

**Township of West Milford**  
**ENVIRONMENTAL COMMISSION**

**MINUTES**

**OCTOBER 3, 2011**

The regular meeting of the Environmental Commission of the Township of West Milford, was called to order at 7:38 p.m. by Chairman Stephen Sangle followed by a reading of the Legal Notice.

**ROLL CALL:** **Present:** Gary Oppenheimer, Douglas Ott, Thomas Tamayne, Alternates Maryellen Gabay (7:50) and Lucas Slott, Chairman Stephen Sangle.  
**Absent:** Andrew Abdul, Gillian Hemstead, Timothy Metcalf.

Alternate member Luke Slott was asked to sit in for absent Commissioner Timothy Metcalf.

**APPLICATIONS REVIEW**

**CARLO & ELIZABETH LUPANO**

**Bulk Variance #ZB-05-11-08**

Block 4401; Lot 12

837 East Shore Road; LR Zone

**Seeking:** Bulk Variance relief for an accessory building in the front yard where only the rear or side yard is permitted, and for maximum building coverage, where 3% is allowed and 5.10% is proposed, for the purpose of constructing a two-car garage.

The applicant was present to address the concerns of the Environmental Commission, including the bedrock that was below the house and proposed structure, and drainage issues resulting from construction of the new garage. The applicant advised that he was installing additional stone to assist with drainage but that a seepage pit, nor gutters and leaders, were proposed. There will be an attempt to slope the property to slow the stormwater runoff. The Commission reviewed the plans and discussed options for stormwater, and suggested that rain barrels be installed, along with gutters and leaders, to help curtail the runoff, and allow water to be recycled for use in the garden. The applicant agreed to the suggestions offered by the Commission.

**TELECOMMUNICATION APPLICATIONS** - None.

**PRESENTATIONS**

**2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant**

Dr. Fred Lubnow of Princeton Hydro was present to update the Commission on the grant projects, advising that the 2004 and 2007 319(h) grant projects had been completed in May and June 2011. He advised that there was approximately \$630,000. remaining from the projects, with \$44,000. from the 2004 grant. He advised that he had met with representatives of the Township and the NJDEP during the summer to review projects that would qualify for the remaining grant money. The grant projects that were considered focused on water quality, flood control, and erosion mitigation, with 5 small projects considered for the 2004 grant, and 10 projects for the 2007 grant funds. He noted that he would forward the memos that listed the specific projects. Dr. Lubnow spoke about one of the projects, which would entail installation of vegetative filter strips and Belchers Creek and another tributary. He reported that the DEP and Township were satisfied with the project and he will attempt to get it completed by the deadline. Another proposed project would include enlargement of a culvert and pipe (swales) for drainage and also the installation of a biofiltration rain garden that can be used for educational purposes. Dr. Lubnow noted that although this project will include Passaic County cooperation, they will be working with the Township. He also reviewed a project for the Stainsby Road area that will use a large portion of the funds, with the remaining grant monies to be held for cost overruns. He commented that the intention was to provide projects that would require little or no permitting.

**604(b) OWTS (On-Site Wastewater Treatment System) Grant**

Dr. Lubnow reported to the Commission that Princeton Hydro has completed all of the monitoring over 4 event periods and the data has been collected from 3 of the 4 events. He reviewed the process of the well monitoring, and the resulting data which confirmed that the wells get runoff from the leach fields, and higher phosphorous and fecal coliform were detected as a result of the aging system at the municipal

complex. Dr. Lubnow noted that subsurface contamination is occurring. All the information collected will be compiled into a report and various other information for public education. He advised that he would not be present for the Autumn Lights Festival as originally planned, but he would have a brochure available for distribution to the public as part of educational outreach. Gary Oppenheimer suggested a short You Tube video be developed. Dr. Lubnow stressed that the commission should focus on the existing septic ordinance that includes requirements for pumping septic systems every three years and maintenance of failing systems. He noted that he would return the following month to review the data for the Commission before he completes his report for submission to the Township and the NJDEP.

### **GRANT MANAGEMENT AND STATUS REVIEW**

**Streetscape Grant:** Nothing to report at this time.

**Recreational Trails Signage Grant:** Doug Ott had no update at this time.

**2010 Smart Growth Planning Grant - Trails Master Plan:** Doug Ott reported that a meeting to seek public input will need to be held as part of the grant project. He advised that he would contact the Township Administrator and George White to coordinate the meeting. The Secretary noted that she will prepare the advertisements and reserve the meeting room once a date has been chosen. The Commission discussed holding the meeting prior to the regular meeting in the next month or two.

### **ON-GOING BUSINESS**

**Lakes Committee:** Chairman Sangle reported that he was pleased to see that the adoption of the two lake community requirements ordinances were delayed until the Council could research them further. He did note that there was an existing ordinance in effect that required notification and sign off of the lake community organizations for any development application or permit. He also noted that this legislation resulted from a few isolated incidents when an encroachment occurred on lake properties without the knowledge of some associations.

**Open Space Subcommittee:** Doug Ott reported that future open space meeting were scheduled by the Township Administrator report. The Secretary will secure a list of the dates and provide them to the Commission's Open Space Committee.

**Environmental Contamination Issues:** Tom Tamayne reported that there was no new update from the Health Officer on the contaminated sites list. He added that the sites that the Commission are concerned about have not made it to the DEP yet, which is when the Health Dept. gets the information. Mr. Ott inquired about a site that has to be pumped every day due to a failing septic system, and we have not been kept apprised. Chairman Sangle directed the Secretary to invite the Health Officer, Bill Wallace, to an Environmental Commission meeting to update the Commission on contaminated sites. Mr. Tamayne advised that the Commission send him questions so that he is prepared for the meeting. the Commission will compile some questions at November and December meetings and send them to Mr. Wallace.

**Green Team - Sustainable Jersey:** Tom Tamayne reported that a pilot program for animals grant required information from the Animal Shelter, which has not been provided, to date. Gary Oppenheimer commented that a mountain lion had been spotted along Union Valley Road. Mr. Tamayne also noted that, unofficially, the township had received certification from Sustainable Jersey. It was noted by the Commission that we still have not received the required green fleet data that was requested numerous times. It was suggested that a memo be sent from the Green Team to the Commission, copies to the Mayor and Council, advising of the attempts to secure the information, and requesting assistance. Chairman Sangle advised that the Green Team should hold off until the following month.

**Tennessee Gas Pipeline: Autumn Lights Festival:** Chairman Sangle advised that nothing new has been reported from Elaine Buchtman regarding the Lake Lookover situation, but he was informed that the filtration system at the lake had to be halted because the system had not been authorized by the NJDEP. Gary Oppenheimer advised that he would contact Mike Lennon of TGP for an update.

**Autumn Lights Festival:** Maryellen Gabay advised that she would be unable to attend the autumn Lights Festival due to another commitment. Gillian Hemstead and Tom Tamayne would be present for the event and have possession of the banners. Dave Stires from Recycling will also be joining the Commission booth.

## **NEW BUSINESS**

### **Discuss potential properties for recreation, trails.**

The Commission discussed several properties for possible open space acquisition. Luke Slott suggested the Township consider the Wiggins property on Union Valley Road. The Chairman noted that it was discussed more than 20 years ago by the Commission and it was determined that it could not be developed due to the major wetlands on the site. Doug Ott noted that a Jamesway retail store had been proposed at one time, and fill was brought in, but had to be removed due to the wetlands condition. Luke Slott reported that Shop Rite was installing solar panels on the roof of their shopping complex.

On another matter regarding anti-idling, the Secretary distributed EPA and DEP brochures that may be used for the Autumn Lights Festival.

Chairman Sangle reported that proposals for contamination remediation at the Wallisch site have been sought by the Township and he will keep the Commission informed of any further updates he receives. It appears that lead is the main contaminate discovered, and this may have resulted from use of farm equipment with leaded gas at the site. It may be residual, but until further testing is completed, we won't know the extent of the contamination. He noted that 3 out of 7 test borings showed elevated levels. Chairman Sangle will be in contact with the Township Administrator for any updates.

Maryellen Gabay provided a news article on locating hazelnut trees from the Arbor Day Foundation and suggested that it might be an interesting item to post on the Commission's website as part of our educational component. The Secretary will post this along with other environmental news. Tom Tamayne suggested that we provide the information to the local hiking groups.

Luke Slott inquired whether an email newsletter could be sent out to the residents so that environmental and development issues could be discussed and reviewed by the public. The Secretary advised that this type of communication to the public would have to be brought to the attention of the Administration and Council, adding that the Commission is an arm of the Township government, and other issues may have to be considered. It was noted that land use applications are reviewed by the Commission at public meetings, in addition to public meetings by the respective Boards.

Gary Oppenheimer had been advised that he was receiving a "Game Changer" award from the Huffington Post, which is an honor established for outstanding charitable and non-profit organizations.

## **MINUTES**

The Minutes of the Regular Meeting of June 6, 2011 of the West Milford Environmental Commission were **approved** by unanimous consent, following a minor typo correction on a **motion** by Gary Oppenheimer and a **second** by Douglas Ott.

### ***The following documents were reviewed by the Commission and filed:***

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

1. Notice of Administrative Completeness dated September 13, 2011 regarding a Highlands Applicability and Water Quality Management Plan Consistency Determination submitted for Keith Haarmann, CK & Sons, LLC, for property located at 909-911 Burnet Meadow Road, Block 6002; Lots 41, 42, 43, with regard to a preliminary and final site plan previously submitted to the West Milford Planning Board for approval of storage of heavy construction equipment on the site.

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

1. Notice from PK Environmental, dated September 13, 2011 advising of an application to be made for Elaine Kramer, Block 4301; Lot 11, 715 East Shore Road, for a General Permit #11, #25, and a Flood Hazard Area Individual Permit for residential improvements and reconstruction activities on subject property.

2. Notice from John Moyle, NJDEP, dated September 7, 2011 to the Lindy's Lake Association regarding Hurricane Irene and Lindy's Lake Dam, Dam File #22-54, advising that the dam sustained damage after the recent hurricane, therefore a licensed engineer is required to perform a detailed site inspection, submit a report of the findings within 30 days of the notice, provide written notice of intent to comply within 10 days, requiring a draw down the water level of Lindy's Lake until a safe operating level is achieved (determined by engineer and NJDEP), and contact the NJ Div. of Fish & Wildlife for appropriate measures to protect and relocate fish and aquatic wildlife affected by the lake lowering.
3. Notice received from Groundwater and Environmental Services on September 26, 2011 regarding Public Notification and Outreach for the following: Exxon Service Station - Petro Two, Inc., 4 Marshall Hill Rd., Block 5701; Lot 3, regarding an environmental investigation at the site that will include groundwater sampling.
4. Notice received from Groundwater and Environmental Services on September 26, 2011 regarding Public Notification and Outreach for the following: Mobil Service Station – GPMI Service Station, 1367 Union Valley Road, Block 7508; Lot 16, regarding an environmental investigation and remediation at this site that has evidence of compounds associated with gasoline, and will include periodic groundwater sampling and monitoring, potable water sampling, and groundwater remediation.
5. Authorization of a GP#25 and Waiver of Transition Area for Access received from the NJDEP, September 19, 2011, for H. Thomas, 89 Lincoln Avenue, Block 6607; Lot 5, regarding the replacement of a malfunctioning ISSDS.
6. Notice of an application to the NJDEP, received September 28, 2011 for a GP #25 for the proposed installation of an ISSDS for Gary Prescott, 13 Eisenhower Drive, Block 6501; Lot 2.
7. Notice from the Philadelphia Church, Inc., received September 27, 2011, regarding the submission of an application to the NJDEP for a Letter of Interpretation-Regulatory Line Verification for the proposed redevelopment of property at 145 Oak Ridge Road, Block 15901; Lot 16, to include interior/exterior building improvements, granite block curbing, concrete sidewalks, minor pavement expansion, new septic system, lighting, landscaping and fencing.

## **CORRESPONDENCE**

1. Mayors Fax Advisory from the NJ League of Municipalities, dated September 14, 2011, opposing S-2887, which could potentially establish a new category of farmland-based wind energy generation projects on farmland preservation land, specifically exempting wind turbines from "review, approval or application from any state, county or municipal regulatory body" except for minor site plan review.
2. Notice from the NJ League of Municipalities, dated September 14, 2011, advising of a professional development program for municipal officials "Taking the Mystery Out of Applying For Grants" on October 5, 2011 in Monroe Township.
3. Notice dated September 6, 2011 to Mayor Bieri, with copies to the EC, PB and Green Team, from County of Passaic regarding the Passaic County Energy & Sustainability Master Plan Project Team, requesting that one or two representatives from West Milford be recommended to serve on the Project Team.
4. Notice received September 28, 2011 regarding the Passaic County Brownfields Commission Meeting, October 19, 2011 from 3:00p.m. to 5:00p.m. at the Passaic County Economic Development Office, Riverview Drive, Totowa, NJ, with special guest Al Telsey, Esq. on "Environmental Rights Act – Tools for Municipalities to Promote Brownfield Redevelopment."

## **PUBLIC COMMENTS**

No one present offered any comments to the Commission.

## **ADJOURNMENT**

With no further business to come before the Commission the meeting was **adjourned** at **9:10 p.m.** on a **motion** by Gary Oppenheimer and a **second** by Maryellen Gabay.

Approved: January 9, 2012

Respectfully Submitted,

Tonya E. Cubby, Secretary