

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**December 12, 2022**

**Main Meeting Room**

The December 12, 2022 Regular Meeting of the Township of West Milford Environmental Commission was called to order at 7:00 pm with a reading of the Legal Notice.

**ROLL CALL**

Present: James Lyons, James Rogers, Thomas Tamayne, Douglas Trainor, Don Weise, Chairman Stephen Sangle.

Absent: None.

**PUBLIC COMMENTS - Suez/Veolia - Birch Hill Petition**

Chairman Sangle provided an opportunity for those residents present at this meeting to address concerns that they had regarding the Veolia Sewer Treatment Plant upgrade project at the Birch Hill development. He advised the residents that the Environmental Commission had received the correspondence and petition from the residents. He further advised that Veolia is not an entity of the Township, and the Commission's comments and actions are non-binding with regard to Veolia's operations. The Commission can make recommendations to the Planning Board when the application has been scheduled for a hearing, but no application has been provided at this time to the Commission for review. He assured the residents that the Commission would scrutinize the plans when they are received, but they have not been officially transmitted for review. One of the residents commented that he had received a copy of the plans a month prior to this, and Chairman Sangle reiterated that the plans have not been officially sent from the Planning Board Secretary to the Environmental Commission for review.

Chairman Sangle introduced one of the Commissioners, Thomas Tamayne, P.E., and advised that he is the member who is in contact with a representative of Veolia each month. Mr. Tamayne reported that Veolia is addressing many issues with the wastewater treatment facilities in the Township. He was advised that the final plans for a new treatment facility have not been completed, but the existing Birch Hill plant has been upgraded as much as it can be, and it still cannot meet the current NJDEP wastewater requirements. Veolia is proposing a new addition, but Mr. Tamayne noted that he does not know the location of the addition and cannot comment on the area since he is unfamiliar with the site. He stated that the existing plant must continue to operate until a new plant is up and running, and he believes that portions of the old plant will remain. One of the residents had questions regarding Planning Board applications, and the Commission's Secretary outlined the procedures. Mr. Tamayne advised that, as an engineer, he was familiar with Veolia as an international company, and he felt that they would try to minimize the impact on the surrounding areas, adding that he has been involved in this process with his own engineering firm. He urged the residents to be patient and allow Veolia to get through the process until they get to the point that they reach an acceptable solution to the project. One of the residents expressed concern that Veolia may try to move forward without input from the residents, and another noted that bore holes were dug to determine location of wetlands, which are located in the area. Mr. Tamayne advised that this is part of the discovery process for a project such as this. Another resident commented that the NJDEP had a Wastewater Treatment Plant application submitted by Veolia, but they subsequently withdrew the

application, then resubmitted another application, and he was concerned about the inconsistencies in how they are proceeding with this whole matter. Mr. Tamayne remarked that he had been an engineer for a long time and sometimes mistakes or errors are identified and applications have to be withdrawn and resubmitted.

One resident commented that there is enough room on the lots in question to relocate the proposed plant. Chairman Sangle assured the residents that the Commission would carefully scrutinize the application when it has been received for review, and will address any concerns or issues that are proposed in the plans. Mr. Tamayne noted that large [utility] companies know that these type of projects are often sensitive issues with the public, so they are proceeding very carefully until all the details and technicalities have been addressed. He further noted that Veolia was more of an energy company in the past and they are becoming more involved in water and sewer facilities. Mr. Tamayne expressed that the improvements made by Veolia, and what they have accomplished in the short time that they've taken over facilities in West Milford, is nothing short of miraculous. This Birch Hill Project may not be what the residents want, but they should wait until the plans are completed and they should address all their concerns at that time. When one of the residents commented that there are other locations near this site that may be better suited to a new plant, Mr. Tamayne noted that this information should be provided for consideration. Chairman Sangle also advised that plans can change many times with this type of project, but the Commission has not yet received plans for review and cannot comment on the contents of the plans. When one of the residents inquired why the new plant could not be built in the same location, Mr. Tamayne advised that the old plant has to continue to operate until the new plant is constructed, and these cannot be at the same location. Chairman Sangle thanked the residents for attending the Environmental Commission meeting and reiterated that the Commissioners would carefully review the plans, when they are received, and address the concerns that the residents presented.

**PRESENTATIONS** – None.

### **APPLICATIONS FOR REVIEW**

#### **DALE JONES**

##### **Minor Subdivision & Bulk Variance #PB-07-22-06**

Block 12304, Lots 14 & 4.01  
20 Penmere Road; LR Zone

**Seeking:** Minor Subdivision and Bulk Variance approvals for a lot line adjustment, with variances requested for minimum lot area where 4 acres is required and 3.95 is proposed for Lot 4.01; minimum rear yard setback where 125 ft is required and 35 ft is proposed for Lot 4.01; maximum impervious coverage where 20% is permitted and 45.72% exists (Lot 14); and maximum building coverage where 2000 sq ft is permitted and 2150 sq ft exists. No new construction is proposed.

Following a review of the application as submitted, the Commission found no environmental concerns with the application, as submitted.

#### **ISRAEL KATZ**

##### **Bulk Variance #ZB-09-22-16**

Block 3406; Lot 12  
54 Old Lakeside Road; R-1 Zone

**Seeking:** Bulk Variance approvals for side yard setback where 30 ft is required, 6.9 ft exists, and 6.9 is proposed; and building lot coverage where 10% is permitted, 14.2% exists, and 15.8% is proposed for the expansion of an existing dwelling and addition of an in-ground pool.

Subsequent to their review of the plans, the Commission recommended that the applicant should consider addressing the stormwater runoff to prevent it from draining off the site into Greenwood Lake.

### **ON GOING BUSINESS**

**Greenway Project** – Chairman Sangle advised that Councilman Michael Chazukow attended the Greenway Project meeting and he will review with the Governing Body the updates on the Greenway Project and any concerns regarding access and obtaining easements.

**Belchers Creek Testing:** Commissioners Jim Rogers and Doug Trainor reported that sampling was continuing on Belchers Creek. Doug Trainor will take the testing equipment from Mr. Rogers and conduct further tests. Chairman Sangle inquired why the tests conducted at John Street revealed higher levels and suggested that the samples be obtained beneath the area where the water runs the fastest. The Commission discussed Belchers Creek in relation to Greenwood Lake. Mr. Trainor suggested that the accumulation of sediment varied in different areas. With regard to a “clean up” of Belchers Creek, Chairman Sangle noted that the amount and concentration of silt and sediment must first be determined. Commenting on the lowering of the lakes, he observed that the lower water level allows the weeds to freeze, but if they are not removed, they will give out phosphates and nitrates. Mr. Trainor remarked that when Petitt Pond by Bald Eagle Village was lowered to repair the dam, numerous mussels were discovered. Chairman Sangle noted that the mussels filter the phosphates and nitrates.

**Lake Committee:** Jim Rogers reported on the recent Lakes Committee meeting, and noted that Mayor Michele Dale was the guest speaker. She advised that storm drains are scheduled for cleaning every year, unless there is a problem with one of the units. When a road is repaved, the storm drains are upgraded and retrofitted, adding that there are approximately 4500 storm drains in the Township. The Lakes Committee members inquired about the septic ordinance, and Marilyn Lichtenberg advised that the Health Dept. has an updated system and letters will be mailed to residents to remind them if they haven't been pumped in more than three years. Mr. Rogers reported that residents in Greenbrook Estates were at that meeting to express concern about the Greenway Project allowing access to Belchers Creek and trails in the Greenbrook development. The next meeting of the Lakes Committee will be in March.

**Open Space Committee:** Don Weise had nothing new to report on open space at this time.

**Shade Tree Committee:** No update at this time.

**Community Forestry Management Plan:** No update was available at this time. Commissioner Jim Lyons was to review the Township's current CFMP plan and report to the Commission. He advised that he would have two options for contracting a forester to discuss at the next meeting. Chairman Sangle had previously requested assistance in obtaining a certified forester to work with the Commission on a new plan so that future funding opportunities will be available.

**Greenwood Lake Bi-State Commission** - Doug Trainor did not attend the recent meeting and had no report. He requested the GWLC chair to contact him with updates. Chairman Sangle requested that Mr. Trainor obtain the testing data from the GWLC for Belchers Creek.

**Environmental Contamination Issues:** Tom Tamayne reported on the contamination issues listed on the agenda.

**Environmental Boardwalk** – Tom Tamayne advised that the trapper plans to trap the beavers between Christmas and New Year's. He also advised that he contacted the DPW Supervisor to determine a location for access to cut the phragmites.

**Green Team–Sustainability Committee:** No update at this time.

### **NEW OR CURRENT BUSINESS**

**Suez/Veolia - Birch Hill Petition** – This matter was addressed at the beginning of this meeting.

**2023 Environmental Commission Meeting Dates** – The meeting dates for 2023 were approved by the Commission with a change to the July meeting due to the Fourth of July holiday.

**Tree Removal Ordinances** – The Commission will review the revised Draft Tree Removal ordinance at the next meeting.

### **MINUTES**

Following a correction on a date, the minutes from the October 3, 2022 Environmental Commission meeting were unanimously **approved** on a **motion** by Don Weise and a **second** by Chairman Stephen Sangle.

### **CORRESPONDENCE RECEIVED:**

*The following correspondence was reviewed by the Commission:*

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

1.

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

1. Suspected Hazardous Discharge notification #22-11-15-0810-56, dated Nov. 16, 2022, regarding the Tennessee Gas Pipeline, 960 Burnt Meadow Rd, Block 4601; Lot 17, for reported spill of fluids (hydraulic oil) from a malfunction of a tractor – non emergent – clean up complete.

2. Suspected Hazardous Discharge notification #22-11-23-0940-26, dated Nov. 24, 2022, regarding 131 Germantown Road, Block 14108; Lot 6, for removal of one 1000 gal #2 Heating Oil UST; clean up is pending.

3. Correspondence from the NJDEP – Office of Dam Safety and Flood Engineering regarding a Dam Safety Inspection Report for Carpi Lake Dam, NJ Dam File No. 22-129, dated Nov. 16, 2022, advising that the report submitted indicates that the dam is in Satisfactory condition, and implementation of the engineer's recommendations can proceed in accordance with the report and compliance schedule, along with general maintenance. The Office of Dam Safety further advised that the inundation mapping must be updated from the topographic contours on the base mapping to the currently accepted aerial imagery to clearly show the impacted roads and buildings within the inundation area; formatting requirements are outlined in the correspondence. Updated EAP and reformatted inundation mapping to be submitted to the Office of Dam Safety by March 31, 2023.

4. Correspondence received from EnviroTrac, dated Nov. 28, 2022, regarding 2048 Rt 23 N, Block 14104; Lot 2, advising that they were contracted by Getty Properties to conduct monitoring with an approved Classification Exception Area (CEA) and Groundwater Remedial Action Permit (GWRAP") issued by the NJDEP on April 24, 2019. Requested

information on current and potential groundwater uses within the Township and if there are planned changes in water use for the aquifers in the area where the CEA/WRA is located.

5. Public Notice and Fact Sheet dated Dec. 6, 2022 received from ARCADIS US Inc., regarding the former Texaco Station at 1457 Union Valley Road, Block 7601; Lot 2, NJDEP PI #451229, NJDEP Case #85-05-2004-00, advising that Chevron Environmental Management Co (CEMC) is conducting ongoing remedial activities at the site to address the chemical contaminants detected, with anticipated completion by May 2024. Groundwater is currently being monitored, with POET systems at 4 homes monitored quarterly, and annual monitoring of 13 private wells offsite of the property. CEMC has been monitoring the site and properties immediately downgradient of the site for more than 25 years.

### **Miscellaneous**

1. December FREC Events (Forest Resource Education Center, Jackson NJ): Forest Pre-school Hike - Dec 2, Holiday Greens Craft - Dec 10, Hike Day – Dec 15, Winter Solstice Hike – Dec 21
2. Shade Tree Federation – Online CEU Courses including Conference Bundles available until Dec 31, 2022.
3. ANJEC – Stormwater Management Success Stories – Dec. 7, 2022, 12pm
4. Forestry vs Ecological Restoration Webinar – Dec 28 at 7 pm - NJ Highlands Coalition [www.njhighlandscoalition.org](http://www.njhighlandscoalition.org)
5. \$9.95 Million in American Rescue Plan Funds for Water Quality Improvements in New Jersey including \$1 Million Water Quality Improvement Project for Greenwood Lake – Princeton Hydro, Montclair State Univ. and Northern Lights to conduct stormwater/nonpoint source management inventory, and water quality and HAB monitoring. Also planned is sediment, invasive plants and debris removal, provide nutrient inactivation in Belchers Creek and develop long term plans to improve Belchers Creek water quality and natural functions.
6. ANJEC News Dec 2022

### **ADJOURNMENT**

Prior to adjourning, Chairman Sangle advised that one of the topics for discussion at an upcoming meeting would be about fertilizer use in the Township. With no further business to come before the Environmental Commission, the December 12, 2022 regular meeting was **adjourned** at 8:10 p.m. on a **motion** by Chairman Stephen Sangle and a **second** by Doug Trainor.

Approved: January 9, 2023

Respectfully submitted by

Tonya E. Cubby, Secretary