

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**April 3, 2014**

**Regular Meeting**

Chairman Geoffrey Syme opened the April 3, 2014 Regular Meeting of the West Milford Planning Board at **7:35 p.m.** with a reading of the Legal Notice, followed by the Pledge of Allegiance and Roll Call.

**ROLL CALL**

**Present:** Linda Connolly, Robert Nolan, Councilman Luciano Signorino (7:42), Glenn Wenzel, Alternates Steven Castronova, Michael Siesta, Chairman Geoffrey Syme, Board Attorney Thomas Germinario.

**Absent:** Mayor Bettina Bieri, Andrew Gargano, Christopher Garcia, Douglas Ott, Board Planner Charles McGroarty, Board Engineer Paul Ferriero.

**Also Present:** Matthew Mulhall, P.G.

Chairman Geoffrey Syme advised that Board Planner Charles McGroarty and Board Engineer Paul Ferriero were excused from attending this meeting. He requested Alternate Members Steven Castronova and Michael Siesta to sit on the Board for two of the absent Board Members. The Chairman advised that a quorum was present for this meeting.

**PUBLIC PORTION**

Chairman Syme opened the Public Portion of the meeting. With no one wishing to address the Board, the Public Portion was **closed** on a **motion** by Glenn Wenzel and a **second** by Robert Nolan.

**PRESENTATIONS** - None.

**APPLICATIONS**

**NEW APPLICATIONS** – None.

**EXTENSIONS OF TIME**

**BRAEMAR AT WEST MILFORD, LLC  
(Greene Valley Estates)**

**Final Subdivision #0610-1910B**

Block 10001; Lots 14, 19, 20, 23

Wooley Road; R-3 and R-4 Zones

**Seeking:** Time Extension to comply with the conditions outlined in Resolution No. 2012-16, memorialized on December 6, 2012, which granted final major subdivision approval for Block 10001; Lots 14, 19, 20, 23, with conditions.

Board Member Linda Connolly was recused from this matter and left the dais.

Frank Regan, attorney for the Applicant Braemar at West Milford LLC, addressed the Board, advising that on March 20, 2014 he submitted correspondence requesting an Extension of Conditional Approval for the Final Major Subdivision that was memorialized on December 5, 2012 by Resolution No. 2012 – 16, with said approval being the result of a settlement following litigation between the Board and the Applicant. Mr. Regan noted the two Conditions Precedent: (a) the Applicant will comply with the water supply ordinance and the results must be approved by the Board and the Board's hydrogeologist, and (b) the Applicant must comply with the Highlands regulations with regard to an Exemption. Mr. Regan stated that the Highlands Exemption has been received and is on file with the Township. The correspondence submitted on March 20, 2014 included a Timeline of the application since the Board granted approval in December 2012, and Mr. Regan observed, it clearly indicated the extenuating circumstances that caused delays including extreme weather events, the approval of the testing plan, and the aquifer testing process that followed. The request, he advised, before the Board at this hearing was for a time extension for the completion of the testing and submission of the aquifer results.

Ralph Loveys, principal of Braemar at West Milford LLC, as sworn in to testify. He stated that he had worked with Ken Eberle on the subject subdivision, but assumed responsibility for the project a year and a half prior to this meeting. Mr. Regan requested Mr. Loveys to testify to the Board the activities undertaken by his company during the last 18 months with regard to this subdivision approval. Mr. Loveys stated that compliance with the conditions of approval have been ongoing, even prior to December 2012, adding that Braemar has been diligent in its efforts to comply with the conditions of final subdivision approval. He employed Maser Consulting, as well as two well drillers, and it has become more apparent to them that they are dealing with a difficult aquifer, and that it is a difficult aquifer to understand. Mr. Lovey's testified that have been attempting to meet the requirements of the Township's ordinance, but also be confident that the plan would work and the results would be understandable. He testified that in 2012 and 2013, \$95,000. was spent to do onsite tests and analysis in an effort to meet the requirements of the well ordinance.

He stated that they drilled additional wells and performed a series of tests on the site, and in consultation with their hydrogeologist, Maser Consulting, a draft test plan was submitted in September, and after receiving approval to proceed, they have been working to implement the test plan. Mr. Loveys noted that the subject site contains two different aquifers, with  $\frac{3}{4}$  (13 of 17) of the lots falling under either aquifer, and 4 lots that fall under one aquifer. The time extension is needed, according to Mr. Loveys, to complete the second aquifer testing which requires an additional plan approval that must be implemented after approved, and once the testing data is compiled, it will be submitted and reviewed with a request for a hearing before the Board. Mr. Loveys anticipates that the request for a hearing could be submitted as early as September 2014. With regard to a delay in the aquifer testing process between May and September 2013, Mr. Loveys advised of a personal family matter that prevented him from the necessary follow-up with his hydrogeologist. Board Member Robert Nolan inquired whether the testing had been completed, and Mr. Loveys replied that the aquifer testing was completed, but additional time was required to compile the data. Mr. Regan confirmed that it was the intention of the Applicant to complete the data compilation if the time extension is granted. Board Attorney Tom Germinario clarified that the first testing has been completed, and the data required interpretation and inclusion into a report that must be submitted to the Board's hydrogeologist for review. Mr. Loveys concurred with Mr. Germinario. Mr. Nolan inquired whether the neighboring property owners had their wells monitored, and Mr. Loveys responded that three wells were monitored. Resident Richard Randazzo inquired about the 2010 testing that was completed, and requested information about what had transpired between 2010 and 2012, adding that there was ample time to determine if there was sufficient water at the site. Mr. Loveys replied that the timeframe submitted for the Board to review included the events that have transpired between the final subdivision approval in December 2012 and the current date. He further explained that he and his professionals re-examined the entire site and ordinance and developed a different methodology. Mr. Germinario advised, that as a legal matter, the Conditions Precedent went into effect in December 2012, and the requirements became operative at that time, so the Board needs to focus on that time period. Mr. Randazzo commented that he assumed that all the information presented would include all documents from the original application, and inquired whether this application began in 2012. Mr. Germinario responded that, according to the settlement agreement, conditions were included with final subdivision approval, and an 18-month time was imposed to allow the conditions to be met. He noted that if the conditions are not met and Board does not grant the extension, final approval would be terminated, adding that this was one of the trickier elements of land use law. In response to Mr. Randazzo's inquiry about the yield in successive tests, Mr. Germinario responded that the ordinance does not state that if you don't get sufficient yield, that an applicant could build anything. He explained further that if the Belchers Creek Aquifer could not sustain 17 homes, the approval would be given for the amount of homes the aquifer could sustain, based on the results of the testing, as well as consideration to what the second aquifer, the Pequannock Aquifer, could provide.

The Planning Board's consulting hydrogeologist, Matthew J. Mulhall of M2 Associates, was sworn in to testify regarding this matter. He advised that the Township aquifer ordinance requires that both aquifers must be tested, which is the reason for conducting the two tests proposed by the Applicant, and one aquifer may pass, but the other may not. Mr. Randazzo inquired about the cluster zoning due to the impact on the water, and Mr. Germinario replied the results could show that the aquifers can't support the number of homes approved, and the Applicant would have to amend his plan. Mr. Mulhall concurred, noting that the ordinance states that the number of homes would have to be reduced. Mr. Randazzo then inquired what would happen to all the wells that won't be used, and Mr. Mulhall responded that the DEP and the Township would require decommissioning. Resident Marsha Buttery, 291 Wooley Road, addressed the Board, stating that her well was one of the neighboring wells that had been monitored, and the equipment that was installed burnt the lid to her well, but the Applicant refused to release the data on the well monitoring. She questioned why the applicant wants to perform new well tests. Mr. Lovey's responded that no actual testing was performed at the time of the initial monitoring, and although the equipment to monitor the wells was installed in the 3 off-site wells, they received notification to stop the monitoring prior to any testing being completed. Mrs. Buttery inquired what had been accomplished during the months that the monitoring equipment was in place. Mr. Germinario advised Mrs. Buttery that this information was not relevant to this hearing. Mr. Randazzo expressed to the Board that the data that they received from the prior monitoring was personal property that belonged to him and the other property owners. He then requested Mr. Lovey's to provide the data to him. Mr. Lovey's requested that his hydrogeologist respond to the request regarding the prior data.

Thomas Dwyer, principal of Maser Consulting, was sworn in to testify on behalf of the Applicant, and was accepted as an expert after providing his qualifications to the Board, which included a BA in Geology, MA in Geology and Hydrogeology, with licenses in Pennsylvania, Delaware, and Virginia. He noted that New Jersey did not license hydrogeologists. Mr. Dwyer testified that he had been involved in this matter for three years at Maser Consulting, and had known that this was a low yielding aquifer. He advised that two aquifer tests were performed for the Belchers Creek Aquifer, but they wanted to provide ample information to allow the Township to make the best

decision for their residents. Mr. Dwyer further advised that, due to the two aquifer tests in the Belcher's Creek basin, they needed an additional test well installed, which was Well 5. This was followed by a period of water quality testing during December 2012 and January 2013. From February through April 2013, Mr. Dwyer testified that they conducted preliminary testing on other sites because they wanted to be certain that pumping would occur at the most productive well since it would more likely to be connected to a fracture that would provide a better result. In the end, Mr. Dwyer stated, they made the decision to remain with the original two wells. Following this, during the period of May to August 2013, the Applicant had personal issues and was unavailable for consultation. During September 2013, the aquifer test plan was developed and submitted to the Township for review. This plan was under review during the months of October and November by the Township/Board's hydrogeologist, and in December, Maser responded to several comments by Matthew Mulhall of M2 Inc. Mr. Dwyer advised that the arrangements were made for pumping services for the aquifer testing in January, and when the first tests were scheduled, the area was hit with heavy snow and frigid weather that persisted for 5 weeks, preventing testing from being completed, since testing cannot occur if there is more than 1 inch of precipitation. He advised the Board that the testing was completed in March 2014, and he is processing the data at this time. He further advised that the Pequannock or southern basin testing is planned to follow the Belchers Creek basin, and will occur within the next six months to get the most complete testing results, adding that there will be another opportunity to have neighboring wells monitored. Board Member Robert Nolan inquired how Maser could insure that there will be sufficient water for all of the homes, and Mr. Dwyer explained that most of the wells have been drilled, and they all have to be evaluated individually, but with the aquifer testing, they are attempting to determine if there is an adequate water supply as a whole, without adverse impact to the adjoining wells, and the testing that they have done in the number of monitoring wells that they have allows them to make an accurate projection as to potential interference between individual wells on the site, and any potential interference to off-site wells. He noted that the focus of this testing is to quantify that information. Councilman Lou Signorino inquired how the hydrogeologist could determine if the water will be sufficient for these homes and that one won't affect the other, and Mr. Dwyer responded that it is a complicated analysis, especially with a fractured rock aquifer that they are dealing with, and the pumping effects could be very directionally oriented, so they have to evaluate the data to determine the orientation of the drawdown impact. Since the ordinance only allows one well to be pumped at a time, Mr. Dwyer noted that there is some constraint, but they are able to perform analysis to determine aquifer hydraulic properties, and those analyses allow them to make projections, and with more observation wells, the better they are able to delineate those properties. He further advised that it is a combination of how the wells respond to the test pumping, which can show the direct relationship between the wells, as well as the direction of the fractures, in addition to the data results that determine the aquifer properties, that allow them to make the projections to other portions of the site and further off-site.

Mr. Mulhall advised the Board that the aquifer testing is attempting to determine the effect when the peak demand of each well is reached, as if everyone was running their wells at one time. He noted that during this aquifer testing process, there are standardized textbook methodologies that they can use to calculate what the impacts would be. They will see direct impacts, for example, with the pumping of one well, it will draw the water level down in another well. With a good aquifer, they should not see widespread influence, and very minimal amounts of drawdown on those wells. With a bad aquifer, you may see influence, or not, but there could be drawdown on one well at 140 feet, and another well 1000 feet away could drop 120 feet, and that would not be a good thing, because that would affect the other homeowners. He advised that part what they are looking at is what the directions of influence they should have, as well as those that are oblique to those normal directions. Mr. Mulhall explained that most of northern New Jersey has fractures that run northeast and southwest, so they set up observation test wells in one direction, as well as others in another direction, so there are numerous observation wells. This testing procedure, Mr. Mulhall noted, puts stress on the aquifers, and then they apply the standard methodologies, pressing the aquifer to limits they would not normally approach, and this will allow the Board to make a determination about the potential impact. The Applicant, he advised, was performing two tests to spread out the influence and to see a broader area due to the low yielding aquifer. He further advised that, historically, they know the wells are not very deep, nor productive, and the yields are typically low. The aquifer testing procedures will reveal whether the wells recharge to the specific requirements of the Township ordinance, but temperature and weather is, and has been, a factor in this case. Mr. Mulhall said that the aquifer testing process looks at some wells that are low yield, although some will be fine, but this is common in West Milford. Mr. Randazzo inquired whether past testing for the preliminary subdivision will have an impact on what they will do with this testing. Mr. Dwyer responded that the first test gave them some information on the wells, but it was not as complete as this testing process, and the information from the past testing would not be used in this analysis. Mr. Randazzo expressed concern about the delays between the set up and the aquifer testing, and wondered whether more time will be needed if the Board grants an extension. He also commended one of the staff from Maser for their professionalism throughout the aquifer testing process. With regard to the delays, Mr. Dwyer replied that some of the delays from the initial testing phases would not be repeated in the second

test phase, and they did not anticipate further delays like those caused by the extreme weather events of this past winter.

Mr. Regan addressed the Board, stating that he hoped the testimony presented at this hearing was sufficient for the Board to consider a one-year extension for the Applicant, even though he anticipates that the testing and report will be completed in approximately six months. He noted that the additional time is being requested to insure sufficient time for meeting all the requirements, including time for the compliance hearing.

Chairman Syme opened the meeting for public comment and Richard Randazzo, 278 Wooley Road, approached the Board and attempted to distribute his statement to the Board. After he was advised to provide a copy to the Applicant's attorney, Mr. Regan stated that he had no objection to Mr. Randazzo reading his statement into the record.

This application has been before the Board since 2002. In that time 3 well tests have been completed. March 2004, April 2011, and February 2014. Public testimony supports the lack of water supply for the area.

The applicant is requesting an extension of 1 year due to the extensive nature of activities and time required to comply with requirements of the Water Supply Ordinance. Please consider this:

The applicant has performed 2 of the 3 well tests. Test plans for the 2<sup>nd</sup> test were submitted to the Planning Board on December 2, 2010 and testing started on April 21, 2011. Just under 5 months. Testing appears to have stopped when test results showed a poor recharge of the wells. No report was filed.

Test plans for the 3<sup>rd</sup> test were submitted to the Planning Board on October 10, 2013 and testing started February 26, 2014. A duration of five months. Between the two tests the applicant drilled another well #5 (Nov. 30, 2012), had it hydrofracked (Jan. 4, 2013), and had a preliminary testing of the well (Jan. 9, 2013).

In April an additional short test was done on well 3 to determine if it might be better than well 2 and the same was done for well 13 and 5.

In my opinion the applicant has had time to comply as he has been working towards it since 2011 as the above information supports. Poor results from those tests does not give an applicant more time to find water that very clearly is not there. The most recent test has been completed. The report should be filed and the applicant should come before the Board within the 18 month time allotted.

IF any consideration will be given to extend the deadline then it should be limited to 2 months giving the applicant ample time to submit the report and come before the Board.

How many times must the test fail before the ordinance is enforced?

After reading his statement into the record, and after listening to the testimony from the expert witnesses, Mr. Randazzo suggested that a 5-month extension was ample time for the Applicant, adding that he did not feel the Board should grant a 12-month extension.

Mr. Germinario advised the Board that they were to consider whether they were satisfied that the Applicant had circumstances beyond their control and that, in spite of diligent effort, they require more time to complete the aquifer testing requirements. If the Board can make that finding, they are justified in granting the 12-month extension. Board Member Robert Nolan inquired about the time length to analyze the results, noting that Maser testified that they would have the testing phase completed for the first aquifer within a month. Chairman Syme stated that it was his understanding that the original time frame has not expired, and the extension should be added on to the end of June 6, 2014, and 6 additional months would give the Applicant to the end of the year. Mr. Germinario advised that there was nothing to prevent the Applicant from coming back for another extension. Mr. Regan explained the reasoning for the 12-month extension request, noting that the test results required time for review and analysis, in addition to the public hearing compliance that is required by ordinance. Mr. Germinario advised that a 6 month extension would take them to December 6, 2014, but the hydrogeological consultants would need sufficient time to complete their analysis with the testing from each basin, and then must prepare for the compliance hearing, adding that it will require a lot of effort on their part to get this completed. Mr. Mulhall requested that the Board not tie his hands on this matter since he does an independent analysis, and has to evaluate all the data sent electronically, similar to the review that the DEP does for a water allocation permit. If Braemar submits their report in November, he

cannot have his review completed by December, since it is a time consuming process. Mr. Nolan commented that [limiting the time extension] might push the Applicant and his professionals to complete the process, adding that either there is sufficient water or there isn't. Councilman Signorino expressed that he wished to make a motion to grant a 12-month extension. Mr. Regan suggested that Maser could submit the aquifer test report by December 2014, and it would then be up to the Board's hydrogeologist to complete his analysis, barring any catastrophic event that may occur. Mr. Germinario then advised that the Board could grant a 12-month extension, with the condition that the Applicant's hydrogeologist complete the testing by December 2014, and by June 2015 have the analysis completed and a compliance hearing scheduled. He noted that there could be several hearings since they are technically complex issues.

Following discussion, a **motion** was made by Councilman Luciano Signorino with a **second** by Robert Nolan to **approve a 1 year extension** for Braemar at West Milford LLC with the condition that all aquifer testing reports will be completed and submitted to the Board's hydrogeologist, M2 Inc., by December 6, 2014, and that all information must be analyzed and the hearings scheduled in the subsequent months, or by June 6, 2015.

**Roll Call:**

**Yes:** Steven Castronova, Robert Nolan, Michael Siesta, Councilman Luciano Signorino, Glenn Wenzel, Chairman Geoffrey Syme.

**No:** None.

**Motion approved.**

**MEMORIALIZATIONS**

**RESOLUTION NO. 2014-07**

**JOHN AIELLO**

**Major Soil Removal/Fill Permit #PB-02-13-01**

Block 4402; Lot 1

828 East Shore Road; R-4 Zone

**Granted:** Major Soil Removal/Fill Permit Approval for the purpose of re-creating wetlands that previously existed on the site to comply with a NJDEP settlement agreement.

Prior to the Board's consideration of Resolution No. 2014-07, Board Attorney Thomas Germinario advised that the Applicant's attorney recently submitted correspondence indicating that there may be changes necessary to the Major Soil Removal/Fill Permit approved by the Board. Mr. Germinario noted that there could not be substantive changes to the Board's decision. He further noted that if the resolution is adopted, the Applicant must amend the plan and application if there were any requested changes. Mr. Germinario advised that the resolution should be memorialized since the Board could not change their decision at this time. The Applicant has indicated that he wished to remove Plan B from the approval since he and his professionals did not expect to receive NJDEP approval of the Alternate Plan B. Councilman Signorino observed that the Applicant's professionals testified that the NJDEP could not make a determination as to the correct plan for the mitigation, and that it was up to the Board and their professionals to approve an appropriate plan. Mr. Germinario stated that the hearing record was closed and the Applicant should have made it evident at the hearing that the Alternate Plan B would not be endorsed by the NJDEP. He further stated that neither he, nor Mr. Hansen, can confirm that the DEP won't approve Alternate Plan B, adding that Mr. Hansen is often engaged in projects requiring DEP approval. With regard to any changes in the Board's approval, Mr. Germinario advised that Mr. Aiello could return to the Board and provide competent evidence to support his claim. The Board, he stressed, cannot go beyond the bounds of its hearing record. Councilman Signorino inquired whether the Planning Board was responsible for causing a delay in the project, and Mr. Germinario responded that, according to law, the action of the Board must first be formalized with the resolution that is on the agenda at this meeting. If changes to the adopted resolution are requested, the Applicant would need to request waivers on the resolution, and verify that they would not be changing the plans.

With no further discussion on the matter, a **motion** was made by Robert Nolan, with a **second** by Steven Castronova, to approve Resolution No. 2014-07, granting a Major Soil Removal/Fill Permit for Applicant John Aiello regarding property at 828 East Shore Road.

**Eligible to Vote Roll Call:**

**Yes:** Steven Castronova, Linda Connolly, Robert Nolan, Michael Siesta, Councilman Luciano Signorino, Chairman Geoffrey Syme.

**No:** None.

**Motion approved.**

**NEW OR ONGOING BUSINESS** – None.

**ORDINANCES FOR INTRODUCTION** – None.

**ORDINANCES REFERRED FROM COUNCIL** - None.

**BOARD PLANNER'S REPORT** – None.

**BOARD ATTORNEY'S REPORT** – None.

## **BOARD ENGINEER'S REPORT** – None.

## **MISCELLANEOUS**

### **Approval Of Invoices – Board Professionals**

The invoices submitted by the Planning Board professionals for services performed during the months of January and February 2014 were approved on a **motion** by Robert Nolan with a **second** by Glenn Wenzel. The payment of invoices was **unanimously approved**.

## **MINUTES**

**Motion** was made to **approve** the minutes from the January 23, 2014 Regular Meeting of the West Milford Planning Board by Robert Nolan with a **second** by Steven Castronova. The minutes were **unanimously approved** by those who were present at the meeting.

### **The following correspondence was reviewed by the Planning Board and filed:**

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

1. Letter from the NJDEP, dated February 12, 2014, to the Township of West Milford, regarding a Highlands Pre-Application Meeting to review a proposed access driveway to the West Milford Recycling Center at Block 6002; Lots 18.01 and 28.03, advising that a Highlands Applicability Determination (HAD) must be submitted to verify if an exemption is applicable, and if exempt, a Highlands Preservation Area Approval (HPAA) would not be required. The NJDEP also advised that Freshwater Wetlands and Flood Hazard Area approvals would be necessary for the access driveway, and recommended that the Township pursue alternative solutions to lessen the disturbance.
2. Notification received from Hatch Mott MacDonald, dated March 4, 2014, advising of a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination application being filed on behalf of the City of Newark regarding the Pequannock Residuals Treatment Facility located on Route 23, Block 14102; Lot 1, seeking an exemption for the construction of a new water treatment plant with a gravity sludge thickener and mechanical dewatering facility, eliminating the need for the current sludge lagoon, which is at full capacity, for the disposal of backwash waste.
3. Correspondence from the NJDEP, dated March 7, 2014, regarding an application from Boswell Engineering for a Highlands Preservation Area Approval (HPAA) with Health and Safety Waiver regarding Village on Ridge II and Passaic Valley Water Commission, citing certain deficiencies in the application and requiring additional information within 30 days in order to complete the review and make a determination regarding the HPAA.
4. Notice received from the NJDEP, dated March 10, 2014, advising that the Camp Hope Swimming Pool and Spray Park, 1792 Union Valley Road, Block 6402; Lot 4, was determined to be exempt from the Highlands regulations under Exemption #4 since it does not generate any additional wastewater discharge; the WQMP was not addressed.

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

1. Letter from the NJDEP, dated February 21, 2014, to the Pinecliff Lake Community Club regarding the Pinecliff Lake Dam (File No. 22-47), advising that per the 2012 Regular Inspection Report, submitted March 15, 2013, the dam was found to be in SATISFACTORY condition with minor repairs and maintenance to be implemented within six months of this correspondence. Also advising that Class I dams require regular inspections every two years and a formal inspection every 6 years, the later of which is due by the end of 2014, as well as an updated Emergency Action Plan (EAP) and inspection checklist from the 2003 Operations & Maintenance Manual.
2. Letter from the NJDEP, dated February 21, 2014, to the Lake Lookover Property Owners Assoc. regarding the Lake Lookover Dam (File No. 22-84), advising that, based on the 2013 Inspection Report submitted November 14, 2013, the dam was found to be in SATISFACTORY condition with maintenance items recommended, to be implemented within six months of this correspondence. Also advising that an inspection report would be due within 2 years.
3. Letter from the NJDEP, dated February 12, 2014, to Passaic County regarding the Apschawa Main Dam (File No. 22-1) and the Apschawa Auxiliary Dam ((File No. 22-314), advising that the 2014 Inspection Report finds the dams to be in SATISFACTORY condition with maintenance to be completed by May 21, 2014, and the next inspection performed by January 16, 2016. Also advising that the low-level outlet valves should be operated two to four times per year to prevent siltation of the inlet, control corrosion, and to insure operability of the valves, and requesting an electronic version of the EAP by March 31, 2014.
4. Letter from the NJDEP, dated March 11, 2014, to Lake Arcadia Association, regarding the Lake Arcadia Dams No. 1 & No. 2 and Saddle Dikes (File Nos. 22-45 & 22-46), advising that the 2013 Inspection Report and Dam Safety Compliance Schedule by Richard E. Deubert, P.E., as well as the NJDEP inspections, finds the dams to be in POOR condition, and agrees with the findings and recommendations in the reports. Also advising that a recommended hydrologic and hydraulic analyses must be submitted by March 31, 2014, with further requirements based on the results of the analysis.
5. Correspondence received from the NJDEP, dated March 11, 2014, to Camp Vacamas Assn, Inc., 256 Macopin Road, advising that the permit application and Inspection Report received from Civil

Dynamics regarding the Henion Pond Dam (File No. 22-18) requires several items to be addressed, including confirmation that the raising of the 100 year water level and backwater will not exceed the boundaries of the Vacamas property, as well as citing the effects of the proposed dam on the downstream area in a failure condition, including breach scenarios. Also required is verification of compatibility of existing fill with proposed sand, Fill A & B, and Filter Fabric, and to provide design basis for riprap outlet protection at the primary spillway.

6. Letter from the NJDEP, dated March 12, 2014, to the City of Newark regarding the Cedar Pond Dam (File No. 22-240) and Hanks Pond Dam, (File No. 22-242) advising that, based on the emergency actions and status update provided by Civil Dynamics, they are ordered to proceed with the recommendations of lowering the reservoirs and completing the work to make the dams safe, with notification of the completed results to the NJDEP by April 30, 2014. Also advising that the Hazard Classification Study for both dams is required by December 31, 2014.

7. Notice from the NJDOT, dated March 11, 2014, announcing that the 2014 SRTS – Safe Routes to School Program funding is available for the construction of infrastructure projects, including sidewalks, bike lanes, multi-use paths, and other means for children to walk or bicycle to school; deadline for application submission is May 15, 2014.

8. Notice from the NJDOT, dated March 11, 2014, announcing funding for the TAP - Transportation Alternative Program for various projects including facilities for bicycles or pedestrians, tourist and welcome centers, landscaping or other scenic beautification, historic preservation, and environmental mitigation for highway runoff pollution; deadline for application submission is May 15, 2014.

9. Copy of a letter from the CFO/Treasurer of the Township of West Milford, dated March 13, 2014, to the NJDEP regarding the 319H (SFY2007) Grant – Stormwater Implementation and Lake Characterization and Restoration Plan for Greenwood Lake, transmitting quarterly reports from Princeton Hydro summarizing the work that was completed from November 2013 through February 2014.

10. Notice to the NJDEP from G Environmental -GECP Inc., dated March 3, 2014, regarding the abandonment of a 6,000 gallon No. 4 Heating Oil UST at the West Milford Presbyterian Church, 1452 Union Valley Road, Block 7903; Lot 11, with the associated Response Action Outcome, finding no contamination in the soil.

11. Notice from the NJDEP, dated February 11, 2014, to Chelsea Senior Residences, advising of a deficiency in the Freshwater Wetlands LOI and Transition Area Averaging Plan Application, and requesting verification of prior freshwater wetlands permits for the existing development, or requiring an amendment to the application to address all regulated activities, existing and proposed. In addition, the Applicant is required to reassess the site to quantify and depict all freshwater wetlands and wetland transition area disturbances and apply for appropriate approvals required for the development, and if not received within 30 days, the application would be cancelled and referred for NJDEP enforcement.

12. Letter from the NJDEP, dated March 6, 2014, to Kitchell Lake Association, regarding the Kitchell Lake Dam (File No. 22-157), advising that the 2014 Regular Dam Safety Inspection Report found the dam to be in SATISFACTORY condition, with long term improvements recommended, and an inspection and report required within two years from the current report.

13. No Further Action - Covenant Not To Sue notice received from the NJDEP, dated March 17, 2014, regarding Peggy VanGilst, 13 Gwyneth Road, Block 7003; Lot 15.01 for the removal of a 550 gallon #2 Heating Oil UGST.

14. Draft NJ Pollution Discharge Elimination System–Ground Water Renewal Permit Action notice received, dated March 17, 2014 regarding the Bald Eagle Village STP – Underground Injection (UIC – Sanitary for Block 7801; Lots 65, 66, 67 for the treatment of approximately 75,000 gals per day of sanitary wastewater generated and directed to an on-site sewage treatment plant.

15. Flood Hazard Area and Riparian Zone Verification received from the NJDEP, dated March 11, 2014, regarding Jack Lipari, Split Rock Road, Block 5306; Lot 4.02, advising that there is no flood hazard area on the subject site.

### **Miscellaneous Correspondence Received/Sent**

1. Correspondence from the Passaic County Planning Board, dated March 11, 2014, regarding Twins Realty Site Plan, 937 Burnt Meadow Road, Block 3906; Lots 9 & 10 and Block 6002; Lot 39.01, advising that the site plan has been approved and will not adversely affect any County facilities.

2. Notice from Passaic County Planning Board, received February 26, 2014, that a public hearing will be held on an amendment to the Corridor Enhancement Plan element of the Passaic County Master Plan, to be held on April 3, 2014 at 5:00 pm at the office of the Planning and Economic Development on Riverview Drive, Totowa, NJ.

3. Invitation from the NJDEP to attend the US Army Corps of Engineer's upcoming Passaic River Basin public information sessions on March 25, 2014 from 7 to 9 at Winston Churchill School, Fairfield; March 27, 2014 from 7 to 9 at Pompton Lakes High School, Pompton Lakes; and April 3, 2014 from 7 to 9 at the Lyndhurst Fire Department, Lyndhurst. RSVP required by contacting [Cindy.Randazzo@dep.state.nj.us](mailto:Cindy.Randazzo@dep.state.nj.us).

4. Written comments will be accepted by the Highlands Council, until March 28, 2014, regarding the Township of Jefferson's Petition for Plan Conformance and Final Draft Consistency Review and Recommendations Report.
5. Notice from ANJEC regarding a program entitled "Municipal Open Space, Planning, Acquisition, Management" to be held from 7:00 to 9:30 pm on April 10, 2014 at the Mt. Holly Township Courtroom, and from 7:00 to 7:30 pm on April 29, 2014 at the Essex County Environmental Center, Roseland. Registration and fees are required.
6. Notice from the Friends of Wallisch Homestead with an update on events planned for 2014 with regard to maintenance and fundraising efforts including Spring Cleanup on 04-19-14 and Flower Planting on 05-18-14.

#### **ADJOURNMENT**

Prior to adjourning, Councilman Luciano Signorino advised that the Township Council was holding a budget hearing in the Main Meeting Room on either April 24, 2014 or May 1, 2014 and he suggested that the Administrator's Office be contacted to verify the date. The Secretary advised that she would be in contact with the Planning Board members in the event one of the Board meetings is cancelled. With no further business to come before the Planning Board, Chairman Syme **adjourned** the Regular Meeting of April 3, 2014 at **9:12 p.m.** on a **motion** made by Michael Siesta with a **second** by Robert Nolan.

Approved: July 24, 2014

Respectfully submitted by,

Tonya E. Cubby, Secretary