

STATE OF NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of October 19, 2023

Online Virtual Teams Meeting
Department of Community Affairs

ATTENDANCE

Board Members Present:

Valerie Hrabal, Chair
Jason Kasler
Thomas O'Shea
Joseph Staigar
Suzanne Walters

Absent:

Janice Talley, Vice Chair
Timothy Kernan
Thomas Olenik

DCA Staff:

Toritseju Agbeyegbe
Maria Connolly
Marie Daniels
Gina Fischetti
Keith Henderson
Kevin Luckie
Ed Smith
Ian Rayfield

Guests:

Public attendees joined using a registration link, and only those who registered and announced themselves will be listed herein.

CALL TO ORDER

Ms. Valerie Hrabal, Chair of the Site Improvement Advisory Board, called the meeting to order at 10:01 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called, and attendance noted for the record.

MINUTES

Mr. Joseph Staigar made a motion, which was seconded by Mr. Jason Kasler, to approve the minutes from June 15, 2023.

OLD BUSINESS

A. Stormwater rule changes are currently under review by the Attorney General's Office. The Board will continue discussion when updates are provided.

NEW BUSINESS

A. New Jersey Future proposed amendments to N.J.A.C. 5:21

- The Board determined that the proposed amendments are to be reviewed by the Streets and Parking Subcommittee prior to review by the Board. Ms. Marie Daniels will coordinate with New Jersey Future and the Subcommittee to schedule a meeting for November to discuss the proposed amendments.

INTERPRETATIONS

- Ms. Marie Daniels provided the Board with Department issued interpretations of RSIS questions. Ms. Valerie Hrabal stated that a formal process is needed, such as providing the requested interpretations to the relevant SIAB Subcommittees for review and response. Mr. Jason Kasler, Suzanne Walters, and DCA staff agreed that filtering the interpretations through the Subcommittees will provide a more accurate and formal response method. Ms. Marie Daniels stated that she will review the regulations to determine if interpretations have a required process and if it can be changed.
- Mr. Joe Staigar noted in response to the Department interpretation regarding the number of units located on a cul-de-sac, that in his understanding of the regulations, the number of units present prior to the implementation of the RSIS regulations are not to be included when determining how many additional units can be added to the cul-de-sac.
- The Board noted that the issued responses are not binding and are merely

interpretations.

PUBLIC COMMENTS

No public comments

ADJOURNMENT

With no further business, Ms. Valerie Hrabal, Chair, adjourned the meeting at 10:20 a.m.

STATE OF NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of June 15, 2023

Online Virtual Teams Meeting
Department of Community Affairs

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Jason Kasler
Timothy Kernan
Thomas Olenik
Thomas O'Shea
Joseph Staigar
Suzanne Walters

DCA Staff:

Toritseju Agbeyegbe
Maria Connolly
Marie Daniels
Keith Henderson
Ian Rayfield

Guests:

Public attendees joined using a registration link, and only those who registered and announced themselves will be listed herein.

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:04 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called, and attendance noted for the record.

MINUTES

Ms. Janice Talley made a motion, which was seconded by Mr. Timothy Kernan, to approve the minutes from December 15, 2022. The motion carried unanimously.

OLD BUSINESS

Subchapter 7, Stormwater Management Changes

Ms. Marie Daniels requested that in continuation from the December meeting, that the Board discuss the draft changes to Subchapter 7, Stormwater Management. Mr. Jason Kasler and Ms. Janice Talley both believe that the draft should be amended due to issues between Subchapter 7 referencing Department of Environmental Protection (DEP) rules and the fact that DEP rules do not stipulate between a minor and major development. Ms. Janice Talley stated that the language within the draft would allow municipalities to choose their own maximum standard. Due to disagreement and a need for clarification, the board agrees that legal interpretation from the Attorney General's Office is necessary and that discussion concerning the changes will be put on hold until the next meeting.

NEW BUSINESS

No new business

PUBLIC COMMENTS

The chair asked for public comments. The following are all the public responses.

Mr. Grant Lucking stated the Residential Site Improvement Standards (RSIS) should be the end all be all and that if the DCA and DEP rules conflict then an advisory opinion is needed.

Ms. Michelle Donato stated that Mr. Jason Kasler and Ms. Janice Talley are speaking to important issues. Ms. Donato further noted that the RSIS should not be the maximum standard and that the DCA should defer to the DEP as they are the proper environmental agency. Lastly, Ms. Donato believes that the DCA should abandon this rulemaking.

Mr. Michael Pisauro noted that stormwater is a water quality issue. Additionally, Mr. Pisauro stated that this is a complex problem and that a better process is needed and suggests looking into Executive Order 63 for stakeholder input.

Ms. Lucia Osborne stated that municipalities should have the ability to pass ordinances and make their own choices when it comes to stormwater management. Ms. Osborne noted that the stormwater rules should not have minimum and maximum regulations.

ADJOURNMENT

With no further business, Ms. Valerie Hrabal, chair, adjourned the meeting at 11:00 a.m.

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of December 15, 2022

Online Virtual Teams Meeting
Department of Community Affairs

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Timothy Kernan
Thomas O'Shea
Jason Kasler
Joseph Staigar
Suzanne Walters

DCA Staff:

Kevin Luckie, Assistant Director, Division of Codes and Standards
Marie Daniels
Toritseju Agbeyegbe
Ian Rayfield
Marie Connolly

Guests:

Public attendees joined using a registration link, and only those who registered and announced themselves will be listed herein.

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called, and attendance noted for the record.

MINUTES

Mr. Timothy Kernan made a motion, which was seconded by Ms. Janice Talley, to approve the minutes from June 16, 2022. The motion carried unanimously.

OLD BUSINESS

Stormwater

Ms. Marie Daniels requested that the Stormwater Subcommittee meet in the new year to finalize the draft changes to Subchapter 7.

Parking Standards / Electric Vehicle Supply Equipment (EVSE) /Spaces

Ms. Marie Daniels notified the Board that public comments were received on the rule proposal to incorporate EVSE and asked that the Streets and Parking Subcommittee meet to review the public comments and come to an agreement on responses.

NEW BUSINESS

Resolution for John Lago

Ms. Marie Daniels introduced a resolution for Board approval thanking John Lago for his years of service to the Board.

Ms. Suzanne Walters made a motion, which was seconded by Ms. Janice Talley to approve the resolution. The motion carried unanimously.

Discussion

Ms. Valerie Hrabal, Chair, noted the upcoming inland flood regulations through DEP and potential discrepancies in their applicability with the grace period established in the Residential Site Improvement Standards.

PUBLIC COMMENTS

The chair asked for public comments.

Shliomy Weiss, Lakewood, asked a number of questions regarding cul-de-sac width and ADT requirements. Mr. Weiss also asked questions regarding the allowable length of road before a turnaround is required, noting that a new 290-foot road is proposed for construction, and there is another project seeking to add to that road without providing a

turnaround. The Board informed Mr. Weiss that if he submitted a request for interpretation, each of these items could be considered and responded to in writing.

Mr. Evan Zimmerman asked a question about the use of pervious pavement for roadways and indicated that he would submit a request for interpretation, as well.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10: a.m.

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of June 16, 2022

Online Virtual Teams Meeting
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Kevin Luckie
Timothy Kernan
Thomas Olenik
Thomas O'Shea
Jason Kasler

DCA Staff:

Marie Daniels
John Lago

Guests: (need to update from TEAMS)

Alex Ambrose	ANJEC
Lori Buckelew	NJLM
Kelley Curran	NJ Highlands Council
Michele Donato	NJPO
Amy Goldsmith	NJ Clean Water Action
Jeff Kolakowski	NJ Builders
Grant Lucking	NJ Builders
Vincent Mazzei	NJDEP
Jack McCausland	Pinelands Alliance
Swarna Mathukrishnan	NJ Clean Ocean Action
Mike Pisauo	Watershed Institute
Susan Weber	NJ DOT

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairwoman Hrabal asked for corrections to the minutes of the March 17th, 2022. There were none. The minutes were approved.

OLD BUSINESS

Parking Standards / Electric Vehicle Supply Equipment (EVSE) / Spaces

The Site Improvement Advisory Board (SIAB) approved a draft proposal to clarify table 4.4 of the Residential Site Improvement Standards (RSIS), which specifies parking requirements for new, residential development. The number of parking spaces is based on the number, type, and size of housing. The rules recognize other factors affect parking and must be considered. The proposed changes say the parking standard are maximum requirements and local reviewers can agree to fewer parking spaces without going through the de minimis exception process in chapter 3.

The proposed changes also include language to support the installation of (EV) charging stations to comply with P.L. 2021, c. 171. The proposal is expected to be approved by the Governor's office for publication in the *New Jersey Register* and adopted formally as rule.

Stormwater

SIAB's stormwater committee agreed to a draft rule proposal to reference stormwater rules adopted by the New Jersey Department of Environmental Protection (DEP). The proposal would refer to the DEP stormwater standards as maximum requirements that municipalities can exceed, but only by going through the variation processes in chapter 3 of the RSIS.

At the March meeting, concerns were raised about the need for municipalities to have more flexibility over stormwater. What works in one area, doesn't always work in another. For many, the need to adopt stricter standards means the authority to regulate smaller projects below the DEP and RSIS "major development threshold." This trigger has several elements, chief of among them is at least one acre of disturbance.

Today's settlement patterns include infill and mixed-use development. A lot of new housing is built on less than an acre of land. Smaller development has stormwater impact. Municipalities need the authority to regulate stormwater effects on smaller projects that fall below the one-acre trigger for major development.

The RSIS at N.J.A.C. 5:21-7.1(a) 1 says municipalities have this authority. They can adopt ordinances for smaller projects below the one-acre, major development definition. A superior court ruling in March 2021, however, (*Builders League of South Jersey v. Borough of Haddonfield*), said the Municipal Land Use Law limits stormwater reviews to only projects requiring site plan and subdivision approval.

Much of the discussion by the SIAB stormwater committee has been dealing with the scope of the RSIS. Several committee members agree municipalities need the authority to regulate smaller development for effective stormwater management.

Chairwoman Hrabal said a more immediate concern was a DEP emergency rule proposal to change statewide stormwater standards quickly and fundamentally. She asked DEP Assistant Commissioner Vince Mazzei, Jr. to discuss it.

Commissioner Mazzei said DEP took the unusual step to go outside the formal rule-making process and propose emergency rules because many of its rules, methods, and best management practices (BMPs) are based on old, outdated rainfall data from 1999 and need to be updated. Storms have gotten more severe in the last two decades and are projected to get worse because of climate change. He said in 2021, many New Jersey communities outside the flood plain were devastated by tropical storm Ida. A recent climate study from Cornell University claimed current and future storm data are at levels above those in the 1990s. DEP believes dire measures are needed to update its stormwater rules and BMPs to accommodate today's storms and those expected tomorrow. The Administrative Procedures Act allows state agencies to adopt rules through an abbreviated rule-making process to respond to emergency conditions.

The changes DEP is considering is a two-foot increase in flood elevations in non-tidal areas (non-shore) areas. This would mean the first finished floor of any structure would be raised by three feet above existing elevations. Tidal areas (the shore) are not affected.

Flood elevation design will be required to consider projected rainfall.

Rational and modified methods for stormwater calculations are no longer allowed.

Stormwater BMPs must be designed for today and future storms.

The emergency provisions would apply immediately to RSIS projects.

PUBLIC COMMENTS

Chairwomen Hrabal asked for comments from other public members.

Mike Pisauro, policy director for the Watershed Institute said flooding is a big concern. Local reviewers need the ability to adopt stricter standards. This means the authority to apply water quality and quantity standards to proposed development below the definition of major development.

Grant Lucking said he understand the difficulty and frustration local reviewers face dealing with flooding. He reminded participants the purpose for the RSIS was to make housing more affordable with uniform and predictable site standards. Stormwater does not confine itself to municipal borders. He pointed out municipalities have been slow to rely on regional approaches to stormwater management, like watershed-wide plans and stormwater utility districts.

Jessica Pearson, from Verona said her township in Essex County is only 2.8 square miles and 98 percent developed. To deal with runoff, the township wants the ability to extend stormwater reviews to development with at least one-half acre of disturbance. She recommends municipalities have the authority to regulate smaller development.

Board member Janice Talley said Verona as typical of development trends in New Jersey. She referred to what is going on in Verona as the new reality for many localities. The RSIS needs to embrace this new settlement pattern to better deal with multifamily and mixed-use projects, higher densities, and infill development. She recommended the new stormwater rules have language to allow local reviewers to regulate smaller projects.

Michele Donato said the with the triggers for stormwater reviews in the MLUL are complicated. They are in different places of the law. She offered to work with SIAB to help craft rule language to regulate smaller projects below the major development definition in DEP and RSIS rules.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:50 a.m.

Respectfully submitted,
Marie Daniels & John Lago

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of March 17, 2022

Online Virtual Teams Meeting
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Ed Smith
Timothy Kernan
Thomas Olenik
Thomas O'Shea
Jason Kasler
Suzanne Walters

DCA Staff:

Maria Connolly
Marie Daniels
John Donadio
Gina Fischetti
Keith Henderson
John Lago
Sean Thompson

Guests:

Alex Ambrose	ANJEC
Lori Buckelew	NJLM
Kelley Curran	NJ Highlands Council
Michele Donato	NJPO
Amy Goldsmith	NJ Clean Water Action
Jeff Kolakowski	NJ Builders
Stuart Lieberman	Princeton Flood and Stormwater Commission
Grant Lucking	NJ Builders
Gabe Mahon	NJDEP
Vincent Mazzei	NJDEP
Jack McCausland	Pinelands Alliance
Swarna Mathukrishnan	NJ Clean Ocean Action
Mike Pisauo	Watershed Institute
Susan Weber	NJ DOT

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairwoman Hrabal asked for corrections to the minutes of the September 16th, 2021 and December 16th, 2021 meeting. There were none. The minutes were approved.

OLD BUSINESS

Parking Standards / Electric Vehicle Supply Equipment (EVSE) / Spaces

Ms. Janice Talley, chair of the Streets and Parking Committee, briefed board members on proposed parking and EV charging stations standards. The proposal was combined with another DCA rule proposal dealing with the Uniform Construction Code. It is under review by the Lt. Governor / Commissioner. Upon approval, it will go to the Governor's office for review and comment. After that review, it will be published in the *New Jersey Register* as a rule proposal for public comment. Ms. Talley asked about new language added dealing with the UCC proposal. She recommended replacing the term "land-use" board, with "planning" board. Ms. Marie Daniels agreed to the recommendation and said the change would be made.

Stormwater

Chairwoman Hrabal said the board's stormwater committee agreed to a proposal that would reference stormwater rules adopted by the New Jersey Department of Environmental Protection (DEP) as maximum requirements. The proposal would allow

municipalities to adopt stricter stormwater standards, but only by going through the variation processes in chapter 3 of the Residential Site Improvement Standards (RSIS).

Mayor Walters raised concerns about recent flooding. She said localities need more flexibility to deal with stormwater. What works in one area, doesn't always work in another.

Chairwomen Hrabal opened discussion to the public.

Ms. Lori Buckelew agreed with Mayor Walters. The New Jersey Department of Environmental Protection (DEP) rule sets minimum standards for stormwater management and allows municipalities to exceed them.

Grant Lucking agreed climate change and flooding are real. He added, however, allowing municipalities to adopt different standards will raise housing costs. The Residential Site Improvements Standards (RSIS) are intended to promote uniformity and predictability in the residential development process.

Michele Donato, general counsel to New Jersey Planning Officials questioned if the scope of the RSIS extended to stormwater. She pointed to a conflict between the 1993 law requiring DCA to adopt predictable standards and DEP stormwater rules that specify statewide standards but treats them as minimum requirements municipalities can exceed with little regulatory oversight.

Attorney Stuart Liberman argued stormwater is outside of DCA's authority and should not be regulated by the RSIS.

Mike Pisauero, an attorney with Watershed Institute, said many local officials are concerned the DCA proposal will prevent towns from adequately dealing with flooding. Outdated rainfall data and climate change adds to their concern. He recommended the RSIS proposal be consistent with DEP stormwater rule and allow municipalities to adopt stricter stormwater ordinances

Alex Ambrose with ANJEC agreed and said the DCA proposal should help local officials make good environmental decisions, not limit them. Every municipality is different.

Amy Goldsmith said a lot of local concern focuses on mitigation, fixing the problems caused by earlier development decision.

Board member Professor Olenik asked questions to identify the fairness of putting the costs of past development decisions on future development.

The stormwater committee agreed to re-examine the draft proposal.

PUBLIC COMMENTS

Chairwomen Hrabal asked for additional public comments and there were none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

John Lago
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of December 16, 2021

Online Virtual Teams Meeting
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Timothy Kernan
Thomas Olenik
Thomas O'Shea
Jason Kasler
Joseph Staigar
Suzanne Walters

DCA Staff:

John Lago
John Donadio
Maria Connolly

Guests:

Susan Weber
Jeff Kolakowski
Mike Pisauo
Grant Lucking
Kelley Curran

NJ DOT
NJ Builders Association
The Watershed Institute
NJ Builders Association
NJ Highlands Council

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called and attendance noted for the record.

OLD BUSINESS

Stormwater

The stormwater committee released proposed changes to the board. League of Municipalities' representative Mayor Suzanne Walters asked for more time to consider the rule changes. The request was granted. She is hearing that because of recent flooding local offices say they need to exceed NJ Department of Environmental Protection (DEP) stormwater standards. Board chairwomen and stormwater committee chair Val Hrabal said the intention of the rule changes were to align DEP and RSIS rules and that that RSIS rules should promote uniform, consistent, and predictable rules statewide. DCA staff reminded the board of the 1993 enabling legislation that endorses uniformity for residential site standards throughout the state.

DEP representative Gabe Mahon supported referencing DEP stormwater rule entirely so that the two sets of rules are never out of lockstep. DCA staff advised it was important to keep stormwater rule language in the code to keep track of rule changes and interpret the rule internally. Board member Janice Talley asked if special area standards existed for stormwater. Staff advised there was a stormwater special area standard for Harding Township located in the Great Swamp area. Ms. Talley questioned if the process for a special area standard in the RSIS rule was clear and if municipalities understood the process. She recommended that the New Jersey Planning Officials provide a course for planning board officials on special area standards at the annual meeting of NJ League of Municipalities. The board will reconvene on this topic at the next meeting.

Parking Standards / Electric Vehicle Supply Equipment (EVSE) /Spaces

Janice Talley gave an update on the streets and parking rule proposal change that was approved at the last meeting. The board's recommendation will be adopted as a rule proposal and will be sent to the DCA commissioner's desk for approval. After which the new rule will require the Governor's approval. If approved, the rule will get published in the NJ register and then be made available for public comment. The process can take between 3-6 months for completion.

NEW BUSINESS

Rainfall Data

Val Hrabal advised the board of new rainfall data being assessed by the DEP. She said the new rainfall rates could drastically change stormwater calculations and influence development. Gabe Mahon advised that the new rainfall data was being evaluated by DEP, but that it was not ready for public comments and there are no new proposals made at this time.

PUBLIC COMMENTS

The chair asked for public comments. Mike Pisauo from the Watershed Institute asked if the public can be invited to a subcommittee meeting. They can be invited at the discretion of the committee chair. Grant Lucking from the NJ Builders Association said the stormwater rules should be predictable and calculable. He supported targeted development areas for growth that has predictable and uniform rules.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 a.m.

Respectfully submitted,

John Donadio
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of October 21st, 2021

Online Virtual Teams Meeting
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Kevin Luckie
Timothy Kernan
Thomas Olenik
Thomas O'Shea
Jason Kasler
Ed Smith
Joseph Femia

DCA Staff:

John Lago
John Donadio
Marie Daniels
Rob Austin
Maria Connolly
Robert Tessier

Guests:

Chuck Olivo	Stonefield Engineering and Design
Susan Weber	NJ DOT
Clinton Calabrese	NJ Assemblyman (D)36
Jeff Kolakowski	NJ Builders Association
Mike Pisauo	The Watershed Institute
Grant Lucking	NJ Builders Association
Kelley Curran	NJ Highlands Council
Jeffrey Wilkerson	City of Trenton Supervising Planner
Gregory Perry	Morris County Supervising Planner

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairwoman Hrabal asked for corrections to the minutes of the June 17th, 2021 meeting. There were none. The minutes were approved.

OLD BUSINESS

Parking Standards / Electric Vehicle Supply Equipment (EVSE) /Spaces

Streets and parking committee chair Ms. Janice Talley introduced revised language for chapter 4 which clarifies the parking standard and adds electric vehicle parking rules. She explained the committee looked for new parking requirements to replace those in table 4.4 but has not found an authoritative source for standards better than what is in the rule. The parking standard considers only three factors: the number; size; and type of housing. Other site-specific factors affect parking, and local reviewers must consider them. The revised language includes a rewriting of section 5:21-4.14 (c) which explains how to interpret table 4.4 as a maximum requirement and emphasizes other types of considerations reviewers should contemplate for parking. The update also includes a new title for table 4.4, naming it a maximum parking figure.

The committee also proposed language on a new electrical vehicle (EV) rule to keep consistent with the new DCA statewide EV standard. Maria Connolly of the DCA briefed the board on the new statewide EV standard, which is now in effect. She noted the new statewide EV standard enables EV charging stations and supply equipment to be classified as an accessory use in all land-uses and it established a make-ready EV parking space requirement for new development. The statewide standard requires 15 percent of all off-street parking spaces to be prepared as make-ready EV spaces and for developers to install charging stations in at least one-third of the 15 percent of make-ready parking spaces. The RSIS proposal incorporates these standards into section 5:21-4.14 (h). Mr. Jeffrey Wilkerson, a planner for the city of Trenton, questioned whether certain types of electrical vehicle supply equipment (EVSE) are required or excluded in the rule. For now, all types are permitted. Janice Talley asked if a special area standard is needed if a municipality wants to exceed the requirement. The board

thought that a special area standard would be the proper route. Chairwomen Hrabal asked the public for comments.

Assemblyman Calabrese (D-36) thanked the board for their time and said the changes were a step in the right direction. He believed that further transportation changes will take place and require additional changes to parking table 4.4. Mr. Chuck Olivo from Stonefield Engineering agreed and thanked the committee for their time working on the rule clarification. He noted this was a step in the right direction. Mr. Jeff Kolakowski from the NJ Builders Association asked if the new EV standard and rules can be communicated via industry newsletters to every municipality.

Discussion on the revised street and parking rules ended. Janice Talley moved for a motion to adopt the changes. The motion was seconded by Mr. Kernan. The roll was called, and the vote was 8-0 in favor of the motion. The motion carried.

Stormwater

Stormwater committee chair Val Hrabal advised the board of changes to chapter seven of the RSIS. The revised chapter will be shorter and reference relevant sections of NJAC 7:8, the Department of Environmental Protection (DEP) stormwater rule, which sets water quantity, quality, and recharge standards. The RSIS will treat DEP standards and the stormwater Best Practices Manual (BMP) manual as statewide maximums for residential development. Municipalities can exceed them only by going through the variation process in the RSIS. These changes align the RSIS stormwater rule with DEP rule and promote statewide rule uniformity. Mr. Tim Kernan expressed that the changes will make it easier for reviewers to follow. He was satisfied with the direction of the overall changes. The rule changes will be shared with the DEP and the Department of Agriculture to check for consistency. The board could take up a vote on the proposed rule changes at the next SIAB meeting in December.

NEW BUSINESS

Trenton, NJ - Special Area Standard

Mr. Jeffrey Wilkerson, a senior planner for the City of Trenton, inquired if a new parking ordinance the city wants to implement requires a special area standard. Janice Talley said that since the parking requirements in the Trenton ordinance falls under the maximum requirements of table 4.4, there is no need for a special area standard if the city adopts fewer parking spaces than in table 4.4. The board agreed and advised a special area is not required in this scenario.

PUBLIC COMMENTS

The chair asked for public comments and there were none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

John Donadio
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of June 17th, 2021

Online Virtual Teams Meeting
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Kevin Luckie
Timothy Kernan
Thomas Olenik
Thomas O'Shea
Jason Kasler
Ed Smith

DCA Staff:

John Lago
John Donadio

Guests:

Chuck Olivo	Stonefield Engineering and Design
Susan Weber	NJ DOT
Maria Connolly	NJ DCA
Jeff Kolakowski	NJ Builders Association
Gabe Mahon	NJ DEP
Grant Lucking	NJ Builders Association
Matt Ward	Jersey City Planner

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairwoman Hrabal asked for corrections to the minutes of the April 15th, 2021 meeting. There were none. The minutes were approved.

OLD BUSINESS

Stormwater

The stormwater committee will revise chapter 7. The revised chapter will be shorter and reference relevant sections of NJAC 7:8, the Department of Environmental Protection (DEP) stormwater rule, which sets water quantity, quality, and recharge standards. The RSIS will treat DEP standards and the BMP stormwater manual as statewide maximums for residential development. Municipalities can exceed them only by going through the variation process in the RSIS. The committee hopes to have a revised rule proposal up for consideration by next meeting.

Parking Standards

Committee Chair Janice Talley said that the streets and parking standards committee will propose language to clarify the parking standard. It has looked for new parking requirements to replace those in table 4.4 but has not found an authoritative source for parking better than what is in the current rule. The current parking table considers only three factors: the number; size; and type of housing. Other site-specific factors affect parking, and local reviewers must consider them. The committee will try to meet again before possibly presenting a rule clarification at the next board meeting.

Electric Vehicle (EV) Charging Stations/Spaces

Maria Connolly of the DCA briefed the board on the progress of bill NJ-S3223. She advised the bill passed both NJ legislative chambers and is expected to be signed into law in July. The new legislation has two basic proponents. It enables electrical vehicle (EV) charging stations to be classified as an accessory use in all land-uses and it established a make-ready requirement for new development. The law also requires the DCA to develop a model ordinance for EV charging stations from which each municipality will follow and requires the Site Improvement Advisory Board to recommend changes in the RSIS to be consistent with EV requirements.

Janice Talley asked whether EV spaces can be shared when not in use by electrical vehicles. She said the administration of rules falls on the towns. She continued that rules should deal with time limits on EV spots and deal with exemptions and fees. Chairwoman Hrabal said the law will require more parking and parking offsets. She thinks it might add more impervious surface too. Ms. Connolly said the new law provides for a 15 percent make-ready quota (as a portion of the total spaces in an off-street parking lot). Tim Kernan asked if there was data on how many electrical vehicles are registered in NJ. Some figures show that electrical vehicles account for about 3 percent market share of total vehicles registered globally, but that figure is expected to rise to well over 10 percent in the next 5 years.

NEW BUSINESS

Water Supply

The fire code and construction official of Berkeley Heights asked about water supply standards in the RSIS. Currently, there is no standard in the RSIS that says the transmission water line to a multifamily building with more than 20 dwellings must be looped and come from two different directions. The water looping rule only applies to distribution lines in the development. The fire code official felt it should apply to transmission lines as well. Professor Thomas Olenik, the chair of the water supply committee, said such a recommendation is complicated. It must balance public safety with practicality and economics and consider factors specific to a local project like water pressure, utility requirements, construction costs, and easements. Any statewide standard would also have to come from an authoritative source, such as the American Water Works Association. The committee agreed to discuss further.

PUBLIC COMMENTS

The chair asked for public comments and there were none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 a.m.

Respectfully submitted,

John Donadio
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of April 15, 2021

Online Virtual Teams Meeting
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Valerie Hrabal, Chair
Janice Talley, Vice Chair
Ed Smith
Kevin Luckie
Joseph Femia
Timothy Kernan
Joseph Staigar
Thomas Olenik
Thomas O'Shea
Suzanne Walters
Jason Kasler

DCA Staff:

John Lago
John Donadio

Guests:

Chuck Olivo	Stonefield Engineering and Design
Susan Weber	NJ DOT
Maria Connolly	NJ DCA
Jeff Kolakowski	NJ Builders Association
Gabe Mahon	NJ DEP
Grant Lucking	NJ Builders Association

CALL TO ORDER

Ms. Valerie Hrabal, chair of the Site Improvement Advisory Board, called the meeting to order at 10:00 a.m.

OPEN PUBLIC MEETINGS ACT

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.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairwoman Hrabal asked for corrections to the minutes of the December 17th, 2020 meeting. There were none. The minutes were approved.

NEW BUSINESS

Stormwater

Chairwoman Hrabal said the stormwater committee will revise chapter 7 on stormwater. The revised chapter will be shorter and reference relevant sections of NJAC 7:8, the Department of Environmental Protection (DEP) stormwater rule, which sets water quantity, quality, and recharge standards. The RSIS will treat DEP standards and the BMP stormwater manual as statewide maximums for residential development. Municipalities can exceed them only by going through the variation process in the RSIS.

Chairwomen Hrabal discussed a recent New Jersey court ruling, *Builders League of South Jersey v. Borough of Haddonfield*. In the case, the court invalidated a local stormwater ordinance that extended full DEP and RSIS stormwater standards to smaller residential projects below the major development threshold in both the DEP and RSIS. Janice Talley said there is confusion among localities because DEP allow local stormwater standards to be stricter. Localities have interpreted this to mean they can redefine major development to include smaller projects. Jason Kasler suggested a clarification be written on how the RSIS intends for the stormwater standards in DEP rule be applied to residential development. Gabe Mahon of the DEP emphasized RSIS rule NJAC 5:21-7.1(a) which allow municipalities to adopt ordinance dealing with runoff rate and routing. Chairwomen Hrabal said the stormwater committee will have to tackle what the RSIS should require regarding development below the major development threshold (one acre of disturbance).

Parking Standards

The streets and parking committee had a working meeting to suggest changes to table 4.4, which specifies statewide standard for the number of parking spaces. Janice Talley briefed members on their progress. The committee is looking at parking data from

recent multifamily development. Most of the parking data in table 4.4 is original to the Rutgers model ordinance and based on settlement patterns in the 1970s. DCA received comments the parking standards need to be updated. Ms. Talley said the results of the new data are mixed. The committee has not yet found a clear, authoritative parking standard better than what is in the rule. It will continue to look but has proposed that NJAC 5:21-4.14(c) be re-written to emphasize table 4.4 as a maximum standard. The current parking table considers only three factors: the number; size; and type of housing. Other site specific factors affect parking, and local reviewers must consider them.

Jeff Kolakowski from the NJ Builders Association said he appreciated the work the committee is doing to make the parking standards clearer. He is concerned however, that stronger steps are needed. Many local reviewers and public commentators treat the parking standards as a minimum. They do not understand that the rules require them to consider site specific factors and accept fewer spaces. He recommended the parking standards should consider density and mass transit. Mr. Chuck Olivo agreed.

Joe Staigar shared parking data from the Institute of Transportation Engineers (ITE) that showed parking requirements for various multifamily residential developments and how they were affected by density of development and mass transit. Mayor Walters said she appreciated the flexibility in the current parking standard. Mr. Olivo said another important parking concern brought up at public meetings is guest parking for multifamily development.

The streets and parking committee will continue work on table 4.4.

Electric Vehicle (EV) Charging Stations

Municipalities have begun to adopt ordinances requiring electrical vehicle (EV) charging stations for both commercial and residential development. A bill in the New Jersey legislature would require parking lots for multifamily developments to have a minimum of 15 percent of the spaces reserved for EV charging stations. Chairwomen Hrabal asked DCA staff to get more information on this proposal and share it with the streets and parking committee.

PUBLIC COMMENTS

The chair asked for public comments and there were none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:45 a.m.

Respectfully submitted,

John Donadio
Secretary to the Board