for non-members.
4. Notice received on September 6, 2011, from John Wyckoff, P.E. of New Jersey Natural Gas, that revised USGS maps outlining the approximate location of pipelines are available. Maps of the Newfoundland and Waywayanda Quadrangles are on file in the Township Clerk's office. Additional information may be obtained by contacting Mr. Wyckoff at New Jersey Natural Gas.
5. HEPSCD Recertification notice received on September 6, 2011 for: 1) Oberer Single Family Residence & Septic Installation, Block 14201; Lot 14, 350 Germantown Road, to expire on January 29, 2015; 2) Carpignano Single Family Dwelling, Block 14601; Lot 10, 15 Union Valley Road, to expire on February 10, 2015; 3) West Milford Bikeway Section 3, Westbrook Road, to expire on February 22, 2015.
6. Notice received from the NJ Shade Tree Federation regarding the 86th Annual Conference on October 21 & 22, 2011 in Cherry Hill, NJ.
7. Copy of a letter from Mayor Bettina Bieri to Robert Goulding of the EPA outlining her objections to the proposal of a sanitary sewer system in West Milford to replace a failing system operated by the West Milford M.U.A.

PUBLIC COMMENTS

There was no one present who wished to address the Commission on any matter of concern.

ADJOURNMENT

With no further business to come before the Commission the meeting was **adjourned** at **10:20 p.m.** on a **motion** by Chairman Stephen Sangle and a **second** by Maryellen Gabay.

Approved: December 12, 2011

Respectfully Submitted,

Tonya E. Cubby, Secretary