

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

SEPTEMBER 14, 2009

The regular meeting of the Environmental Commission of the Township of West Milford, was called to order at 7:39 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Douglas Ott, Bernie Stapleton, David Watson-Hallowell
Chairman Stephen Sangle, Alternate Gary Oppenheimer.

Absent: Gillian Hemstead, Timothy Metcalf, Alternate Maryellen Gabay

Chairman Sangle requested that Gary Oppenheimer sit in for absent Environmental Commission member Timothy Metcalf.

APPLICATIONS

MICHAEL J. HOEK

Minor Site Plan #PB-05-09-01

Bulk Variance

Block 7903; Lot 12

1468 Union Valley Road; VC Zone

The Planning Board approved this application on August 27, 2009 for a minor site plan with variances, subject to conditions. The Commission reviewed the proposed site plan and concluded that there was no apparent negative environmental impact. There were possible ADA concerns with accessibility, but the Chairman was advised that the majority of the business would be off-site, with one employee using the studio/office for digital photography development.

VINCENT LANZA

Use Variance #ZBO-07-09-05

Block 9501; Lot 12

1383 Macopin Road; R-3

A Use Variance to permit a restaurant with country inn and a country store was granted by the Zoning Board of Adjustment subject to satisfying all the conditions of the subdivision and site plan approval from the Planning Board. The Commission was concerned with the parking lot and lighting and did not want adjoining neighbors to be negatively affected. Douglas Ott commented that the parking and lighting concerns had been addressed by the Planning Board during the subdivision and site plan hearings.

HECTOR ROJAS

Use Variance, #0840-0818

Block 11102; Lot 6.03

850 Westbrook Road, R-4 Zone

Seeking: Use Variance to convert 3-car garage to a residence for applicant's parents.

Hearing Date: September 22, 2009

The Environmental Commission reviewed the Use Variance application for Hector Rojas, 850 Westbrook Road with the applicant, Hector Rojas, and builder, Jack Levkovitz, of the subject premises. The Commission was advised that there would be no additional impervious cover, no change in the footprint, and that the proposed addition would consist of removal of the garage roof and a second story added. The Commission inquired about the septic and the possibility of enlarging it if required. Mr. Levkovitz advised that there was room for expansion of the system if required by the Health Department. The Commission concluded that there appears to be no disturbance, but that all Health Department conditions should be met.

Miscellaneous

Jack Levkovitz inquired about the status of the windmill ordinance. Bernie Stapleton replied that it had been forwarded to the Planning Board ordinance subcommittee in August. Mr. Levkovitz advised that he

wanted to install a 30-kilobyte windmill. It was noted that the matter has been referred to the Planning Board for review and recommendation. Chairman Sangle advised Mr. Levkovitz that if we receive any comments from the Board, Bernie Stapleton would contact him.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant and 604(b) OTWS Grant: The Chairman advised that Gillian Hemstead was out of the state but would be providing an update on the 319H grants through a conference call. Ms. Hemstead advised the Commission that Fred Lubnow of Princeton Hydro had notified her that they were going to have the BMP's installed, but the bioretention swale on the county road would have to wait because there are issues that need to be resolved. Fred Lubnow will have the bid specs published for the BMP drains, so that work can be done before the winter. Ms. Hemstead also spoke to Fred Semrau, Township Attorney, and he reviewed the bid specs, and these were returned to the Administrator. The bid specs will be coordinated between the Administrator, Township Engineer and the Township Clerk. She reported that the time line is that bids should go out the end of September, with work completed before the winter. Fred Lubnow sent a memo on this matter, and also advised Pat Rector. Ms. Rector has approved this to go forward. Chairman Sangle commented about the funding being in jeopardy, and Ms. Hemstead said that it would not, and that Ms. Rector is "on board" with the efforts to get this project completed. Ms. Hemstead advised that she would contact the Township Administrator about providing the bidding information to the Township Clerk, and have him follow up with the Township Engineer. Douglas Ott commented about the swale on Greenwood Lake Turnpike that was supposed to be a grass swale, but it had inadvertently been paved over by the County.

Streetscape Grant: No update at this time.

Urban Forestry Grants: Nothing to report.

ON GOING BUSINESS

Community Forestry Plan: Nothing to report.

Lakes Committee: Andrew Abdul reported that he went to the Lakes Committee meeting on the scheduled date and time and there was no meeting taking place in the main meeting room.

Wetland Mitigation Project: Nothing to report at this time.

Open Space Subcommittee: Chairman Sangle advised that the Township is proceeding in the direction of where they want to go and how, so for now, the Commission does not need to do much with this matter until the purchases are complete. When more money becomes available and there is a need for more property for open space, the Commission will become more active again.

Renewable Energy Subcommittee: It was reported that the draft wind turbine ordinance was sent to the Planning Board for review.

Sustainable Jersey: David Watson-Hallowell reported that Renee Alessio has continued to seek out members for the Green Team , and hopefully this will done by the end of September. In partnership with the Township, Sustainable West Milford submitted a letter of intent to the DEP for \$130,000. in grants for greenhouse gas reduction program. They focused in the areas of strengthening the local economies, outreach and education and also the trails master plan that had originally been submitted to ANJEC. He advised that notification should come by the end of September whether they can proceed and submit a full proposal. Each of the projects will help the Township earn points for the Sustainable Jersey program. He also asked the Township Administrator to look into a feasibility design study for the Wallisch property, to see what can be done without causing environmental damage. \$15,000 was the estimated cost for the study. He advised that providing for parking was the initial focus, with the expansion of the community garden as another objective. Some of the ideas suggested for the expanded community garden were leasing land to local farmers, organic farming, school programs that would provide local produce to school cafeterias, and agricultural training to students. Mr. Hallowell also reported that 1223 people attended the most recent Farmer's Market held at Our Lady Queen of Peace parking lot. He also advised that the hours will change to

2 to 6 pm and will run until October 28. Andy Abdul commented about an alternative to impervious cover for a parking lot, and referred to one in Caldwell, NJ that he drove on recently. He said that it looks like concrete, but the grass grows through it. The Commission briefly discussed this concrete and grass alternative, and noted that it worked well for stabilization. Mr. Abdul thought that it may also be installed at the Route 23 and Rt. 287 intersection.

Trails Master Plan: Doug Ott reported that Don Weiss was still working on this project.

OLD BUSINESS

Bernie Stapleton inquired about the contamination at the strip mall on Greenwood Lake Turnpike. Chairman Sangle advised that the Health Department provided an update and has insured that they have been following up on the matter. Doug Ott commented that communication was a major problem with the Environmental Commission not being apprised of issues of environmental concern by the various Township departments. He commented about a recent water issue with Walgreen's septic. The Commission commented about the varied issues with water and springs that are common in the Township. There was consensus that the Commission is not always kept in the "loop" and the Chairman would contact the Administrator about this.

NEW BUSINESS

Beaver Dams at Environmental Boardwalk: Doug Ott reported that the DEP is not the agency responsible for assistance with the beaver controls, but rather the Division of Fish & Wildlife. He also reported that Bob and Estelle Jonas go to the Environmental Boardwalk each day to break down the beaver dams. The Commission discussed the beavers and their perseverance in rebuilding the dams. Mr. Ott reported that the water level is currently below the boardwalk. Chairman Sangle advised that he had requested Dr. Les Lynn to inspect the site, and it was noted that new wetlands vegetation had developed due to the increased water at the site. He also commented that we were waiting to hear back from the NJDEP on the matter.

Autumn Lights Festival: It was reported that Gillian Hemstead and Maryellen Gabay usually man the table at Autumn Lights, and in the past, were assisted by Rob Sparkes and Andy Abdul. The Commission concurred that the bus tours that were organized by Rob Sparkes would not take place this year. Andy Abdul was requested to get DEP and EPA brochures for distribution at Autumn Lights. David Watson-Hallowell suggested that ANJEC be contacted for brochures. Information should be sent to the Environmental Commission's attention at Town Hall.

November 2, 2009 Meeting Change to November 9, 2009: The Chairman advised that he would not be in town on November 2nd for the regularly scheduled Environmental Commission meeting. The Commission voted unanimously to change the regular meeting from November 2 to November 9, 2010. The Secretary was instructed to send the requisite notifications.

Model Highlands Element for Municipal Master Plans: The Commission was asked to review the Draft Highlands Element and forward comments in writing to PlanningBoard@westmilford.org. These comments will be provided to the Township Planner for incorporation into the final Highlands Element for municipal master plans.

Meeting Dates for 2010 Township Calendar – The Commission reviewed the proposed meeting dates and approved them with the following corrections: the year will be 2010, not 2009; July 12, 2010 will be the meeting in July, as July 5, 2010 will be a holiday; and a meeting will be held on February 8, 2010 instead of February 1, 2010 as the Chairman will not be available on the 1st.

MINUTES

The minutes of the July 6, 2009 regular meeting of the West Milford Environmental Commission were approved, with amendments, on a motion by Douglas Ott and a second by David Watson-Hallowell.

The minutes of the June 1, 2009 regular meeting of the West Milford Environmental Commission were approved on a motion by Douglas Ott and a second by Bernie Stapleton.

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

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Letter dated July 31, 2009 from Giordano, Halleran & Ciesla for Tennessee Gas Pipeline to NJ DEP regarding Highlands Exemption for the 300 Line Project – Eastern Alternative, specifically requesting that this alternative project be assigned a separate Program Interest Number and Activity Number than the original primary route for the 300 Line Project that is currently under review for exemption.
2. Notice and application from Dr. Greg Rubenstein for a Highlands Exemption #2 for Block 4201; Lot 12, 49 Lake Park Terrace.
3. Copy of revised plans for a Highlands Determination and Northeast Water Quality Management Plan, dated August 5, 2009, received from Schwanewede/Hals Engineering for Shoebox Storage, LLC, 140 Oak Ridge Road, Block 16006; Lot 1.01.
4. Letter from the NJDEP dated September 9, 2009 to Jack Levkovitz regarding Village on Ridge, Block 5203; Lots 1-14, 19-30; Block 5204; Lots 2-15; Block 5205; Lots 1-9; Block 5202; Lots 1-3 & 6, confirming that the Exemption #3 issued in 2006 was still valid and the CLUE letter issued in February 2009 was rescinded.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Copy of an application dated July 30, 2009 from MAP Engineering for a GP#25 – Septic Alteration, for 119 Apple Lane, Block 16504; Lot 9.
2. Copy of an application from the Township of West Milford with the NJ DEP dated July 29, 2009 regarding miscellaneous erosion remediation and park improvements.
3. Application to the NJ DEP dated July 29, 2009 from John Willekes for 30 Circle Drive, Block 16307; Lot 2 for repair of an existing malfunctioning septic system.
4. Copy of a letter to the NJ DEP Bureau of Underground Storage Tanks regarding SB Petroleum, 555 Warwick Tpk, addressing the deficiencies noted in the DEP's NOD letter of July 9, 2009.
5. NJDEP Child Care Facility Approval letter dated July 20, 2009 received for Circle Time Castle, 65 La Rue Road, Newfoundland, Block 15101; Lot 3.
6. Notice of an application for a GP#25 for Roy and Karen Praschil, Block 905; Lot 6, 27 Florence Road, West Milford, regarding proposed installation of a sub-surface sanitary disposal system.
7. Notice of an application for a GP#25 for John Mileski, Block 16201; Lot 6, 12 Albertine Place, West Milford, regarding proposed replacement of a sub-surface sanitary disposal system.
8. Notice of an application for a GP#25 for William Thayer, Block 2609; Lot 1, 11 Glenwood Road, West Milford, regarding proposed installation of a sub-surface sanitary disposal system.
9. Notice of Approval of Extension Request until August 30, 2009 for SBP Petroleum, 555 Warwick Tpk, regarding submission of a carbon change out schedule.
10. Notice from the NJ DEP to Kanouse Enterprises, Kanouse & Brown Road, Newfoundland, dated July 31, 2009, regarding remediation of the site, following contamination from an underground storage tank, noting that the contamination is not initially identified as being a significant risk to humans or ecological receptors, permitting the remediation to continue, and outlining the procedures.
11. Notice of Draft Permit Actions regarding Scrap Metal Industrial Stormwater General Permit (SM2) and Vehicle Recycling Industrial Stormwater General Permit (RVR), advising that the DEP recognizes the significant difference between the two industries, with separate permitting standards set for each with the issuance of new permits.
12. Notice from the NJ DEP dated August 6, 2009 to Camp Vacamas, 256 Macopin Road, West Milford, regarding the Henion Pond Dam, NJ File # 22-18, advising that "prior to approval of plans and specifications for the rehabilitation of the dam incorporating the reduced SDF, the owners must provide

written acknowledgement of this responsibility” to modify their dam to provide additional spillway capacity. Deadline for submission of Conceptual Alternative Analyses is December 1, 2009.

13. Letter from the NJ DEP dated August 6, 2009 to the Upper Greenwood Lake POA regarding the Upper Greenwood Lake Dam, referencing the 2009 Formal Dam Safety Inspection Report by Gerald Cross, P.E., advising that a review of that report and the DEP’s records finds the dam to be in satisfactory condition with maintenance and minor repairs necessary, and advising that an updated Emergency Action Plan is required by 10/10/09.

14. Notice from the NJ DEP dated August 31, 2009 regarding signs that will be posted at sites being remediated by the DEP or other parties, and advising that public funds are being used to cover the costs of the sign installation. The signs will be 2’ x 3’ and will say “Environmental Investigation/Cleanup in Progress at this Site” and provide contact information for the DEP.

15. Notice from the NJ DEP dated August 18, 2009 regarding Agatha Majchrzak for 28 Mountain Spring Road, Block 13901; Lot 8, advising of No Further Action and Covenant Not to Sue.

16. NJDEP Application for a GP 25 received August 20, 2009 from Michael DelVecchio, 52 Krattiger Court, Block 10301; Lot 16, regarding installation of a sub surface sanitary disposal system.

17. Authorization for a GP 25 and Waiver of Transition Area for Access received from the NJDEP on August 7, 2009 for Stephanie Vreeland, Block 16504; Lot 9.

CORRESPONDENCE

1. Report from Passaic County Planning Dept. dated July 28, 2009 regarding Jack Jaust, Block 16005; Lot 12, 96 Oak Ridge Road, withholding approval of a site plan pending receipt of revised plans for drainage, TV inspection of abandoned pipe, permission from Newark Watershed to discharge stormwater across Newark’s property, and agreement to maintain abandoned drainage system being used by applicant.

2. Notice from the Hudson-Essex-Passaic Soil Conservation of certification of soil erosion and sediment plan for Ken Carroll, 26 Commanche Lane, Block 401; Lots 19 & 21.

3. Notice from the Hudson-Essex-Passaic Soil Conservation of certification of soil erosion and sediment plan for Scott Leonescu, Warwick Tpk SFD, 694 Warwick Tpk, West Milford, Block 1816; Lot 1.

4. Notice from Ross Kusher from the Pequannock River Coalition regarding the cooperative effort between Newark Watershed and the NJDEP with reference to the recent release of bottom water from the Oak Ridge Reservoir into the Pequannock River.

5. Notice from ANJEC regarding the Environmental Achievement Award nominations that are due by Wednesday, September 9, 2009.

6. Letter dated September 10, 2009 to Anthony Patire from Kevin Boyle, Township Administrator, regarding West Milford Lake, advising Mr. Patire to contact the Highlands Council about possible development of the West Milford Lake site, and also advising of a re-evaluation of properties at this site to identify whether a lake association exists, and the possibility of assessment on these properties for dam repair costs.

7. Notice from Synergy Environmental, Inc., dated September 1, 2009, regarding ongoing environmental investigations at Lakeside Amoco, 2 Lakeside Road, Block 3609; 16, and advising that groundwater contamination at the site is being remediated.

8. Notice from Lukoil, Getty Petroleum, dated August 13, 2009, regarding remediation of environmental contamination at 1367 Union Valley Road, Block 7508; Lot 16.

9. Notice sent to Scott Leonescu, Your Home Team, from the Hudson Essex Passaic Soil Conservation District, dated August 12, 2009, regarding Papscoe Road & Chickadee Lane, Block 2312; Lot 16, certifying the soil erosion and sediment control plan submitted.

10. Notice from Brockerhoff Environmental Services, dated August 28, 2009, regarding SB Petroleum, 555 Warwick Tpk., advising of coordination of potable well sampling at the site.

11. Notice from PSE&G regarding removal of vegetation along the electric transmission right-of- way in West Milford Township beginning on or about October 1, 2009 through April 1, 2010.
12. Notice from GES Groundwater & Environmental Services received August 31, 2009 regarding investigation of environmental conditions at the former Exxon station, currently the Petro Two, Inc., at 4 Marshall Hill Road, Block 5701: Lot 3.
13. Township Ordinance #2009-022 amending and supplementing certain portions of Chapter 138, "Fertilizers, Application Of."

PUBLIC COMMENTS – Prior to the end of the meeting Councilman Joseph Smolinski addressed the Commission and the Commission expressed their concerns about not being apprised of various environmental issues that occur in the Township that other departments are aware of. Councilman Smolinski acknowledged their concerns.

ADJOURNMENT

With no further business to come before the Environmental Commission, the meeting was adjourned at 8:50 p.m. on a **motion** by Bernie Stapleton with a **second** by Andrew Abdul.

Approved: November 9, 2009

Respectfully submitted,

Tonya E. Cubby, Secretary