

**Township of West Milford  
ENVIRONMENTAL COMMISSION**

**MINUTES**

**October 4, 2021**

**Main Meeting Room**

The October 4, 2021 Regular Meeting of the Township of West Milford Environmental Commission was called to order by Chairman Stephen Sangle 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.

Also Present: Tim Dalton.

**PRESENTATIONS** – None.

**APPLICATIONS FOR REVIEW**

**JOHN SARKISIAN**

**Bulk Variance #ZB-08-21-13**

Block 6701; Lot 4

41 Greenbrook Drive, R-1 Zone

**Seeking:** Bulk Variance approval for accessory building coverage for proposed construction of a 30 x 40 ft detached garage in a residential development for vehicle parking and storage, including paved access and adjacent concrete pad for RV parking, where 800 ft is required, 573 ft exists, and 1,397 ft is proposed.

The Commission reviewed the above referenced Board of Adjustment application for a bulk variance. The Commission had serious concerns regarding the application for a 30' x 40' accessory structure and additional impervious concrete pad for vehicle parking. Subsequent to their review, they made the following comments:

- The Commission is extremely concerned about the stormwater run-off and the contaminants from vehicle fluids that would enter the road and storm drains, draining into Belchers Creek.
- The Commission expressed that this project would create an environmental detriment if the stormwater runoff is not mitigated.
- The Commission requested that the Board of Adjustment, the applicant, and their engineer consider methods that would address the additional stormwater runoff to reduce the environmental impact, and suggested that leaders and gutters, a rain garden, and rain barrels also be considered.
- The Commission recommended that any lighting that is installed on the proposed structure and parking pad should not affect adjacent property owners.

**ON GOING BUSINESS**

**Belchers Creek Testing:** Commissioner Dave Ofshinsky provided an update on the Belchers Creek testing. He advised that he located the additional supplies for testing, but

commented that the equipment is out of date and the calibration is not working all of the time. The results are very similar and the nitrate machine shut down on him several times while processing the samples. He suggested that the Commission purchase new phosphate and nitrate equipment from Hanna Instruments. Following discussion, the Commission recommended that additional funds be included in the 2022 budget request for the purchase of new testing equipment and supplies. Commissioner Jim Rogers commented that the vials need to be washed thoroughly with distilled water so there are no contaminants between samples. Chairman Sangle thanked the Commissioners for their efforts in conducting the testing each month.

**Community Forestry Mgt. Plan:** AAR - Annual Accomplish Report–CEU’s required for 2020 – 2021 - No update to report.

**NNL Reforestation Grant:** Update on Tree Survey and Closeout Analysis - Janet Little advised that some of the Commissioners met over a period of several weeks to conduct site visits and surveys of the trees planted through the NNL Reforestation Grant and a final report of the data has been drafted. She referred to the draft report and summary, which detailed the conditions of the surviving trees and the lack of maintenance on trees that were planted in highly visible public spaces. Recommendations include engaging the services of a certified forester, periodic inspections of the trees, weed and insect control, and pruning. Chairman Sangle inquired whether a tally of the acceptable trees planted could be done since the Township needs to reach 95% survival rate. Tim Dalton, who assisted with this grant project, commented that 200 trees were missing or dead. Chairman Sangle noted that the Township can choose the sites that they want to re-plant the trees, and the Commissioners suggested that the trees planted in more visible areas would make sense since they would be more accessible and easier for maintenance. Mr. Dalton suggested that a certified forester could develop a plan for the Township, which would incorporate the required landscaping, and also work with the DEP to determine the best location to plant the trees. Some of the locations originally selected declined to have trees planted (i.e. firehouses), but they may accept some trees this time. Chairman Sangle suggested that fees to pay for the services of a forester might be covered by open space funds, adding that Administration is anxious for this project to be closed out so that the Township can qualify for other grants. Mr. Dalton stressed that the NJDEP needs to approve whatever the Township decides to do, and any proposal should be evaluated by the NJDEP. Jim Rogers advised that the draft report will be amended and forwarded to the Secretary to send to Administration.

The Commissioners discussed the conditions of the some of the trees, noting that many had not survived, and many had been mowed down at the Apple Acres site. Mr. Dalton noted that many of the trees that were not thriving had since died. Mr. Dalton advised that the Community Forestry Management Plan will provide an outline what the Township has planned for the future with regard to tree management. The Chairman reviewed the events that led to the Township being asked to apply for the NNL Reforestation Grant, and this was mainly due to the Tennessee Gas Pipeline upgrade project that removed several thousand trees, which needed to be replaced. The Commission discussed the trees planted on public properties that were mowed down by landscaping contractors, and the trees that did not survive in highly visible areas (Town Hall, Bubbling Springs, WM Museum, etc) that should be removed and replanted. Chairman Sangle thanked all of those who were involved with the closeout of this project, which included numerous site visits, tree surveys, analysis of the data and final draft report.

**Greenwood Lake Bi-State Commission:** Janet Little attended the recent GWLC meeting and reported that the drawdown of Greenwood Lake will occur from October 12, 2021 to January 1, 2022. Tree stump removal is proposed during the drawdown. The

GWLC discussed sediment desilting, a wall to the bridge and a grant application that is being prepared by Eric Hastings of the GWLC. She advised that legislation is being prepared to require private marinas to offer public day launching, since the marinas closed access to the public, effectively making GWL a private lake. Access for the public is also being proposed for Browns Point. She noted that there was a discussion by the GWLC regarding a certain marina's water park causing access issues for the boaters since the docks are located so far from the shore. A question arose regarding the Awosting Dam and it was noted that the dam is monitored and maintained by the State.

**Lakes Committee:** Jim Rogers provided a report to the Commission regarding the most recent Lakes Committee meeting. The Highlands Water Management Study, being conducted by Princeton Hydro, is underway with Phase One. Phase Two (\$86,000) has been approved and should commence in February 2022 and this will include mitigation strategies for the Lakes Committee and the Township. Mr. Rogers noted that the Lakes Committee is working through the Township on this grant project, with the Environmental Commission assisting with the testing. He is waiting for direction from Princeton Hydro with regard to the additional testing for phosphates and nitrates that the Lakes Committee and Environmental Commission will assist with. Mr. Rogers explained that the Lakes Committee will take the samples and provide them to the Environmental Commission to test. He will request the chemicals and testing equipment to be provided by Princeton Hydro. There are 16 lakes included in the study and with samples taken from different locations, this will involve hundreds of tests. Chairman Sangle inquired if the testing on the lakes can be alternated so that each lake won't have to be tested every time. Dave Ofshinsky will prepare a spread sheet of the data, but it will be different from the spread sheet that the Commission currently uses for their Belchers Creek testing. Mr. Rogers reported that Belchers Creek is slated to receive funds from the State in the form of a grant since it is a main feeder to Greenwood Lake. Chairman Sangle suggested that Princeton Hydro share their information on Belchers Creek with the Environmental Commission to help in determining the source of the elevated nitrates and phosphates. Mr. Rogers noted that the Lakes Study will conclude in 2023.

**Open Space Committee:** Don Weise reported via email that the White Road land acquisition is almost complete and he referred to a recent email from The Land Conservancy. Chairman Sangle had recommended that the Township contract with The Land Conservancy for open space matters, but he does not know if they will proceed, and it may be based on the availability of funding.

**Environmental Contamination Issues:** Tom Tamayne reviewed the notices that he received regarding environmental contamination issues, as well as the items listed on the agenda.

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

**Environmental Boardwalk:** Tom Tamayne advised that the phragmites have taken over at the Environmental Boardwalk and visitors cannot see past the boardwalk, adding that two years ago it was a beautiful site to visit and it is disheartening to see the condition it is currently in. He noted that the Public Works Dept. must have been doing some work there since there is a clear path to the boardwalk. Chairman Sangle commented that an herbicide may be a start in controlling the phragmites and Mr. Tamayne will email the DPW Director to inquire if this can be accomplished. Mr. Tamayne will also contact the State if the DPW has noticed evidence of beavers at the site.

## **NEW OR CURRENT BUSINESS**

**Open Space Fund** - Jim Rogers reported that the Township was reallocating Open Space Funds, adding that from 2014, the open space funds collected were to be used for Recreation, Open Space and Maintenance of Historic Properties (1/3 each). Chairman Sangle advised that 5 affirmative votes would be needed to adopt the reallocation of funds.

**Waywayanda Park** - Tom Tamayne reported that Waywayanda State Park is offering wood from the dead ash trees that they removed due to the spotted lantern fly.

**Suez** - The Commission discussed the fees that are charged by Suez to its' customers. Doug Trainor commented that they are charging fees based on usage. Dave Ofshinsky explained that the new fees are combined with actual metering and service charges, noting that the sewer fees will be based on water consumption. Mr. Ofshinsky commented further that Suez is a true public utility and there will be returns on the investments. Mr. Tamayne spoke to a Suez representative, Lynn DeCarlo, and she advised that there will be an exceedance in the testing data soon since Suez ran out of certain chemicals. They have reduced the aeration, but they are also still in the process of replacing two of their plants. Mr. Ofshinsky commented that the water is clearer now than it ever was, and they are always working on improvements at their facilities. Chairman Sangle concurred, remarking that all the test results are good, and they are improving over time. Mr. Tamayne commented that there are also newer technologies now that are available for the plants.

**Electric Vehicles and Charging Stations** – Jim Rogers advised the Commission about the model electric vehicle and charging station ordinance that was forwarded to New Jersey municipalities for consideration. The law requiring the charging stations for new developments went into effect, but municipalities may adopt an ordinance which will include most of the language in the model from the State. The Commissioners requested a copy of the ordinance for review and comments, and these will be provided to the Planning Board and Governing Body.

**ANJEC** – Environmental Congress October 19 to 22, 2021 – The Commissioners were requested to advise the Secretary if they plan to attend any of the sessions with ANJEC.

## **MINUTES**

The minutes from the September 13, 2021 Environmental Commission meeting were unavailable for approval at this meeting.

**CORRESPONDENCE RECEIVED:** The following items were reviewed by the Commission:

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

1. None.

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

1. NJDEP Suspected Hazardous Discharge notice, dated October 2, 2021, regarding 15 Sophie Avenue, Block 6607; Lot 4, advising of a spill from a pole mounted transformer due to equipment failure, with remediation pending.
2. NJDEP Freshwater Wetlands General Permit #18 received for Farm Crest Acres Association, c/o Thomas McNair, 31 Crest Lake Drive, for Block 16701; Lots 4, 5, 6, 10, 11, 12.

3. Remedial Action Protectiveness/Biennial Certification Form for Groundwater, dated September 1, 2021, received from Kleinfelder regarding 1 Lakeside Road (former Exxon Facility), PI# 016861.
4. NJDEP Suspected Hazardous Discharge notice, dated October 2, 2021, regarding 111 – 115 Point Breeze Drive, Reference # 21-06-22-1006-02. Caller reported that testing confirmed contractor (Battinelli Landscaping) put contaminated soil (mercury, metallic) onto properties, with remediation pending.

### **Miscellaneous**

1. HEPSCD certified soil erosion and sediment control plan, dated August 17, 2021, regarding Galletta Macopin SFD, 1288 Macopin Road, Block 10202; Lot 5.02.
2. HEPSCD certified soil erosion and sediment control plan, dated August 6, 2021, regarding Farm Crest Acres Rehab of Upper and Lower Dams, Doremus Road, Block 16701; Lots 4, 5, 6, 10, 11, 12.
3. HEPSCD re-certified soil erosion and sediment control plan, dated August 31, 2021, regarding B & B Organic Waste Recycling Stabilization Measures, Block 6002; Lots 29, 18.02 & 28.03.
4. Harper Turner Farms notification of a Passaic County Agriculture Development Board meeting on Monday, October 18, 2021 at 6:30pm, virtually via Cisco Webex, regarding site specific agricultural management practices, importing fill to create logging roads and level areas for gardening and stockpile tree plantings and gardens at Block 2202; Lot 1.01, 38 Castle Rock Road.
5. HEPSCD recertified plan, dated September 9, 2021, regarding Safargar Burnt Meadow Driveway & Grading Plan – Revised limit of disturbance, for Block 4601; Lot 15, 890 Burnt Meadow Road, Hojjat Safagar, c/o 46 Truck Repair, Ridgefield, NJ.
6. Notice from FERC, regarding Tennessee Gas Pipeline, 300 East Upgrade Project, advising that the final Environmental Impact Statement for the upgrades and compressor stations, including the proposed new 19,000 horsepower electric driven compressor unit and associated auxiliary facilities in Passaic County (West Milford). Access for the document: [www.ferc.gov](http://www.ferc.gov), or <https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>.

**PUBLIC COMMENTS** – None.

### **ADJOURNMENT**

Chairman Sangle noted that the next Environmental Commission meeting is scheduled for November 1, 2021. With no further business to come before the Environmental Commission, the October 4, 2021 regular was **adjourned** at 9:15 p.m. on a **motion** by Jim Rogers and a **second** by Chairman Sangle.

Approved: January 10, 2022

Respectfully submitted by

Tonya E. Cubby, Secretary

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