

# NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

## Meeting Minutes of June 18, 2020

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

### ATTENDANCE

#### **Board Members:**

Joseph E. Doyle, Chair  
Tim Kernan  
Valerie Hrabal  
Janice Talley  
Joe Staigar  
Thomas Olenik

#### **DCA Staff:**

Marie Daniels  
Rob Austin  
John Lago  
John Donadio  
Thea Popko

#### **Guests:**

Don Sears	Attorney for South Brunswick
Grant Lucking	NJ Builders Association
Mike Pisaurro	Policy Director for Stony Brook-Millstone Watershed Association

### CALL TO ORDER

Mr. Joseph Doyle, chair of the Site Improvement Advisory Board, called the meeting to order at 10:10 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

Chairman Doyle asked for corrections to the minutes of the June 20<sup>th</sup>, 2019 meeting. There were none. The minutes were approved by all who attended.

## NEW BUSINESS

Chairman Doyle assigned new committee appointments. Ms. Janice Talley was asked to chair the De Minimis Exceptions and Agreements to Exceed the Standards Committee. Ms. Talley accepted.

Ms. Talley was also asked to chair the streets and parking committee. She accepted. Mr. Joe Staigar and Mr. Tim Kernan were appointed on the committee:

### **Street and Parking Standards Committee:**

Janice Talley (chair)  
Joe Staigar  
Tim Kernan

Valerie Hrabal (alternate)

### **De Minimis Exceptions and Agreements to Exceed the Standards Committee:**

Janice Talley (chair)  
Thomas Olenik

Valerie Hrabal (alternate)

## Stormwater

The board discussed a stormwater rule adopted by the New Jersey Department of Protection (DEP) and how they affect the RSIS. The stormwater committee met on April 16<sup>th</sup>, 2020. Ms. Valerie Hrabal, the chair of committee said DEP stormwater rules have changed over the years, and the RSIS stormwater standards have not been revised to be consistent with these changes. She said rather than incorporating sections of DEP rules, as done in appendix B to chapter 7, the committee recommends the appendix B be replaced with a reference to DEP rules. DCA staff will draft language replacing the incorporated text with the reference. The committee recommended language to say the water quality, quantity and recharge standards adopted by DEP, as they are extended

to areas within the scope of the RSIS, are done so within a framework that says these standards are the minimum developers must meet for compliance, and the maximum municipalities can require. The committee also recommended language referencing DEP requirements in their Stormwater Management *Best Management Practices (BMP) Manual*. DEP records this document as advisory. The RSIS reference it as an authoritative source and give it the weight of rule. The BMPs listed in the manual are designer options. Municipalities may ask for a particular BMP, and can recommend one option over another, but cannot require one design option over another.

A motion was made by Ms. Hrabal to replace appendix B to subchapter 7 with new language referencing DEP rules. Ms. Talley seconded the motion. Chairman Doyle asked for discussion on the motion. No comments were made. A roll call vote commenced. The motion was approved (6-0).

### Streets and Parking

Chairman Doyle directed discussion to street and parking standards. There are two issues to consider. One is parking decks. The RSIS has no standards for them. He suggested a simple fix could extend parking lots standards to parking decks. He also said there was a growing interest in electric vehicle (EV) charging stations. Chairman Doyle opened the meeting to the public and asked Mr. Donald Sears, Director of Law, South Brunswick Township, to speak on EV charging stations. Mr. Sears wrote a letter to the board, recommending RSIS adopt standards for them from the 2019 amendments to the International Energy Conservation Code (IECC). The code recommends “to the extent practicable” a 240-volt electrical outlet in every garage for all new, single-family homes, townhouses, and condominiums. For new, multifamily development, also “to the extent practicable”, it recommends 3 percent of the required number of parking spaces have fast-charging stations.

Mr. Sears said municipalities like North and South Brunswick have started to modify their land use rules to promote EV charging stations. They see this as an emerging trend. The North Brunswick ordinance recommends their use “to the extent practicable”.

Chairman Doyle thanked Mr. Sears and opened discussion to board members. Ms. Talley, Mr. Staigar, and Mr. Doyle all said EV charging stations are an issue in the communities where they live or work. Ms. Talley said her impression was the marketplace largely determined their use. Developers put them in if there is a demand.

Mr. Staigar agreed. He sees EV stations more in cities and less in rural and suburban areas.

Mr. Sears said he sees this as a growing market, especially in light of recent affordable housing rulings that anticipate 150,000 to 200,000 affordable units between 2020 and 2025. Much of these units will be in inclusionary developments (income restricted and market units). So, there will be an even greater demand for EV charging in affordable and market housing. He said much of this residential growth is corridor between New

York City and Philadelphia, which is why communities like South Brunswick are concerned with this issue.

Ms. Hrabal inquired about the cost of electrical vehicles and charging stations. Are people in lower income cohorts going to be able to afford electric vehicles? Mr. Sears and board members Mr. Kernan and Mr. Staigar said the price of electrical vehicles will continue to drop and become more affordable overtime. Mr. Staigar mentioned that a used fleet of electrical vehicles will also help make EVs more affordable. Ms. Hrabal also questioned if this was within the jurisdiction of the RSIS authority scope. She speculated if a utility company has jurisdiction. Chairman Doyle shared an experience demonstrating the variations among charging stations and stated the importance to standardize charging stations across all platforms. The EV charging station topic will go into a working committee for rule consideration.

### OLD BUSINESS

New DCA rule proposals were published in the NJ Register on June 15, 2020. The rules have cleared the commissioner and governor's offices. After editorial review from the Office of Administrative Law, it should be published for public review and comment. The new rules proposals are the result of many SIAB meetings over the last five years.

The new rule proposals include:

1. Water supply standards that are lower (less water use) than those now in the RSIS. This change was made with DEP and their water supply rules, which reference the RSIS.
2. Extending assisted living facilities as residential uses in the RSIS.
3. Clarification of the requirement for large parking lots to have more than one access. Secondary access is meant for emergency vehicles only and can be used by residents and visitors only with reviewer approval.
4. Language added to chapter 8 (authoritative sources) that says later editions of a cited source may be used if both the designer and reviewer agree to do so.

There is a 60-day public comment period for the new rule proposals, with possible adoption by August 14<sup>th</sup>, 2020.

### PUBLIC COMMENTS

Mike Pisauro, Policy Director for Stony Brook-Millstone Watershed Association, inquired about the timeline for the stormwater rule adoption on the motion that was passed earlier in the meeting. DCA board secretary Mr. John Lago advised Mr. Pisauro that the rule adoption process would take another year at least and still go through the full rule making process, which includes rule drafting, numerous approvals, and public comment period. Mr. Pisauro was concerned that the rule should not replace or overstep clean water and pollution acts and will follow up at the appropriate time.

Grant Lucking, from the NJ Builders Association, stated that the NJBA was not opposed to EV charging stations, but rather questioned whether a mandate or ordinance was necessary. Perhaps the market should dictate the installation given the cost of home building. He noted the progression of two state bills that would mandate EV charging stations in all new residential homes and remove HOA impediments towards charging stations.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,

John Donadio  
Secretary to the Board