

Township of West Milford
ENVIRONMENTAL COMMISSION

MINUTES

DECEMBER 13, 2010

The regular meeting of the Environmental Commission of the Township of West Milford was called to order at 7:32 p.m. by Chairman Stephen Sangle, following the reading of the Legal Notice.

ROLL CALL: Present: Andrew Abdul, Gillian Hemstead, Gary Oppenheimer, Douglas Ott, Thomas Tamayne (L-7:37), Alternates Maryellen Gabay, Lucas Slott, and Chairman Stephen Sangle (L.E.-9:00).
Absent: Timothy Metcalf.

Chairman Sangle asked Maryellen Gabay to sit in for absent Commissioner Tim Metcalf. Luke Slott was asked to sit in for Tom Tamayne until his arrival.

PRESENTATIONS

Tennessee Gas Pipeline – Wallisch Estates - Site Inspection and Plan Review Update

Representatives from the Tennessee Gas Pipeline were in attendance to address the Commission including Mark Stevens, Attorney for Tennessee Gas Pipeline, Dan Gredvig, Michael Lennon, and Allan Finneio. Chairman Sangle advised the TGP representatives that several of the Commissioners walked the Wallisch property and had concerns about the environmental impact and disturbance resulting from the project, especially the removal of four very old trees on the site. Dan Gredvig addressed the Commission, stating that FERC (Federal Energy Regulatory Commission) is the regulatory body that must approve every aspect of the project, further commenting that FERC had a comment period in which to address resident's concerns. Gillian Hemstead inquired about noticing requirements and stated that she did not recall receiving any notice about the project. Mr. Gredvig replied that all noticing required by FERC would have been addressed to the Township. Mr. Stevens advised that a letter was on file with FERC and on the Federal website. Mr. Gredvig explained the noticing requirements and the process that completes the requirements. The Commission commented on their lack of knowledge of specifics about the project. Luke Slott inquired about the correlation between the 300 Line Project and the Northeast Upgrade Project. Mr. Gredvig replied that additional customer requests necessitated the need for the expanded project. Tom Tamayne inquired whether the Commission or public could make further comments regarding the project and Mr. Gredvig advised that any changes at this stage could be problematic as FERC has approved all aspects of the project, adding that the NJ DEP has also approved the project. The Commission inquired whether the pipeline could be relocated to avoid several environmentally sensitive areas and trees that are in the proposed easement area for the pipeline. Mr. Gredvig advised the Commission that the route for the pipeline has been certificated and additional meetings with the State would be required if the route is altered in any way.

Michael Lennon, contractor with TGP, advised the Commission that he and several pipeline representatives visited the Wallisch site and they determined that only three trees would be removed, saving a fourth tree. Several Commissioners inquired about the need for such a large easement area (50 feet) for construction equipment and Mr. Gredvig advised that for the 30 plus years he has worked for the company, all easements are 50 feet wide. The Commission discussed various options with the TGP representatives, and Mr. Gredvig noted that his company was very conscientious to limit and minimize the environmental impact of projects. Mr. Oppenheimer inquired about the wood that will result from the tree removal on the Wallisch site and it was suggested that the Township should make this wood available to the residents. Chairman Sangle asked that a memo be sent to the Township Administrator advising that the wood be offered to the residents. As for the Ramapo Mitigation site, Mr. Gredvig advised that the trees and vegetation are being replaced at a 4 to 1 ratio.

Mr. Gredvig also advised that TGP was in the process of purchasing an 18-acre site adjacent to the Wallisch property (Kimble) that they will donate to the Township; an Environmental Assessment is currently being conducted. Chairman Sangle commented that the Commission would like some time to review this property and any other sites for possible donation to the Township. Mr. Oppenheimer noted that this property is filled with wetlands and forest. Other items discussed were the type of gas

line piping being used, hydro fracturing, and inspection schedules. With regard to tree removal, Mr. Gredvig advised that tree canopies over the pipeline area were a hazard for aerial inspections that are conducted periodically, and roots from trees can affect the pipeline.

At the conclusion of the discussion, the TGP representatives thanked the Commission for comments and asked that any further comments be relayed to him for a response. Chairman Sangle suggested that future contentious situations might be avoided if the TGP officials contact the local Environmental Commissions before proceeding too far into a project, noting that public outreach and education is crucial.

A memo was directed to be sent to the Administrator and Council advising of this meeting and the request for the wood to be available for the residents, and the Commission's further consideration of additional property (Greenbelt) to be purchased by TGP for wetlands mitigation. Gary Oppenheimer will act as the Commission's liaison with Michael Lennon and TGP.

West Milford Lake / Evergreen Environmental - Review of concepts for possible wetlands mitigation.

No one was present to address the Commission regarding this matter.

APPLICATIONS

GARY GALLUCCI

Bulk Variance #ZB-10-10-11

Block 2101; Lot 18

117 Lakeshore Drive; LR Zone

Seeking: Bulk Variance for side yard setback and building coverage for construction of a covered staircase for a 2 bedroom, 2 story single-family dwelling.

LYNN STEWART

Bulk Variance #ZB-11-10-12

Block 2605; Lot 17

42 Point Breeze Drive; LR Zone

Seeking: Bulk Variance for front yard setback and maximum building coverage for a carport and deck extension.

Following a review of the above Zoning Board of Adjustment Bulk Variance applications for Gary Gallucci and Lynn Stewart, the Commission had no comment regarding environmental concerns.

TELECOMMUNICATION APPLICATIONS - None.

Prior to the conclusion of the meeting, Chairman Sangle announced that he had another appointment and had to leave at 9:00 p.m. He subsequently appointed Doug Ott to Acting Chairman for the remainder of the meeting.

PRESENTATIONS

Green Team / Renee Alessio - Sustainability Draft Plan Discussion

Renee Alessio was present to address the Commission. Prior to a review of the Sustainability Draft Plan, Ms. Alessio inquired about the Tennessee Gas Pipeline Northeast Upgrade Project and the projected route of the pipeline. She commented that the FERC comment period was closed and that comments were being reviewed. The Commission briefly discussed the project and noted that a topography presented by TGP did not display the Monksville Reservoir. Ms. Alessio remarked that there was to be a comment period in March with the Highlands. The Commission discussed whether certain entities and residents had received notification of the projects. Tom Tamayne commented that he had spent some time reviewing the documents in the file in the Planning Department and that they seemed to be in order.

With regard to the sustainability plan that is to be submitted to the Sustainable Jersey program for Township certification as a sustainable community, Ms. Alessio reported that she was planning to have the plan completed by the end of January. She noted that many of the requirements are related

to natural resources. She reviewed the memo with a draft outline that she prepared for the Commission, and commented that the Township has accomplished a lot of the items required by the program. She reviewed some of the accomplishments that will result in credits for the Township including the formation of the Green Team, a Bear Group, the septic maintenance ordinance, well testing ordinance, and anti-idling ordinance. She noted that the current tree ordinance needs to be reviewed and amended. Some of the items that are still required are an Environmental Assessment Inventory, Sustainable Land Use Pledge (we may be able to use the existing Land Use Ordinance), Energy Audit, and a Green Fleet Inventory. Ms. Alessio commented that we are required to have two of the above listed items, and noted that the Township Administrator has advised that an energy audit of Township buildings would be completed shortly with the aid of grant monies.

Following the Commission's review of the memo, Ms. Alessio advised that the Township would probably not qualify for sustainability certification for 2010, but she will attempt to get the required components completed for certification in 2011.

GRANT MANAGEMENT AND STATUS REVIEW

2004 Greenwood Lake 319H Grant and 2007 Stormwater Implementation 319H Grant: It was reported that Dr. Fred Lubnow would be attending the meeting in January to provide an update on the 319h and 604b grant projects.

Streetscape Grant: No update at this time.

Recreational Trails Signage Grant: Acting Chairman Doug Ott commented that this project is slowly moving along, with unexpected delays in getting county approvals and insurance for one of the sites on Greenwood Lake Turnpike.

Trails Master Plan: Acting Chairman Ott advised that George White of White Environmental Services is the consultant who is paid to prepare the maps and coordinate the project, something that was done in house for many years by the Township's GIS Specialist Rob Sparkes. He also commented that they intend to confer with horse riders to determine the horse trails that are frequently used. The Commission briefly discussed horse trails, noting that they are specifically marked trails.

ON GOING BUSINESS

Lakes Committee: Andrew Abdul advised that he did not attend the Lakes Committee meeting in November and there was no scheduled meeting in December.

Open Space Subcommittee: Acting Chairman Ott commented that a newspaper article recently reported a proposed purchase by the Township of Green Valley Park with Open Space Funds. A Commission member commented that the Township owns numerous fields and maintenance of the fields is costly. Another Commissioner commented that the Township's desire for ballfields was insatiable. Luke Slott suggested that the Recreation Director attend a Commission meeting to review the Township's need for additional recreational fields.

Environmental Contamination Issues: Tom Tamayne reported that he has been conferring with Bill Wallace, Health Officer, on contamination sites within the Township, and he recently received data on the sites that are being tracked. Regarding the Adelo property on Greenwood Lake Turnpike, he reported that the information is still being collected and it has not been posted to the report. Mr. Tamayne will report further when more information is available and the report is updated. Acting Chairman Ott noted that the list provided does not give much information for each site. Gary Oppenheimer noted that it was not always easy to get specific information on contaminated sites, even from the NJDEP.

Beaver Dam at Environmental Boardwalk: No update was available at this time.

NEW BUSINESS

Meeting Dates for 2011: The Meeting Dates for 2011 were reviewed by the Commission and **approved** on a **motion** by Gary Oppenheimer and a **second** by Andrew Abdul.

Annual Report to Township Council: The Environmental Commission's Annual Report will be held until after Dr. Fred Lubnow reports on the 319h and 604b grant projects at the January 2011 meeting.

MINUTES

The Minutes of the September 13, 2010 Regular Meeting of the West Milford Environmental Commission were **unanimously approved** on a **motion** by Maryellen Gabay a **second** by Andrew Abdul.

The following documents were reviewed by the Environmental Commission and filed:

HIGHLANDS WATER PROTECTION AND PLANNING ACT

1. Letter dated November 4, 2010 from the NJ DEP – Highlands Office to the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline – Notice of Intent to Prepare and Environmental Assessment for the Planned Northeast Upgrade Project, providing an overview of the anticipated activities of the Highland's Council during the review of Tennessee Gas Pipeline's proposal.
2. Notice to Shoebox Storage, LLC, Block 16006; Lot 16, Paul Street from the NJ DEP, dated November 5, 2010, regarding a technical review of an application for Highland's Applicability and Water Quality Management Plan Consistency Determination, advising that the determination is not applicable to the proposed project/activity due to the lot not being owned by an individual, noting that the L.O.I. had expired in May 2010, additional DEP permits may be required, and advising that this application may be withdrawn by the applicant.
3. Highlands Determination – Not a Major Highlands Development – Water Quality Management Plan – Consistent – received for Kathleen Lota, Manor at Smith Mills Condo Association, 524 Hamburg Tpk., Block 12701; Lots 9.01, 9.02, 9.03 for the replacement of a failed septic tank and an undersized tank with two new conforming tanks.
4. Highlands Act – Exemption # 2 – Water Quality Management Plan – Consistent, received for Frank Schultz, 38 Setting Sun Trail, Block 12307; Lot 32, for the demolition of the existing dwelling and the construction of a new two bedroom, single family dwelling with alterations to the existing septic system.
5. Highlands Act – Exemption # 2 – Water Quality Management Plan – Consistent, received for Jack Lipari, Lone Pine Lane/Split Rock Road, Block 5306; Lot 4.02, for the construction of a new 4 bedroom single family dwelling with driveway, septic and private well.
6. Notice of application, with plans, from 1952 Union Valley Road (Q & S Deli), dated November 16, 2010, for a Highlands Exemption and Water Quality Management Plan for the removal of the existing structure and related paved areas and construction of a new two story 5,000 SF building with associated parking, loading, landscaping, septic system, and drainage for a new deli with two apartments.
7. Notice of Administrative Completeness received from the NJDEP regarding the processing of the Highlands Applicability Determination application for 1952 Union Valley Road LLC, Block 3601; Lot 1, 3.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Notice of application, with plans, for a NJ DEP General Permit for Mount Glen Lakes Association received November 9, 2010, for the rehabilitation of Lower Mount Glen Lake Dam, including the addition of a 150-foot long auxiliary spillway and a new mid-level outlet.
2. Notice dated October 28, 2010 from the NJ DEP Highlands Office, for Paul Aiazzino, 8 Glencross Road, Block 7005; Lot 2, regarding a prior violation for conducting an activity regulated by the Freshwater Wetlands Protection Act without prior approval from the NJ DEP, and advising that the restoration of the site has been completed to the satisfaction of the DEP.
3. Letter to NJDEP dated November 9, 2010 from Kevin Boyle to Larry Miller, Trails Coordinator for the Division of Parks and Forestry requesting a time extension for the grant.

4. Letter from Larry Miller of the NJDEP, dated December 1, 2010, granting a one-year time extension for the 2005 Recreational Trails Grant and a six-month extension for the 2006 Westbrook Trails Grant.
5. Letter from the NJ DEP Office of Engineering and Construction, dated November 29, 2010, regarding the Nosenzo Pond Dam (NJDEP File #22-241) advising that the submitted Emergency Action Plan with inundation mapping was acceptable by the Bureau of Dam Safety and Flood Control. In addition the O&M manual revisions are also acceptable. Distribution of the EAP and mapping should be completed within 30 days.
6. Remedial Action Work Plan Approval, dated November 19, 2010, received from the NJ DEP Bureau of Northern Field Operations, regarding 18 Harvey Road, regarding remediation of contamination from discharges of heating oil at a residential building. Letter also advised of missing information from the Remedial Investigation Report. Request for submission of a Remedial Action Report by June 24, 2011.
7. Notice of Violation dated November 12, 2010 for Igor Kordik, and Battinelli Landscaping of Hewitt, NJ, regarding 67 Hanover Road, Block 1005; Lot 2, for an unauthorized regulated activity within a freshwater wetland, with respect to the placement of fill and a boulder retaining wall covering approximately 2250 s.f. of freshwater wetlands in connection with landscaping adjacent to Sawmill Pond Brook, and requiring the removal of the fill and boulder wall from the east side of the stream and restoration to pre-existing condition.
8. Request from the NJDEP – Green Acres Program, dated December 5, 2010, for the Township to review their files regarding property at Block 17302; Lot 9, off Hemlock Lane in the Pinecliff Lake Community, for any possible storage or discharge of hazardous substances or wastes, in consideration of possible acquisition by Green Acres.

CORRESPONDENCE

1. Copy of a letter from Kevin Boyle, Township Administrator, to James Holt of Evergreen Environmental regarding their request to share concepts for the West Milford Lake site, and advising that Evergreen Environmental should present their vision for the property to the Environmental Commission and Board of Health, and further requesting the Environmental Commission provide their comments to the Township Council.
2. Notice of Penalty Assessment and Offer of Settlement from the County of Passaic, dated November 10, 2010, for Swen Bos, 268 Wooley Road, for disposal of asphalt millings on subject property, and requiring proper disposal and certified proof of disposal of material to the Passaic County Health Department.
3. Introduction of Ordinance No. 2010-018 by the Township of West Milford to rezone certain parcels in the Township from R1/PN zone to the R-4 Zone and the LR zone and to Amend Chapter 500 Entitled Zoning – Zone Districts and Zoning Map.

PUBLIC COMMENTS - No one was present to address the Commission on any matter of concern.

ADJOURNMENT

With no further business to come before the Commission, the meeting was **adjourned** at 10:15 p.m. on a **motion** by Andrew Abdul and a **second** by Maryellen Gabay.

Approved: March 7, 2011

Respectfully Submitted,

Tonya E. Cubby, Secretary