

**Township of West Milford
ENVIRONMENTAL COMMISSION**

MINUTES

May 3, 2021

Virtual Meeting - Via Zoom

The May 3, 2021 Regular Meeting of the Township of West Milford Environmental Commission was held virtually, via Zoom, beginning at 7:00 pm with a reading of the Legal Notice.

ROLL CALL

Present: Janet Little, David Ofshinsky, James Rogers, Thomas Tamayne, Douglas Trainor, Chairman Stephen Sangle.

Absent: Don Weise.

Chairman Sangle advised that a quorum was present for this meeting.

PRESENTATIONS – None.

APPLICATIONS FOR REVIEW – *The Chairman advised that the reviews on the applications will be presented at the next meeting.*

ARTHUR KING

Bulk Variance #ZB-02-21-04

Block 7519; Lot 2

5 Meadow Road; LR Zone

Seeking: Bulk Variance approval for the construction of free standing pavilion style roofs over the front porch and the basement entrance, with variances requested for front yard setback where 40 ft is required, 26.88 ft exists, and 17.88 ft is proposed, and side yard setback where 30 ft is required, 24.80 exists, and 16.80 ft is requested.

DALIBOR LJUSIC

Bulk Variance #ZB-01-21-03

Block 2604; Lot 6

174 Point Breeze Dr.; LR Zone

Seeking: Bulk Variance approval for a family room addition to an existing single family dwelling, and a covered porch, with side yard setback requested where 30 ft is required, 38 ft exists, and 26.75 ft is proposed, and possible building lot coverage where 10% is required, 25% exists, and 33% is proposed, per the architectural plans.

ON GOING BUSINESS

Belchers Creek Testing: Jim Rogers provided an update on the Belchers Creek ongoing testing, advising that on April 11th to 24th, 9 tests were conducted, and the results still indicate high nitrate readings. He reviewed the numbers that were included on the spreadsheet, noting Crescent Park at 15.4, Stowaway at 11.2, and the Marshall Hill Bridge at 10.7. Dave Ofshinsky reported that he began testing at the beginning of the creek by Newark Watershed property, and the numbers increased as he got nearer to the residences, up to 15.4 near the treatment plant, and this was all in a span of an eighth of a mile. He added that it was interesting to see the progression on his samples. Doug Trainor inquired if the equipment could be defective, and Mr. Ofshinsky responded that there is a steady increase by the treatment plant as well as the area below the horse farm. Chairman Sangle commented that it was not the equipment,

but it is apparent that the numbers progress as development increases. Mr. Ofshinsky advised that the testing locations and frequency should be consistent and not altered from what currently exists. The Commission noted that new nitrate reagents are needed, and the Secretary advised that the vendor, Hanna Instruments, was being set up with the Finance Dept. as a new vendor and the nitrates will be ordered.

Community Forestry Mgt. Plan: AAR – The Annual Accomplishment Report was submitted to the NJDEP and comments were received and forwarded to the Commission for review.

NNL Reforestation Grant: Update on Tree Survey and Closeout Analysis:

The Commission advised that Tim Dalton was in attendance with several of the Commissioners on the prior Saturday, and they discussed the Shade Tree Commission. Janet Little remarked that the requirements for tree maintenance appeared to be a burden to the Township, and unless they are committed to maintain the trees, it is too much to ask of the volunteers to continue.

With regard to the NNL Reforestation Grant project closeout, Chairman Sangle noted that the trees that die after the two year period that is included in the NJDEP report are not our concern. According to the grant requirements, the trees that die after the two years are no longer part of the grant. Ms. Little observed that it is very hard to identify the trees, and Doug Trainor commented that there were supposed to be trees on certain rows and they were missing. He further noted that there were no labels and the leaves are small, making identification difficult. They were supposed to identify 42 trees and had trouble around Town Hall. Jim Rogers stated that the following week the Commissioners will go to Bubbling Springs and Hillcrest to examine the trees. Ms. Little commented that the information in the state report was not what they found on the sites, and at this point, she would not feel confident telling them what trees needed to be replanted.

Mr. Rogers suggested that the replanting of the trees by the DPW should focus on the trees that are visible on the main roads. Chairman Sangle advised that the Administrator requested a list of the trees that need to be purchased, and he can make the decision on what trees to buy and what they will maintain. There were 184 trees identified in the report that needed to be replaced, and if they had survived, we would have reached 100%. He further noted that 125-130 more trees would have resulted in a 95% survival rate.

Mr. Rogers reported that there was a whole row of trees that disappeared and were possibly mowed over. Chairman Sangle noted that no one has a solution to this, but basically, the Commission was requested to identify trees and the Township will purchase and replant them to satisfy the grant. Ms. Little inquired whether the Township can hire a Forester to work with the Commission. The Chairman suggested that a memo be sent to the Administrator and indicate that the Commissioners inventoried three sites and concluded that the services of a forester is needed to properly identify the trees to compile an accurate list, especially since the list cannot be coordinated with the State report. He also suggested that the Commission request a commitment from the Township to maintain whatever trees are re-planted. Mr. Ofshinsky noted that the Township received the money from the grant, so it is up to them with regard to replanting and maintenance.

Mr. Rogers stated that the Commissioners made every effort to identify the trees, and they even had an app to identify the bark, but it was still difficult, especially this early in the season. He suggested that the group meet again this coming Saturday to assess the other sites. Doug Trainor commented that, going forward, it may be easier to identify the trees. The Chairman advised that the subcommittee should conduct another site visit and complete as much of the report as possible. Mr. Rogers noted that Tim Dalton was very helpful with identifying the trees, but two years have passed since he was on a site inspection with the State.

Chairman Sangle remarked that the field at Apple Acres was cleared with a brush hog and mowed down, which was probably the fate of many of the trees at that site. He suggested that a forester should be hired to accompany the the Commission or the DPW so he can let them know definitively what trees need to be replaced.

Greenwood Lake Bi-State Commission: Janet Little advised that Paul Zarillo is now the NJ Commissioner on the GWLC. At the meeting it was reported that the private marinas coordinated their efforts and have decided not to allow any daily use at their marinas, and will only allow members. Anglers and fishermen were present at the meeting protesting this move, but it was noted that the GWLC cannot do anything to regulate the marinas. A boat launch is being proposed at Brown's Point on GWL, and the Township may fund part of the cost. Ms. Little commented that at her private lake they had to stop daily use for boaters. Doug Trainor inquired about the \$500,000 grant that they were supposed to use for the HABs, and Ms. Little noted that Princeton Hydro attends most of the meetings and are being paid for the work that they are doing at the lake. She observed that no one is paying dues, and remarked that most lake associations use the user fees to fund the lake projects.

Lakes Committee: Jim Rogers reported that Kathy Coyman of the Health Dept advised the Lakes Committee that the applications for lake associations were due soon, and it was noted that some Covid-19 protocols have been relaxed. With regard to the Lakes Study for 2021, Mr. Rogers advised that the study will have 2 phases, and in phase 1, the historical data collection will begin. In 2022, on-site examinations, hydro studies, and pollutant load analysis will be completed. The draft report will be available in 2023.

Open Space Committee: Draft Open Space & Recreation Plan Update. Chairman Sangle advised that Don Weise was not present at this meeting to provide an update, but he, Mr. Weise, and Barbara Heskins Davis of The Land Conservancy will attend the Council meeting on May 5, 2021 for a presentation on the Draft OSRP Update. After the Council has received the draft, there will be a presentation for the Planning Board in June.

Environmental Contamination Issues: Tom Tamayne reported that he received six notices, and he also reviewed the contamination notices listed in the correspondence on the agenda.

Green Team–Sustainability Committee: Chairman Sangle noted that this matter is still on hold.

Environmental Boardwalk: Tom Tamayne reported that he was in contact with a landscaper and requested an assessment of the Environmental Boardwalk.

NEW OR CURRENT BUSINESS – There was nothing new to report at this time.

MINUTES

The Secretary reported that the email server was down, so she will email the minutes and they will be on the agenda for approval at the next meeting.

CORRESPONDENCE RECEIVED: *The following items were reviewed:*

Highlands Water Protection and Planning Act Correspondence

1. Notification dated March 26, 2021 that a Highlands Applicability Determination application was being submitted by Mallick & Shcherer for B&B Organic Waste Recycling, Block 6002; Lot 29, 280 Marshall Hill Rd., seeking exemption #4 for the demolition of an existing building and the construction of a mixed use building with retail, office, shop/maintenance, as well as associated site improvements.

NJ Department of Environmental Protection Correspondence

1. Notification dated April 8, 2021 from Parsons, on behalf of BP North American Productions, advising that an investigation is being conducted into ground water contamination at BP #4300 Site, 2897 Rt. 23, Newfoundland, NJDEP PI # 000986, with elevated levels of VOC TICs detected in the ground water. Water Samples will be collected from nearby potable wells, including 2891 Rt. 23, Block 15505; Lot 2 to determine if they have been impacted by ground water contamination from the BP site.
2. Notification dated April 8, 2021 from Parsons, on behalf of BP North American Productions, advising that an investigation is being conducted into ground water contamination at BP #4300 Site, 2897 Rt. 23, Newfoundland, NJDEP PI # 000986, with elevated levels of VOC TICs detected in the ground water. Water Samples will be collected from nearby potable wells, including 2903 Rt. 23, Block 15804; Lot 16, (Dunkin Donuts) to determine if they have been impacted by ground water contamination from the BP site. Potable well questionnaire was included for the property owner to complete and return to Parsons.
3. Suspected Hazardous Discharge notification, dated April 10, 2021, received from the NJDEP regarding Paterson-Hamburg Tpk. and Route 23, advising that an unknown liquid from an unknown source was dumped into the Pequannock River resulting in all the rocks in the river turning white.
4. Suspected Hazardous Discharge notification, dated April 15, 2021, received from the NJDEP, regarding Lake Shore Drive, Block 1816; Lot 26, advising that a 550 gallon AGST was reported to be placed on the lot by the neighboring property owner from 623 Lake Shore Drive, with no leaks observed.
5. Suspected Hazardous Discharge notification, dated April 29, 2021, received from the NJDEP, for 1433 Union Valley Road, Block 7520; Lot 1, regarding the removal of a 550 Gal UST, with clean-up pending.
6. Groundwater Remedial Action Permit Modification Request, dated April 15, 2021, received from Envirotrac regarding the former Getty Service Station #56009, 2048 Route 23 north, PI # 001649.
7. Suspected Hazardous Discharge notification, dated April 22, 2021, received from the NJDEP, regarding 37 Sweet Briar, Block 12102; Lot 6 for the removal of a 1000 Gal UST, with clean up pending.

Miscellaneous

1. Hudson Essex Passaic Soil Conservation District denial of a request for Non-Applicability Determination - Ch. 251 for proposed soil disturbance activities up 15,000 s.f. of soil, dated 04-29-21, advising that unless the disturbance is strictly for field production agriculture, exceeding 5000 s.f. does not qualify for this exemption.
2. ANJEC – Clean Energy Webinar, May 19, 2021, ANJEC Redeveloping Brownfields Webinar, May 6, 2021.
3. ANJEC News – April 23, 2021.
4. NY/NJ Trail Conference – Support Trails and Parks with Target Circle – Vote by June 30, 20201.
5. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 8, 2021, for Randa Investment – Texaco Station Remediation, 1463 Union Valley Road, Block 7601; Lot 2.

6. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 17, 2021, for Bruce Rigg – Lake Park Terrace Improvements at 3 Lake Park Terrace, Block 4201; Lot 35.

7. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 19, 2021, for Tom & Laurel Harraka SFD at 28 Virginia Lane, Block 10002; Lot 16.

8. Hudson Essex Passaic Soil Conservation District certification of the soil erosion and sediment control plan, dated March 23, 2021, for Bubbling Springs Park Ballfield Reconstruction at 1428 Macopin Road, Block 9001; Lot 13.

PUBLIC COMMENTS – None.

ADJOURNMENT

Prior to adjourning, the Commissioners conducting the tree surveys for the closeout of the NNL Grant advised that they will meet 9:00 am Saturday at Bubbling Springs.

The Commission members were reminded to obtain their Township ID's at the Fire Marshall's Office.

With no further business to come before the Environmental Commission, the May 3, 2021 regular meeting held via Zoom was **adjourned** at 8:10 p.m. on a **motion** by Chairman Sangle and a **second** by Dave Ofshinsky.

Approved: June 7, 2021

Respectfully submitted by

Tonya E. Cubby, Secretary