

**TOWNSHIP OF MAHWAH  
ENVIRONMENTAL COMMISSION MEETING MINUTES  
WEDNESDAY, SEPTEMBER 26, 2018**

The meeting of the Environmental Commission, held at the Municipal Building, 475 Corporate Drive, Mahwah, New Jersey, was called to order at 7:32 p.m. by Richard Wolf, Chair. The Opening Statement was made. Roll call was taken.

Present: Janet Ariemma  
Michael Devaney  
Karin LaGreca  
Carol Phiefer  
Richard Seibert  
Richard Wolf  
Ward Donigian, Planning Board Liaison

Jennifer Storms, Secretary

The minutes of the meeting held on September 12, 2018 were approved as submitted following a motion by Seibert; seconded by Devaney. Phiefer abstained. All other members were in favor.

Apple Ridge Issue

Derek Michalski, an Upper Saddle River Resident and Community Leader of Green USR, was in attendance regarding concerns about the development occurring at Apple Ridge, where he owns two properties on the border of Mahwah (71 & 67 Pleasant Avenue, Block 1012, Lot 21, Upper Saddle River). Michalski attended our May 9 meeting, during which the Commission discussed a federal Clean Water Act settlement with Toll Brothers regarding soil erosion at Apple Ridge due to the recent heavy rains. At the time, Michalski had concerns as to whether the stormwater being pumped off the property in Mahwah into the brook on his property could possibly be contaminated.

Michalski said he has continued to observe multiple violations occurring on the site for the past nine months and recently filed three violations with the NJ Department of Environmental Protection for 19 Meadowbrook Drive in Mahwah (where he has observed the violations occurring) and 269 East Crescent Avenue in Mahwah (the address for Toll Brothers). The three violations he filed are related to:

- Air pollution, from the diesel fumes spewing into Mahwah for nine months
- Mud pollution, from the mud being pumped through a 5-inch firehose into the nearby brook
- Stormwater violations, for additional stormwater violations occurring on the site

Michalski said every time it rains, the pumps start pumping contaminated stormwater into the brook on his property. He also said he had his drinking water tested and arsenic levels were found to be 100 times over the normal limit.

Donigian asked about the four detention basins filling up with water on the property, specifically why the pumps were installed in the first place and how the discharge areas are set up. Michalski showed several videos of the site that showed excessive silt on the property. Donigian asked Michalski if he had filed any complaints with Upper Saddle River's Board of Health. Michalski indicated he had not yet. Donigian also suggested that Michalski have his soil tested to obtain any further proof of contamination.

Wolf said the basins do not appear to be working as they should be, and there seems to be contamination occurring on the site based on what was observed on Michalski's videos. Devaney said he would like to know if there are sufficient basins on the site. Wolf said he will submit a request to Township Engineer Mike Kelly asking for clarification. Donigian also said he would reach out to Mr. Kelly and investigate Michalski's claims.

### **OLD BUSINESS**

#### Artificial Floating Island Update

Tom McKeon is still working on the Artificial Floating Island signage at Winter's Park. LaGreca said Phase Two of the rain garden pit began on September 24.

#### Mahwah Day

Wolf said Mahwah Day was a success. We gave away all of our supplies within the first few hours of the day. Wolf reminded members that next year we discussed focusing on our efforts to ban plastic bags around town. LaGreca also suggested showing a film series about the detrimental effects of plastic on our environment.

#### Rain Garden Update

Wolf obtained more information about the touchscreen displays that can be installed near the rain garden as well as provide commuters and residents with other relevant town information. Seibert distributed an informational handout detailing a number of flower species that attract bees. LaGreca said work on Phase Two began this week.

#### Overpopulation of Deer

At a recent council meeting, Ariemma said a resident raised issues about the overpopulation of deer throughout town. She said she has invited a bear control advocacy group to present their findings to the town council. She will ask the group to send the video to the Commission so we can better understand the issue.

#### Winter's Pond Issue

Ariemma asked if there is a possibility of getting a security camera, given the recent vandalism of the original rain garden sign. She suggested installing cameras around the area. Wolf said he would like to look into the issue more before proceeding.

#### Sustainable Jersey Update

LaGreca said she expects to hear back on our Sustainable Jersey submission sometime in mid-October. Wolf reminded members of the Sustainable Jersey luncheon will be held in

Atlantic City during the annual League of Municipalities Conference if any members are interested in attending.

### **SITE PLAN REVIEWS**

Innovation Labs, LLC, 555 MacArthur Blvd, Block 61.02, Lot 135, Docket #1449-18

The Environmental Commission received a Board of Adjustment Application Review Report for a corporate headquarters.

*Comments to Administrative Officer:*

This application review is accepted subject to compliance with existing DEP guidelines over the manufacture and storage of cosmetics and skincare products.

The application review was accepted with comments following a motion made by Wolf; seconded by Seibert. All were in favor.

Lithia Northeast Real Estate LLC, 440 Franklin Turnpike, Block 110.01, Lot 7, Docket #597

The Environmental Commission received a Planning Board Application Review Report for an offsite Toyota service center and support services.

*Comments to Administrative Officer:*

This application review is accepted subject to compliance with existing DEP guidelines over the storage and use of automotive oils and gasoline.

The application review was accepted with comments following a motion made by Wolf; seconded by Devaney. All were in favor.

### **SOIL MOVEMENT PERMIT APPLICATIONS**

Mariusz Pawlowicz, 111 Church Street, Block 56, Lot 5.01, E-BD-216-3094

The Environmental Commission reviewed a Soil Movement Permit application for the construction of a new home, deck and retaining wall on the property. The related Tree Preservation Application indicates one tree will be removed with zero replacements.

*Comments to Administrative Officer and Township Engineer:*

Please have the applicant clarify the soil movement on the property. The figures noted on the application do not add up.

The application review was accepted with comments following a motion made by Wolf; seconded by Seibert. All were in favor.

Mariusz Pawlowicz, 113 Church Street, Block 56, Lot 6.01, E-BD-216-3095

The Environmental Commission reviewed a Soil Movement Permit application for the construction of a new home, deck and retaining wall on the property. The related Tree Preservation Application indicates the removal of seven trees with zero replacements.

*Comments to Administrative Officer and Township Engineer:*

Please have the applicant clarify the soil movement on the property. The figures noted on the application do not add up. Please also note that if removing seven trees from the property, a minimum of two replacement trees are required as per the township ordinance.

The application review was accepted with comments following a motion made by Wolf; seconded by Seibert. All were in favor.

Enrico DiCaprio, 1 Farmstead Road, Block 23, Lot 55.01, E-BD-216-3093

The Environmental Commission reviewed a Soil Movement Permit application for the construction of a new home on the property. There is no attached Tree Preservation Application.

*Comments to Administrative Officer and Township Engineer:*

There is no proposed tree removal despite numerous markings on the plan.

The application review was rejected following a motion made by Wolf; seconded by Devaney. All were in favor.

Toll NJ IV, LLC, 18 Roxbury Road, Block 127, Lot 30, E-BD-216-3096

The Environmental Commission reviewed a Soil Movement Permit application for a new single-family home on the property. There is no attached Tree Preservation application.

*Comments to Administrative Officer and Township Engineer:*

Please confirm which plot this correlates with from the original subdivision approval.

The application review was accepted with comments following a motion made by Wolf; seconded by Phiefer. All were in favor.

Christopher & Linnette Decker, 7 Kensington Court, Block 154, Lot 59.02, E-BD-216-3097

The Environmental Commission reviewed a Soil Movement Permit application for the installation of footing and a paver patio. There is no related tree removal.

The application review was accepted following a motion made by Seibert; seconded by Phiefer. All were in favor.

Mr. & Mrs. De-Dios, 27 Eileen Drive, Block 144, Lot 14, E-BD-216-304-656

The Environmental Commission reviewed a Soil Movement Permit application for the installation of an in-ground pool and surrounding paver patio. The Tree Preservation application nine trees will be removed and replaced with Blue Spruce Evergreens.

*Comments to Administrative Officer and Township Engineer:*

Please have the applicant correct the soil movement on the property. The figures noted on the application do not add up. Related to tree removal, several members noted that

trees have already been removed. Please also note that a minimum of three deciduous trees from the approved tree list must be replaced on the property.

The application review was rejected following a motion made by Wolf; seconded by Devaney. All were in favor.

### **TENANT APPLICATIONS**

The following tenant applications were reviewed and approved:

The Apostolic Church International, 1 Lethbridge Plaza, Suite 1, Block 63, Lot 6, TA18-0033

*Church services and administrative office*

Farmacy Beauty, LLC, 555 MacArthur Blvd., Block 135, Lot 61.02, TA18-0034

*90-day temporary lease for cosmetics company*

Crown Castle, 1200 MacArthur Blvd., Suite 240, Block 139, Lot 2, TA18-0035

*Cell tower installer*

Globe Scientific, Inc., 400 Corporate Drive, Block 136, Lot 9, TA18-0036

*Warehousing and distribution of laboratory products*

### **CORRESPONDENCE**

The following correspondence was received and reviewed:

- Email regarding NJDEP Watershed Ambassador Opportunities
- Email newsletters from the Hackensack Riverkeeper and NY-NJ Trail Conference regarding upcoming events
- Resolution from Town Council regarding the Green Communities Grant for a five-year Community Forestry Management Plan
- Various agendas, minutes and public notices

### **OLD BUSINESS, continued**

Property Issue – 29 Karen Drive

On August 21, Tom Mulvey brought an issue to the Commission's attention regarding 29 Karen Drive, where the homeowner cleared a large portion of the lot. Mulvey and Glenn Dowson spoke to the homeowner to let them know they were not permitted to remove the trees/vegetation, which were on township property and served as a buffer to the pond. The homeowner was told to grade the area out and return it to the way it was.

On August 22, the Commission requested that Mulvey survey the property to find out how many trees were removed from the property. We recommended the homeowner should receive a formal citation for each qualified tree that was removed on the homeowner's property. We also asked that the homeowner submit a formal plan as to how they are going to restore the property to its previous condition. Mulvey responded that the town has 30 days in which to sign summons and complaints. He requested that

Mike Kelly review any remediation plans and assess any long-lasting damage to the buffer on the property.

At our September 12 meeting, members asked for an update and discussed their concerns if the ordinance is not enforced. Storms will check again on the status.

### **NEW BUSINESS**

#### **Informational Handout**

Seibert distributed a brochure that explains why feeding waterfowl is harmful.

#### **Amendment to September 12 Minutes**

Storms noted an incorrect date listed in the draft September 12 minutes approved at the start of the meeting (*Page 3, Property Issue - 29 Karen Drive*). She will make the correction.

The minutes of the meeting were approved subject to the date amendment following a motion by Seibert; seconded by Wolf. Phiefer abstained. All other members were in favor.

There being no further questions or discussion, the meeting of the Environmental Commission was adjourned at 10:10 p.m. following a motion by Seibert; seconded by Phiefer. The next meeting is scheduled for Wednesday, October 10, 2018 at 7:30 p.m. in the Municipal Building, 475 Corporate Drive, Mahwah, New Jersey.

J. Storms  
Secretary