

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**October 7, 2019**

The October 7, 2019 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:01 pm with a reading of the Legal Notice.

**ROLL CALL**

**Present:** Tim Dalton, James Rogers, David Ofshinsky, Douglas Ott, Chairman Stephen Sangle, Tom Tamayne, Don Weise, Clinton Smith (Alt#1), Douglas Trainor (Alt #2).

**Absent:** None.

Chairman Stephen Sangle advised that there was a quorum to hold this meeting.

**PRESENTATIONS** – None.

**APPLICATIONS**

**KAYLAN VAN HOOK**

**Use Variance #ZB-03-19-05**

Block 14605; Lot 7

Rt. 23 So.; R-4 Zone

**Seeking:** Use Variance approval to re-establish a food vending truck on Route 23 So., with a Use Variance requested for a use that is not permitted by ordinance.

Subsequent to a review of the application for a Use Variance for Block 14605; Lot 7, the Commission made the following comments:

- The Commission recommended that the Board of Adjustment inquire of the applicant what provisions they will have for electricity, waste water and bathroom facilities.
- The Commission recommended that any, and all, liquids resulting from this proposed operation of a food truck be properly disposed of. Refuse containers should be provided on site and emptied daily.

**BATTINELLI ENTERPRISES**

**Use & Bulk Variances w Preliminary & Final Site Plan #ZB-08-18-10**

Block 3907; Lot 1.01, 1.02, 2

1611 Greenwood Lake Tpk; LMI Zone

**Seeking:** Use Variance approval for the expansion of accessory storage from the existing garden center to the adjacent lot, Bulk Variances for total area, lot width, lot depth, front yard setback, rear yard setback, accessory building side yard setback, buffer to street, buffer to side line, buffer to rear line, buffer to residential, with preliminary and final site plan approval for Lots 1.01, 1.02 and 2 related to the expansion of the garden center.

Subsequent to a review of the application for Use and Bulk Variances for Block 3907; Lots 1.01, 1.02, 2, the Commission made the following comments:

The Commission requested an Environmental Impact Statement to be provided for these properties for further consideration based on the proximity to wetlands and the C-1 waterway that is located to the rear of the site. In addition to requesting the submission of an E.I.S., the Commission made the following comments:

1. The Commission expressed concern that the applicant proposes to drain stormwater from a site that will contain approximately 10,000 sf of paved impervious surface out to the Hewitt Brook, a C-1 waterway which drains to the Monkville Reservoir.
2. The Commission recommended that the applicant be required to obtain Passaic County approval for the curb cuts that are proposed for ingress and egress and to ascertain whether the existing storm drains along Greenwood Lake Turnpike can accommodate the additional stormwater runoff.
3. If the application is approved, the Commission recommended filters for the storm drains along Greenwood Lake Turnpike for the additional stormwater runoff that will drain from the applicant's site to the street and eventually to the adjacent Hewitt Brook.
4. The Commission expressed concern about the potential for flooding of Greenwood Lake Turnpike from the additional stormwater runoff, as well as icing on the road during the winter months.
5. The Commission recommends the applicant obtain a wetlands delineation from the NJDEP.
6. The Commission inquired whether any of the mulch/landscaping products stored at the applicant's site will contain colored dyes.
7. The plans note that the parking area consists of gravel and dirt, which indicates that portions of the site are, in fact, pervious. If the applicant is proposing to pave the site for parking, this would result in an increase in impervious surface. The applicant should verify that the locations on the site that are indicated as "gravel and dirt" are impervious surfaces.
8. The Commission expressed concern about the availability of adequate well water on the site to water the nursery stock.
9. The Commission inquired whether the applicant has received approval to locate bulk material storage bins on NJDEP property to the west of the applicant's property.
10. The Commission reiterated their request for an Environmental Impact Statement for this application.

### **ON GOING BUSINESS**

**Shade Tree Committee / Community Forestry Mgt. Plan / NNL Forestry Grant Project:** – Tim Dalton reported that he was waiting to hear back from Rosa Yoo at the NJDEP with a report on the status of the trees planted under the NNL Reforestation Grant. It was noted that Marilyn Lichtenberg and Ada Erik requested trees for Veterans Park, and they are to be in contact with Mr. Dalton.

Mr. Dalton referred to the upcoming October 24 & 25, 2019 Shade Tree Conference and indicated his desire to attend the conference. The Secretary will check the budget and will have to prepare a purchase order for the conference. She advised that any conferences or seminars that require a fee must be prepared in advance of the event so that purchase orders can receive the required approvals. With regard to the Community Forestry Management Plan, Mr. Dalton noted that the Township has additional time to complete the new plan, but he will continue to accumulate the CEU's for his certifications.

Mr. Dalton reported that he attended a recent ANJEC Conference and the Highlands Council introduced their new mapping system which includes parcel layers, with base maps, aerial photography, as well as infrared and historical maps. The maps are available to the public and reports can be generated with the maps. He advised that he will post the link for the site, and recommended doing the tutorial before using the site.

**Greenwood Lake Bi-State Commission:** Clint Smith advised that there was nothing new to report at this time with the GWL BiState Commission.

**Lakes Committee:** Commissioner Jim Rogers reported that the Lakes Committee had the DPW Supervisor, Ed Steines, as a guest speaker at a recent Lakes Committee meeting. He noted that there are about 4,000 storm drains in the Township and only one Vac truck to clean them. Originally they were scheduled for clean up once a year, but now it is every other year unless they get a call from a resident with issues on certain storm drains. Mr. Rogers reviewed some of the information that Mr. Steines shared with the Lakes Committee, including the amount of grits that used to be purchased (7500-8500 tons in the past versus 250 tons last year). He observed that they are using brine and salt on many of the local roads, so there are less grits going into the storm drains, but the brine is a pre-treatment and not an answer to ice removal. Tim Dalton questioned the detriment to the environment with the use of more salt than grits.

Mr. Rogers noted that the Lakes Committee also discussed the Airbnb issue and will urge the Council to act on the ordinance.

**Open Space Committee:** Don Weise advised that he was unable to attend a recent Council meeting to provide information to the Council in consideration of a contract with The Land Conservancy for an updated Open Space Plan. The Commission voted unanimously, on a motion by Tim Dalton, with a second by Douglas Ott, to prepare a memo to the Governing Body with regard to hiring The Land Conservancy to prepare an updated Open Space Plan. Mr. Dalton remarked that the Highlands Council has grant money available and urged the municipalities to apply for grants.

Mr. Weise reported that there was a recent coyote attack in Ramapo Reservation and since Ringwood State Park borders the Ramapo Forest, he urged people to be cautious, adding that the reports of aggressive behavior is not good. He noted that the coyotes vary in size and generally travel in packs during the colder weather. With regard to the NY-NJ Trail Conference, he advised that a conservation committee was formed and they are seeking volunteers, if anyone is interested.

**Environmental Contamination Issues:** Thomas Tamayne reported on several contamination issues, most of which were listed on the agenda.

**Belchers Creek Testing Project:** Commissioner Jim Rogers reported that several Environmental Commissioners have used the boat that was purchased with grant funds to conduct assessments of Belchers Creek. He reported that he spoke to the DPW about the use of the weed harvester, but that would only remove the upper surface of the weeds, and not the roots. He suggested hiring a company to apply copper sulfate for weed control, but it would require NJDEP approval. Clint Smith noted that as far as he knew, the NJDEP will not approve any chemical weed control. Chairman Sangle reviewed the two different types of weed removal with copper sulfate, based on his experience with Pinecliff Lake, with one product that will act on the algae, and one that will kill the roots of the weeds. He noted that this is not an herbicide treatment. Chairman Sangle cautioned against removal of too many weeds since it will affect the fish with the removal of too much oxygen. He noted that there is a problem with weed harvesting which removes the upper layer of the weeds, but results in the reseeding of new weeds. The Commission discussed the various methods for weed and debris removal, and Mr. Smith commented that the removal of the logs should be a priority. Jim Rogers indicated that he wanted to use open space money for weed control, and Mr. Dalton noted that he would contact the company that Upper Greenwood Lake uses for weed control to get an estimate for Belchers Creek. Chairman Sangle suggested that stakes could be driven into the creek to gauge the water level. Doug Trainor reported that the dam at Bald Eagle Village will be replaced in the near future, and he is concerned about the water levels on Belchers Creek. He noted that the fish are being transferred to the pond across Union Valley Road while the work on the dam is in progress.

**ANJEC 2019 OSS Grant Project:** Jim Rogers advised that he needs to complete the mid-term report for ANJEC indicating what has been completed and what remains. He will have

the report compiled by the following week for submission by the end of October. Mr. Rogers observed that he examined the banks of the creek and does not feel confident about creating a walking path with the limited space that exists, even though it was proposed in the grant application. Don Weise commented that Wallisch Estates has an old walking trail that might be usable, and said that he will review the sites with Jim Rogers for other options. Tim Dalton suggested work on the maps to highlight the areas that need to be addressed for weed and stump removal.

**Green Team–Sustainability Committee:** Commissioner Tim Dalton advised that he spoke to several attendees at the recent ANJEC conference and observed that there are a number of towns that use their Environmental Commissions as the Green Team. He will also contact Sustainable Jersey for some guidance and support. Mr. Dalton reported that he is very involved with climate change awareness activities and requested members to contact him for more information.

### **NEW OR CURRENT BUSINESS**

**HAB (Harmful Algae Bloom) Science Forum – Wednesday, October 9, 2019** - 7:30 pm, Almond Branch Church, 184 Marshall Hill Rd. – A public forum presented by the NJ Highlands Coalition, NJ League of Conservation Voters, ANJEC, NJ Coalition of Lake Associations, Greenwood Lake Commission and the WM Environmental Commission. The Commission noted the event that is scheduled for the following Wednesday.

**SUEZ Report on Public Meeting Regarding Facilities Upgrades:** Dave Ofshinsky reported that he attended the public meeting sponsored by Suez and obtained quite a bit of information. He reported that 3 to 5 plants will be de-commissioned, including Crescent Park and Bald Eagle Village, and the Old Milford Estates will be enlarged. They stressed the aging facilities that exist and they are committed to continuing to improve the systems. He was not sure if the updated systems will be ground or water filtering.

**Regional Stormwater Management Webinar Report:** Jim Rogers reported that the webinar on regional stormwater focused on the flood reduction act. He reviewed some of the main elements of the presentation, including what is referred to as the “rain tax.” The webinar also provided information on town owned stormwater utilities and reviewed a successful program in Pennsylvania.

**Pinecliff Lake – Lake Lowering Beginning October 15, 2019** – The Commission noted the lake lowering and will monitor the levels in Belchers Creek.

**Autumn Lights Festival** – The Commission will have a table at Autumn Lights and the members indicated the times that they are available to assist. The Secretary advised that she will get the information and supplies to Tim Dalton for the event.

**2020 Meeting Dates** – The Commission reviewed and approved the meeting dates for 2020 on a motion by Jim Rogers with a second by Don Weise. Chairman Sangle noted that he will not be present at the January meeting due to a prior commitment.

### **MINUTES**

The minutes from the August 5, 2019 regular meeting of the W.M. Environmental Commission were **approved** on a **motion** by Jim Rogers with a **second** by Tim Dalton.

The Commission reviewed the following correspondence items:

#### **CORRESPONDENCE RECEIVED:**

##### **Highlands Water Protection and Planning Act Correspondence**

1. Highlands Applicability Determination, dated September 12, 2019, received for Robert Hamilton regarding property located at Oak Ridge Road, Block 15903; Lot 1, advising that the

minor site plan dated 07-08-19 prepared by Dykstra Walker Design Group indicates that no building is proposed and therefore does not meet the definition of a major highlands development and does not result in the disturbance of ¼ acre of forested area or increase the impervious surface by ¼ acre or more.

### **NJ Department of Environmental Protection Correspondence**

1. No Further Action correspondence received from the NJDEP, PI #815960 dated September 6, 2019 regarding 29 Lakewood Road, Block 2004; Lot 12, with respect to the removal of one 550 gal #2 HO UST.
2. Limited Restricted Use Response Action Outcome (RAO) completion notice received from EnviroTrac Ltd on behalf of Getty Properties, dated September 25, 2019, regarding 2048 Route 23 N, Block 14104; Lot 2. (DVD with report attached)
3. NJPDES NJ0051098/PI ID 46105 – Ground Water Renewal Permit Action, Cat: T-Underground Injection (UIC) Sanitary, dated September 12, 2019, received for Block 7801; Lot 65, Bald Eagle Village STP, owner Suez Water New Jersey, effective 11/01/19, expiration 10/31/2024.

### **Miscellaneous Correspondence**

1. HEPSCD Certification, dated August 5, 2019, for the soil erosion and sediment control plan received for Cutugno Soil Movement, 65 Vreeland Road, Block 8802; Lot 49.
2. HEPSCD Certification, dated August 5, 2019, for the soil erosion and sediment control plan received for VanDecker Lakeside SFD Demo & Rebuild, 364 Lakeside Drive, Block 3107; Lot 7.
3. HEPSCD Certification, dated August 20, 2019, for the soil erosion and sediment control plan received for Walsh Lone Pine SFD, 42 Lone Pine Lane, Block 5306; Lot 4.02.
4. Correspondence from the NJDEP Division of Dam Safety, dated September 19, 2019, regarding the Green Turtle Pond Dam, NJDEP File # 23-88, granting approval for repairs to the concrete spillway chute wall based on the plans submitted by Christopher S. Adams of GZA GeoEnvironmental, Inc. dated July 17, 2019. Conditions for the approval include supervision of work by a professional engineer, inspections by the NJDEP, no changes in procedures described in the submitted approved documents, notification of NJDEP prior to commencing repairs, stabilization measures for soil erosion and sediment control, submission of a completion report, lake lowering and fish salvage to be coordinated with the NJ Bureau of Freshwater Fisheries, tree removal general restriction to protect nesting birds and bats, time restrictions on in-water or sediment generating activities to protect brook trout, in-stream work restrictions to protect wood turtles, avoidance and protection of animals during construction, prevention of uncured concrete from coming in contact with water due to toxicity to aquatic biota.

**PUBLIC COMMENTS** – Resident Dave Hardin was present regarding the Green Meadow Organic application that is currently before the Board of Adjustment and provided comments with respect to his examination of the application documents.

### **ADJOURNMENT**

With no further business to come before the Environmental Commission, the October 7, 2019 regular meeting was **adjourned** at 9:30 p.m. on a **motion** by Tim Dalton and a **second** by Jim Rogers.

Approved: December 9, 2019

Respectfully submitted by

Tonya E. Cubby, Secretary