

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**OCTOBER 1, 2012**

The October 1, 2012 regular meeting of the Township of West Milford Environmental Commission was called to order at **7:48 p.m.** with a reading of the Legal Notice.

**ROLL CALL:** Present: Douglas Ott, Thomas Tamayne, Don Weise, Alternate Timothy Dalton, Chairman Stephen Sangle.  
Absent: Andrew Abdul, Gillian Hemstead, Gary Oppenheimer, Lucas Slott.

Chairman Stephen Sangle advised that Alternate #1 Timothy Dalton would sit in for one of the absent members.

**PRESENTATIONS** - None.

**APPLICATIONS FOR REVIEW**

**SUN YOUNG JOO**

**Major Soil Removal/Fill Permit#PB-05-12-05**

Block 10402; Lot 12

55 Green Terrace Way; R-4 Zone

**Seeking:** Major Soil Fill Permit for the prior placement of 1.27 acres of fill on subject property, without authorization or Planning Board approval, for the purpose of re-grading the site.

The Commission reviewed the 09-19-12 plans submitted to the Planning Board for the soil movement permit application. Chairman Sangle advised that this was a complex issue and, in his opinion, it would take the knowledge and expertise of the Planning Board Engineer and the Health, Building and/or Engineering Departments to provide suggestions for remediate the issues and prevent further damage to the neighboring properties. He added that none of the Commissioners can give specific comments on how to correct the problem. Chairman Sangle recalled that when this subdivision was planned, a pedestrian walkway was included to allow access to trails. Doug Ott provided some background on this application, advising that the owner had brought in a major amount of fill to re-grade the property without approvals, permits or engineering plans. The Commission reviewed the elevations and other details on the plans, and following a brief discussion, Chairman Sangle advised that a memo should be sent to the Planning Board deferring to the Township/Board Engineer, as well and the Health and/or Construction officials to make recommendations for remediation.

**MCDONALDS CORPORATION**

**Use Variance, Bulk Variance, Preliminary & Final Site Plan #ZB-11-11-14**

Block 6303; Lot 14 & 15

41 Marshall Hill Road; CC Zone

**Seeking:** Use and Bulk Variances and Preliminary & Final Site Plan application for the reconstruction of the existing McDonald's restaurant to bring into conformance with the existing McDonald's prototype, in addition to providing an expanded drive through system. Use Variance is required since the proposed property does not meet the conditional use criteria for vehicular circulation. Bulk Variances are requested for setbacks, impervious coverage, loading, front yard buffer, minimum lot width, frontage, and depth, and for signage.

The Commission reviewed the plans submitted to the Zoning Board of Adjustment for the proposed McDonalds restaurant and made the following comments:

- The lighting should be down directed.
- Architectural design elements should conform or coordinate with the approved site plan for the Interra/Shop Rite Shopping Center and Township Streetscape plan.
- Princeton Hydro is involved in stormwater projects for the Township as part of a grant, and should be made aware of the application since it could affect some of the proposed stormwater projects.
- Oil separators were suggested to be installed to prevent contaminants from car fluids from entering the storm drains and the steams.

## **GRANT MANAGEMENT AND STATUS REVIEW**

**2007 Stormwater Implementation 319H Grant:** Chairman Sangle advised that there were no updates from Dr. Lubnow on the 319H grant projects and he assumed that they were still being evaluated by the NJDEP. He did advise, however, that Dr. Lubnow had requested more photos of the 2004-319H grant project, the Riparian Buffer tree planting at the Wallisch property, for his report to the DEP.

**Recreational Trails Signage Grant:** Don Weise reported that several enthusiastic volunteer groups were involved with the installation of the kiosks, six had been completed, with the 7<sup>th</sup> containing temporary signs. Doug Ott inquired about the road signs, and Mr. Weise reported that the poles needed to be installed for the 20 signs and this would be coordinated with the Township Public Works Department.

**2010 ANJEC Smart Growth Planning Grant - Trails Master Plan:** Doug Ott reported that there were several prospects for a new consultant, including Joanna Slagle of Banisch Associates who has worked with Kerry Miller of ANJEC, Barbara Davis of the Land Conservancy, and a specialist with the Trails Conference. Chairman Sangle advised that a decision must be made by the next Commission meeting so that this project can be put back on track and to avoid losing funding from ANJEC. He also advised that the subcommittee must account for the in-kind services that they, and the Trails Conference, as well as others, have invested in this project. Chairman Sangle reiterated that interviews should be conducted and a recommendation made at the November EC meeting.

Timothy Dalton inquired about a site visit to Random Woods that the EC had planned with regard to a possible multi-function trail system, and Mr. Ott advised that he would coordinate this with Bob Jonas, but this could possibly be another grant project.

## **ON GOING BUSINESS**

**Lakes Committee:** Commissioner Andrew Abdul was not present at this meeting to provide a report.

**Open Space Subcommittee:** There was nothing new to report at this time.

**Environmental Contamination Issues:** Thomas Tamayne advised that he would be in contact with the new Health Officer to get updated information on contamination issues in the Township.

**Green Team–Sustainable Jersey:** It was reported that the Township did not get the grant for the fertilizer and soil testing project, but the information would be retained for a future grant project. Chairman Sangle did not feel that it was a question of the quality of the grant, but rather that they wanted to disperse the grant monies for projects in various areas of the State. Thomas Tamayne advised that he will make an inquiry of Sustainable Jersey to determine what they did wrong and how they could increase their chances with a future grant submission.

Mr. Tamayne also advised that there is software available that can track the green fleet and he must contact the Township to coordinate the information.

Mr. Tamayne reported that the anti-idling resolution was not on the recent Township Council agenda.

**Autumn Lights Festival – October 13, 2012:** Mr. Tamayne advised that the Green Team will be partnering with the Environmental Commission at their booth for the Autumn Lights Festival.

**Tennessee Gas Pipeline:** Don Weise reported that a NJ Senator is challenging the pipeline installation through northern New Jersey. He was informed that the TGP project proposed diverting water from streams in various communities to be used to flush through the pipes to bring them on line and reintroduce the tainted water into the groundwater supply. Tom Tamayne advised that there may be oil residue from the pipes, and it was suggested that well slag might also be present.

## **MINUTES**

The Minutes of the July 9, 2012 Regular Meeting of the West Milford Environmental Commission were unanimously approved by those eligible to vote.

## **NEW BUSINESS**

With regard to a recent letter to the Township from the Shade Tree Federation, Thomas Tamayne advised that the Green Team/Sustainable West Milford is looking into this program for possible Township involvement.

## **PUBLIC COMMENTS**

Doris Aaronson, Bearfort Road, thanked the Environmental Commission for their support on the Skylands Clean grant in the amount of \$12,000. for the former Stanford Village tract. She noted that they have been reviewed and there were 20 projects that were in the second, and final, review stage. She advised that she plans to be involved with applying for an Orange and Rockland grant to add additional funds for the trail project.

Ms. Aaronson raised the issue about the WM MUA and the Old Milford Estates sewer treatment plant that she maintains is contaminating Belchers Creek. She advised that Pinecliff Lake was spending 50% more this year for weed and algae killer, and she distributed photos that indicated algae and bacteria was traveling into Pinecliff Lake. Ms. Aaronson stated that she has taken samples from the source and has also spoken to Ed Spirko who advised that the MUA needed to become acclimated with their new Board. She believed that the contamination was not coming from area septic tanks, and noted that samples revealed bacteria at a level of 10 parts per million, and explained to the Commission the testing method she used to collect samples from the outflow pipe. Ms. Aaronson stated that she would be going to an MUA meeting to address the matter with them. Chairman Sangle opined that the contamination she referred to may be coming from multiple sources, and that the lake needed to be treated. He commented that 25 years ago the lake was like "pea soup" at times, and Don Weise commented that at various times of this year Pinecliff Lake was cleaner than it has been in years. Ms. Aaronson noted that this was probably after algae treatment. Chairman Sangle inquired if the algae problems were more prevalent after significant rainfalls, and he noted that one of the problems is that more water going into the system overloads it, and it stems from other sources in addition to septic waste, including sump pumps hooked into the sanitary lines. Ms. Aaronson requested that the Commission write the MUA a letter to ask them to stop what they are doing to contaminate the streams and lakes. Chairman Sangle stated that he would not do a memo or make any recommendation before he knows exactly where the contaminants are coming from. He advised Ms. Aaronson to attend one of the MUA meetings and let them state to her where the contamination is coming from, and she can return to the Commission with the information and a recommendation may be made.

## ***The Following Correspondence Was Reviewed By The Commission:***

### **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Copy of a Highlands Applicability and Water Quality Management Plan application to the NJDEP, dated September 14, 2012, received from Schwanewede/Hals Engineering for Kurt Renzland, 921 Burnt Meadow Road, Block 6002; Lot 39.02 regarding the proposed construction of a new 4,250 s.f. warehouse and a 9,000 s.f. addition to an existing warehouse, with a new parking area to be installed, for a proposed impervious coverage of 85,093 s. f.
2. Copies of documents received from Wander Ecological Consultants, dated September 24, 2012, regarding Dautaj, Momentos II Restaurant, 374 Morsetown Road, Block 4701; Lot 38.02, in response to the DEP's correspondence, dated July 11, 2012, requiring certain deficiencies be addressed for the Highlands Applicability and Water Quality Management Plan Consistency Determination which was declared Administratively Incomplete pending submission of additional information. This application was in response to a NJDEP Notice of Violation requiring submission for Highlands Applicability Determination.

### **NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

1. Invitation from the NJDEP State Forestry Services, dated September 5, 2012, to attend the Shade Tree Conference on October 26 & 27, 2012 in Cherry Hill, NJ.

## **CORRESPONDENCE**

1. Notice received September 12, 2012 from Passaic County Planning Department advising of a public hearing on the Transportation Element, a proposed element of the County Master Plan, in addition to a review of the 2012 Annual Report on the status of the County Corridor Enhancement Program.
2. Correspondence from the Passaic County Planning Board, dated September 12, 2012, regarding county site plan review for Twins Realty Group LLC, Burnt Meadow Road, advising of several conditions that must be met prior to the application being considered for unconditional approval. The conditions include: revised drainage calculations including capacity calculations for the seepage pits and addressing the impact on culvert #247 under Burnt Meadow Road; revised plans eliminating county signature block on the plans; submission of a copy of the Highlands Applicability Determination from the NJDEP; copies of any additional permits required from the NJDEP.
3. Information Notice of Section 106 Fillings received from the Federal Communications Commission, dated September 5, 2012 regarding the collocation submission packet from Crown Castle USA for a collocation at the West Milford town Hall, 1480 Union Valley Road, West Milford, NJ.
4. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan, dated August 21, 2012, certifying the plan for 3.5 years for Caruso Residence, 179 Clinton Road, Block 15601; Lot 4.
5. Hudson Essex Passaic Soil Conservation District certification of soil erosion and sediment control plan, dated August 24, 2012, certifying the plan for 3.5 years for McDonald's Restaurant #5903, 41 Marshall Hill Road, West Milford, Block 6303; Lot 14 & 15.
6. Pipeline Awareness Newsletter received from the Pipeline Association for Public Awareness, Fall 2012, Volume 7, Issue 1.
7. Notice regarding ANJEC's 39<sup>th</sup> Annual Environmental Congress on October 20, 2012 at Middlesex County College, Edison, NJ.

## **ADJOURNMENT**

With no further business to come before the Commission, the meeting was adjourned on a motion by Timothy Dalton and a second by Thomas Tamayne.

Approved: January 7, 2013

Respectfully submitted,

Tonya E. Cubby, Secretary