

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of October 19, 2017

Conference Room 816
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Joseph E. Doyle, Chair
Valerie Hrabal
Timothy Kernan
Phyllis Marchand
Richard Maser
Elizabeth McKenzie
Edward M. Smith
Janice Talley

DCA Staff:

Michael Baier
Amy Fenwick Frank
John Lago

Guests:

John Showler
Susan Weber
Michele Kropilak
Peter Keledy
Robert Kirkpatrick

Department of Agriculture
Department of Transportation
Department of Environmental Protection
Department of Environmental Protection

CALL TO ORDER

Joseph Doyle, Chair of the Site Improvement Advisory Board, called the meeting to order at 10:17 a.m.

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.

ROLL CALL

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

APPROVAL OF MINUTES

Chairman Doyle asked for corrections to the minutes of the meeting of May 19, 2016. There were none. A motion to approve the minutes was made by Ms. Hrabal and seconded by Ms. Talley. Mr. Maser and Mr. Kernan abstained as they did not attend that meeting. All others were in favor. (Note: Ms. McKenzie and Ms. Marchand were not present for this vote.)

COMMITTEE REPORTS

There were no committee reports.

OLD BUSINESS

A. Update on the Department of Agriculture's Soil Compaction Rules

John Showler from the Department of Agriculture reported on the new soil compaction/soil restoration rules. The State Soil Conservation Committee was tasked with creating standards. The first attempt was deemed too expensive and complicated. The committee relied on field data from the New Jersey Builders Association (NJBA) to analyze costs. New rules were proposed that expanded soil testing methods and reduced the costs of remediation. Exemptions were broadened to include roadways, foundations, playing fields, and other surfaces where soil compaction is required. Ultimately, NJBA sent a letter of support for the revised rules. Ms. Hrabal said that addressing soil compaction is a legislative mandate. The revised rules represent a best effort and do not involve excessive costs, although there are potential problems with compliance in certain portions of North Jersey. These rules are posted on the Department of Agriculture's website. Their Notice of Adoption, dated August 21, 2017, was included in the meeting packets. The operative date of the standards is December 7, 2017 to allow time for the development community to incorporate these requirements. After that date, plans submitted to a soil conservation district must address the new soil compaction requirements. Mr. Showler said training on the standards would take place on November 8 and November 29.

Ms. Hrabal noted two ways the soil compaction rules affect the Residential Site Improvement Standards (RSIS). First, the RSIS reference standards need to be updated to recognize the latest version of the soil compaction rules. Mr. Showler and Ms. McKenzie suggested the phrase "as amended and supplemented" to accomplish this. The second issue is the six-month grace period provided for in the RSIS.

There was discussion about State rules. The RSIS exist alongside and do not replace other State rules. The latest version of the soil compaction standards apply.

Ms. McKenzie asked if municipalities would perform the necessary reviews and inspection for soil compaction and whether municipal engineers would increase escrows for these tasks. Mr. Showler said soil conservation districts are responsible for these duties. Over time, all but 20 towns have given up their own soil conservation programs. He noted municipalities lack the authority to reject a district-certified plan.

Chairman Doyle thanked Mr. Showler for his presentation. Mr. Showler thanked Ms. Hrabal's participation in the process.

B. Notification of Agreements to Exceed and De Minimis Exceptions

Chairman Doyle said a committee was formed to review the exception process. He led discussion on ways to alert towns of the RSIS requirement to notify SIAB of all exceptions. There seems to be confusion as to who sends the notices. Ms. McKenzie said the rules allow planning and zoning board resolutions to serve as notice if they clearly describe the exceptions and why they were granted. Ms. Hrabal added the rules specify notices of agreements to exceed RSIS standards must be sent by developers. Chairman Doyle believes the Board does not see all the exceptions. He suggested a reminder to municipal clerks. He also said municipalities should be allowed send notices by email to make compliance easier.

NEW BUSINESS

A. Department of Environmental Protection (DEP) proposal to amend *Stormwater Best Management Practices (BMP) Manual*

Ms. Hrabal reported DEP adopted amendments to the Flood Hazard Area Control Act rules in June 2016. The stormwater rules in the RSIS must be revised to show these changes. Additionally, she said DEP held stakeholder meetings to discuss revisions in their stormwater rules, which are incorporated in the RSIS. She suggested SIAB wait for DEP to revise its stormwater rules before updating the RSIS. She also recommended the RSIS simply reference DEP rules for all stormwater standards.

DEP holds stakeholder meetings on their rules and the Best Management Practices manual. Ms. Hrabal attends them on behalf of SIAB. She reported DEP intends to replace the nonstructural requirements in current rule with provisions to promote green infrastructure (GI). These devices tend to be smaller and more numerous than wet ponds, detention basins, and other, more traditional facilities. Examples of GI include grass swales, cisterns, rain gardens, and pervious pavement. DEP recently posted a blue roof BMP on their website. GI devices raise several issues. DEP is considering

giving credit for volume control to promote their use. Because many GI devices are on individual lots, the DEP will likely have to rely on deed restrictions to ensure the facilities are preserved and maintained.

DEP engineer Gabe Mahon said his department views the BMP manual as an advisory document. The RSIS, however, gives it the weight of rule. Ms. McKenzie said the Board must decide if it still wants to treat the manual this way, given the substantial changes underway. SIAB also must consider how it wants the RSIS to treat DEP rules. Should the statewide site standards incorporate certain sections of the DEP rule or simply refer to DEP rules in chapter 7.

The Board also discussed “major development” as defined by DEP. The one-acre of disturbance is a trigger for stormwater facilities in the RSIS. DEP will likely change this definition, which will affect the RSIS.

Chairman Doyle said the Board will continue to monitor changes DEP makes and how they affect the RSIS.

B. Streets and Parking

Parking Structures – Mr. Maser, chair of the Streets and Parking Committee, reported on parking standards in the RSIS. The rules deal with driveways, garages, on-street spaces, and surface parking lots. There are no standards for parking decks. Most new housing today is attached in multifamily and mixed-used buildings. The streets committee started to look at parking deck standards. There is a lot of variation; designers needed flexibility for different street and traffic patterns. They also need flexible designs for shared spaces parking and residential and commercial uses. At this time, Mr. Maser said, the committee is not ready to recommend specific standards for parking decks. He warned any standard needs to give designers a lot of discretion, or else they may cause more problems than they solve.

Ms. McKenzie noted she sees more new multifamily developments with parking garages. She agreed flexibility is needed and noted some local ordinances have requirements for emergency access.

Ms. Hrabal asked if the building codes specified relevant standards. Mr. Michael Baier said they focus on air circulation and egress.

Chairman Doyle is concerned about parking decks in multifamily buildings. He cited a development with stacked or tandem spaces. He wants the streets and parking committee to keep an eye on this issue.

Parking Lot Access. NJAC 5:21-4.16(e) requires lots with more than 100 spaces to have more than one way in and out. Staff has interpreted this to mean alternative access for residents, visitors, and emergency vehicles. Mr. Maser recommended that the Board reserve this secondary access only to emergency vehicles. Reviewers can

ask developers for alternative access or divided entrances for residents and visitors, but the primary intent was for emergency access. Mr. Maser said visitors and residents can get in the way of emergency vehicles. The Board agreed this was their intent. Staff agreed to interpret the standard for a second access for large parking lots to mean access for emergency vehicles only.

Mr. Maser, Ms. McKenzie, and Ms. Talley suggested a clarification or guidance. Mr. Lago said the matter could be directly handled by staff when asked for future interpretations. Ms. McKenzie suggested language in the standard to say the second access is intended for emergency vehicle access. Designers can open this access to visitors and residents, but only with reviewer approval.

PUBLIC COMMENTS

There were no comments from members of the public.

BOARD MEMBER COMMENTS

Ms. McKenzie informed the Board that she would be retiring in December, 2018 and moving to Virginia. She is able to continue to serve on the Board for one more year.

Chairman Doyle announced that Ms. Frank would be retiring from State service and presented a resolution of the Board wishing her well on her retirement.

Chairman Doyle then presented a resolution of the Board honoring charter member and former Chairman Robert Kirkpatrick.

There were no further comments from Board members.

ADJOURNMENT

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