

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

December 11, 2017

The December 11, 2017 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:35 p.m. with a reading of the Legal Notice.

ROLL CALL

Present: David Ofshinsky, Douglas Ott, James Rogers, Clinton Smith (Alt #1), Thomas Tamayne, Don Weise, Chairman Stephen Sangle.

Absent: Tim Dalton.

Also Present: Doug Trainor.

Chairman Stephen Sangle requested Alternate #1 Clint Smith to sit in for Tim Dalton and advised that there was a quorum for this meeting.

PRESENTATIONS: None.

GRANT MANAGEMENT AND STATUS REVIEW

NJDEP NNL \$620,197.00 Reforestation Grant Project: Chairman Stephen Sangle advised that Ron Farr would be absent for this meeting and was unavailable to provide a report on the reforestation grant project for the Commission, but Tim Dalton had sent a punch list earlier of the items and issues that needed to be addressed. Chairman Sangle noted that the contractor has not been paid for the plantings since the Township cannot be paid until the planting plan and plantings are approved by the State. The main issues must be resolved and may depend on a meeting between Ron Farr, the NJDEP, the Township and the contractor. Commissioner Dave Ofshinsky noted that there were issues with the trees not being planted correctly, although all of the trees may not have been inspected, to date. Chairman Sangle commented that the contractor was not absolved from performing the tree plantings in the correct manner, so it appears that fault may lie with all parties involved. He stressed that the State Forestry Div. should meet with Mr. Farr, representatives of the Township, and the contractor to determine the terms of the payments. He noted that the grant was due to expire in February, but Tim Dalton was somewhat confident that the State would try to assist in getting this resolved. Commissioner Clint Smith inquired about the NNL Grant and whether it was a frequent program. Chairman Sangle advised that this particular grant was a result of the Tennessee Gas Pipeline project which provided funds for the replanting of trees that were removed as part of the project. At the time that the grant became available, the Township was contacted several times by the State Forestry Div. and encouraged to apply for the grant funds. Ron Farr was a certified forester and a member of the Commission at the time, so he was the logical choice to be the consultant on this project, and he had also received the endorsement of the Township Clerk who had worked with him in another municipality. Chairman Sangle noted that this grant process has been in the works since 2013, and once the trees are accepted by the State, a two year maintenance period commences, with the trees to become the Township's property at the end of that period.

To address all the issues that have surfaced, he advised that Ron Farr and Tim Dalton were working together to inventory the trees and compile a list of what species have been planted and mapping the location for the revised planting plan, as well as to identify the problems with the contractor's planting procedures that were revealed during the inspection by the State. The list they were compiling was supposed to be given to the contractor so they were aware of the deficiencies in the tree plantings. Commissioner Tom Tamayne inquired if this was a documentation of deviation from the contract specifications, and Chairman Sangle responded that lists were being developed that identified what was wrong with the plantings based on the contract and also the State requirements. Chairman Sangle maintained that the Township Administrator, Ron Farr, the State and the

contractor should meet to discuss why payment has not been made and what must be done to meet the requirements set forth by the State. He noted that the State Forester, Rosa Yoo, had identified problems with the tree plantings that were not in compliance with the State's requirements. Noting that it was not the Environmental Commission's role to solve the problems, but to advise and make recommendations, Chairman Sangle stated that the only logical way to resolve some of the main issues would be for the responsible parties to meet, possibly in the field, to review the errors with the plantings and discuss why the plan has not been approved by the state, with recommendations on how to proceed toward a resolution. This suggestion was followed by a motion, with a second by Clint Smith, that the Township, State, Forestry Consultant and Contractor should meet to negotiate a settlement and resolve this matter. Commissioner Tom Tamayne stressed that receiving an approved planting plan is crucial to this project, and the Commissioners concurred that Mr. Farr was the designated person responsible for inspecting the trees and providing the documents necessary for the revised planting plan. Once completed, the revised plan (with assistance from Tim Dalton and Tom Tamayne) must be submitted to the State for approval and payment of the grant funds.

APPLICATIONS FOR REVIEW

ERIC SUDHALTER

Bulk Variance #ZB-10-17-12

Block 9702; Lot 12

1 Warren Place; R-1 Zone

Seeking: Bulk Variance from the Board of Adjustment for an 8 ft. x 21.6 ft. addition to an existing residence with variance requested for Building Coverage, where 10% is permitted, 12.97% is existing, and 14.09% is proposed.

The Commission reviewed the application for Eric Sudhalter, 1 Warren Place, and the plans that were submitted regarding an addition to an existing residence. Subsequent to their review, the Commission made the following comments:

- The Applicant may want to consider installing rain barrels to accommodate the additional storm water run-off from the roof of the proposed addition.
- The Commission noted that there were gutters indicated on the architectural plans but no leaders were shown on the plans.

ON GOING BUSINESS

Shade Tree Committee / Community Forestry Mgt. Plan: Commissioner Tim Dalton was not present at the meeting and no updated report was available.

Lakes Committee/Greenwood Lake Bi-State Commission: Commissioner Clint Smith reported there were some issues with the State regarding the cost of the floating island removal on Greenwood Lakes, so this project may be delayed until next year.

Open Space Committee: Commissioner Don Weise noted that the Township received notification of a meeting in Tuxedo, NY regarding the Tuxedo Farms housing project design guideline amendments. He advised that this project will result in the temporary closing of some roads which will re-route Sterling Mine Road through parts of West Milford.

Environmental Contamination Issues: Commissioner Tom Tamayne reported on correspondence that the Commission received concerning an oil spill at the Newark Watershed Treatment plant on Route 23 and noted that the correspondence indicated that a 30,000 gallon AGST had leaked inside the containment tank. The Commission discussed the matter and determined that there was a typo on one of the documents and that the fuel tank must be 3,000 gallons.

Belchers Creek Testing Project: Testing of Belcher Creek samples was conducted by several Commissioners prior to the meeting and the readings were recorded.

Green Team–Sustainability Committee-Sustainable Jersey Re-Certification: There was nothing new to report at this time. The Commission acknowledged the possibility of qualifying for certification in 2018.

NEW OR CURRENT BUSINESS

Chairman Sangle advised that ANJEC will conduct a webinar on January 16, 2018 at 6:30 pm regarding Stormwater Regulations and suggested that one of the Commissioners consider registering for this. Workshops are free with our annual membership.

Ordinance No. 2017-018 - Amended LMI Zone – Recycling Facilities – The Commission reviewed the amended ordinance that had been introduced by the Governing Body at a recent Council meeting. The Commissioners expressed concern about the environmental impact of the amendments that will permit food waste composting and an increase in the type of materials accepted for recycling. The Commission instructed the Secretary to send a memo to the Township Administrator and Township Council requesting additional time to review the ordinance for adverse impact on the community. The Commission expressed that certain language in the ordinance may be a cause for concern, including, but not limited to, the following:

- Definitions, CLASS B RECYCLING FACILITY, (e) Source separated petroleum contaminated soil

The Commission recommended that due to the Highlands Preservation Area designation, that this material not be accepted in the Township

- Definitions, CLASS C RECYCLING FACILITY, (a) Source separated food waste

The Commission was concerned about odors and vermin if this material is accepted and recommended that a food waste (aerobic) composter be required

- Under Conditional Uses Permitted, Section C, #8 All driveways, access roads and parking areas shall be constructed of asphalt, concrete or compacted stone. All compacted stone surfaces must be maintained in such a way as to prohibit dust or dirt from becoming airborne.

The Commission suggested that industrial mud and tire cleaning mats or stone tire cleaning areas be used on site at exits to prevent dust and dirt from being tracked onto roadways.

The Environmental Commission felt that a further review of the proposed ordinance amendments regarding the LMI Zone, Definitions and Conditional Uses is necessary to determine the environmental impact on the Township. Resulting comments will be provided to the Governing Body for consideration.

MINUTES

The minutes from the November 6, 2017 regular meeting of the West Milford Environmental Commission were **approved** on a **motion** by Ton Tamayne and a **second** by Dave Ofshinsky.

CORRESPONDENCE RECEIVED: *The following correspondence items were reviewed by the Commission:*

Highlands Water Protection and Planning Act Correspondence

1. Highlands Act – Exemption #5 Qualification Notice, received from the Highlands Council, dated October 11, 2017, for Block 1301; Lot 1, 104 Carmel Road, regarding the construction of a shed as an improvement to a single family dwelling, advising that this project qualifies for a local exemption under the Highlands Act.

NJ Department of Environmental Protection Correspondence

1. NJDEP No Further Action correspondence dated November 2, 2017 regarding the removal of a 550 Gal #2 H.O. UST and remediation at 11 Wanaque Road, Block 4108; Lot 5.

2. Suspected Hazardous Spill notification dated November 4, 2017 received from the NJDEP for Uptime Radiology, 1018 Westbrook Road, Block 5009; Lot 15, regarding a hydraulic oil truck line spill of 2 gallons, with clean up scheduled.
3. Suspected Hazardous Spill notification dated November 4, 2017 received from the NJDEP for Coyman, 6 Yellowstone Avenue, Block 3703; Lot 15 regarding a hydraulic oil line break in equipment, with clean up in progress.
4. Suspected Hazardous Spill notification dated November 4, 2017 received from the NJDEP for Kapusta, 40 Stephens Road, Block 7701; Lot 19 regarding an oil spill in basement from September 2017 – with no clean up done to date.
5. Suspected Hazardous Spill notification dated November 1, 2017 received from the NJDEP for Ballacera, 66 Goldfinch Road, Block 201; Lot 24 regarding an oil spill in basement from faulty oil filter - cleanup is pending.
6. Suspected Hazardous Spill notification dated November 13, 2017 received from the NJDEP for 63 Marshall Hill Road, Block 6303; Lot 9 regarding a motor vehicle accident resulting in a motor vehicle fluid spill, with clean pending.
7. Notification of a subsurface sewage disposal system alteration received from Eid & Laptka, LLC, dated November 6, 2017, for 20 Circle Drive, Block 16307; Lot 1 and a pending application for a GP 25 from the NJDEP.
8. Notification of a subsurface sewage disposal system alteration received from Eid & Laptka, LLC, dated November 7, 2017, for 5 Twin Oaks Trail, Block 3001; Lot 10 and a pending application for a GP 25 from the NJDEP.
9. Suspected Hazardous Spill notification dated December 6, 2017 received from the NJDEP for Newark Water Treatment Facility, for 2224 Rt. 23 North, Block 14102; Lot 1, regarding an AGST containing 3000 gallon #2 H.O. that leaked inside its concrete encasement and mixed with water.
10. Suspected Hazardous Spill notification dated December 6, 2017 received from the NJDEP for a residence on 14 Upper High Crest Drive, Block 13103; Lot 8, regarding a 550 gallon #2 H.O. UST that was removed; clean-up is pending.
11. Potable Well & POET System Sampling Notification and Results received from Leidos, dated November 30, 2017, regarding 1457 (1453-1463) Union Valley Road, Block 7601; Lot 2. Properties included in the sampling: 42 Overlook, 32 Overlook, 28 Overlook, 1449 Union Valley Road, 26 Overlook, 3 Washington Lane.
12. NJDEP No Further Action correspondence dated November 2, 2017 regarding the removal of a 550 Gal #2 H.O. UST and remediation at 8 Windsor Road, Block 7003; Lot 2.

Miscellaneous

1. Hudson Essex Passaic Soil Conservation District certification of a soil erosion and sediment control plan, dated October 20, 2017 received for Jehlen Somerville Single Family Dwelling Reconstruction at 37 Somerville Road, Block 3012; Lot 1.
2. Hudson Essex Passaic Soil Conservation District certification of a soil erosion and sediment control plan, dated September 15, 2017 received for Ashley Scattergood Tooey regarding a grading plan for 104 Carmel Road, Block 1301; Lot 1.
3. Hudson Essex Passaic Soil Conservation District certification of a soil erosion and sediment control plan, dated November 27, 2017, received for Joseph Fontana for proposed condos at 165 Lakeside Road, Block 4201; Lot 21 and Block 3406; Lot 23.
4. Notice of Public Hearing on December 11, 2017 at 7 pm - Tuxedo Town Hall, received from the Town of Tuxedo, NY regarding proposed amendments for the Tuxedo Farms Design Guidelines that were approved as part of an Amendment to the Special Permit for Tuxedo Farms (former Tuxedo

Reserve) project in April 2015. The hearing will address amendments to the procedural requirements for the design review process for individual buildings and expansion of the permitted building materials.

5. ANJEC webinar – January 16, 2018 – Complying with NJ Stormwater Regulations, 6:30 pm

PUBLIC COMMENTS – Prior to adjourning, Don Weise advised that the former Jungle Habitat sign structure was being removed by the NJDEP mainly due to maintenance and liability, and the site was under consideration for a new name, possibly to avoid any conflict with the Warner Brothers copyright. He feels that the State will keep the site open for hiking and biking activities.

ADJOURNMENT

With no further business to come before the Environmental Commission, the December 11, 2017 regular meeting was **adjourned** at 9:15 p.m. on a **motion** by Douglas Ott and a second by Dave Ofshinsky.

Approved: January 8, 2018

Respectfully submitted

Tonya E. Cubby, Secretary