

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF FEBRUARY 20, 2014

LOCATION

CONFERENCE ROOM 129
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
TRENTON, NEW JERSEY

ATTENDANCE

BOARD MEMBERS:

JOSEPH E. DOYLE, CHAIR
VALERIE A. HRABAL
RICHARD M. MASER
ELIZABETH G. MCKENZIE
EDWARD M. SMITH
JANICE TALLEY

DCA STAFF:

AMY FENWICK FRANK
JOHN LAGO

GUESTS:

ELIZABETH DRAGON	DEPARTMENT OF
ENVIRONMENTAL PROTECTION	
COREY ANEN	DEPARTMENT OF
ENVIRONMENTAL PROTECTION	
DEAN MARCOLONGO	ATTORNEY REPRESENTING THE
BOROUGH OF AVALON	

CALL TO ORDER

JOSEPH DOYLE, CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD,
CALLED THE MEETING TO ORDER AT 10:22 A.M.

ROLL CALL

ROLL WAS CALLED AND ATTENDANCE WAS DULY NOTED FOR THE RECORD.

OPEN PUBLIC MEETINGS ACT

CHAIRMAN DOYLE ANNOUNCED THAT, IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT (P.L. 1975, CHAPTER 231), NOTICE OF THE TIME, DATE, AND PLACE OF THIS MEETING WAS GIVEN TO THE SECRETARY OF STATE OF NEW JERSEY, THE STAR-LEDGER OF NEWARK, THE ASBURY PARK PRESS, THE PRESS OF ATLANTIC CITY, AND THE COURIER-POST OF CAMDEN.

APPROVAL OF MINUTES

CHAIRMAN DOYLE ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE SEPTEMBER 13, 2012 MEETING. THERE WERE NONE. A MOTION TO APPROVE THE MINUTES WAS MADE BY MR. MASER AND SECONDED BY MS. HRABAL. ALL WERE IN FAVOR.

OLD BUSINESS

A. DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) RULES

CHAIRMAN DOYLE INTRODUCED ELIZABETH DRAGON OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND INVITED HER TO GIVE AN UPDATE ON THE DEP STORMWATER RULES. MS. DRAGON EXPLAINED THAT THE DEPARTMENT WILL BE GOING FORWARD WITH AMENDMENTS ADDRESSING WATER QUANTITY, WATER QUALITY AND MANUFACTURED TREATMENT DEVICES. THE DEPARTMENT ALSO WILL BE REMOVING "CERTIFICATIONS" FROM THE RULE AND RETAINING "VERIFICATIONS." BECAUSE THE STORMWATER MANAGEMENT RULES EXPIRE ON AUGUST 2, 2014, DEP ALSO WILL PUBLISH A NOTICE OF READOPTION WITHOUT CHANGE. MS. DRAGON ALSO MENTIONED THAT DEP WILL REMOVE THE NONSTRUCTURAL POINT SYSTEM FROM ITS WEBSITE. IT WAS INCLUDED AS PART OF THE BMP MANUAL TO PROMOTE NONSTRUCTURAL METHODS OF RUNOFF MANAGEMENT. A RECENT COURT RULING PROHIBITS USE OF THE SPREADSHEET BY THE DEP. STAFF MEMBERS ARE LOOKING AT POSSIBLE CHANGES TO REPLACE OR TO REVISE THIS SYSTEM.

IN RESPONSE TO A QUESTION FROM MS. HRABAL ABOUT THE STATUS OF THE FLOOD HAZARD RULES, MS. DRAGON INDICATED THAT THESE RULES ARE MAKING THEIR WAY THROUGH THE INTERNAL REVIEW PROCESS IN PARALLEL WITH THE CHANGES TO THE STORMWATER RULES. AS TO THE STATUS OF THE STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL REVIEW COMMITTEE AND THE CHANGES TO THE BMP MANUAL, MS. DRAGON SAID THAT SEVEN CHAPTERS WENT THROUGH THE BMP COMMITTEE AND ARE BEING REFORMATTED. THERE ARE NO TECHNICAL CHANGES BEING MADE, BUT THE CHAPTERS ARE BEING REVISED TO MAKE THEM MORE ACCESSIBLE AND MORE USER FRIENDLY. ALL OF THE GRAPHICS HAVE BEEN CHANGED; AND THERE WILL BE LINKS AND ASSOCIATED CHANGES TO THE WEBSITE. DEP IS ALSO TRYING TO TIE THE REQUIREMENTS IN THE RULES TO THE MANUAL. IN REPLY TO A QUESTION FROM MS. HRABAL AS TO WHETHER THE DOCUMENT WOULD BE A "TECHNICAL MANUAL," MS. DRAGON STATED THAT, WHILE THERE WAS DISCUSSION OF DOING SO, THE DEPARTMENT IS NO LONGER GOING IN THAT DIRECTION. THE REST OF THE CHAPTERS IN THE BMP MANUAL WILL BE PUT INTO THE NEW FORMAT; AND THE DEPARTMENT WILL REACH OUT TO THE COMMITTEE BEFORE GOING FORWARD WITH FINALIZING THE MANUAL.

MS. DRAGON ALSO OFFERED AN UPDATE ON THE WORK OF THE MUNICIPAL GROUP. SHE SAID THAT THE DEPARTMENT WILL BE CONDUCTING AN AUDIT OF THE MUNICIPALITIES. STAFF MEMBERS ARE DEVELOPING AN EVALUATION OF THE ENTIRE [NJPDES] PERMIT, NOT JUST THE POST-CONSTRUCTION PORTION. THE ANNUAL REPORT WILL BE USED AS THE FIRST MEASURE. THIS PROBABLY WILL BEGIN LATER THIS YEAR. THE PURPOSE OF THE AUDIT IS TO

ENSURE THAT THERE IS COMPLIANCE WITH THE MUNICIPAL STORMWATER PERMIT, BUT THE EXERCISE IS GEARED TOWARD EDUCATION AND INFORMATION GATHERING; IT IS NOT MEANT TO BE USED AS AN ENFORCEMENT TOOL. TO BEGIN, THE DEPARTMENT WOULD LIKE TO RUN THROUGH THE EVALUATION THIS YEAR WITH A COUPLE OF MUNICIPALITIES AND GET FEEDBACK ON HOW WELL IT WORKS FOR THEM.

MS. DRAGON SAID THAT THE DEPARTMENT ALSO IS WORKING ON GREEN INFRASTRUCTURE. THERE IS A PUSH TO INCORPORATE GREEN INFRASTRUCTURE IN THE AREAS AFFECTED BY SANDY. DEP IS PROVIDING FINANCIAL ASSISTANCE AND STAFF MEMBERS ARE ALSO DOING A LOT OF SPEAKING AND OUTREACH TO MUNICIPALITIES. IN RESPONSE TO A QUESTION FROM MS. TALLEY AS TO WHETHER THERE ARE WRITTEN POLICIES, MS. DRAGON SAID THAT THERE IS A GREEN INFRASTRUCTURE WEBSITE, BUT THE FACT SHEETS ARE GEARED TOWARD A PUBLIC AUDIENCE AND ARE NOT REALLY WRITTEN FOR ENGINEERS.

CHAIRMAN DOYLE THANKED MS. DRAGON FOR ATTENDING AND BRINGING THE BOARD UP TO DATE.

B. DEPARTMENT OF AGRICULTURE SOIL COMPACTION RULES

COPIES OF THE BOARD'S OCTOBER 4, 2012 LETTER COMMENTING ON THE PROPOSED RULES WERE INCLUDED IN THE MEETING PACKETS. ALSO INCLUDED WAS A COPY OF THE MEMO FROM FRANK MINCH OF THE DEPARTMENT OF AGRICULTURE, DATED JANUARY 17, 2014, REGARDING THE ADOPTED AMENDMENTS TO THE RULES. (IT WAS MENTIONED THAT MR. JOHN SHOWLER OF THE DEPARTMENT OF AGRICULTURE HAD A CONFLICT AND WILL ATTEND THE MARCH MEETING TO BRIEF THE BOARD ON THE SOIL CONSERVATION RULES.) MR. LAGO REPORTED THAT THE DEPARTMENT OF AGRICULTURE ADOPTED THE RULES WITH AMENDMENTS. THE EXISTING RULES ON SOIL COMPACTION WERE RETAINED AND THE DEPARTMENT WILL BE CONTINUING TO WORK ON THOSE REVISIONS.

C. UPDATE ON NEPTUNE TOWNSHIP SPECIAL AREA STANDARDS

MS. FRANK REPORTED THAT THERE HAS BEEN NO RESPONSE TO THE QUESTIONS POSED BY THE BOARD AND THERE HAS BEEN NO FURTHER WORD FROM THE MUNICIPALITY. IT APPEARS THAT THEY DO NOT HAVE INTEREST IN GOING FORWARD WITH AN APPLICATION FOR A SPECIAL AREA STANDARD. MR. LAGO NOTED THAT THERE HAS BEEN SOME DEVELOPMENT; IT SEEMS THAT THEY ARE PROCEEDING ON AN AD HOC BASIS, WHICH THEY MAY DO. THE RULES ALLOW TOWNS A GREAT DEAL OF FLEXIBILITY ON PARKING.

D. UPDATE ON RSIS RULE AMENDMENTS

MR. LAGO REVIEWED THE LANGUAGE APPROVED AT THE LAST BOARD MEETING ON UPDATES TO REFERENCED STANDARDS. SOME REFERENCES ARE VERY SPECIFIC, FOR EXAMPLE, THE REFERENCE TO A SPECIFIC EDITION OF THE BMP MANUAL. FOR OTHER STANDARDS, THE LANGUAGE WOULD ALLOW THE REVIEWER AND THE DEVELOPER TO AGREE TO USE A MORE RECENT VERSION.

MS. HRABAL INDICATED THAT SHE HAS COMMENTS ON SOME OF THE REFERENCED STANDARDS IN STORMWATER. THE CHAIRMAN ASKED THAT MS. HRABAL AND ANY OTHER BOARD MEMBERS WITH COMMENTS SHARE THOSE COMMENTS ELECTRONICALLY PRIOR TO THE NEXT MEETING. THE TENTATIVE GOAL IS TO BE PREPARED FOR A BOARD VOTE ON THE CHANGES AT THE MARCH 20 MEETING. THE CHAIRMAN ALSO ASKED THAT THE MEMBERS ABSENT BE INFORMED OF THE NEED FOR A VOTE.

NEW BUSINESS

A. COMMITTEE MEMBERSHIPS AND APPOINTMENTS

A COPY OF THE COMMITTEE APPOINTMENTS WAS INCLUDED IN THE MEETING PACKETS. CHAIRMAN DOYLE REVIEWED THE LIST. HE NOTED THAT JANICE TALLEY WOULD BE REPLACING JOSEPH FEMIA ON THE STREETS COMMITTEE. THE CHAIRMAN THEN REMOVED MS. TALLEY FROM THE WATER SUPPLY AND SANITARY SEWERS COMMITTEE AND PLACED TIM KERNAN ON THAT COMMITTEE. THERE WERE NO OTHER CHANGES TO THE COMMITTEE ASSIGNMENTS.

B. APPLICATION FOR SPECIAL AREA PARKING STANDARD FOR AVALON BOROUGH, CAPE MAY COUNTY

COPIES OF THE APPLICATION RECEIVED FROM AVALON BOROUGH AND OF THE NOTICE TO APPEAR IN THE MARCH 3 ISSUE OF THE *NEW JERSEY REGISTER* WERE INCLUDED IN THE MEETING PACKETS.

CHAIRMAN DOYLE INTRODUCED DEAN MARCOLONGO, THE ATTORNEY FOR AVALON BOROUGH. MR. MARCOLONGO THEN OFFERED SOME BRIEF BACKGROUND INFORMATION ON THE BOROUGH AND THE APPLICATION. AVALON IS SMALL BARRIER ISLAND WHICH IS 98 PERCENT DEVELOPED; THE EXISTING DEVELOPMENT IS 93 PERCENT RESIDENTIAL. THE POPULATION OF THE BOROUGH GOES FROM 2,100 IN THE WINTER TO AN ESTIMATED 43,000 IN THE SUMMER. DURING THE LAST DECADE OR SO, THE BOROUGH HAS SEEN THE CONSTRUCTION OF VERY LARGE HOMES (AS MANY AS 16 BEDROOMS) ON DOUBLE LOTS. IN THE AFTERMATH OF SANDY, IT IS ANTICIPATED THAT THERE WILL BE MORE TEAR-DOWN/REBUILDS. THE BOROUGH HAS ASKED FOR A SPECIAL AREA STANDARD THAT WOULD CHANGE FOOTNOTE "A" OF TABLE 4.4 TO ALLOW ROUNDING UP INSTEAD OF ROUNDING DOWN. THE APPLICATION ALSO REQUESTS THAT A FOOTNOTE "E" BE ADDED, REQUIRING ONE ADDITIONAL OFF -STREET PARKING SPACE FOR EVERY BEDROOM OVER FIVE. HE POINTED TO THE NEED FOR SUFFICIENT PARKING AND STATED THAT SUCH A REQUIREMENT WOULD BETTER REFLECT LOCAL CONDITIONS.

MR. MASER AND MS. MCKENZIE ASKED THAT MR. MARCOLONGO PROVIDE THE REQUIREMENTS FROM THE BOROUGH'S ORDINANCES ON LOT COVERAGE LIMITS AND FLOOR AREA RATIO(S) AND THE ASSOCIATED DEFINITIONS PRIOR TO THE NEXT MEETING.

THIS APPLICATION IS BEING REFERRED TO THE STREETS COMMITTEE FOR CONSIDERATION AT THE MARCH 20 MEETING. ELECTRONIC COPIES OF ALL DOCUMENTS ARE TO BE DISTRIBUTED TO THE MEMBERS.

ADJOURNMENT

AT THIS POINT, A MOTION WAS MADE BY MR. MASER AND SECONDED BY MS. HRABAL TO HOLD THE REST OF THE AGENDA FOR DISCUSSION AT THE MARCH 20 MEETING.

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 11:41 A.M.

RESPECTFULLY SUBMITTED,

AMY FENWICK FRANK
SECRETARY TO THE BOARD