

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

DECEMBER 12, 2011

The regular meeting of the Township of West Milford Environmental Commission was called to order at **7:40 p.m.** followed by the reading of the Legal Notice.

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

In the absence of Chairman Stephen Sangle, Vice Chairman Douglas Ott presided over the meeting.

APPLICATIONS

TRIPLE T CONSTRUCTION, LLC

Preliminary Site Plan #PB-03-11-01-A

Block 6002; Lot 29

280 Marshall Hill Road; LMI Zone

Seeking: Preliminary Site Plan and Conditional Use Approval for a warehouse/distribution center/office and construction related storage. This application was bifurcated; preliminary and final site plan approval was recently granted for boat storage only on a portion of the exterior.

The Commission reviewed the previously submitted site plan and the photos that were taken at the site recently by the Zoning Officer. Acting Chairman Doug Ott reported that he made a site visit to the location and noted numerous vehicles on the site even though the owner was not permitted to operate a business without an approved site plan. Several Commissioners commented that they thought this site was a Brownfields site, and Tom Tamayne noted that Kemp had produced hydraulic pumps. Mr. Ott advised that the applicant would be installing wood furnaces for heat at the building, utilizing the wood from the Recycling Center where he operated a tub grinding/mulch business. He encouraged the Commissioners to visit the site in preparation of the revised plans that will be submitted for the continuation of the hearing in January. The Commission concurred that they would withhold formal comment until the revised plans were received for this application.

JAMES AMBROSE

Bulk Variance #ZB11-11-13

Block 10706; Lot 9

10 Pool Drive; LR Zone

Seeking: Bulk Variance Approval for side yard setback, rear yard and lot coverage to construct a roof over a deck.

The Commission reviewed the plans submitted for the proposed covered porch and noted that the applicant did not have roof drainage addressed on his plans, and directed that a memo be sent to the Board of Adjustment requesting the applicant to discuss the roof drainage at the hearing.

TELECOMMUNICATION APPLICATIONS - None.

GRANT MANAGEMENT AND STATUS REVIEW

604(b) OWTS Grant: The Secretary advised that an updated report will be provided from Dr. Fred Lubnow prior to the January 9, 2012 Environmental Commission regular meeting. Dr. Lubnow will meet with the Commission, and possibly representatives from the NJDEP, at a public meeting regarding the on-site waste water treatment system grant project to be held at 7:00 p.m on January 9, 2012.

2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: An updated report will be received from Dr. Fred Lubnow at the January 9, 2012 Environmental Commission meeting.

Streetscape Grant: Acting Chairman Doug Ott reported that the Township Administrator was resigning and there may not be any movement on the streetscape project until a new administrator is employed.

Recreational Trails Signage Grant: Mr. Ott noted that the project is moving along slowly and had nothing new to report at this time.

2010 Smart Growth Planning Grant - Trails Master Plan: The Commission concurred that the public meeting on the Trails Master Plan in November went very well, with a good response from various associated groups in town. Gary Oppenheimer suggested that the old railroad beds would make excellent recreational trails. The Commission discussed several other well-known trails in the region, including the Saddle River Trail in Bergen County. Gillian Hemstead commented that the former Planner and the GIS Specialist devised plans for bike paths leading from the various schools to Town Center. Mr. Oppenheimer observed that people need accommodations when they visit the Township and he suggested that a “kit” be created with the procedures required for creating bed and breakfasts.

ON-GOING BUSINESS

Lakes Committee: Andy Abdul advised that the main discussion at the Lakes Committee meeting related to the ordinances with notice requirements for residents of lake communities who desired to do renovations or install new septic systems on their property. He noted that the details of the ordinances had not been clear to many of the lake residents or the associations, either with the old ordinance or the two amending ordinances.

Open Space Subcommittee: The Secretary provided information on the Idylease property that was being offered to the State or the Township for open space. The Commission discussed COAH and whether the conversion of Idylease to open space or state land would affect our low income housing requirements.

Environmental Contamination Issues: Tom Tamayne had nothing new to report. He commented that the Kemp site was a Brownfields site.

Green Team - Sustainable Jersey: Tom Tamayne reported that the Green Team was moving forward, but was still attempting to acquire the information from the Township for the Green Fleet requirements. Acting Chairman Ott noted that there were several old cars behind the Town Hall and the Animal Shelter that should be included on the list. Ms. Hemstead suggested that a formal request be made of the Interim Administrator. Mr. Tamayne advised that the green fleet requirement under Sustainable Jersey involves securing a list of all the cars, including year, make and model, so that a baseline can be established and ultimately a plan can be devised. He noted that he recently attended an ANJEC session and release of comprehensive fleet lists is a common problem with towns. The list should also include the number of miles and the amount of gas used per vehicle. Ms. Hemstead suggested that a list be requested without the police vehicles to avoid compromising any security issues, adding that this would be a good starting point.

Tennessee Gas Pipeline: Gary Oppenheimer reported that he and Luke Slott attended a meeting at the request of the Vernon Environmental Commission regarding the Tennessee Gas Pipeline, and noted their concern and dismay about the project and the amount of trees removed. He stated that one Councilperson estimated approximately 15 million dollars worth of trees were removed for the pipeline. Vernon Township was disconcerted about not receiving proper compensation for the trees. Gillian Hemstead explained that a right of way lease did not translate into the lessee owning the resource, and Andrew Abdul commented on various types of land leasing for farming, mining, hunting, etc. Ms. Hemstead observed that this matter had to have been brought before their Township Attorney. Mr. Oppenheimer also reported that Vernon was concerned about “oil slicks” and were requesting that T.G.P. investigate whether a petrol chemical was involved during the pipeline excavation. He opted that it may be a bacterial condition that results when iron and bacteria combine, creating an oily odor and appearance. Mr. Oppenheimer also reported that Elaine Buchtman is continuing to have problems at Lake Lookover and he will contact TGP – Michael Lennon – to review the issues with him. Acting Chair Doug Ott commented that he made a site visit to Lake Lookover and observed that the water presently appears clear. He felt that West Milford had been compensated for any encroachment by TGP and they responded to and addressed the issues that were brought to their attention. Tom Tamayne inquired how much of Vernon’s land was involved in the project, and Mr. Oppenheimer responded that it seemed like a large expanse of land. He noted that Vernon officials were surprised when he and Luke advised them that TGP can only build to capacity and that they can return if they acquire new customers. Mr. Abdul observed that they can increase their compression up to 25% without installing new pipeline. Mr. Tamayne commented that the objective appears to be to replace all coal fired power plants with natural gas, hence the reason for the recent expansion of the gas mining.

NEW BUSINESS

Gary Oppenheimer announced that AmpleHarvest.org/pbs had a featured episode that included scenes filmed at his home and around West Milford.

MINUTES

Andrew Abdul commented on page 4 of the minutes, stating that he did not recall discussing uranium on Bearfort Mountain being a reason for lead being discovered on Wallisch Estates, and the Secretary read from her notes of the meeting. The minutes of the September 12, 2011 Regular Meeting of the West Milford Environmental Commission were **unanimously approved** on a **motion** by Tom Tamayne and a **second** by Gillian Hemstead.

The following documents were reviewed by the Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Notification dated November 11, 2011 from CH2MHILL regarding the submission of additional and updated information for the Tennessee Gas Pipeline's Highlands Applicability Determination for the Northeast Upgrade Project-Loop 325, and the Existing Highlands Exemption for the 300 Line Project-Loop 325 that will include a revised comprehensive mitigation plans, revised alignment drawings, access road and ECD alignment and overview maps, and the line list for access roads.
2. Notification from FERC, dated November 21, 2011 regarding the Environmental Assessment for the Planned Northeast Upgrade Project for the TGP, inviting review of the assessment and public comments until December 21, 2011.
3. Copy of a Highlands Applicability Determination application, dated November 21, 2011, received from MAP Engineering for ESCO Products, 171 Oak Ridge Road, Block 15901; Lot 7.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Application notification for a GP#25, dated November 10, 2011, regarding repair of an existing malfunctioning sewage disposal system for Richard Gryzmolowicz, 9 Green Terrace Way, Block 10402; Lot 8.
2. No Further Action Letter, dated October 25, 2011, from the NJDEP regarding the abandonment in place of a 1000 gallon No. 2 fuel oil storage tank for Harold and Lorelei Thomas, 89 Lincoln Avenue, Block 6607; Lot 5.
3. Notice to the City of Newark from the NJDEP, dated October 27, 2011, regarding Cotter's Brook Diversion Dam, Macopin Reservoir Dam, Farber Brook Diversion Dam, advising that the Bureau of Dam Safety did not receive the Compliance Schedules (CS) and requiring that they be submitted by December 31, 2011. Cotters Brook Diversion Dam and Farber Brook Diversion Dam were stated to be in "Poor" conditions with investigations, improvements and repairs necessary, and the Macopin Reservoir Dam sated to be in Satisfactory Condition with improvements and repairs necessary.
4. Notice of Violation and Offer of Settlement from the NJ DEP to Passaic County, dated November 15, 2011, regarding the Apschawa Main and Auxiliary Dams, NJ Dam File Nos. 22-1 and 22-314, advising that the NJDEP has not received an inspection report, and requiring the owner to inspect the dams and submit inspection reports within 60 days of this notice.
5. Notice dated November 15, 2011 sent to Brian Douglas, 25 Charissa Court, regarding the Carpi Lake Dam, NJ DEP Dam File No. 22-129, advising that the inspection report and existing NJ DEP records find the Carpi Lake Dam to be in Safe condition with repairs necessary. The owner is required to perform necessary studies and prepare plans for the implementation of the recommendations outlined in the June 28, 2011 inspection report.
6. Notice dated November 4, 2011 sent to Lindy's Lake Association regarding the Lindy's Lake Dam, NJ DEP Dam File No. 22-54, advising that the inspection report and existing NJ DEP records find the Lindy's Lake Dam to be in fair condition with maintenance and repairs necessary, especially with regard to the damage to the reno mattress located at the outlet of the culvert located under Lindy's Drive, with said damage to be addressed by June 30, 2012.
7. Response Action Outcome Notice, received November 17, 2011, from Conestoga-Rovers & Associates regarding the Lukoil Station #57360, 1910 Union Valley Road, Block 6101; Lot 8, with regard to remediation of the soil and groundwater related to Case #04-03-16-1803-12.
8. No Further Action Letter received from the NJDEP, dated November 15, 2011, to Charles Tregidgo of Fair Lawn, regarding the remediation of a 275 gallon above ground storage tank at 18 Harvey Road, Block 1101; Lot 16.
9. Notice dated November 21, 2011 from the NJDEP advising that the FY2012 Annual Fee Report and Assessment of Fees for the NJ Pollutant Discharge Elimination System permit program is available on the DEP's website, and advising that the public hearing on the FY2012 Annual Fee Report for the period of July 1, 2011 through June 30, 2012 will be held on Wednesday, December 14, 2011 at 1:00 pm at the NJDEP office in Trenton. The written comment period will remain open until December 21, 2011.

10. Treatment Works Approval No. 11-0274, dated November 21, 2011, received for the Township of West Milford Municipal Complex, with said approval valid for 2 years from the date of issuance, and shall expire if building, installing, or modifying of the treatment works has not begun within the initial approval period.
11. Notice from the NJDEP Bureau of Dam Safety & Flood Control, dated December 2, 2011, to the Bald Eagle Village Condo Association regarding the Pettet Pond Dam, advising that an inspection revealed structural damage to the dam, and requiring that a detailed site inspection be completed and a report be submitted by a licensed professional engineer experienced with design and construction of dams within 45 days of the date of the letter, and written confirmation within 10 days of the date of the letter that they will comply with the order.
12. General Permit #18 application notification received on December 9, 2011 for Salvation Army and the rehabilitation of the Lower Star Lake Dam in the Borough of Bloomingdale, NJ.
13. Authorization for a Freshwater Wetlands Statewide General Permit #25 and Waiver of Transition Area for Access dated November 23, 2011 received for Robert Castro, 48 Landing Road, Hewitt, NJ with regard to alteration of an on-site sewage disposal system.
14. Flood Hazard Area Individual Permit dated November 22, 2011 received from the NJDEP for the Township of West Milford regarding a Bridge #1695-001 on Crescent Road.

CORRESPONDENCE

1. Notification dated November 10, 2011 from the NY/NJ Trails Conference announcing the publication of the tenth edition of the North Jersey Trails Map set that will be available for \$9.95, which will include over 275 miles of marked trails within over 16 parks in northern New Jersey. Maps are available by visiting the NY/NJ Trails Conference web site at www.nynjtc.org.
2. HEPSCD Certification, dated October 27, 2011, of the Soil Erosion and Sediment Control Plan for the Gould Road Culvert Bridge Replacement 1600-25 at Gould Road over Macopin Brook, with certification valid for 3.5 years.
3. HEPSCD Certification, dated October 27, 2011, of the Soil Erosion and Sediment Control Plan for the Sun Young Joo Fill and Grade Project at 55 green Terrace Way, Block 10402; Lot 12, with certification valid for 3.5 years.
4. Correspondence dated November 18, 2011 received from Braemar At West Milford, LLC regarding execution of a Conservation and Drainage Easement from Braemar to the Township of West Milford for Block 10001: Lot 19.
5. Notice received November 21, 2011 from ANJEC regarding the ANJEC Capital Day seminar on December 2, 2011 at the NJ State House Annex, Trenton, NJ, featuring speakers addressing the issues of environmental lawmaking in NJ, with advanced registration required.
6. Pequannock Post, Volume 16; Issue 6 received December 5, 2011.
7. Request from ANJEC for annual donation.
8. Request for review of Block 14602; Lots 1, 2, 4, 5, & 6 (Zampella, Union Valley Road) for possible Open Space acquisition by the Township.
9. Letter of support from the Township of West Milford, dated December 1, 2011, to the Institute for Sustainability Planning and Governance for the Sustainable Jersey Animals in the Community Program.

PUBLIC COMMENTS - There were no matters of concern brought to the attention of the Commission.

ADJOURNMENT

With no further business to come before the Commission, the meeting was **adjourned** at **9:05 p.m.** on a **motion** by Gillian Hemstead and a **second** by Tom Tamayne.

Approved: March 5, 2012

Respectfully Submitted,

Tonya E. Cubby, Secretary