

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF OCTOBER 14, 2010

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
JOSEPH DOYLE
VALERIE HRABAL
RICHARD MASER
LESLIE MCGOWAN
EDWARD M. SMITH

DCA STAFF:

AMY FENWICK FRANK
JOHN LAGO

GUESTS:

SUSAN WEBER NEW JERSEY DEPARTMENT OF
TRANSPORTATION
TIMOTHY KERNAN NEW JERSEY SOCIETY OF MUNICIPAL
ENGINEERS
JEFF KARO ADVANCED DRAINAGE SYSTEMS
DAN KOWALCHUK ADVANCED DRAINAGE SYSTEMS

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD, CALLED THE MEETING TO ORDER AT 9:45 A.M.

ROLL CALL

THE ROLL WAS CALLED AND ATTENDANCE WAS DULY NOTED FOR THE RECORD. CHAIRMAN KIRKPATRICK WELCOMED EDWARD SMITH, NEWLY-APPOINTED DIRECTOR OF THE DIVISION OF CODES AND STANDARDS.

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE APRIL 15, 2009 MEETING. THERE WERE NONE. MS. LESLIE MCGOWAN MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY MR. ROBERT KIRKPATRICK. ALL WERE IN FAVOR.

OLD BUSINESS

A. REPORT OF THE STORMWATER COMMITTEE

JOHN LAGO REPORTED ON A STORMWATER COMMITTEE MEETING HELD ON AUGUST 19, 2010. MINUTES OF THIS MEETING WERE DISTRIBUTED TO THE BOARD. CHAIRMAN KIRKPATRICK ASKED WHETHER COMMENTS ON THE LATEST DRAFT CHANGES TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S (DEP) BEST MANAGEMENT PRACTICES (BMP) MANUAL HAD BEEN SENT TO DEP. MR. LAGO RESPONDED THAT MS. HRABAL HAD SENT COMMENTS. WITH REGARD TO THE STATUS OF OTHER CHANGES TO THE BMP MANUAL UNDER CONSIDERATION, IT WAS REPORTED THAT: THE DRAFT CHANGES ON THE USE OF SAND FILTERS HAD BEEN POSTED; COMMENTS WERE BEING ACCEPTED THROUGH OCTOBER 6. THE COMMENT PERIOD FOR CHANGES ADDRESSING BUFFER ZONES FOR IDENTIFIED WATERWAYS HAD CLOSED AND THOSE CHANGES WOULD BE GOING FORWARD WITHOUT FURTHER COMMITTEE INPUT; THE CHANGES ADDRESSING POROUS PAVEMENT, SOIL TESTING AND MITIGATION WERE STILL UNDER CONSIDERATION. WITH REGARD TO THE DRAFT REQUIREMENTS FOR MITIGATION, IT WAS NOTED THAT THE DEP HAD PULLED BACK ON THIS PROPOSAL AND DEP STAFF IS EXAMINING THE SAME QUESTIONS THAT THE BOARD HAD RAISED. MS. HRABAL POINTED OUT THAT THE REQUIREMENT FOR MITIGATION (ON SITE OR OFF SITE), AS DRAFTED, IS ABSOLUTE. A WAIVER IS AVAILABLE FOR LINEAR DEVELOPMENT ONLY. THIS COULD BE INTERPRETED AS A USURPATION OF LAND USE AUTHORITY.

CHAIRMAN KIRKPATRICK REVIEWED SOME OF THE BACKGROUND WITH REGARD TO THE DEP STORMWATER MANAGEMENT REQUIREMENTS AND THE RELATIONSHIP BETWEEN DEP AND THE BOARD. HE NOTED THAT MS. HRABAL AND MR. LAGO HAVE BEEN ATTENDING THE DEP BMP MANUAL COMMITTEE MEETINGS ON BEHALF OF THE BOARD AND BRINGING PROBLEMS AND DRAFT AMENDMENTS BACK TO THE BOARD FOR REVIEW AND COMMENT.

B. PROPOSED CHANGES TO THE RSIS FOR 2010

THE DRAFT RULE AMENDMENTS, A COVER MEMO FROM STAFF DESCRIBING THE DRAFT AMENDMENTS AND A MEMO FROM CHAIRMAN KIRKPATRICK WITH HIS COMMENTS WERE DISTRIBUTED TO THE BOARD. MS. HRABAL MADE A

MOTION, WHICH WAS SECONDED BY MR. MASER, TO APPROVE THE AMENDMENTS TO THE RULES WITH THE CHANGES NECESSARY TO ADDRESS THE CHAIRMAN'S CONCERNS AS OUTLINED IN HIS MEMO. ALL WERE IN FAVOR. STAFF IS TO CIRCULATE THE REVISED AMENDMENTS TO THE RULES TO THE BOARD TO CONFIRM THAT THE CHANGES ACCURATELY REFLECT THE BOARD'S INTENT BEFORE FORWARDING THE AMENDMENTS TO THE COMMISSIONER FOR APPROVAL FOR PUBLICATION IN THE NEW JERSEY REGISTER.

NEW BUSINESS

THERE WAS NO NEW BUSINESS.

PUBLIC COMMENTS

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ADDRESS THE BOARD. THERE WERE NONE.

BOARD MEMBER COMMENTS

CHAIRMAN KIRKPATRICK ANNOUNCED THAT LESLIE MCGOWAN IS RESIGNING FROM THE BOARD AS SHE WILL NOT LONGER BE WORKING AS A PLANNER IN THE PUBLIC SECTOR. MS. MCGOWAN IS A CHARTER MEMBER OF THE BOARD AND HAS BEEN A THOUGHTFUL AND RELIABLE SOURCE OF INFORMATION. THE CHAIRMAN WENT ON TO STATE THAT HER COMMENTS HAVE REFLECTED WHAT THE ACT INTENDED FOR THE PLANNER IN THE PUBLIC SECTOR AND SHE WILL BE HARD TO REPLACE.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. MASER AND SECONDED BY MS. HRABAL; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 10:10 A.M.

RESPECTFULLY SUBMITTED,

AMY FENWICK FRANK
SECRETARY PRO TEM

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF APRIL 15, 2010

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
CYNTHIA WILK, VICE-CHAIR
LESLIE MCGOWAN
MICHAEL AMOROSA
MARGE DELLA VECCHIA
PHYLLIS MARCHAND

DCA STAFF:

AMY FENWICK FRANK
JOHN LAGO

GUESTS:

JOHN SHOWLER NEW JERSEY DEPARTMENT OF AGRICULTURE
BARRY CHALOFSKY NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ED FRANKEL NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ELIZABETH DRAGON NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
SANDY BLICK NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
SUSAN WEBER NEW JERSEY DEPARTMENT OF
TRANSPORTATION
TIMOTHY KERNAN NEW JERSEY SOCIETY OF MUNICIPAL
ENGINEERS
GREGORY PERRY MORRIS COUNTY PLANNING BOARD
JEFF KORO ADVANCED DRAINAGE SYSTEMS
NATHAN JOVANELLY ADVANCED DRAINAGE SYSTEMS

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT
ADVISORY BOARD, CALLED THE MEETING TO ORDER AT 9:55 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE SEPTEMBER 17, 2009 MEETING. THERE WERE NONE. MR, MICHAEL AMOROSA MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY MS. LESLIE MCGOWAN. ALL WERE IN FAVOR WITH THE EXCEPTION OF MS. MARGE DELLA VECCHIA WHO ABSTAINED BECAUSE SHE HAD NOT ATTENDED THE MEETING.

OLD BUSINESS

A. INCORPORATION OF LOW-IMPACT DEVELOPMENT STANDARDS INTO THE RSIS:

THE STREETS COMMITTEE HAS NOT YET MET TO DISCUSS WHAT STANDARDS MIGHT BE APPROPRIATE FOR INCORPORATION INTO THE RSIS. STAFF WILL WORK WITH THE COMMITTEE CHAIRMAN TO SET UP A MEETING.

B. SIAB RESOLUTION ON DEP

THERE WAS GENERAL AGREEMENT THAT, BECAUSE OF THE RENEWED EFFORTS OF DEP STAFF TO WORK COOPERATIVELY WITH THE MEMBERS OF THE SITE IMPROVEMENT ADVISORY BOARD, NO RESOLUTION IS NEEDED AT THIS TIME. A MOTION TO TABLE THE RESOLUTION WAS MADE BY MR. AMOROSA AND SECONDED BY MS. MCGOWAN. ALL WERE IN FAVOR.

NEW BUSINESS

A. PROPOSED RULE CHANGES

1. PIPE MATERIALS STANDARD FOR CORRUGATED POLYPROPYLENE FOR STORM SEWERS AND SANITARY SEWERS – MR. NATHAN JOVANELLY OF ADS, THE PROPONENT OF THESE CHANGES, PRESENTED THE REQUESTED CHANGES TO THE BOARD. IN RESPONSE TO QUESTIONS FROM BOARD MEMBERS, MR.

JOVANELLY AGREED TO PROVIDE ADDITIONAL DETAILS ON THE APPLICABLE ASTM STANDARD GOVERNING WHERE THIS PRODUCT MAY BE USED.

2. NEW LANGUAGE PROPOSED TO ACCOMMODATE BIKE PATHS – MR. LAGO POINTED OUT THAT THE SUGGESTED CHANGE RECEIVED MENTIONS REGIONAL PLANNING BODIES. MS. MCGOWAN INDICATED THAT THIS IS NOT A MUNICIPAL MASTER PLAN ISSUE. MR. AMOROSA SAID THAT THERE IS A CIRCULATION COMPONENT IN THE MUNICIPAL MASTER PLAN THAT IS REQUIRED TO BE UPDATED, SO THIS SHOULD NOT BE AN ISSUE. THE BOARD REQUESTED THAT STAFF GET CLARIFICATION AS TO WHAT CIRCUMSTANCE THE PROPONENT OF THIS CHANGE IS SEEKING TO ADDRESS.

3. STORMWATER INLETS – THE BOARD GENERALLY AGREED THAT THIS CHANGE SHOULD BE MADE AND ASKED THAT STAFF DRAFT LANGUAGE TO INCORPORATE IT INTO THE RSIS.

B. AMENDMENTS TO NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL – GRASS SWALES (DEP PRESENTATION)

MS. ELIZABETH DRAGON OF THE DEP PRESENTED THE DRAFT AMENDMENTS TO THE BEST MANAGEMENT PRACTICES MANUAL TO ADDRESS GRASS SWALES. HER PRESENTATION INCLUDED RESPONSES TO THE COMMENTS FROM THE MEMBERS OF THE STORMWATER COMMITTEE THAT HAD BEEN FORWARDED TO DEP. SHE INDICATED THAT THE GRASS SWALE IS TO BE USED AS A CONVEYANCE AND TO OBTAIN CREDIT FOR WATER QUALITY AT A 50 PERCENT TSS REMOVAL RATE. SHE SAID THAT THE SWALES MUST MEET THE STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL AND WILL BE USED FOR SMALL DRAINAGE AREAS, NOT FOR LINEAR DEVELOPMENT.

IN RESPONSE TO A QUESTION FROM THE CHAIRMAN AS TO THE DEFINITION OF SMALL, MS. SANDRA BLICK OF DEP INDICATED THAT THE LIMIT OF THE DRAINAGE AREA IS BASED ON THE ALLOWABLE DEPTH. THE DEPTH CRITERION BACKS YOU INTO AN AREA LIMIT.

CONTINUING HER PRESENTATION, MS. DRAGON STATED THAT THE MOWED SWALES WOULD HAVE A GRASS HEIGHT OF THREE INCHES TO SIX INCHES AND A SIDE SLOPE OF 3:1, CONSISTENT WITH THE RSIS. THE SWALE WOULD HAVE A MINIMUM LENGTH OF 50 FEET AND A MAXIMUM DEPTH IN THE SWALE OF TWO INCHES. THERE IS NO 200 FT. MAXIMUM LENGTH. IN RESPONSE TO A WRITTEN COMMENT FROM A STORMWATER COMMITTEE MEMBER ON THE USE OF MANNING'S EQUATION, SHE STATED THAT, WHILE IT MIGHT NOT BE THE BEST, IT IS WIDELY USED AND KNOWN. THE VALUES VARIED FROM .25 TO .35. MS. BLICK ADDED THAT, WHILE MANNING'S MIGHT NOT BE DIRECTLY APPLICABLE, IT IS BEING USED TO ESTABLISH THE TIME AND THE TIME IMPACTS THE REMOVAL RATE, IE. LONGER TIMES MEAN HIGHER REMOVAL RATES. THERE WAS ALSO SOME DISCUSSION ABOUT THE ISSUES SURROUNDING MAINTENANCE OF GRASS SWALES. MR. CHALOFFSKY SAID THAT THE DEP INTENDS TO REVISIT THE MAINTENANCE REQUIREMENTS FOR SWALES AND OTHER BMP'S.

SPEAKING ON BEHALF OF THE STORMWATER MANAGEMENT COMMITTEE, MR. AMOROSA THANKED THE DEP STAFF MEMBERS FOR THEIR PRESENTATION AND FOR RESPONDING TO THE COMMITTEE MEMBERS' COMMENTS. IT WAS AGREED THAT AN ELECTRONIC COPY OF THE POWERPOINT PRESENTATION WOULD BE SENT TO STAFF TO BE FORWARDED TO THE COMMITTEE MEMBERS WHO WERE NOT IN ATTENDANCE AT THE MEETING. MR. BARRY CHALOFFSKY OF DEP REITERATED HIS COMMITMENT TO CONTINUE TO WORK WITH THE BOARD IN REVIEWING COMMENTS AND MAKING CHANGES. HE ALSO POINTED TO THE NEED TO KEEP THE PROCESS MOVING FORWARD. CHAIRMAN KIRKPATRICK THANKED THE DEP STAFF MEMBERS AND EXPRESSED HIS APPRECIATION FOR THEIR COOPERATION.

C. NJ DEPARTMENT OF AGRICULTURE – REVISED SOIL CONSERVATION RULES

MR. JOHN SHOWLER OF THE NEW JERSEY DEPARTMENT OF AGRICULTURE REPORTED ON CURRENT PLANS TO UPDATE THE SOIL CONSERVATION RULES. HE INDICATED THAT THERE CURRENTLY ARE TWO TEAMS WORKING ON UPDATING THE RULES: ONE ADDRESSING VEGETATIVE STANDARDS AND ONE ADDRESSING ENGINEERING STANDARDS. HE ANTICIPATES THAT THE PUBLIC COMMENT PERIOD ON THE REVISED SOIL CONSERVATION RULES WILL BE IN LATE SUMMER OR EARLY FALL. MR. SHOWLER ALSO LISTED BRIEFLY PENDING LEGISLATION IMPACTING SOIL CONSERVATION. CHAIRMAN KIRKPATRICK STATED THAT SOME SOIL CONSERVATION DISTRICTS ARE ASKING APPLICANTS TO RECALCULATE THE STORMWATER DRAINAGE. THIS SHOULD NOT BE HAPPENING; THERE SHOULD BE ONE STANDARD. MR. SHOWLER ASKED FOR EXAMPLES. HE STATED THAT THE OBJECTIVE OF THE SOIL CONSERVATION DISTRICT REVIEW IS TO MAKE SURE THAT THE DESIGNER IS USING THE SOIL CONSERVATION MEASURES CORRECTLY. THIS REVIEW SHOULD NOT INCLUDE RECHECKING STORMWATER MANAGEMENT CALCULATIONS. THE REVIEWER MIGHT ASK FOR CLARIFICATION OR THE ELIMINATION OF DISCREPANCIES, BUT THE REVIEWER DOES NOT DICTATE WHAT NUMBER IS BEING USED BY THE DESIGN ENGINEER.

INFORMATION

STATUS OF CURRENT RSIS PROPOSAL (2010):

MS. FRANK REPORTED THAT THERE WERE A COUPLE OF RELATIVELY MINOR CHANGES APPROVED BY THE BOARD LAST YEAR THAT HAD BEEN HELD FOR INCLUSION WITH THIS YEAR'S CHANGES.

PUBLIC COMMENTS

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ADDRESS THE BOARD. THERE WERE NONE.

BOARD MEMBER COMMENTS

THERE WERE NO ADDITIONAL BOARD MEMBER COMMENTS.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. AMOROSA AND SECONDED BY MS. MARCHAND; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 11:40 A.M.

RESPECTFULLY SUBMITTED,

AMY FENWICK FRANK
SECRETARY PRO TEM

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF SEPTEMBER 17, 2009

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
CYNTHIA WILK, VICE-CHAIR
ELIZABETH MCKENZIE
MICHAEL AMOROSA
JOSEPH DOYLE
VALERIE HRABAL
THOMAS OLENIK
PHYLLIS MARCHAND
RICHARD MASER

DCA STAFF:

AMY FENWICK FRANK
JOHN LAGO

GUESTS:

TIMOTHY KERNAN NEW JERSEY SOCIETY OF MUNICIPAL
ENGINEERS
KEVIN CHAMBERS OCEAN GROVE, NEPTUNE TOWNSHIP,
MONMOUTH COUNTY
SUSAN WEBER NEW JERSEY DEPARTMENT OF
TRANSPORTATION

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT
ADVISORY BOARD, CALLED THE MEETING TO ORDER AT 9:44 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE MARCH 19, 2009 MEETING. THERE WERE NONE. MS. VALERIE HRABAL MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY MS. ELIZABETH MCKENZIE. ALL WERE IN FAVOR WITH THE EXCEPTION OF MR. RICHARD MASER WHO ABSTAINED BECAUSE HE HAD NOT ATTENDED THE MEETING.

COMMITTEE REPORTS

STORMWATER MANAGEMENT COMMITTEE – MR. MICHAEL AMOROSA, CHAIR, REPORTED ON A MEETING OF THE STORMWATER MANAGEMENT COMMITTEE WHICH TOOK PLACE ON MAY 14. AT THAT MEETING, THE COMMITTEE DISCUSSED THE FOLLOWING ITEMS:

(1) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STORMWATER MANAGEMENT RULES WHICH WILL BE EXPIRING IN FEBRUARY, 2010. DEP IS EXPECTED TO PROPOSE NEW RULES WHICH WILL INCLUDE THE ELEVATION OF THE BEST MANAGEMENT PRACTICES (BMP) MANUAL FROM A GUIDANCE DOCUMENT TO A TECHNICAL MANUAL;

(2) A DEP DRAFT TECHNICAL MANUAL FOR STORMWATER MITIGATION WHICH IS PROPOSED FOR INCORPORATION AS A NEW SECTION OF THE BEST MANAGEMENT PRACTICES (BMP) MANUAL. THE COMMITTEE HAD QUESTIONS AND CONCERNS ABOUT THE SIZE AND SCOPE OF OFF-SITE MITIGATION, THE COST AND THE AUTHORITY OF THE DEP TO IMPOSE OFF-SITE REQUIREMENTS.

(3) THE PROCESS FOR REVISIONS TO THE BMP MANUAL. DEP PRESENTED A FLOW CHART AND REVISED REVIEW PROCESS THAT ALLOWED INSUFFICIENT TIME (THREE WEEKS) FOR BOARD REVIEW AND COMMENT. DEP SUBSEQUENTLY SENT A REVISED FLOW CHART THAT ALLOWED 60 DAYS FOR BOARD REVIEW.

(4) PROPOSED REVISIONS TO THE STORMWATER RULES (N.J.A.C. 5:21-7.) THESE CHANGES ARE RELATIVELY MINOR AND THE COMMITTEE RECOMMENDED THAT THEY BE APPROVED BY THE FULL BOARD.

OLD BUSINESS

A. SPECIAL AREA STANDARDS APPLICATION FOR OCEAN GROVE:

CHAIRMAN KIRKPATRICK INDICATED THAT NO ADDITIONAL INFORMATION HAD BEEN RECEIVED FROM THE APPLICANT. HE INVITED KEVIN

CHAMBERS, A RESIDENT OF OCEAN GROVE, TO ADDRESS THE BOARD. MR. CHAMBERS SHARED SEVERAL PICTURES ILLUSTRATING THE PARKING SITUATION AND SPOKE BRIEFLY ABOUT THE REDEVELOPMENT OF THE SITE OF A FORMER HIGH SCHOOL WITHOUT PROVIDING PARKING. CHAIRMAN KIRKPATRICK SUGGESTED THAT THE APPLICATION BE DISMISSED WITHOUT PREJUDICE.

MS. MCKENZIE MADE A MOTION TO SEND A LETTER TO NEPTUNE TOWNSHIP INFORMING TOWNSHIP OFFICIALS THAT THE SPECIAL AREA STANDARD FOR THE OCEAN GROVE SECTION OF THE TOWNSHIP HAD BEEN DISMISSED WITHOUT PREJUDICE. THE LETTER WOULD ALSO INDICATE THAT ANY ORDINANCES THAT ARE NOT CONSISTENT WITH THE RESIDENTIAL SITE IMPROVEMENT STANDARDS HAVE BEEN SUPERSEDED AND CANNOT BE ENFORCED. MS. HRABAL SECONDED THE MOTION. THE VOTE WAS CALLED FOR; ALL WERE IN FAVOR.

B. INCORPORATION OF LOW-IMPACT DEVELOPMENT STANDARDS INTO THE RSIS:

MR. MASER, CHAIR OF THE STREETS AND PARKING STANDARDS COMMITTEE, INDICATED THAT THE COMMITTEE HAD NOT YET DISCUSSED THIS ISSUE, BUT WOULD DO SO. MS. MCKENZIE CITED VALET PARKING AS AN EXAMPLE OF LOW-IMPACT DEVELOPMENT, BUT CAUTIONED THAT ANY LANGUAGE ADDED TO THE RULES SHOULD NOT BE TOO SPECIFIC. SHE SUGGESTED ALLOWING MUNICIPALITIES TO APPROVE ARRANGEMENTS WHERE THE INTENT OF THE STANDARD IS MET IN A LOW-IMPACT WAY. CHAIRMAN KIRKPATRICK RECOMMENDED OFFERING EXAMPLES AS IS DONE IN THE RULES FOR *DE MINIMIS* EXCEPTIONS.

C. PROPOSED CHANGES TO THE RSIS FOR 2010:

A MEMORANDUM ON THE CHANGES TO THE RSIS FOR 2010 WAS REVIEWED.

1. THE FIRST ITEM, ON UNDERGROUND WIRING, ENGENDERED A DISCUSSION OF THE APPLICABILITY OF THE RESIDENTIAL SITE IMPROVEMENT STANDARDS TO ONE- OR TWO-FAMILY PROPERTIES. IT WAS AGREED TO FOREGO THE SUGGESTED REVISION TO THE STANDARDS AND TO CONTINUE TO HANDLE THESE SITUATIONS THROUGH THE GRANTING OF A *DE MINIMIS* EXCEPTION BY THE MUNICIPALITY.

2. THE SECOND ITEM INVOLVES THE PAVEMENT DESIGN STANDARDS, AND FIGURES 4.2 THROUGH 4.5 IN THE RULES, INCORPORATED FROM THE NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS' *ASPHALT HANDBOOK FOR COUNTY AND MUNICIPAL ENGINEERS*, 3RD EDITION. MR. KERNAN INFORMED THE BOARD THAT A COMMITTEE HAD BEEN FORMED TO UPDATE THE HANDBOOK, BUT THAT THEY HAD NOT YET MOVED FORWARD WITH THIS PROJECT. HE AGREED TO RAISE THE NEED FOR AN UPDATE AT THE NEXT MUNICIPAL ENGINEERS' MEETING.

3. THE THIRD ITEM IS AN UPDATE TO THE EDITION OF THE DEP BMP MANUAL REFERENCED IN THE STORMWATER RULES, NJAC 5:21-7. MS. HRABAL POINTED OUT THAT THE EDITION NOW POSTED ON THE DEP WEBSITE IS LISTED AS HAVING BEEN REVISED IN SEPTEMBER, 2009. IT INCLUDES APPENDIX E FOR SOIL TESTING ADDED BY DEP ON SEPTEMBER 8. BECAUSE MEMBERS OF THE BOARD HAD CONCERN WITH THE CONTENT OF THE SOIL TESTING CRITERIA, IT WAS AGREED TO CHANGE THE RSIS TO REFERENCE THE EARLIER EDITION OF THE BMP MANUAL THAT INCLUDES THE PROVISIONS ON BIORETENTION SYSTEMS ENDORSED BY THE BOARD, BUT NOT THE NEW SOIL TESTING CRITERIA CONTAINED IN APPENDIX E.

4. THE FOURTH ITEM, A CORRECTION TO THE NATURAL RESOURCES CONSERVATION SERVICE WEBSITE REFERENCED FOR RUNOFF CALCULATION METHODS, WAS ENDORSED BY THE BOARD.

NEW BUSINESS

A. AMENDMENTS TO NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL:

THERE WAS A LENGTHY DISCUSSION OF THE REVISIONS TO THE DEP STORMWATER MANAGEMENT REQUIREMENTS DURING WHICH THE MEMBERS OF THE BOARD EXPRESSED THEIR FRUSTRATION WITH THE PROCESS FOR REVISIONS TO THE DEP REQUIREMENTS, THE CONTENT OF THOSE REQUIREMENTS AND THE SEEMING WILLINGNESS OF DEP TO GO FORWARD WITHOUT REGARD FOR THE IMPACT OF THESE CHANGES ON AFFORDABLE HOUSING, ON STIMULUS PROJECTS, AND EVENTUALLY, ON TOWNS. MR. KIRKPATRICK SUGGESTED THAT THE BOARD ADOPT A RESOLUTION TO MAKE THE COMMISSIONERS OF BOTH DEPARTMENTS AWARE OF THIS SITUATION. IT WAS AGREED THAT THE RESOLUTION SHOULD INCLUDE A RECITATION OF THE INTENT AND PURPOSES OF THE ACT CREATING THE BOARD AND AUTHORIZING THE ADOPTION OF UNIFORM SITE IMPROVEMENT STANDARDS, REFERENCE TO THE DIVERSITY OF INTERESTS AND EXPERTISE REPRESENTED ON THE BOARD AND SPECIFICS OF THE PROBLEMS WITH THE PROCESS AND WITH THE TECHNICAL CONTENT OF THE DEP REQUIREMENTS, USING THE SOIL TESTING CRITERIA AS AN EXAMPLE. MS. MCKENZIE MADE A MOTION TO WRITE A RESOLUTION, AS OUTLINED, A DRAFT OF WHICH IS TO BE DISTRIBUTED TO THE BOARD. MR. DOYLE SECONDED THE MOTION. ALL WERE IN FAVOR.

B. FIRE LANES

REFERENCE WAS MADE TO AN AUGUST 12 LETTER TO MR. MASER ON THIS ISSUE INCLUDED IN THE MEETING PACKETS. MR. LAGO EXPLAINED THAT THIS SITUATION INVOLVED A DIVIDED ENTRANCEWAY WITH A MEDIAN. THE FIRE MARSHAL REQUESTED 20 FT. WIDE FIRE ACCESS LANES IN BOTH DIRECTIONS. MR. LAGO ALSO POINTED OUT THAT THE

DESIGN OF A DIVIDED ENTRANCEWAY IS NOT SPECIFIED IN THE RSIS. MR. MASER SAID THAT THIS IS A PROBLEM IF FIRE OFFICIALS ARE SAYING THAT EACH SIDE OF A DIVIDED ENTRANCEWAY MUST BE 20 FT. WIDE BECAUSE BOARDS DO NOT WANT TO GO AGAINST THEIR LOCAL FIRE OFFICIALS. HE ALSO SAID THAT THE PROBLEM OF WIDTH IS RESOLVED IF MOUNTABLE CURBS ARE USED. MR. KIRKPATRICK POINTED OUT THAT THERE IS A DISTINCTION BETWEEN FIRE LANES AND FIRE ACCESS AND SUGGESTED GETTING A DEFINITION OF FIRE LANE. MS. MCKENZIE SAID THAT "FIRE APPARATUS ACCESS ROAD" IS A DEFINED TERM IN THE INTERNATIONAL FIRE CODE. MS. WILK SUGGESTED STARTING WITH A MEETING WITH THOSE INVOLVED IN THE ENFORCEMENT OF THE UNIFORM FIRE CODE TO RESOLVE THESE ISSUES. THE BOARD AGREED.

INFORMATION

STATUS OF CURRENT RSIS PROPOSAL (2009):

MS. FRANK REPORTED THAT THE NOTICE OF ADOPTION FOR THE CHANGES TO THE RSIS FOR 2009 APPEARED IN THE JUNE 15, 2009 NEW JERSEY REGISTER.

PUBLIC COMMENTS

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ADDRESS THE BOARD. MR. KERNAN OF THE NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS NOTED THAT FIRE TRUCKS ROUTINELY NAVIGATE RESIDENTIAL NEIGHBORHOODS WITH CARS PARKED ON BOTH SIDES OF THE STREET. HE DID NOT THINK THAT THERE IS A NEED FOR DIVIDED ENTRANCES.

BOARD MEMBER COMMENTS

THERE WERE NO ADDITIONAL BOARD MEMBER COMMENTS.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. AMOROSA AND SECONDED BY MS. MARCHAND; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 11:38 A.M.

RESPECTFULLY SUBMITTED,

AMY FENWICK FRANK
SECRETARY PRO TEM

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF MARCH 19, 2009

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
CYNTHIA WILK, VICE-CHAIR
LESLIE MCGOWAN
ELIZABETH MCKENZIE
MICHAEL AMOROSA
JOSEPH DOYLE
VALERIE HRABAL
THOMAS OLENIK
PHYLLIS MARCHAND

DCA STAFF:

AMY FENWICK FRANK
MARY ELLEN HANDELMAN
JOHN LAGO

GUESTS:

KUNAL PATEL	DIVISION OF WATER QUALITY, NEW
JERSEY DEPARTMENT OF	ENVIRONMENTAL
PROTECTION	
PAUL DUNLAP	OCEAN GROVE HOMEOWNERS
ASSOCIATION	
CHARLES LAYTON	OCEAN GROVE HOMEOWNERS ASSOCIATION
CARL PETERS	NEW JERSEY SOCIETY OF MUNICIPAL
ENGINEERS	
KEVIN CHAMBERS	OCEAN GROVE, NEPTUNE TOWNSHIP,
MONMOUTH COUNTY	
MARTIN TRUSCOTT	T & M ASSOCIATES
STACY MCCORMACK	OFFICE OF SMART GROWTH, NEW JERSEY
AFFAIRS	DEPARTMENT OF COMMUNITY
RANDY BISHOP	TOWNSHIP COMMITTEE, TOWNSHIP OF
	NEPTUNE, MONMOUTH COUNTY
KENNETH REYNOLDS	NEW JERSEY BUILDERS ASSOCIATION

GREGORY PERRY MORRIS COUNTY PLANNING BOARD

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD, CALLED THE MEETING TO ORDER AT 9:40 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE SEPTEMBER 18, 2008 MEETING. THERE WERE NONE. *Ms. ELIZABETH MCKENZIE MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY DR. THOMAS OLENIK. ALL WERE IN FAVOR.*

OLD BUSINESS

A. SPECIAL AREA STANDARDS APPLICATION FOR OCEAN GROVE:

CHAIRMAN KIRKPATRICK INTRODUCED THE APPLICANT FOR THE SPECIAL AREA STANDARDS, MR. MARTIN TRUSCOTT OF T & M ASSOCIATES, ALONG WITH A REPRESENTATIVE OF OCEAN GROVE, MR. RANDY BISHOP, NEPTUNE TOWNSHIP COMMITTEEMAN. MR. TRUSCOTT GAVE SOME BACKGROUND ON THE PROCESS THE TOWNSHIP OF NEPTUNE HAS BEEN GOING THROUGH. HE RELATED HOW HE HAD THE IMPRESSION THAT THE MEMBERS OF THE BOARD HAD A POSITIVE ATTITUDE ON THE APPLICATION FROM WHAT HE HEARD AT THE LAST BOARD MEETING. HE RECALLED THERE WAS SOME QUESTION ON THE ROLE OF THE LITIGATION BROUGHT BY MR. KEVIN CHAMBERS AT THAT TIME. THAT ISSUE HAS BEEN CLARIFIED. CHAIRMAN KIRKPATRICK AGREED, AND AFFIRMED THE ATTORNEY GENERAL'S OFFICE HAS SAID THAT THE SPECIAL AREA STANDARDS REQUEST AND THE LITIGATION ARE NOT RELATED, SO THEY CAN PROCEED WITH THE APPLICATION.

WHEN ASKED ABOUT ON-STREET PARKING AVAILABILITY FOR SINGLE-FAMILY HOMES, MR. BISHOP RESPONDED THAT AN APRON IS 15 FEET WIDE AND OCEAN GROVE MOSTLY HAS LOT FRONTAGE WIDTHS OF 30 FEET. CHAIRMAN KIRKPATRICK COMMENTED THAT THE APRON COULD BE 10 FEET INSTEAD OF 15. MR. BISHOP STATED THAT THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS) WOULD HAVE A NEGATIVE EFFECT BY REDUCING AVAILABLE PARKING. HE SAID THE DRAFT RESOLUTION ADDRESSING NEPTUNE'S REQUEST IS NOT CORRECT WITH REGARD TO TEARDOWNS. THE MUNICIPALITY IS WORKING TO REDUCE OR TO ELIMINATE TEARDOWNS. THE FEAR IS THAT MANY PEOPLE WOULD LET THEIR PROPERTIES GO SO THEY CAN TEAR DOWN THE STRUCTURES AND REBUILD LARGER ONES. HE REQUESTED THAT THE BOARD TALK TO THE TOWNSHIP'S PARKING COMMITTEE TO GET A SENSE OF WHAT A DENIAL OF THIS REQUEST WOULD DO FOR THE HISTORIC TOWN OF OCEAN GROVE. MR. TRUSCOTT SAID HE WOULD LIKE TO CRAFT A RESOLUTION THAT ADDRESSES THESE ISSUES. HE INVITED THE BOARD TO MAKE A SITE VISIT.

CHAIRMAN KIRKPATRICK NOTED THAT THE MUNICIPALITY HAS A CONDITION IN THIS AREA THAT EXISTED BEFORE THE RSIS. THE EXISTING SINGLE-FAMILY HOMES ARE NOT SUBJECT TO THE RSIS. RENOVATIONS ARE NOT AFFECTED BY THE RSIS. HE POINTED TO CONCERN WITH DEVELOPMENT WHICH CHANGES THE DENSITY; FOR EXAMPLE, THE REPLACEMENT OF A SINGLE-FAMILY HOME WITH A BUILDING WITH THREE TO FOUR DWELLING UNITS. HE QUESTIONED WHETHER ALLOWING SUCH AN INCREASE IN DENSITY WITHOUT PROVIDING PARKING IS ACCEPTABLE.

MS. LESLIE MCGOWAN NOTED THAT THE RSIS WAS WRITTEN WITH FLEXIBILITY IN MIND SO THAT EXCEPTIONS CAN BE GRANTED.

MS. MCKENZIE FELT IT IS SHORT-SIGHTED NOT TO REQUIRE OFF-STREET PARKING. SHE ECHOED THE CHAIRMAN'S CONCERN WITH THE CONVERSION OF LARGER STRUCTURES, OR WITH THE CONSTRUCTION OF BUILDINGS ON LARGER LOTS, WITHOUT PARKING.

MR. BISHOP TOLD THE BOARD MEMBERS THAT HE OWNS A 10-ROOM BED AND BREAKFAST. THERE ARE SEVEN CARS PLUS HIS OWN PARKED THERE. HE CONTENDED THAT A 15-ROOM HOTEL BEING RENOVATED TO A FOUR-UNIT CONDOMINIUM IS NOT INCREASING DENSITY. MS. MCKENZIE TOLD HIM THAT IT COULD BE. MR. BISHOP ARGUED THAT EIGHT WEEKENDS IN THE SUMMER ARE THEIR DIFFICULT PARKING TIMES, SO HE DISAGREES WITH HER.

MS. VALERIE HRABAL STATED THAT A *DE MINIMIS* EXCEPTION IS NEEDED WITH HISTORIC PRESERVATION AS THE SUPPORTING REASON. FOR THE BOARD TO BUY INTO AN ACROSS-THE-BOARD STANDARD FOR A SPECIAL AREA IN THIS CASE IS NOT GOING TO WORK. THERE ARE SOME VERY SMALL LOTS, BUT THERE ARE ALSO SOME BIGGER LOTS WHERE PARKING COULD BE PROVIDED. MS. MCKENZIE AGREED, SAYING THAT THE TOWNSHIP OFFICIALS NEED TO REWORK THE REQUEST.

CHAIRMAN KIRKPATRICK TOLD THE TOWNSHIP OF NEPTUNE REPRESENTATIVES THAT THE BOARD DOES NOT FEEL IT HAS A PROPOSAL THAT SHOWS HOW THE SPECIAL AREA WILL WORK.

MR. BISHOP ASKED FOR THE BOARD MEMBERS' HELP IN FIGURING OUT HOW THIS WILL WORK. MR. TRUSCOTT SAID THAT THE MUNICIPAL ORDINANCE HAS BEEN WORKING SINCE 2002, EVEN IF IT HAS BEEN INVALID. CHAIRMAN KIRKPATRICK ASKED WHETHER NEPTUNE TOWNSHIP HAS A CITIZENS' ACTION GROUP WORKING ON THIS. MR. BISHOP TOLD HIM "YES." BUILDING A PARKING GARAGE IS BEING CONSIDERED, BUT THERE IS NO MONEY. THE PROBLEM IS ONLY EIGHT WEEKENDS OUT OF THE YEAR (JULY AND AUGUST), SO THE EXPENSE CANNOT BE JUSTIFIED. BUS SERVICE COULD BE HIRED, BUT WHO IS GOING TO PAY FOR IT? THE TOWNSHIP DID HAVE A BUS SERVICE, BUT THE BUS OWNER WENT BANKRUPT. HE HAD BUSINESS FOR SUMMER WEEKENDS AND SPECIAL EVENTS, BUT HE HAD NO RIDERSHIP FOR MOVING PEOPLE AROUND ON A REGULAR BASIS.

CHAIRMAN KIRKPATRICK ASKED WHAT THE DEVELOPMENT POTENTIAL IS FOR THIS AREA. MR. TRUSCOTT REPLIED THAT THERE IS NOT MUCH; HE ADDED THAT THIS WAS INCLUDED IN HIS REPORT. THERE IS ONE LARGE TRACT UNDER DEVELOPMENT. MR. BISHOP ADDED THAT THERE IS A REDEVELOPMENT SITE ON THE NORTH END OF TOWN THAT IS NOT COVERED UNDER THE SPECIAL AREA APPLICATION. FOR THESE, A WAIVER WAS ISSUED BASED ON THE MUNICIPAL ORDINANCE.

MS. MCKENZIE POINTED OUT THE TOWNSHIP NEEDS TO THINK ABOUT DEVELOPMENTS WHERE THE RSIS COULD BE FOLLOWED. PERHAPS NEPTUNE NEEDS TWO ZONES: ONE FOR SINGLE-FAMILY HOMES OR FOR THE HISTORIC AREA AND ANOTHER WHERE OTHER TYPES OF DEVELOPMENT ARE POSSIBLE.

MR. BISHOP TOLD THE BOARD MEMBERS THAT HE NEEDS TO DISCUSS THE ISSUE WITH THE TOWNSHIP COMMITTEE TO SEE IF THE APPLICATION SHOULD BE PULLED AND REWORKED.

MR. MICHAEL AMOROSA MADE A MOTION TO TABLE THIS AGENDA ITEM UNTIL OCEAN GROVE CAN REVISE ITS SPECIAL AREA STANDARDS APPLICATION TO ADDRESS THE BOARD'S CONCERNS; MS. MCGOWAN SECONDED THE MOTION. THERE WAS NO DISCUSSION ON THE MOTION AND THE VOTE WAS CALLED FOR; ALL WERE IN FAVOR.

B. INCORPORATION OF LOW-IMPACT DEVELOPMENT STANDARDS INTO THE RSIS:

CHAIRMAN KIRKPATRICK RAISED THE ISSUE OF VALET PARKING AS AN EXAMPLE OF LOW-IMPACT DEVELOPMENT. HE ASKED WHETHER THE STREETS AND PARKING STANDARDS COMMITTEE SHOULD MEET TO DISCUSS THIS ISSUE, AS IT NEEDS TO BE ADDRESSED. MR. AMOROSA THOUGHT THE BOARD HAD ALREADY DECIDED THAT THE MUNICIPAL ORDINANCE WOULD PREVAIL. CHAIRMAN KIRKPATRICK DISAGREED AND

SAID THE BOARD NEEDS TO QUANTIFY THIS TYPE OF PARKING IN SOME WAY. MS. MCGOWAN SAID THAT VALET PARKING MUST BE PAID FOR AND SHE IS NOT IN FAVOR OF PUTTING THIS IN THE RSIS. MS. MCKENZIE SUGGESTED A CONFERENCE CALL AMONG THE MEMBERS OF THIS COMMITTEE TO FORM A RECOMMENDATION TO THE BOARD. SHE OFFERED TO SEND AN E-MAIL TO THE COMMITTEE CHAIR, MR. RICHARD MASER, TO SCHEDULE THIS CONFERENCE-CALL MEETING.

NEW BUSINESS

A. AMENDMENTS TO NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL:

MR. AMOROSA SAID THAT IT SEEMS LIKE THIS ISSUE HAS GONE AWAY. MR. JOHN LAGO INTRODUCED A NEW STAFF MEMBER FROM THE DIVISION OF WATER QUALITY AT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP), MR. KUNAL PATEL. MR. PATEL STATED THAT STORMWATER MANAGEMENT WAS SHIFTED FROM THE DIVISION OF WATERSHED MANAGEMENT TO THE DIVISION OF WATER QUALITY. THE ONLY CHANGE TO THE BEST MANAGEMENT PRACTICES (BMP) MANUAL POSTED TO DATE IS THE ONE ADDRESSING BIO-RETENTION BASINS. MS. HRABAL OPINED THAT THE BMP MANUAL IS BECOMING MORE LIKE A TECHNICAL MANUAL INSTEAD OF A GUIDANCE DOCUMENT. SHE SUGGESTED THAT IT MIGHT BE POSSIBLE TO CHANGE THE REFERENCE IN THE RSIS TO THE CURRENT EDITION. MR. AMOROSA RESPONDED THAT THE DATES ARE THERE SO THE CHANGES ARE KNOWN.

B. PROPOSED CHANGES TO THE RSIS FOR 2010:

THE MEMO ON THE CHANGES TO THE RSIS FOR 2010 WAS REVIEWED. REGARDING THE ITEM ON UNDERGROUND WIRING, MS. MCKENZIE SAID THAT SITE PLAN REVIEW IS NOT DONE ON SINGLE-FAMILY HOMES. CHAIRMAN KIRKPATRICK NOTED THAT THERE WERE TWO RECENT LETTERS WRITTEN BY DEPARTMENT OF COMMUNITY AFFAIRS (DCA) STAFF ON THIS ISSUE THAT DO NOT APPEAR TO AGREE WITH EACH OTHER. MS. HRABAL NOTED THAT SOME MUNICIPALITIES DO WHAT THEY SHOULD NOT BE DOING.

C. LOW-IMPACT DEVELOPMENT:

CHAIRMAN KIRKPATRICK SAID HE WOULD LIKE EACH COMMITTEE TO DISCUSS LOW-IMPACT DEVELOPMENT. MS. MCGOWAN WARNED THAT SOME OF THE ISSUES MAY COME UNDER A ZONING BOARD'S PURVIEW. CHAIRMAN KIRKPATRICK ASKED THAT EACH COMMITTEE CHAIR HOLD A COMMITTEE MEETING ON HOW LOW-IMPACT DEVELOPMENT CAN BE LOOKED AT IN THEIR SUBCHAPTERS OF THE RSIS AND TO REPORT BACK IN 60 DAYS.

INFORMATION

A. STATUS OF CURRENT RSIS PROPOSAL (2009):

MS. AMY FENWICK FRANK REPORTED THAT THE PROPOSAL FOR THE CHANGES TO THE RSIS FOR 2009 APPEARED IN THE MARCH 2ND NEW JERSEY REGISTER.

B. LAND-USE ISSUES:

CHAIRMAN KIRKPATRICK STATED THAT HE HAS RECEIVED E-MAILS REGARDING THE QUESTION OF WHETHER THE DEP CAN IMPACT LOCAL ZONING IN THE ESTABLISHMENT OF RIPARIAN ZONES AROUND C-1 WATERWAYS. MS. MCGOWAN EXPLAINED THAT THEY ARE DOING THIS BY TYING IT TO THE WASTEWATER MANAGEMENT PLAN AND THAT IT IS NOT LIMITED TO C-1 AND C-2 WATERWAYS.

D. INFILL DEVELOPMENT STANDARDS AND POLICY GUIDE:

CHAIRMAN KIRKPATRICK ASKED ABOUT THE INFILL DEVELOPMENT STANDARDS AND POLICY GUIDE DEVELOPED BY DR. DAVID LISTOKIN OF RUTGERS UNIVERSITY. MS. FRANK RESPONDED THAT IT WILL BE RELEASED TO THE BOARD MEMBERS AFTER IT IS APPROVED BY THE DCA.

PUBLIC COMMENTS

CHAIRMAN KIRKPATRICK ASKED IF THERE WERE ANY MEMBERS OF THE PUBLIC WHO WOULD LIKE TO OFFER TESTIMONY. MR. KEVIN CHAMBERS, A RESIDENT OF OCEAN GROVE, STATED THAT MR. BISHOP REFERRED TO LOTS UNDER DEVELOPMENT. MR. CHAMBERS GAVE THE EXAMPLES OF A NURSING HOME WHICH WAS TORN DOWN AND SINGLE-FAMILY HOMES WERE BUILT IN ITS PLACE WITH NO PARKING. HE HAS BEEN DENIED THE RIGHT TO PUT PARKING ON HIS LOT. OLDER STRUCTURES ARE TORN DOWN AND NEW STRUCTURES ARE BUILT WITH AN INCREASE IN THE SQUARE FOOTAGE AND HEIGHT OVER WHAT WAS PREVIOUSLY THERE. HE STATED THAT THE SPECIAL AREA STANDARD IS BEING SOUGHT TO ALLOW OVERBUILDING – INCREASING DENSITY WITHOUT PROVIDING PARKING.

MR. PAUL DUNLAP STATED THAT HE IS THE PRESIDENT OF THE OCEAN GROVE HOMEOWNERS ASSOCIATION, WHICH HAS 800 MEMBERS. HE IS NOT REPRESENTING THIS GROUP TODAY BECAUSE THIS ISSUE HAS NOT GONE THROUGH COMMITTEE OR THE MEMBERSHIP. HOWEVER, THE HOMEOWNERS ASSOCIATION IS VERY CONCERNED ABOUT PARKING. THE HOMEOWNERS ASSOCIATION WANTS TO MAKE SURE THAT WHATEVER COMES DOWN FROM THE BOARD DOES NOT MAKE THINGS WORSE. HE EXPLAINED THAT THE SETBACK IS A SEPARATE LOT AND BLOCK OWNED BY THE CAMP MEETING ASSOCIATION. A RIGHT-OF-WAY IS NEEDED FOR A DRIVEWAY THAT CUTS THROUGH THIS SETBACK. MR. DUNLAP WANTS TO MAKE SURE THAT MULTIFAMILY DWELLINGS CANNOT BE CREATED WITHOUT CONSIDERING PARKING AND OTHER CONSEQUENCES. HE THANKED THE BOARD FOR TABLING THIS ISSUE AND WORKING WITH THE RESIDENTS TO FIGURE THIS SITUATION OUT. HE WELCOMED THE BOARD MEMBERS TO VISIT OCEAN

GROVE IF THEY HAVE NEVER BEEN THERE. MS. MCKENZIE SUGGESTED THAT OCEAN GROVE MAY NEED TO LOOK AT ITS ZONING ORDINANCE. SHE ASKED ABOUT THE REQUIREMENTS FOR MULTIFAMILY DEVELOPMENT. MR. DUNLAP RESPONDED THAT A LOT OF VARIANCES HAVE BEEN GIVEN. HE SAID THAT, BECAUSE OF THESE ISSUES, THE HOMEOWNERS ASSOCIATION WANTS TO MAKE SURE THE QUALITY OF LIFE IN OCEAN GROVE DOES NOT DIMINISH AND IS NOT ADVERSELY IMPACTED. MS. PHYLLIS MARCHAND ASKED WHETHER THE PLANNING AND ZONING BOARD HAS DONE ANYTHING ON THIS AT ALL. MS. MCGOWAN SAID THAT ZONING NEEDS TO BE LOOKED AT AS FAR AS DENSITY.

BOARD MEMBER COMMENTS

CHAIRMAN KIRKPATRICK MENTIONED A LETTER OF RESPONSE WRITTEN BY DCA STAFF THAT DEALT WITH AN AGREEMENT TO EXCEED FOR A CUL-DE-SAC RIGHT-OF-WAY.

RETIREMENT

CHAIRMAN KIRKPATRICK INFORMED THOSE PRESENT THAT MS. MARY ELLEN HANDELMAN, WHO SERVES AS SECRETARY TO THE BOARD, IS RETIRING AS OF MAY 1ST AND THANKED HER FOR HER SERVICE. HE RECALLED MEETING MARY ELLEN AT THE FIRST MEETING OF THE BOARD IN 1993 AND SAID THAT HE HAS BEEN VERY IMPRESSED WITH THE STAFF SINCE THAT DAY. HE SAID THAT MARY ELLEN HAS BEEN A PLEASURE TO WORK WITH, HAS BEEN VERY HELPFUL AND HAS HAD A GREAT PART IN ENABLING THE BOARD TO WORK REASONABLY EFFICIENTLY. HE CONCLUDED BY SAYING THAT HE HAS HAD NO COMPLAINTS ABOUT THE TREATMENT OF THE BOARD BY STAFF AND HE WISHED HER THE BEST IN HER RETIREMENT. HIS GOOD WISHES WERE ECHOED BY THE REST OF THE BOARD.

[NOTE: THIS SECTION OF THE MINUTES ADDED BY AMY FRANK, BOARD SECRETARY PRO TEM.]

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. AMOROSA AND SECONDED BY MS. MARCHAND; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 11:00 A.M.

RESPECTFULLY SUBMITTED,

MARY ELLEN HANDELMAN
SECRETARY TO THE BOARD

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF SEPTEMBER 18, 2008

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
LESLIE MCGOWAN
ELIZABETH MCKENZIE
RICHARD MASER
MICHAEL AMOROSA
JOSEPH DOYLE
VALERIE HRABAL
THOMAS OLENIK
PHYLLIS MARCHAND

DCA STAFF:

AMY FENWICK FRANK
MARY ELLEN HANDELMAN
JOHN LAGO

GUESTS:

JOHN J. LAMB	BEATTIE PADOVANO, LLC, COUNSELLORS AT LAW
MARTIN TRUSCOTT	T & M ASSOCIATES
RANDY BISHOP	TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY
JOSEPH KRIMKO	TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY
KEVIN CHAMBERS	OCEAN GROVE, NEPTUNE TOWNSHIP, MONMOUTH COUNTY
KENNETH REYNOLDS	NEW JERSEY BUILDERS ASSOCIATION
STEVEN JOHNSON	NYLOPLAST
JAY GRIEDER	ADVANCED DRAINAGE SYSTEMS
TIM KERNAN	NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS
SUSAN WEBER	BUREAU OF STATEWIDE STRATEGIES, NEW JERSEY DEPARTMENT OF TRANSPORTATION

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD (SIAB), CALLED THE MEETING TO ORDER AT 9:45 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE FEBRUARY 21, 2008 MEETING. THERE WERE NONE. *Ms. ELIZABETH MCKENZIE MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY MR. JOSEPH DOYLE. ALL WERE IN FAVOR.*

OLD BUSINESS

PARKING STUDY IN OCEAN GROVE FOR SPECIAL AREA STANDARDS APPLICATION:

CHAIRMAN KIRKPATRICK ASKED THE SIAB MEMBERS WHETHER THEY HAD ANY QUESTIONS REGARDING THE PARKING STUDY DONE FOR OCEAN GROVE AS PART OF THE SPECIAL AREA STANDARDS APPLICATION FOR THE TOWNSHIP OF NEPTUNE IN MONMOUTH COUNTY.

MS. MCKENZIE SAID THAT NEPTUNE TOWNSHIP HAS GIVEN THE SIAB EVERYTHING IT ASKED FOR. IN VIEW OF THE HISTORIC NATURE OF THE AREA AND IN VIEW OF THE LOSS OF PARKING IF DRIVEWAYS ARE ALLOWED, THE SIAB MAY NEED TO APPROVE THE SPECIAL AREA STANDARD. NEPTUNE NEEDS TO EXPAND PUBLIC PARKING; FOR EXAMPLE, IT SHOULD DEVELOP THE PARKING LOT AT THE NORTH END OF TOWN, NEAR THE BEACH. ALSO, IT SHOULD MAKE USE OF A LOCAL TRANSIT SERVICE, SUCH AS A JITNEY, BETWEEN OCEAN GROVE AND ASBURY PARK. SHE IS SATISFIED WITH THE PARKING RATIO. THE

PARKING IS TIGHT, BUT THE TOWNSHIP CANNOT DO ANYTHING ABOUT IT.

CHAIRMAN KIRKPATRICK EXPRESSED CONCERN OVER THE CHANGE FROM LOWER-DENSITY TO HIGHER-DENSITY USES AND THE FACT THAT PARKING IS RESTRICTED SUCH THAT EVERY NEW DWELLING UNIT MAKES THE SITUATION WORSE. NO NEW STREETS ARE BEING PROPOSED, SO THE CURRENT ON-STREET PARKING IS THE MAXIMUM AVAILABLE. HE FELT THAT A MILE AND A HALF FOR A BUS SERVICE IS NOT CLOSE ENOUGH FOR RESIDENTS. MS. MCKENZIE REPLIED THAT THERE NEEDS TO BE A PICKUP POINT THAT IS CONVENIENT. SHE AGREES WITH THE CONCERN ABOUT WHEN VARIANCES ARE GRANTED DUE TO THE DENSITY ISSUE. PROVISION MUST BE MADE FOR ON-SITE PARKING, PLUS COMPENSATION PROVIDED FOR LOST OFF-SITE PARKING. THE DENSITY ISSUE, COUPLED WITH THE NEED TO REQUIRE PARKING IN THIS DAY AND AGE, AND THE HISTORIC ASPECT OF THE TOWN ALL NEED TO BE CONSIDERED. MS. LESLIE MCGOWAN ADDED THAT THERE IS THE SEASONAL ISSUE TO CONSIDER, AS WELL.

MR. RANDY BISHOP, MAYOR OF THE TOWNSHIP OF NEPTUNE, STATED THAT HE LIVES IN OCEAN GROVE AND OWNS A BUSINESS THERE. THE MUNICIPALITY IS VERY MUCH CONSTRAINED BY THE HISTORIC NATURE OF OCEAN GROVE. IT FACES PROBLEMS 28 DAYS OUT OF THE CALENDAR YEAR. THE NARROW 30-FOOT BY 60-FOOT LOTS DIMINISH THE AMOUNT OF POSSIBLE PARKING SPACES. NEPTUNE TOWNSHIP IS LOOKING INTO HIRING A JITNEY SERVICE AS A COLLABORATIVE EFFORT WITH SISTER TOWNS ALONG THE COAST. MULTIFAMILY HOUSING (HOTELS AND BOARDING HOMES) IS NOW BEING TURNED INTO SINGLE FAMILY. REFERRING TO THE OLD HOTELS THAT ARE BEING CONVERTED TO CONDOMINIUMS, HE SAID THAT A 30-ROOM HOTEL HAD A MUCH HIGHER PARKING REQUIREMENT POTENTIAL THAN AN 8-UNIT CONDO. HE FELT THAT NEPTUNE REALLY IS ADDRESSING THIS. THE DENSITY IS ACTUALLY BEING LESSENED. SOME OF THE PARKING PROBLEMS ARE EVENT DRIVEN, SUCH AS AUDITORIUM EVENTS AND BEACH CONCERTS, AND THEY ARE LOOKING TO ADDRESS THIS NEED. THE MAJOR STAKEHOLDERS IN OCEAN GROVE ARE COMING TOGETHER TO DISCUSS THESE ISSUES. THE CAMP MEETING ASSOCIATION CONTROLS MUCH OF THIS AND IT OWNS THE BEACH. THEY WOULD NEED TWO YEARS TO DEVELOP A LOCAL OR INTERLOCAL TRANSIT SERVICE.

CHAIRMAN KIRKPATRICK NOTED THAT HE HAS RECEIVED TWO LETTERS FROM RESIDENTS OF OCEAN GROVE WHO ARE OPPOSED TO THIS APPLICATION. MANY OF THEIR CONCERNS DEAL WITH THE LOCAL PLANNING AND ZONING PROCESS, AND THEREFORE ARE OUT OF THE RESIDENTIAL SITE IMPROVEMENT STANDARDS' (RSIS') SCOPE. THE APPLICATION SHOULD BE CONDITIONED ON AN EFFORT TO LOWER DENSITY IN ORDER TO ALLOW THE RSIS TO WORK. HE NOTED THAT THE OVERALL DENSITY IN THE AREA IS 24 UNITS PER ACRE, WHICH IS SIMILAR TO THAT OF GARDEN APARTMENTS; THAT DENSITY, COUPLED WITH THE HISTORIC "WIDE-VIEW" STREETS, MAKES IT IS DIFFICULT TO MEET THE STANDARDS.

MAYOR BISHOP DISCUSSED THE HOTEL CONVERSIONS. HE SPOKE OF A HOTEL THAT IS BEING RENOVATED WHICH IS GOING FROM 40 ROOMS DOWN TO EIGHT HOUSING UNITS. THE MAJORITY OF THE DEVELOPMENTS IN TOWN ARE CHANGES FROM HOTELS TO CONDOS; THERE ARE NO TEARDOWNS OF SINGLE-FAMILY HOMES. ALL THIS LESSENS THE DENSITY IN OCEAN GROVE.

MR. JOSEPH KRIMKO IDENTIFIED HIMSELF AS A FORMER MAYOR OF THE TOWNSHIP OF NEPTUNE, A RESIDENT OF OCEAN GROVE, A FORMER POLICE OFFICER, AND A FORMER FIREMAN. HE SAID THAT THE SITUATION IN OCEAN GROVE IS WHAT IT IS. WHEN THE TOWNSHIP REQUIRED OFF-STREET PARKING FOR THE HOMES, HOMEOWNERS OBTAINED VARIANCES FROM THE PLANNING BOARD. UNDER THE COASTAL AREA FACILITY REVIEW ACT, NEPTUNE TOWNSHIP WAS TOLD IT WAS CONSIDERED "OCEANFRONT," WHICH ALLOWED IT TO DEVELOP ONLY 10 PERCENT OF THE LOTS. THROUGH NEPTUNE'S APPLICATION FOR RELIEF, THE DESIGNATION WAS LATER CHANGED TO "URBAN," WHICH ALLOWED THE USE OF 85 PERCENT OF THE LOTS. THERE ARE SOME HOMES THAT HAVE OFF-STREET PARKING; IN THESE PLACES, PEOPLE STARTED PARKING IN FRONT OF THE DRIVEWAYS, WHICH BLOCKED THE ENTERING AND EXITING OF PROPERTIES. THREE OR FOUR PERCENT OF HOMES HAVE GARAGES. HE STATED THAT OCEAN GROVE PRECEDED THE RSIS. THE TOWNSHIP DOES NOT HAVE THE PHYSICAL ABILITY TO COMPLY WITH THESE STANDARDS; THEREFORE, IT HAS IGNORED THE RSIS. MR. KRIMKO TOLD THE SIAB THAT NOBODY KNOWS THE CONDITIONS BETTER THAN THE PEOPLE WHO ARE THERE.

CHAIRMAN KIRKPATRICK REPLIED THAT THE RSIS IS WHAT IT IS, TOO. IT APPLIES TO NEW DEVELOPMENT. HE ASKED MR. KRIMKO TO EXPLAIN WHAT THE CAMP MEETING ASSOCIATION IS. MR. KRIMKO TOLD THE BOARD THAT THE CAMP MEETING ASSOCIATION WAS FORMED IN THE 1800S AND IS AN ORGANIZATION OF THE METHODIST CHURCH; IT IS NOT A CHURCH. A CAMP MEETING WAS A SUMMER RELIGIOUS REVIVAL THAT LASTED FOR ONLY TWO WEEKS BACK WHEN IT WAS FIRST FORMED. THERE ARE SEVEN CAMP MEETING ASSOCIATIONS IN NEW JERSEY WHICH WERE INDEPENDENTLY GOVERNED UNTIL PASSAGE OF THE CAMP MEETING ACT. THEY WERE THEN ABSORBED INTO ADJACENT MUNICIPALITIES, OR THEY ESTABLISHED THEIR OWN GOVERNMENTS. IN 1920, NEW JERSEY INSTITUTED A PROPERTY TAX. THE CAMP MEETING ASSOCIATION SAID THAT IT OWNS THE LAND, BUT DOES NOT CONTROL IT. OCEAN GROVE (THE CAMP MEETING'S LAND) LATER BECAME PART OF NEPTUNE IN 1981. THE CAMP MEETING ASSOCIATION STILL OWNS ALL THE LAND IN TOWN, AND LEASES IT TO HOMEOWNERS AND BUSINESSES FOR 99-YEAR RENEWABLE TERMS IN PERPETUITY. THE TITLE TO THE LAND IS HELD BY THE CAMP MEETING ASSOCIATION AND PROPERTY TAXES ARE PASSED ON TO LESSEES. THE STREETS WERE GIVEN TO THE MUNICIPALITY FROM CURB TO CURB AFTER PASSAGE OF THE CAMP MEETING ACT.

MR. DOYLE ASKED MR. KRIMKO TO DISCUSS PUBLIC HEALTH AND SAFETY ISSUES, AND CHANGES OVER THE LAST TEN OR SO YEARS. MR. KRIMKO STATED THAT THERE HAVE ALWAYS BEEN THREE ACTIVE FIRE COMPANIES THAT SERVE OCEAN GROVE. IN ADDITION, OCEAN GROVE WAS SERVED BY 11 POLICE OFFICERS, BUT NOW HAS MORE AVAILABLE THROUGH NEPTUNE TOWNSHIP.

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY MEMBERS OF THE PUBLIC PRESENT THAT WOULD LIKE TO OFFER TESTIMONY. MR. KEVIN CHAMBERS, A RESIDENT OF OCEAN GROVE, STATED THAT HE DOES NOT THINK THE PARKING STUDY ADDRESSES THE CONCERNS OF THE SIAB. ONE OF THE MAIN PURPOSES IN THE HISTORIC DISTRICT IS TO PRESERVE. THERE ARE 25 HOTELS IN THE DENSEST AREA OF OCEAN GROVE; 12 HAVE RECENTLY BEEN CONVERTED TO CONDOMINIUMS, REQUIRING AT LEAST 45 PARKING SPACES. THE PARKING PROBLEM WAS ADDED TO WHEN THE CAMP MEETING ASSOCIATION CLOSED ITS NORTH-END LOT, WHICH HAD AN EASEMENT ON IT FOR PARKING. HE FELT THAT THE CAMP MEETING ASSOCIATION IS JUST LIKE ANY DEVELOPER. HE WENT ON TO LIST STATISTICS ON DWELLING UNITS AND PARKING SPACES IN OCEAN GROVE. MR. CHAMBERS SHARED A NUMBER OF PHOTOGRAPHS THAT ILLUSTRATED WHAT HE CONSIDERED TO BE POOR PARKING CONDITIONS IN OCEAN GROVE.

MR. DOYLE ASKED MR. CHAMBERS HOW MANY YEARS HE HAS LIVED IN OCEAN GROVE. HE WAS TOLD 30. MR. CHAMBERS SAID THAT THE CAMP MEETING ASSOCIATION HAS AN EASEMENT THAT WAS MEANT TO SERVE A RESTAURANT AND STORES. SINCE THAT HAS BEEN CLOSED, EVERYONE YOU TALK TO ON THE STREET WILL TELL YOU THAT THERE IS NOWHERE TO PARK IN THE SUMMER. MR. DOYLE MENTIONED THE DISCUSSION OF A JITNEY SERVICE AND IMPROVEMENTS TO THE NORTH END. MR. CHAMBERS RESPONDED THAT HE DOES NOT BELIEVE THIS WILL HAPPEN. MR. CHAMBERS SAID THAT THE NORTH END IS NOT PROVIDING PARKING AND THAT THE NEIGHBORS IN ASBURY PARK ARE ALREADY COMPLAINING. EVERYTHING THAT HAS BEEN DONE IS NOT TO LESSEN DENSITY, IT IS TO INCREASE IT AND IS IN VIOLATION OF THE RSIS. PARKING IS FINE IN THE WINTER. HE FELT THAT THE CAMP MEETING ASSOCIATION SHOULD BE TREATED THE SAME AS ANY DEVELOPER.

MR. AMOROSA ASKED MR. CHAMBERS WHY HE THOUGHT THE PARKING DEPICTED IN ONE OF THE PICTURES HE HAD SUBMITTED WAS ILLEGAL. MR. AMOROSA TOLD HIM THAT THE ROADWAY HAD PROPER SIGNAGE, THAT IT WAS NOT "ILLEGAL," AND THAT HE SHOULD NOT CLAIM IT AS SUCH.

DR. THOMAS OLENIK ASKED MR. CHAMBERS WHETHER HE SAW THE PROBLEM WORSENING. MR. CHAMBERS SAID THAT HE DID.

IN THE COURSE OF DISCUSSION, MR. CHAMBERS SAID THAT HE HAD FILED THREE LAWSUITS RELATING TO THE NEPTUNE TOWNSHIP

PLANNING PROCESS AND THE CURRENT REDEVELOPMENT ISSUES. CHAIRMAN KIRKPATRICK SAID THAT HE DOES NOT WANT THE SIAB TO ACT ON THE SPECIAL AREA STANDARDS APPLICATION UNTIL IT LEARNS MORE ABOUT THESE SUITS. HE WOULD NOT WANT THE SIAB'S DECISION TO BE UNDERMINED BY THE COURTS.

MS. MCKENZIE GAVE HER REACTION TO ONE PHOTO THAT WAS PRESENTED BY THE OBJECTOR. MR. BISHOP EXPLAINED THAT THAT WAS A PICTURE OF THE BACK END OF A RENOVATED HOTEL. IT WAS MADE INTO A LESSER-DENSITY USE THAN THE OLD HOTEL. THE STATE OF NEW JERSEY YEARS AGO RELEASED MENTAL-HEALTH PATIENTS FROM INSTITUTIONS AND THESE PATIENTS INHABITED THE HOTELS IN TOWN. THE TOWNSHIP OF NEPTUNE HAS CHANGED ITS DEMOLITION ORDINANCE. MS. MCKENZIE SAID IT WOULD HAVE BEEN APPROPRIATE TO PROVIDE THE PARKING NEEDED IN THIS APPARENTLY NEW BUILDING.

MAYOR PHYLLIS MARCHAND SPOKE OF CONDITIONS IN THE TOWNSHIP OF PRINCETON, MERCER COUNTY. NEPTUNE TOWNSHIP HAS A THREE-MONTH PROBLEM WITH VISITORS AND PARKING; BEING A COLLEGE TOWN, PRINCETON TOWNSHIP HAS A SIMILAR PARKING PROBLEM THAT LASTS NINE-MONTHS. TO ADDRESS THIS, PRINCETON HAD A PARKING GARAGE BUILT AND STARTED A JITNEY SERVICE.

CHAIRMAN KIRKPATRICK SAID THAT HE HAS A PROBLEM WITH GOING FORWARD ON THIS SPECIAL AREA STANDARDS APPLICATION WHEN LAWSUITS ARE PENDING. MR. MARTIN TRUSCOTT, PLANNING CONSULTANT WITH T & M ASSOCIATES REPRESENTING THE TOWNSHIP, ASSURED HIM THAT THERE IS NO LINKAGE BETWEEN THE SUITS AND THE SPECIAL AREA STANDARDS APPLICATION. CHAIRMAN KIRKPATRICK SAID HE WANTS TO KNOW FOR SURE THAT THE SIAB IS NOT CROSSING INTO MATTERS THAT ARE THE SUBJECT OF LITIGATION.

MS. MCKENZIE TOLD THE MAYOR THAT NEPTUNE HAS A LITTLE TIME RIGHT NOW AND SUGGESTED HE MIGHT HAVE A STRONGER CASE IF THERE WERE A TRANSIT PLAN IN PLACE TO SUPPORT THE APPLICATION. MAYOR BISHOP SAID THAT HE HAD A BUS SERVICE, BUT IT WENT BANKRUPT. A MULTIPLE-TOWN ARRANGEMENT WILL TAKE MUCH LONGER. HE IS WORKING WITH THE MONMOUTH COUNTY PLANNING BOARD. MS. MCKENZIE SAID THAT HUNTERDON COUNTY HAS WHAT IS CALLED THE LINK. MAYOR BISHOP SAID THAT THERE IS SOMETHING SIMILAR IN MONMOUTH COUNTY FOR SENIORS AND THOSE WHO CANNOT DRIVE. HE MENTIONED THAT HE USED TO BE HEAD OF THE CHAMBER OF COMMERCE. HE KNOWS THAT A MULTI-MUNICIPAL TRANSIT SERVICE IS A MASSIVE UNDERTAKING WITH A LOT OF PITFALLS. HE HAS TO HAVE THE INVOLVEMENT OF THE COUNTY. TWO SERVICE LINES HAVE GONE BANKRUPT. HE IS TRYING TO WORK ON A SERVICE THAT BASICALLY ADDRESSES 28 DAYS.

CHAIRMAN KIRKPATRICK SUGGESTED THAT THE SIAB MIGHT ASK THE ATTORNEY GENERAL'S OFFICE FOR AN OPINION ON THIS ISSUE. THE SIAB NEEDS TO UNDERSTAND WHAT THE BASIS OF THE LAWSUIT IS.

THE TOWNSHIP ATTORNEY CAN SEND A LETTER TO THE SIAB ON THIS. CHAIRMAN KIRKPATRICK ASKED THE SIAB MEMBERS TO THINK ABOUT THIS AND WHETHER, IF THE APPLICATION IS APPROVED, THERE SHOULD BE ANY CONDITIONS PRIOR TO APPROVING IT. DEPARTMENT OF COMMUNITY AFFAIRS STAFF WILL SUMMARIZE ALL OF THE MEMBERS' COMMENTS AND MAKE THEM AVAILABLE TO ALL. STAFF WILL ALSO DRAFT UP A RESOLUTION ON THIS SPECIAL AREA STANDARDS REQUEST FOR THE SIAB'S CONSIDERATION.

NEW BUSINESS

A. DISCUSSION OF INCORPORATION OF LOW-IMPACT DEVELOPMENT STANDARDS INTO THE RSIS:

CHAIRMAN KIRKPATRICK ASKED THE COMMITTEES TO MAKE A LIST OF ANYTHING THAT SHOULD BE ADDED TO THE ISSUES SURROUNDING THE INCORPORATION OF LOW-IMPACT DEVELOPMENT STANDARDS INTO THE RSIS. MR. DOYLE ASKED WHETHER HE THOUGHT THE RSIS PROHIBITS LOW-IMPACT DEVELOPMENT. CHAIRMAN KIRKPATRICK SAID HE WANTS TO BE SURE THAT THE RSIS DOES NOT FRUSTRATE LOW-IMPACT DEVELOPMENT. MS. MCKENZIE NOTED THAT THE SIAB HAD TALKED ABOUT THE NEED TO TAKE ANOTHER LOOK AT PARKING STANDARDS. PERHAPS THE SIAB SHOULD LOOK CLOSER AT REDUCING IMPERVIOUS COVERAGE. MS. MCGOWAN POINTED OUT THAT THE SIAB WILL NEED AN AUTHORITATIVE SOURCE TO GO BY. MS. MCKENZIE MENTIONED DR. DAVID LISTOKIN'S STUDY, "INFILL DEVELOPMENT STANDARDS AND POLICY GUIDE," AS A POSSIBLE SOURCE. MS. AMY FENWICK FRANK INFORMED THE SIAB MEMBERS THAT THIS STUDY HAS BEEN COMPLETED AND A COPY OF THE FINAL DOCUMENT WILL BE SENT TO THEM.

B. PROPOSED CODE CHANGES FOR 2009 EDITION OF RSIS:

MR. JOHN LAGO REVIEWED FOR THE SIAB THE PROPOSED CHANGES TO THE RSIS FOR 2009. THERE ARE NO MAJOR CHANGES THIS YEAR, MOSTLY MINOR UPDATES AND EDITORIAL CORRECTIONS. *A MOTION TO APPROVE THE CODE CHANGES WAS MADE BY MR. RICHARD MASER AND SECONDED BY MR. AMOROSA; ALL WERE IN FAVOR.*

C. ACCEPTABLE ALTERNATIVE PARKING STANDARDS (MINIMUM NUMBER OF PARKING SPACES) THAT BETTER REFLECT LOCAL CONDITIONS – LETTER RE: VALET PARKING:

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WAS ANYONE IN THE AUDIENCE THAT WISHED TO SPEAK ON THE ISSUE OF ALTERNATIVE PARKING STANDARDS. MR. JOHN LAMB OF BEATTIE PADOVANO, LLC, COUNSELLORS AT LAW STATED THAT THIS IS A GENERIC PROBLEM TO WHICH HIS CLIENTS ARE OPPOSED. IT DEALS WITH WHEN A VALET-ONLY PARKING OPERATION MAY BE USED. IN THIS CASE, THE PLANS SHOW A PARKING LAYOUT THAT CAN SQUEEZE IN 500 PARKING SPOTS BUT, ACCORDING TO THE RSIS, THE SPACE AVAILABLE WOULD ONLY ACCOMMODATE ABOUT 250. CAR

ACCESSIBILITY, IN THIS CASE, IS DEPENDENT UPON A VALET SERVICE. ALTERNATE STANDARDS, AS PROVIDED FOR IN THE RSIS, ONLY PERTAIN TO NUMBER OF PARKING SPACES. NEW YORK CITY HAS A REQUIREMENT THAT NO MORE THAN 25 PERCENT OF THE REQUIRED PARKING IN CERTAIN ZONES MAY BE MET THROUGH VALET PARKING. SUCH A SETUP IN THE CITY OF HOBOKEN IN HUDSON COUNTY MIGHT MAKE SENSE; HOW WOULD THIS WORK IN OTHER AREAS?

MS. MCGOWAN READ THE SECTION IN QUESTION, N.J.A.C. 5:21-4.14 PARKING: NUMBER OF SPACES:

(C) ALTERNATIVE PARKING STANDARDS TO THOSE SHOWN IN TABLE 4.4 SHALL BE ACCEPTED IF THE APPLICANT DEMONSTRATES THESE STANDARDS BETTER REFLECT LOCAL CONDITIONS. FACTORS AFFECTING MINIMUM NUMBER OF PARKING SPACES INCLUDE HOUSEHOLD CHARACTERISTICS, AVAILABILITY OF MASS TRANSIT, URBAN VERSUS SUBURBAN LOCATION, AND AVAILABLE OFF-SITE PARKING RESOURCES.

CHAIRMAN KIRKPATRICK NOTED THAT, IN THE CASE BEFORE THE SIAB, THEY ARE TALKING ABOUT ARRANGEMENT AND DESIGN, NOT NUMBER OF SPACES. MS. MCGOWAN FELT THE PLANNING BOARD COULD FIND THAT A *DE MINIMIS* EXCEPTION IS APPROPRIATE. MS. MCKENZIE READ THE DEFINITION OF "OFF-STREET PARKING SPACE" FROM N.J.A.C. 5:21-1.4: "A STORAGE AREA FOR A MOTOR VEHICLE THAT IS DIRECTLY ACCESSIBLE TO AN ACCESS AISLE AND THAT IS NOT LOCATED WITHIN A DEDICATED STREET RIGHT-OF-WAY." IT WAS HER OPINION THAT, AS THE SPACES ARE BEING STACKED, THEY DO NOT COUNT AS OFF-STREET PARKING. SHE SAID SHE AGREES WITH MS. MCGOWAN AND THAT IT HAS TO BE LOOKED AT ON A CASE-BY-CASE BASIS. IF THE TOWN WANTS TO GO FOR SPECIAL AREA STANDARDS IN THIS CASE, THEY MIGHT BE DOING TOO MUCH. MR. LAMB FELT THAT, IF THEY HAD AN ALTERNATIVE, IT WOULD BE BETTER. THE DEVELOPER IS GETTING A *DE MINIMIS* EXCEPTION ON THIS. CHAIRMAN KIRKPATRICK SAID THAT THE EXCEPTION CAN ONLY BE FOR NUMBER OF SPACES.

CHAIRMAN KIRKPATRICK SAID THAT A WAIVER, PURSUANT TO N.J.A.C. 5:21-3.2, WOULD NOT APPLY. SOME DISCUSSION ENSUED ON THE POSSIBLE DIFFERENT ANGLES WHERE THE RSIS WOULD OR WOULD NOT APPLY. MR. AMOROSA POINTED OUT THAT THE QUESTION REGARDING THE APPLICATION OF THE STANDARDS TO THIS PROJECT HAD BEEN ASKED AND ANSWERED IN A LETTER. MS. MCGOWAN QUESTIONED WHETHER THE SIAB SHOULD GET INVOLVED IN A PENDING MATTER. THE RULES GIVE THE PLANNING BOARD THE NEEDED FLEXIBILITY TO ADDRESS THIS SITUATION. MS. MCKENZIE ASKED WHETHER THE *DE MINIMIS* EXCEPTION CONTEMPLATED MORE THAN JUST THE NUMBER OF SPACES. NONE OF THE PARKING MEETS THE DEFINITION OF PARKING SPACE; IS THIS ACCEPTABLE? IT

SHOULD NOT BE RULED OUT, UNTIL THE SIAB KNOWS MORE ABOUT THE SURROUNDING AREA, ETC.

MS. MCKENZIE POINTED TO N.J.A.C. 5:21-3.1(f)1, WHERE IT STATES THAT EXAMPLES OF *DE MINIMIS* EXCEPTIONS INCLUDE “REDUCING THE MINIMUM NUMBER OF PARKING SPACES AND THE MINIMUM SIZE OF PARKING STALLS.” SHE THINKS THERE IS A LOT OF PARKING FLEXIBILITY IN THE RSIS. CHAIRMAN KIRKPATRICK RESPONDED THAT THERE IS A CERTAIN AMOUNT OF PLAY IN ALL STANDARDS. MR. LAMB SAID, IN THIS CASE, WITH THE OPERATION OF THE PARKING SCHEME, NUMBER OF SPACES, SIZE, AND AISLE WIDTH ARE ALL BEING IGNORED; THIS IS A WHOLESALE CHANGE. THE AISLES ARE GOING TO BE USED FOR STAGING OF CARS. THIS IS THE CONCEPT OF DOING OVERDEVELOPMENT BY SAVING PARKING SPACES.

MR. DOYLE SAID THE SIAB SHOULD TAKE THIS INTO CONSIDERATION. HE REMEMBERS A LOT OF THESE TYPES OF CASES WHEN THE RSIS WAS FIRST BEING DEVELOPED. CHAIRMAN KIRKPATRICK SAID HE DOES NOT WANT TO TAKE IT ON A CASE-BY-CASE BASIS. THE SIAB NEEDS TO CONSIDER ALL OF THE RAMIFICATIONS. MS. MCGOWAN SAID THAT THE PARKING SPACES ON THE INSIDE DO NOT MEET THE DEFINITION OF AN OFF-STREET PARKING SPACE. THIS WOULD HAVE TO BE CONSIDERED BY THE PLANNING BOARD. MS. MCKENZIE ADDED THAT THE OPERATION OF THE VALET PARKING, PUBLIC HEALTH, AND SAFETY ARE ALL ISSUES THAT THE PLANNING BOARD NEEDS TO ADDRESS. MR. LAMB ASSURED THE SIAB THAT IT WILL BE RECEIVING A LETTER FROM THE PLANNING BOARD. IF THE SIAB IS GOING TO ADDRESS THIS, IT WOULD HAVE TO INCLUDE INFORMATION ON THE SURROUNDING AREA. IT WAS AGREED THAT THE SIAB WOULD REVISIT THE QUESTION OF VALET PARKING AS PART OF ITS FUTURE DISCUSSION OF LOW-IMPACT DEVELOPMENT.

D. AMENDMENTS TO NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL – GROUND-WATER MOUNDING RECOMMENDATIONS FROM THE AWRA:

IT WAS DECIDED TO TABLE THIS AGENDA ITEM UNTIL THE NEXT SIAB MEETING. IT WAS ANNOUNCED THAT THE BMP COMMITTEE IS SET TO MEET ON SEPTEMBER 23RD.

INFORMATION

COAH’S ADOPTED RULES:

MS. FRANK UPDATED THE SIAB ON THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING’S NEW RULES. MS. MCKENZIE ADDED THAT REVISIONS TO THESE RULES WHICH ADDRESS THE SIAB’S CONCERNS WILL BE ADOPTED NEXT WEEK.

PUBLIC COMMENTS

THERE WERE NO FURTHER COMMENTS BY THE PUBLIC.

BOARD MEMBER COMMENTS

THERE WERE NO FURTHER COMMENTS BY SIAB MEMBERS.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE SIAB, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. MASER, WHICH WAS SECONDED BY MR. AMOROSA; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 11:59 A.M.

RESPECTFULLY SUBMITTED,

MARY ELLEN HANDELMAN
SECRETARY TO THE BOARD

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of February 21, 2008

LOCATION

Conference Room 129
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Robert Kirkpatrick, Chair
Cynthia Wilk
Leslie McGowan
Elizabeth McKenzie
Michael Amorosa
Joseph Doyle
Phyllis Marchand

DCA Staff:

Amy Fenwick Frank
Mary Ellen Handelman
John Lago

Guests:

Lawrence J. Baier	Division of Watershed Management, New Jersey Department of Environmental Protection
Sandra Blick	Division of Watershed Management, New Jersey Department of Environmental Protection
Kenneth Reynolds	New Jersey Builders Association
Stacy Grillo	Office of Smart Growth, New Jersey Department of Community Affairs
Susan Weber	Bureau of Statewide Planning, New Jersey Department of Transportation
Tim Kernan	New Jersey Society of Municipal Engineers
Martin Truscott	T & M Associates

Kevin Chambers
County

Resident, Township of Neptune, Monmouth

CALL TO ORDER

Mr. Robert C. Kirkpatrick, Jr., Chair of the Site Improvement Advisory Board (SIAB), called the meeting to order at 9:43 a.m.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

Chairman Kirkpatrick 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 Kirkpatrick asked whether there were any corrections to the minutes of the December 6, 2007 meeting. There were none. *Mr. Joseph Doyle made a motion to approve the minutes, which was seconded by Mr. Michael Amorosa. All were in favor except Ms. Leslie McGowan, who abstained due to her absence from that meeting.*

OLD BUSINESS

A. Adoption of 2008 Edition of RSIS:

Ms. Amy Fenwick Frank reported to the SIAB members that the 2008 edition of the Residential Site Improvement Standards (RSIS) was adopted on January 22, 2008. The new books will likely be available sometime in March.

B. Discussion of Comments on the Proposed Changes to the BMP Manual:

Chairman Kirkpatrick stated that he would like to try to recreate the partnership with the New Jersey Department of Environmental Protection (DEP) that existed back in 1993 when the SIAB was first formed. Specifically, he feels that the two agencies should stay in contact with each other on issues of common jurisdiction, and provide input and compromise on these common issues.

In attendance at today's meeting were Mr. Lawrence Baier, Director of the Division of Watershed Management at the DEP, and Ms. Sandra Blick of his office. Mr. Amorosa, Chair of the Stormwater Management Standards Committee, told Mr. Baier that his Committee's comments were listed in a letter from Ms. Cynthia Wilk to Ms. Blick, dated December 13, 2007. Mr. Amorosa relayed a comment of the other two Committee members who could not be in attendance today: engineering practitioners are finding that the draft revisions to the Best Management Practices (BMP) Manual are now being enforced in the field. This comment was a particular concern of Ms. Valerie Hrabal. Chairman Kirkpatrick added that he could back up this allegation. The DEP staff is using what is in the draft changes to the BMP Manual, not what is in the current Manual.

Mr. Baier responded that this draft has not been adopted. It is posted as a draft for comment on the DEP's web site. In July of last year, the DEP put a process into place with the Department of Community Affairs (DCA) and the New Jersey Department of Agriculture (DOA) as a mechanism for dialog and solicitation of recommendations. The DEP took the SIAB's recommendations into consideration. The suggestions were quite valuable and all of the changes were incorporated into the Manual with the exception of maybe one. He enumerated the points on which the DEP had agreed. One of the Committee's recommendations was that the engineer have a background in soils. Mr. Baier said that this comment was not incorporated into the draft, but he would reconsider it. Referring to the composition of the BMP committee membership, he noted that he had wanted a well-rounded view of stormwater management.

Chairman Kirkpatrick referred to the seven mandates listed as the Intent and Purpose of the RSIS, noting that the RSIS and the BMP Manual should be consistent with one another; this effort should not be arbitrary or about someone's preferences. Also, both documents should follow the guide of being the minimum required to ensure public health and safety, and the maximum that may be required in connection with residential development. Judgments should be controlled by the licensed professional whose name and seal go on the design document. The designer is the one with the ultimate responsibility; and since his reputation and license are on the line, he should be the one making the engineering decisions that are associated with any one of the issues that are within stormwater management.

As the DEP did not agree to all of the proposed changes in the soil test chapter, Mr. Baier told the Chairman that he will endeavor to respond to the SIAB in writing prior to posting in the future to ensure that the SIAB's concerns are addressed.

Mr. Amorosa said that one of the SIAB's concerns all along has been the lack of a voice with DEP's regulations that affect the RSIS. He told the DEP representatives that he was willing and available to meet with them, either in a meeting of the

Stormwater Management Standards Committee or in their offices in Trenton. From an engineering standpoint, he would gladly report to the SIAB on any such meetings. It was noted that Ms. Hrabal is on the BMP committee. Mr. Baier acknowledged Mr. Amorosa's concerns, but said that the DEP cannot abdicate its authority over stormwater. Mr. Baier did say that the DEP will continue to work with the SIAB and seek its advice. He finds this input valuable.

Ms. Wilk asked what will happen now with the comments received by the DEP. Does the DEP publish them? Ms. Blick told her that DEP staff will compile the comments for the BMP committee and meet on the responses. Then, the DEP will meet and coordinate with the DCA and the DOA.

Mr. Doyle remarked that the draft changes to the BMP Manual are causing confusion in the field. He asked whether it could be made clearer on the DEP's web site that these are *proposed* changes to the BMP Manual. Mr. Baier said that he will go back to his office and send an e-mail to his counterpart at the DEP's Division of Land Use Regulation that the changes are only proposed. If there are issues out in the field, he is not sure what else the DEP can do. Ms. Elizabeth McKenzie suggested putting a note at the top of the introductory language on DEP's web page where the changes reside reading "these are draft," with a note to the reviewer that they are not to be applied until they are adopted. Additionally, a link could be created to the rules that are still in effect and should still be used.

Mr. Baier said that, in some cases, amendments to the BMP Manual come about because there are people who are clamoring for them; so as soon as they see the changes on the web site, they jump on them. He cited the lack of a standard for mounding as an example. The DEP needs to find a way to keep people from grasping the tools before they are fully developed.

Chairman Kirkpatrick thanked both Mr. Baier and Ms. Blick for coming to today's meeting, and said that he appreciated how Ms. Blick has always made herself available to the SIAB in the past.

NEW BUSINESS

A. Public Hearing on Special Area Standard Request for the Township of Neptune, Monmouth County:

Martin P. Truscott, AICP, P.P., Planning Consultant with T & M Associates, introduced himself as the Township Planner for the Township of Neptune in Monmouth County. The special area standards application before the SIAB deals with a small part of Neptune known as Ocean Grove. He showed the SIAB an aerial photograph of Ocean Grove, pointing out that it is a mixture of residential and commercial development. The request is to have a special area standard for Ocean

Grove's historic district to prohibit off-street parking and driveways in most new development. This deals with a unique area. The entire area is a historic district, so designated since 1975. It was built in the late 1800s. The houses are built very close to the street on small, compact lots. The Township did adopt requirements so that no off-street parking and no new driveways would be allowed. To be consistent with the RSIS, the municipality is requesting a special area standard be approved. This area has a different development pattern than most of New Jersey. The Township of Neptune claims that Ocean Grove stands to lose 40 percent of its on-street parking if developers are allowed to make curb cuts for driveways. Neptune Township is interested in preserving its character. Mr. Truscott said he will answer any questions.

Chairman Kirkpatrick asked whether this historic district is shown on the zoning map. Is there more than one district? Mr. Truscott replied yes to both questions. There are more than one district and more than one district are shown on the zoning map. Chairman Kirkpatrick noted that Neptune went ahead and adopted standards in its ordinance, basically putting the cart before the horse. Since June 3, 1997, when the RSIS became effective, the Township's ability to set requirements in its ordinance for residential parking became invalid. The January 25, 2005 response letter sent to Ms. Nancy E. Abbott, Administrative Officer of the Planning Board, advised the municipality that parking could be on street or off street.

Ms. McKenzie asked whether, within the historic district zones, it is primarily residential. Mr. Truscott told her yes, but the map shows some mixture. Ms. McKenzie wondered whether there are infill development pressures from tear downs. Is there the possibility that somebody would use the need for parking to demolish a house? Mr. Truscott replied that it has not happened yet, but that is what Neptune expects. Responding to another question by Ms. McKenzie, Mr. Truscott said that the front-yard setback requirement is ten feet. Also, she asked whether there are municipal parking lots where homeowners could pay for or be guaranteed a parking space. She was told no. Ms. McKenzie clarified that the only place for residents to park is right in front of their houses and that the lots are approximately 30-feet wide. Her concern was that people do have cars in this century and wondered what the Township of Neptune plans to do with those cars.

Chairman Kirkpatrick said that the RSIS applies to new development. He asked whether Ocean Grove had any vacant lots. Mr. Truscott said there are not that many. Chairman Kirkpatrick confirmed that an individual could buy a condominium and not have space to park his car within two blocks of his home. Mr. Truscott told him that is correct; that is part of the package. Along that same line, Ms. McGowan asked whether the districts allowed multifamily housing. She was told that applications for anything else are generally considered use variances. Chairman Kirkpatrick asked Mr. Truscott what he expects the condominium or new house owners to do. Will that not drive the value of real estate down and affect the

municipal income? Mr. Truscott replied that it has actually had the opposite effect and has been beneficial since the Township has had this parking requirement in its ordinance. Chairman Kirkpatrick repeated that the current ordinance on parking is invalid.

Mr. Doyle referred to a development trend in the area where hotels were converted to condominiums, asking if that is how they have operated all these years. He asked whether there is public transportation available for these new homeowners. Mr. Truscott commented that people used to come down by rail. Mr. Doyle asked about seasonal differences. Mr. Truscott said he did not have that information. No one he has run into is uncomfortable with this.

Referring to the mixed-use zones, Ms. McGowan asked whether they require no off-street parking. Mr. Truscott responded no.

Ms. McKenzie felt there needs to be alternatives for where parking is being taken away. There should be more of a municipal effort to provide parking. There is a lack of available public parking and there is a need for residents to put their cars onto the street. This application could be viewed as a public policy which limits access to the beach. Having homeowners park in front of their homes could very easily evolve into a permit system, which the SIAB would not be regulating, but which could essentially mean that there is no place for beachgoers to park. There has to be an alternative by creating on-street opportunity to match the need.

Ms. McGowan asked whether there is available public transportation in the area, such as a jitney service. Mr. Truscott said that there is nothing that he can think of.

Mr. Doyle said this is not inviting to beachgoers. Is there something that can be done for access to the beach? Mr. Truscott told him there is parking along the beach; whether or not it is sufficient to meet demand is questionable.

Chairman Kirkpatrick asked for a motion to open the discussion to the public. Ms. McGowan made this motion, which was seconded by Mayor Phyllis Marchand; all were in favor.

Mr. Kevin Chambers introduced himself as a concerned resident of Ocean Grove. He stated that, in 1999, the Township of Neptune converted Ocean Grove to the historic overlay zone, and went from single-family housing to hotels and bed-and-breakfast establishments. All of the lots are 30 feet by 60 feet in the Ocean Grove area. The municipality then increased the hotel use for the Ocean Grove Camp Meeting Association. Neptune Township created a zone for hotel use that is substandard. Hotel use was no longer a viable use in Neptune, so it was converted to condominium use without parking. Between 2002 and 2006, the Township has been claiming to the Board of Adjustment that it has received the approvals for the

de minimis exception for off-street parking. Mr. Chambers stated that any applicants that come before the Planning Board with a plan to renovate and preserve a historic building do not have to provide parking. A parking study was never done. It is unknown how many cars are on the street. Almost every street has some multifamily housing and there is insufficient parking as it is. He asserted that that is why the Township of Neptune needs this special area standard, so it can circumvent the law.

Chairman Kirkpatrick told him that much of what he is talking about is zoning, and the SIAB does not deal with zoning. If a new structure or renovation is intended to be a hotel, that is commercial and not subject to the RSIS; if it is going to be a condominium or rental unit, it falls under the RSIS. The SIAB needs the case made for this special area standard.

Chairman Kirkpatrick asked Mr. Truscott again to address the points at N.J.A.C. 5:21-3.5(k). Mr. Truscott responded that there is some parking that is not going to be removed in the north end of the Township. In terms of meeting the special area standards issues, the request to have parking on street does reduce the cost. It is very predictable. In terms of reasonability, it is not a burden at all. In terms of public health and safety issues, it has survived the test of time. This parking ordinance has been in effect. The burden is on the municipality, and Neptune Township is comfortable with providing residents and businesses with parking, as well as seasonal visitors.

Ms. McKenzie said that the SIAB needs to ask Neptune for a parking plan. She recommended giving the Township of Neptune more time to demonstrate its parking inventory. If this will be the minimum, the SIAB needs to know there is parking elsewhere.

Mr. Doyle said that Ocean Grove has unique characteristics; the residents seem to have adapted. It is more of an oasis run by the Camp Meeting Association and it has made a lot of changes over many years. Enforcing the parking standards in the RSIS may make things more difficult for Neptune. The SIAB should seek more information. The burden is on Neptune Township to show how it plans to deal with parking needs. Chairman Kirkpatrick agreed, saying "one size does not fit all."

Ms. McGowan pointed out that the City of Hoboken in Hudson County offered the same proof in 1998 for its special area standards for parking. It is the same information that a planning board would ask for a *de minimis* exception.

Ms. McKenzie said that the parking does not have to be on site, but the SIAB does need a demonstration (e.g., is the parking metered or by permit?). A parking study should not just consider spaces in the special area, but options outside of it that are available for use. The study also should consider any limits on parking like metered,

overnight, or temporary spaces. *She made a motion to postpone action on the special area standards request to give the applicant time to provide a parking inventory and to compare that to the demand. She asked that this include public on-street parking; public and private off-street parking; and any restricted parking, including metered parking and permit parking. When the municipality is ready to submit it, this issue can be on the next Board meeting agenda.*

Mr. Truscott asked the SIAB to keep in mind that the Township of Neptune is dealing with a seasonal community. The parking demand varies between in season and off season. Mayor Marchand said she wants the study to discuss seasonal parking as well as parking needed by residents in the area. Whether there is any kind of public transportation would also be of interest. With issues such as the lots to be redeveloped, the Township of Princeton in Mercer County has the same type of concerns.

Mr. Doyle seconded the motion. He also asked about the urban area parking lot and the overall management of parking in Neptune Township. Chairman Kirkpatrick asked that the Township address the potential for new development. He said that Mr. Chambers can also include more information. Chairman Kirkpatrick directed DCA staff to let the petitioner know whether the material is satisfactory when it comes in. *The vote was called for and all were in favor.*

B. Resolution for William M. Connolly:

Chairman Kirkpatrick read the resolution for retired SIAB member and former Vice-Chair William M. Connolly. *A motion was made and seconded to approve and present the framed resolution to Mr. Connolly; the vote was called for and all were in favor.* All members present signed the resolution. Chairman Kirkpatrick said that Mr. Connolly has been one of the most productive members of the SIAB.

C. Discussion of Incorporation of Low-Impact Development Standards into the RSIS:

Chairman Kirkpatrick noted that there is a movement toward labeling development as “low impact,” “sustainable,” or “green.” He had distributed information at the last SIAB meeting on this subject. He would like to incorporate it into the next revisions of the RSIS. Ms. McKenzie said she prefers the term sustainable development. Ms. McGowan reminded the SIAB that any such changes to the RSIS also need to have a scholarly basis. Mayor Marchand related to the SIAB members how senior housing was recently approved in Princeton Township. The applicant said he could make it a Leadership in Energy and Environmental Design (LEED) certified project at the silver level. The DCA would not permit this requirement to be imposed as part of the municipal zoning ordinance. There are many things that do not deal with construction codes. She thinks that there is going to be a real learning curve on this.

D. Election of Vice-Chair:

Mr. Doyle made a motion, which was seconded, to elect Ms. Wilk as Vice-Chair of the SIAB, the position previously held by Mr. Connolly; all were in favor.

INFORMATION

Senate Bill 714:

The SIAB was informed of a bill now before the New Jersey Legislature, Senate Bill 714, which amends the Site Improvement Act to require the SIAB to offer recommendations to encourage sustainable development, and to add two DEP staff members to the SIAB, one as a voting member and one as a non-voting member. Mr. Doyle said that the Municipal Land Use Law is a lot more liberal than people think. He said he would like the amendment on page 5 of the legislation explained. He noted that LEED design includes some site requirements but, with the exception of stormwater, these standards primarily address building requirements. Mr. Amorosa said that this could have some effect on stormwater. It was decided that the committees should meet to discuss this.

PUBLIC COMMENTS

There were no comments from the public.

BOARD MEMBER COMMENTS

Ms. McKenzie said that there is a section the SIAB should be paying attention to in the Council on Affordable Housing's (COAH's) proposed rules. Under the proposed amendments, any municipality that wants to exceed the RSIS would need to provide justification to COAH. Ms. Frank told the SIAB that Deputy Commissioner Charles Richman handles COAH matters on behalf of the Commissioner. She said that staff will draft a letter for the Chairman's signature.

ADJOURNMENT

There being no further business before the SIAB, Chairman Kirkpatrick called for a motion to adjourn. The motion was made by Mr. Amorosa, which was seconded by Mr. Doyle; all were in favor. The meeting was adjourned.

Respectfully submitted,

Mary Ellen Handelman

Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of December 6, 2007

LOCATION

Conference Room 129
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Robert Kirkpatrick, Chair
Cynthia Wilk
Richard Maser
Michael Amorosa
Joseph Doyle
Valerie Hrabal
Thomas Olenik

DCA Staff:

Amy Fenwick Frank
Mary Ellen Handelman
John Lago

Guests:

John Showler	New Jersey Department of Agriculture
Hunter Birckhead	State Soil Conservation Committee, New Jersey Department of Agriculture
Carl Peters	New Jersey Society of Municipal Engineers

CALL TO ORDER

Mr. Robert C. Kirkpatrick, Jr., Chair of the Site Improvement Advisory Board, called the meeting to order at 9:55 a.m.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

Chairman Kirkpatrick 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 Kirkpatrick asked whether there were any corrections to the minutes of the August 23, 2007 meeting. There were none. *Mr. Richard Maser made a motion to approve the minutes, which was seconded by Mr. Joseph Doyle; all were in favor.*

OLD BUSINESS

A. Status of 2008 RSIS Code Change Proposal:

Ms. Amy Fenwick Frank reported that the proposal for the amendments to the Residential Site Improvement Standards (RSIS) was published in the New Jersey Register on October 15, 2007 and that the comment period ends on December 15th; no comments have been received to date. She told the Board members that there have been two other RSIS-related publications in the Register recently: (1) a Notice of Administrative Correction was run on October 15th to correct an error in the Notes of Figure 4.5; and (2) the Readoption of N.J.A.C. 5:21 without change, published on November 19th, which authorizes the continuation of the RSIS for another five years.

B. Draft Clarification: Whether a Municipality Can Ban Cul-de-Sacs and Other Roadways with a Single Point of Entry:

Chairman Kirkpatrick referred to the minutes of the last Board meeting where, by a show of hands, it was determined to issue the clarification on a municipality's inability to ban cul-de-sacs. This has not been distributed as yet and he asked why this was held. Mr. Maser told him that those who had issues with it are not present today. *He made a motion to publish the clarification; this was seconded by Dr. Thomas Olenik. The vote was called for and all were in favor.* Mr. Doyle's recollection was not that the Board said it was going to publish it generally. It was pointed out that this vote was already taken and passed at the last meeting to send the clarification to all planning boards, and to include it in the published version of the RSIS.

NEW BUSINESS

A. Application for Special Area Standard for the Township of Neptune, Monmouth County:

Mr. John Lago explained the special area standards submission from Neptune Township, which is a request to disallow off-street parking in the Ocean Grove section of the municipality. Chairman Kirkpatrick said that this section of the Township appears to have very small roads and he felt that a better argument is needed as a reason for special area standards. He wanted to know how this makes sense. Also noting the very tiny roads, Mr. Doyle suggested that Neptune may be concerned with tear downs. Chairman Kirkpatrick stated that the RSIS is supposed to facilitate the Municipal Land Use Law. The streets affected by the special area standards request are existing streets. He did not understand the need for special area standards just for two or three buildings that are going to be torn down and redeveloped. The Board agreed to inform the Township of Neptune that the application will be considered as a special area standard request. Mr. Maser said that his firm might be involved with an area where they are doing a redevelopment project. *Noting that one size does not fit all, Chairman Kirkpatrick said that he would be in favor of granting a hearing. Mr. Doyle made this motion, which was seconded by Mr. Michael Amorosa. All were in favor to proceed with the application except Mr. Maser, who abstained.*

B. Revisions to the BMP Manual:

Mr. Amorosa, Chair of the Stormwater Management Standards Committee, briefed the Board on the New Jersey Department of Environmental Protection's (DEP's) effort to update and revise the New Jersey Stormwater Best Management Practices (BMP) Manual. The RSIS incorporates the April 2004 edition of the BMP Manual. The DEP recently adopted a new process by which it would revise the Manual: revised drafts would be posted on its web site for review and comment. The new process also involved sharing proposed changes with the Board and the New Jersey Department of Agriculture (DoA). Two proposed revisions were shared thus far. One dealt with soil test methods; the other was a new set of standards for bio-retention basins.

The Stormwater Management Standards Committee met on June 21st to discuss the draft revisions. Its comments from this meeting were subsequently endorsed by the Board. Both the Board and the DoA submitted their comments to the DEP on these proposals. The DEP accepted some of the comments, but did not accept others. The Board members received an e-mail from Mr. Lago summarizing the changes made to the Manual. Dr. Olenik and Ms. Valerie Hrabal responded expressing disagreement with the revisions. Mr. Amorosa noted that the biggest area of concern is that the DEP wrote revised standards for the BMP Manual without deferring to nationally accepted standards. This agency has gone its own way and written its own standards, which will be difficult for practitioners to follow.

Ms. Cynthia Wilk read the guidelines for revisions to the BMP Manual which were agreed upon by the three State agencies [the DEP, the Department of Community Affairs (DCA), and the DoA]. She noted that the DEP was to gather comments from various agencies, and the revisions were to be posted on the DEP's, DCA's, and DoA's web sites. The Board needs to tell the DEP that the agreement is not being held to and that a meeting should be set up with the involved agencies as soon as possible to discuss this. Mr. Hunter Birkhead of the DoA's State Soil Conservation Committee agreed with this.

Ms. Hrabal informed the Board that the DEP is implementing the soil testing standards today. Chairman Kirkpatrick felt that the Board needs to do something. The commissioners should talk to each other on this issue. The DEP is moving forward without going through the agreed-upon procedure. Mr. Amorosa said that accountability is really through the New Jersey Register, not State agency web sites.

Ms. Wilk stated that the Board needs to do something in writing in the form of a comment. Mr. Amorosa said that the Board does not have to craft new comments; it already made them. Chairman Kirkpatrick reiterated that the commissioners should address this. *A motion was made by Mr. Amorosa to reissue the comments in their entirety with an additional, introductory statement; Mr. Maser seconded the motion. A vote was taken and all were in favor.*

Mr. John Showler of the DoA stated that all of the agencies involved are rule makers and should be following the same procedures. Mr. Amorosa added that the farmers are quite concerned about these changes. Ms. Hrabal asked how the Board can address the issue of the BMP Manual being a guidance document instead of a rule. Mr. Doyle said that the Register is where regulatory agencies are supposed to publicize such proposed rules for public review. The format of the BMP Manual is that of a guide, not a rule, and should be treated as such if it does not go through the rule-making process. Ms. Hrabal pointed out that there is no waiver process from the BMP Manual either, as there are for rules. Chairman Kirkpatrick noted that the BMP Manual is referenced in the RSIS. The version of the BMP Manual referenced in the RSIS is the one that should be followed, as the Board has not approved updates of this referenced standard. Hopefully, this stance will encourage the DEP to work on this issue rationally.

A motion was made by Mr. Amorosa and seconded by Ms. Hrabal asking that Ms. Wilk request that the Commissioner of the DCA talk to the Commissioner of the DEP to address concerns raised about the failure to follow the agreed-upon process. All were in favor except Ms. Wilk, who abstained.

C. Resolution for Retired Board Member William M. Connolly:

Chairman Kirkpatrick told those present that recently retired Board Member William M. Connolly, who filled an ex-officio seat as the Director of the Division of Codes and Standards, has served admirably as a charter member of the Board. *Chairman*

Kirkpatrick said he would like the Board to express its gratitude to him in a resolution. Mr. Doyle made this motion, which was seconded by Mr. Maser; the vote was unanimous.

D. Low-Impact Development:

Chairman Kirkpatrick handed out information on low-impact development. He said he spoke to about 50 designers and they think the RSIS is an impediment to low-impact development. They are looking for buildings closer to the streets, alleys in the back for parking vehicles, etc. The material he distributed includes some of these ideas.

Chairman Kirkpatrick said he is interested in looking at this issue in advance before *de minimis* exceptions and agreements to exceed start coming in. He said he would like the Board to be on top of this new direction and to acknowledge it.

INFORMATION

2008 Meeting Schedule:

It was noted that the schedule of possible Board meeting dates for 2008 was included in today's meeting packet.

ADJOURNMENT

There being no further business before the Board, Chairman Kirkpatrick called for a motion to adjourn. A motion was made by Mr. Maser, which was seconded by Mr. Amorosa; all were in favor. The meeting was adjourned at 10:39 a.m.

Respectfully submitted,

Mary Ellen Handelman
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of August 23, 2007

LOCATION

Conference Room 129
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Robert Kirkpatrick, Chair
Cynthia Wilk
Elizabeth McKenzie
Richard Maser
Michael Amorosa
Joseph Doyle
Valerie Hrabal
Thomas Olenik
Phyllis Marchand

DCA Staff:

Amy Fenwick Frank
Mary Ellen Handelman
John Lago

Guest:

Tom Perry Advanced Drainage Systems

CALL TO ORDER

Mr. Robert C. Kirkpatrick, Jr., Chair of the Site Improvement Advisory Board, called the meeting to order at 9:59 a.m.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

Chairman Kirkpatrick 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.

WELCOME TO NEW BOARD MEMBER

Chairman Kirkpatrick welcomed Ms. Cynthia Wilk, the new Director of the Division of Codes and Standards, as the ex-officio member replacing Mr. William Connolly.

APPROVAL OF MINUTES

Chairman Kirkpatrick asked whether there were any corrections to the minutes of the May 31, 2007 meeting. There were none. *Mr. Richard Maser made a motion to approve the minutes, which was seconded by Mr. Michael Amorosa; all were in favor.*

COMMITTEE REPORT

Stormwater Management Standards Committee:

Mr. Amorosa reported on a meeting of the Stormwater Management Standards Committee, held on July 17th, the minutes of which are in today's meeting packet. The purpose of the meeting was to discuss revisions to the 2004 edition of the New Jersey Department of Environmental Protection's (DEP's) Best Management Practices (BMP) Manual. Ms. Sandra Blick had been in attendance to present the draft and to answer questions. Staff at the DEP will be getting back to the Committee on the changes it requested. The draft will then be given to the Board for comment before finalization. Soil testing criteria are a concern of the Committee. Mr. Amorosa stated that the BMP Manual should reference the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) standards, instead of the standards the DEP decides upon. He noted that Mr. Hunter Birckhead of the State Soil Conservation Service in the New Jersey Department of Agriculture agreed that the DEP should not be repeating a standards-setting process that was already done by the NRCS, the result of which is accepted nationally. Mr. Maser said he agrees 100 percent with the Committee's recommendations. *A motion was made by Mr. Joseph Doyle and seconded*

by Mr. Amorosa to approve the Committee's recommendations; all were in favor. The recommendations will be forwarded to the DEP with the Board's endorsement.

OLD BUSINESS

A. Code Change Proposal for 2008 Edition of RSIS:

The finalized draft for the proposed changes to the Residential Site Improvement Standards (RSIS) for 2008 was put before the Board for a vote. *Mr. Amorosa made a motion, which was seconded by Mayor Phyllis Marchand, to approve the proposal for publication in the New Jersey Register.* Mr. Tom Perry of Advanced Drainage Systems asked that the Board adopt the 2007 edition of the American Association of State Highway and Transportation Officials' (AASHTO's) Standard Specification for Corrugated Polyethylene Pipe, 12- to 60-in. Diameter, instead of the 2004 edition. He had thought this was going to be discussed today. He stated that his firm had asked that the latest versions of the standards be specified. Chairman Kirkpatrick responded that the Board has not seen this, so it will look at this issue during the next code change cycle. Mr. Amorosa added to this response by explaining that the Board's approval for inclusion of a code change request is about a year after it was received; in January of 2007, the Board began considering the proposals it had received during 2006. Whatever the AASHTO standard was in December of 2006 is what the Board acted on. Ms. Amy Fenwick Frank told Mr. Perry that the code change proposal was received from his company in June of 2006. Mr. Perry noted that the Standard Specification for Corrugated Polyethylene Drainage Tubing also has a new edition out for 2007; what is in the proposal for this standard is the 2002 edition. He provided Ms. Frank with both new versions. *The vote was called for and all were in favor.*

B. Can a Municipality Ban Cul-de-Sacs and Other Roadways with a Single Point of Entry?

Chairman Kirkpatrick stated that cul-de-sacs serve two purposes: (1) public streets, with an average daily traffic of 250 or less, providing access to single-family dwellings; and (2) access to multifamily housing. He reviewed the intent and purpose of the Site Improvement Act, and noted that the Supreme Court decision allows the Board to establish a street hierarchy. He said that cul-de-sacs are not a significant generator of traffic. It is a bad precedent to eliminate any of the options in the RSIS. The intent of the Act and the RSIS is to avoid unnecessary cost, and to ensure predictability. Chairman Kirkpatrick remarked that the ban on cul-de-sacs appears to be another effort to reduce development. This increases the cost of housing. The municipality establishes the density; cul-de-sacs are a tool used to work with that density. He pointed to the difficulties involved in the more suburban towns where, in order to develop a parcel of land, it is sometimes impossible to connect to a road without going through someone else's property. He felt that the Board should not make any changes to the standards. The tools included in the RSIS can be used to allow properties to be developed in accordance with the municipal master plan and with the RSIS. Otherwise, it has the potential to render a property unusable.

Ms. Elizabeth McKenzie did not think that cul-de-sac standards in the RSIS need to be changed. If the developer has an approach that is better for rural areas and in keeping with the community character, it does not seem unreasonable for a municipality to decide to use through-street connections to allow improved distribution of traffic in the traffic circulation element of its master plan. Sometimes, a cul-de-sac may be the only way to get to a site. She said there are situations where it makes more sense to ban cul-de-sacs in terms of character of the community, especially in rural communities. These types of streets result in the concentration of traffic where it may not be wanted. In her view, a municipality should be able to disallow cul-de-sacs to be built, as long as the ban is not being used to stop development and cul-de-sacs are allowed where there is no alternative. Ms. McKenzie suggested a clarification be written that states the Board does not condone the banning of cul-de-sacs in order to keep development out. She said there should be a clear policy statement of not stopping development. The municipality should be able to consider this in terms of its traffic circulation. A municipality should have discretion on how it wants its roads to develop.

Mr. Maser stated that most master plans now have language to encourage through streets. Cul-de-sacs are a tool and this tool should be available to developers. The system works right now. Use of through roads and limited use of cul-de-sacs should be permitted. He expressed concern that municipalities will be able to force developers to put in through roads if they can ban cul-de-sacs. These days, wherever a through road can go in, the municipality will attempt to get the developer to build that instead of cul-de-sacs. He expressed concern that banning cul-de-sacs will become a way to limit development.

Mr. Doyle said that municipalities should have the ability to require the use of through roads and limit the use of cul-de-sacs. He said that towns need to take a good look at their circulation element and be aware of what development might be happening in the future. Every development today has to be maximized for stormwater efficiency. While clustering works, the issue for towns is traffic, and how the town is going to zone and plan. Traffic must be covered in the municipal zoning ordinance; if this is not addressed in the ordinance, the application cannot be denied because of the impact the development will have on traffic.

Mayor Marchand felt that the municipality should have the ability to determine what is best for its community. Members of municipal planning boards today are more aware of traffic and environmental issues, and can overrule developers.

Ms. Valerie Hrabal said she is concerned with stormwater runoff; clustering is a way to minimize runoff. In addition, cul-de-sacs may be used as a way to achieve low-impact development.

Ms. McKenzie suggested that the Board work up a clarification statement, since a response has been requested regarding development in the Township of Howell, Ocean County. Dr. Thomas Olenik felt that this should be kept simple; just respond to the letter, stating that cul-de-sacs are permitted. Mr. Maser agreed; cul-de-sacs are in the standards. Ms. Wilk added that it should be explained what tools are available. Dr. Olenik said that this letter was clearly written by the developer's attorney; the Board did not hear from Howell Township on this. Mr. Doyle stated that the Board's decision will apply to all municipalities. *By a show of hands, it was determined that the majority of the Board members present were in favor of issuing a clarification. It was decided that there should be a direct answer to the letter, and that a clarification should be written which will give an explanation.* These are to be circulated to every member of the Board.

Ms. Frank asked whether a municipality could apply for a special area standard for a part of the town. Ms. McKenzie told her this does not really qualify as a special area standard. The RSIS cannot be used to deny development. Special area standards are not needed – the RSIS already has ways to preserve rural character. The Board does not want to give a reason to preclude the use of cul-de-sacs by means of special area standards.

Mr. John Lago mentioned that there was a similar question from a town that did not want retention basins and a letter was sent indicating that towns cannot prohibit them. It is an accepted BMP.

NEW BUSINESS

There was no new business before the Board.

PUBLIC COMMENTS

There were no comments from the public.

BOARD MEMBER COMMENTS

Mr. Doyle expressed his concern over the failure of planning boards to report *de minimis* exceptions. Is there anything that can be done about this? The New Jersey Planning

Officials put out a newsletter that has a good circulation. Perhaps an article can be written to address this.

ADJOURNMENT

There being no further business before the Board, Chairman Kirkpatrick called for a motion to adjourn. A motion was made and seconded; all were in favor. The meeting was adjourned at 10:58 a.m.

Respectfully submitted,

Mary Ellen Handelman
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of May 31, 2007

LOCATION

Conference Room 129
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

William Connolly, Vice-Chair
Leslie McGowan
Elizabeth McKenzie
Richard Maser
Michael Amorosa
Marge Della Vecchia
Valerie Hrabal
Thomas Olenik

DCA Staff:

Amy Fenwick Frank
Mary Ellen Handelman
John Lago

Guests:

Kenneth Reynolds	New Jersey Builders Association
Sandra Blick	Division of Watershed Management, New Jersey Department of Environmental Protection
Ed Wengrowski	New Jersey Pinelands Commission
Steve Johnson	Nyloplast/Advanced Drainage Systems
Hunter Birckhead	New Jersey Department of Agriculture
Tim Kernan	Kernan Consulting Engineers

CALL TO ORDER

Mr. William M. Connolly, Vice-Chair of the Site Improvement Advisory Board, called the meeting to order at 10:11 a.m.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

Mr. Connolly 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

Mr. Connolly asked whether there were any corrections to the minutes of the March 22, 2007 meeting. There were none. *Ms. Marge Della Vecchia made a motion to approve the minutes, which was seconded by Mr. Richard Maser; all were in favor.*

OLD BUSINESS

A. Status of 2007 Residential Site Improvement Standards Proposal:

Ms. Amy Fenwick Frank reported that the adoption of the amendments to the Residential Site Improvement Standards (RSIS) for 2007 will appear in the June 4th New Jersey Register. The new edition will be prepared and disseminated as soon as possible.

B. Code Change Proposals for 2008 Edition of RSIS:

Mr. Connolly reviewed with the Board the memorandum in the meeting packet from Ms. Frank, dated March 15th, on the annual changes to the RSIS. He asked the Streets and Parking Standards Committee for a report on its last meeting. Mr. Maser reported that the consensus of the Committee is to recommend maintaining the 40-foot cul-de-sac radius in Item #1 and not to increase it to 50 feet. The Committee felt that all buses can make the turning radius and that buses do not go down cul-de-sacs, anyway. Items #2, #3, and #4 are approved by the Committee as proposed. *Mr. Connolly asked for a motion to approve these code changes. Mr. Maser made this motion, which was seconded by Ms. Leslie McGowan; all were in favor.*

Mr. Connolly then asked the Stormwater Management Standards Committee for its recommendation on the code change proposal permitting the use of plastic drainage structures under unpaved areas. Mr. Amorosa reported that the Committee recommends the approval of this proposal. The Committee also recommends the inclusion of updated referenced standards from the American Association of State Highway and Transportation Officials and the American Society for Testing and Materials for the installation of plastic pipe, which effectively allows larger diameter plastic pipe for storm drains. *He made a motion to accept these changes, which Ms. Della Vecchia seconded; all were in favor.*

For the item regarding the change to N.J.A.C. 5:21-3.1(d), the Board agreed that the language suggested by the New Jersey Builders Association in its May 8th letter could be incorporated.

NEW BUSINESS

A. DEP Presentation on Revisions to BMP Manual:

Ms. Sandra Blick of the New Jersey Department of Environmental Protection's (DEP's) Division of Watershed Management gave a presentation on stormwater management rule implementation which included the process for proposed changes to the Best Management Practices (BMP) Manual, soil testing criteria, and bioretention basin revisions. Following the presentation, Ms. Valerie Hrabal suggested that the Stormwater Management Standards Committee plan a meeting to go over this information.

Mr. Ed Wengrowski of the New Jersey Pinelands Commission stated that his agency found a need to revise its soil testing criteria and to assess how well they have done in the Pinelands. When it comes to infiltration facilities, the soil is the system. Ms. Elizabeth McKenzie wondered why normal inspections by the municipal engineer would not discover that a basin was not working properly. Mr. Wengrowski responded that there is a great deal of variability among towns. Often, the professional cannot verify the soil samples that are taken. Ms. Hrabal said she sees this as a professional performance issue. The towns should have been retaining properly qualified professionals. The problem with a municipality doing this is that the developer pays for both his own inspectors and the town's inspectors. In addition, municipal inspectors do not certify BMP performance. Ms. McKenzie added that the soil testing should be witnessed, as is done with sewers and septic systems. A rule on this should be made in the Administrative Code. Regarding as-built performance testing, Mr. Maser noted that this would correct problems, but also would lead to controversy. It was recognized that the soil will act differently depending on how the contractor places the material and how the compaction is done. Ms. Blick pointed out the four areas that her office

is concerned with: (1) design, (2) soil at the site locations, (3) preconstruction inspection, and (4) maintenance.

A discussion ensued on the difficulty of soil testing and on soil test procedures.

Mr. Maser told Ms. Blick that the language should say “in close proximity,” since it is unknown exactly where the basin will be.

In response to a question from Ms. Hrabal, Ms. Blick responded that the maximum recommended depth is two feet for infiltration.

Ms. McKenzie asked Ms. Blick why she would not consider amending the rules to require shallower basins. Ms. Blick replied that the DEP does give credit for a meadow structure, but does not mandate its use.

Mr. Connolly suggested that the proposed changes to the BMP Manual go to the Stormwater Management Standards Committee for review. He asked the DEP for the actual language for the Committee’s consideration. The Committee can make a recommendation to the Board, which will then report back to the DEP.

Responding to Ms. Della Vecchia’s question on the BMP committee’s makeup, Ms. Blick listed the organizations which are represented.

B. Can a Municipality Ban Cul-de-Sacs and Other Roadways with a Single Point of Entry?

Mr. Connolly referred to a letter written to the Department by Mr. Mark Williams, Attorney at Law, dated April 20th, asking for clarification on whether a municipality can prohibit the use of cul-de-sacs. In his correspondence, he had included a section of an ordinance from the Township of Howell in Monmouth County that contains such language. Mr. Connolly pointed out there are two ways to look at this: 1) The town must allow cul-de-sacs because they are allowed under the RSIS; 2) Cul-de-sacs are inconsistent with neo-traditional design and smart growth, and therefore, a town should be permitted to prohibit them. Howell Township, he guesses, is not pursuing neo-traditional design. Ms. McKenzie added that it is mainly because the Township maintains a rural road design in order to disperse traffic. It might be the only way to develop land, though. She did not feel that cul-de-sacs should be prohibited.

Ms. McGowan stated that she did not think it is for this Board to even comment on the issue – it is a legal question. She pointed out there are towns that do not permit apartment units. This is a zoning and land use matter outside the scope of the RSIS. Mr. Connolly said that there are circumstances where cul-de-sacs are a solution. Ms. McKenzie felt that this is not within the Board’s purview and was wary of taking a position on either side. Ms. Hrabal reminded the Board

members that the purpose of the rules is to provide predictability, safety, etc. There are ways to address low-impact development.

Mr. Connolly referred to the original challenge to the RSIS (mostly on streets) brought against the Department by the New Jersey League of Municipalities, noting that the argument was the standards intrude on zoning. The Department countered that the standards are not zoning related, but that they deal with technical issues. The Court determined the standards are zoning related, but told the League that it now has a new partner in zoning. Ms. McGowan said that the Board is not an interpretive body. Mr. Connolly said that the Board can say what the law is, since the Board writes the rules. Ms. McKenzie noted that the Municipal Land Use Law allows a town to lay out its streets. Mr. Connolly stated that the valid basis to prohibit cul-de-sacs is to encourage neo-traditional zoning. There are two ways to approach neo-traditional design: (1) special area standards or (2) an alternative street pattern that could be added to the standards. Ms. McKenzie felt that the traffic circulation of the town's master plan is what would make the difference; it is not only traditional neighborhood development. Mr. Maser felt that the whole Board should discuss this, as everyone has an opinion on it. Ms. McGowan added that she would like to look at the RSIS in other ways as well. *It was decided that this item be tabled until the next Board meeting, when all of the members can be present for discussion.*

INFORMATION

Logs on *De Minimis* Exceptions and Agreements to Exceed the Standards:

The logs listing, quantifying, and summarizing all *de minimis* exceptions and agreements to exceed the standards that have been submitted were distributed for the Board's information and perusal.

PUBLIC COMMENTS

There were no comments from the public.

BOARD MEMBER COMMENTS

Mr. Connolly announced to the Board members present that he is retiring as of August 1st after 35 years of State service. All wished him well. He said that Ms. Cynthia Wilk, currently the Division of Codes and Standards' Deputy Director, will replace him.

ADJOURNMENT

There being no further business before the Board, Mr. Connolly called for a motion to adjourn. A motion was made and seconded; all were in favor. The meeting was adjourned at 12:02 p.m.

Respectfully submitted,

Mary Ellen Handelman
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF MARCH 22, 2007

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
WILLIAM CONNOLLY, VICE-CHAIR
LESLIE MCGOWAN
ELIZABETH MCKENZIE
MICHAEL AMOROSA
MARGE DELLA VECCHIA
PHYLLIS MARCHAND

DCA STAFF:

AMY FENWICK FRANK
MARY ELLEN HANDELMAN
JOHN LAGO

GUESTS:

NATHAN JOVANELLY	ADVANCED DRAINAGE SYSTEMS
RICHARD ROSEBERRY	NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS
STEVEN BALZANO	NEW JERSEY HIGHLANDS COUNCIL
CHRIS DANIS	NEW JERSEY HIGHLANDS COUNCIL
KENNETH REYNOLDS	NEW JERSEY BUILDERS ASSOCIATION
SUSAN WEBER	BUREAU OF STATEWIDE PLANNING, NEW JERSEY DEPARTMENT OF TRANSPORTATION
COREY PIRSECKI	OSG

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD (SIAB), CALLED THE MEETING TO ORDER AT 9:45 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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.

WELCOME

CHAIRMAN KIRKPATRICK WELCOMED THOSE PRESENT FROM THE NEW JERSEY HIGHLANDS COUNCIL, AND EXPRESSED HIS INTEREST IN WORKING WITH THEM ON ANY OVERLAPPING ISSUES COVERED BY BOTH THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS) AND THE HIGHLANDS DRAFT REGIONAL MASTER PLAN.

APPROVAL OF MINUTES

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE NOVEMBER 30, 2006 MEETING. HE HAD ONE CORRECTION TO PAGE 2, SECOND PARAGRAPH OF OLD BUSINESS, SECOND SENTENCE. HE WOULD LIKE TO AMEND THE SENTENCE BY ADDING THE UNDERLINED LANGUAGE AS FOLLOWS: "HE POINTED OUT THE STUDIES DONE BY AND FOR THE BOARD DOCUMENT THAT SCHOOL BUSES AND OTHER LARGE VEHICLES GET THROUGH A CUL-DE-SAC DESIGNED TO MEET THE RSIS DIAMETER WITHOUT HAVING TO BACK UP." *A MOTION WAS MADE BY MR. MICHAEL AMOROSA AND SECONDED BY MS. LESLIE MCGOWAN TO APPROVE THE AMENDED LANGUAGE TO THE MINUTES AS NOTED ABOVE; ALL WERE IN FAVOR EXCEPT MS. MARGE DELLA VECCHIA, WHO ABSTAINED DUE TO HER ABSENCE FROM THAT MEETING.*

OLD BUSINESS

A. STATUS OF RESIDENTIAL SITE IMPROVEMENT STANDARDS PROPOSAL:

MS. FRANK GAVE THE STATUS OF THE NEW EDITION OF THE RSIS. COMMISSIONER SUSAN BASS LEVIN HAD GIVEN HER APPROVAL ON THE RULE ON FEBRUARY 1, 2007. AS NOTED ABOVE, THE 2007 EDITION OF THE RSIS BOOK WILL BE SENT TO THE PRINTER AS SOON AS THE GOVERNOR'S OFFICE SIGNS OFF ON IT AND IT IS RUN IN THE NEW JERSEY REGISTER AS AN ADOPTION.

B. CUL-DE-SAC RADIUS:

CHAIRMAN KIRKPATRICK ASKED HOW SOON THE SIAB CAN EXPECT TO BEGIN RECEIVING DOCUMENTATION FOR SUBSTANTIATION ON CUL-DE-SAC WIDENING FOR AGREEMENTS TO EXCEED, AS AGREED TO AT THE NOVEMBER 30TH MEETING (PAGE 3 OF MINUTES). MR. WILLIAM CONNOLLY, VICE-CHAIR OF THE BOARD, RESPONDED THAT THE DATA WILL NOT START COMING IN UNTIL THE RULE (2007 EDITION OF THE RSIS) IS IN EFFECT. MS. AMY FENWICK FRANK EXPLAINED THE ADMINISTRATIVE DELAY WITH THIS LATEST EDITION OF THE RSIS AS BEING THAT FINAL APPROVAL FROM THE GOVERNOR'S OFFICE IS NECESSARY BEFORE THE NOTICE OF ADOPTION CAN BE PUBLISHED AND THE APPROVAL HAS NOT BEEN FORTHCOMING FROM THAT OFFICE AS YET.

MAYOR PHYLLIS MARCHAND ASKED WHETHER THE SIAB WAS WAITING FOR INFORMATION ON SCHOOL BUS TURNING RADII. MS. FRANK REPLIED THAT STATE SENATOR FRED H. MADDEN WROTE A LETTER ON DECEMBER 8, 2006 ON BEHALF OF THE FRANKLIN TOWNSHIP PLANNING BOARD IN GLOUCESTER COUNTY REQUESTING A REVIEW OF THE CURRENT STANDARDS IN ORDER TO DETERMINE THE POSSIBILITY OF REVISIONS FOR CUL-DE-SAC TURNAROUND RADIUS. IN ADDITION, THE TOWNSHIP OF FRANKLIN SUBMITTED A CODE CHANGE PROPOSAL TO INCREASE THE CARTWAY TURNING RADIUS TO 50 FEET. THE COMMISSIONER'S RESPONSE TO SENATOR MADDEN ASKED THE FRANKLIN TOWNSHIP SCHOOL BOARD TO SEND THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) ANY INFORMATION ON SCHOOL BUS TURNING RADII THAT IT MIGHT HAVE. CHAIRMAN KIRKPATRICK ASKED WHETHER STAFF COULD CONTACT THE SCHOOL BUS MANUFACTURERS AND GATHER THIS INFORMATION FOR THE SIAB. MR. AMOROSA ADDED THAT STAFF SHOULD ALSO CONTACT THE FRANKLIN TOWNSHIP BOARD OF EDUCATION TO REQUEST INFORMATION. HE ADDED THAT FRANKLIN WANTS A 100-FOOT RADIUS.

NEW BUSINESS

A. NEW CODE CHANGE PROPOSALS FOR 2008 EDITION OF RSIS:

REFERRING TO THE MEMORANDUM IN THE MEETING PACKET FROM MS. FRANK, DATED MARCH 15TH, REGARDING THE ANNUAL CHANGES TO THE RSIS, CHAIRMAN KIRKPATRICK SAID THAT HE WOULD LIKE THE STREETS AND PARKING STANDARDS COMMITTEE TO DISCUSS THE ITEMS RELATED TO STREETS, AND MAKE A RECOMMENDATION TO THE SIAB. DUE TO THE FACT THAT IT DID NOT APPEAR SUCH A DISCUSSION WOULD TAKE VERY LONG, MS. MCGOWAN SUGGESTED THAT THIS MEETING BE ACCOMPLISHED BY MEANS OF A CONFERENCE CALL. MS. FRANK NOTED THAT THE ITEMS ON THE SECOND PAGE OF THE MEMO THE SIAB HAS SEEN BEFORE. THEY DEAL WITH THE USE OF STORM DRAINS AND CATCH BASINS MADE FROM POLYVINYL CHLORIDE IN UNPAVED AREAS AND UPDATING THE REFERENCED STANDARDS. SHE THEREFORE WENT

AHEAD AND DRAFTED PROPOSED LANGUAGE TO INCORPORATE THESE CHANGES INTO THE CODE FOR THE SIAB'S CONSIDERATION. MR. CONNOLLY SAID THAT THE DRAFT LANGUAGE DEALING WITH THE LAST TWO ITEMS IN THE MEMO SHOULD BE REVIEWED BY THE STORMWATER MANAGEMENT STANDARDS COMMITTEE. CHAIRMAN KIRKPATRICK TOLD THE SIAB MEMBERS TO BE PREPARED TO DISCUSS THESE AT THE NEXT SIAB MEETING.

MR. CONNOLLY STATED THAT THE FEDERAL HIGHWAY ADMINISTRATION (FHA) HAS APPROVED SOME OF THE CORRUGATED POLYETHYLENE PLASTIC PIPE. STAFF WILL RESEARCH TO SEE IF IT HAS BEEN ADOPTED YET. MR. AMOROSA CONFIRMED THAT THESE FHA STANDARDS WENT INTO EFFECT ON DECEMBER 15, 2006.

REGARDING THE THREE SUBMISSIONS RECEIVED OVER THE PAST COUPLE OF YEARS FROM MR. CHARLES BLUMELING ON BEHALF OF THE GARDEN STATE LAND SURVEYORS, CHAIRMAN KIRKPATRICK SAID THAT HE IS NOT SURE WHETHER THIS ISSUE PERTAINS TO THE RSIS. A DISCUSSION ENSUED ON THE SUBJECT. MR. CONNOLLY POINTED OUT THAT THE SIAB HAD RESPONDED TO THIS SUGGESTED CODE CHANGE PROPOSAL SOME TIME AGO AND CONCLUDED THAT SURVEYING STANDARDS ARE NOT APPROPRIATE FOR INCLUSION IN THE RSIS. MS. DELLA VECCHIA AND OTHER SIAB MEMBERS AGREED. MR. CONNOLLY POINTED OUT THAT THE UNIFORM CONSTRUCTION CODE REQUIRES A FOUNDATION LOCATION SURVEY.

B. HIGHLANDS DRAFT REGIONAL MASTER PLAN:

REFERRING TO HIS MEMO IN THE MEETING PACKET DATED MARCH 22, 2007, MR. CONNOLLY STATED THAT HE HAD MET WITH DEPUTY COMMISSIONER ADAM ZELLNER OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) WHEN HE WAS WITH THE NEW JERSEY HIGHLANDS COUNCIL. SOME ELEMENTS IN THE DRAFT TOUCH ON RSIS CONCERNS SUCH AS GROUNDWATER RECHARGE, LOW-IMPACT DEVELOPMENT TECHNIQUES, AND WATER QUALITY AND QUANTITY CONTROLS. THE SIAB MAY NEED TO WORK WITH THE COUNCIL IN DEVELOPING THESE ELEMENTS OF ITS DRAFT REGIONAL MASTER PLAN.

CHAIRMAN KIRKPATRICK ASKED MR. STEVEN BALZANO, DIRECTOR OF THE COUNCIL, WHO WAS PRESENT IN THE AUDIENCE, AT WHAT STAGE HIS AGENCY IS WITH THE DRAFT PLAN. MR. BALZANO STATED THAT THE FUNDAMENTAL GOAL OF THE PLAN BALANCES PROTECTION OF NATURAL RESOURCES WITH DEVELOPMENT. A MAIN CONCERN IN THE HIGHLANDS IS WATER SUPPLY. THE HIGHLANDS IS AN AREA COVERING 860,000 ACRES; 15 BILLION GALLONS OF DRINKING WATER MUST BE SUPPLIED, ENCOMPASSING LOCALITIES OUTSIDE THE HIGHLANDS. ON NOVEMBER 30, 2006, THE COUNCIL RELEASED THE DRAFT PLAN FOR PUBLIC COMMENT. THE COMMENT PERIOD MAY BE EXTENDED TO MAY 11, 2007. IMPORTANT ISSUES INCLUDE SUSTAINING THE ABILITY TO PROVIDE

DRINKING WATER, ENSURING ECONOMIC DEVELOPMENT OPPORTUNITIES INCORPORATE SMART DESIGN CONTROLS, AND MAXIMIZING THE EFFICIENCY OF USE.

CHAIRMAN KIRKPATRICK QUESTIONED MR. BALZANO ON THE ANTICIPATED DATE OF IMPLEMENTATION. MR. BALZANO OUTLINED THE STAGES OF IMPLEMENTATION.

1. PLAN PRE-CONFORMANCE/CONFORMANCE IS THE PROCESS TO IMPLEMENT THE PLAN AND WHAT THE MUNICIPALITIES WILL GO THROUGH. DURING CONFORMANCE, THE COUNCIL WILL IDENTIFY ISSUES AND HOLD DISCUSSIONS WITH THE MUNICIPALITIES IN THE HIGHLANDS.
2. COORDINATION AND CONSISTENCY IS THE PROCESS OF PROMOTING CONSISTENCY WITH STATE AGENCIES TO ACHIEVE THE GOALS OF THE MASTER PLAN.

FINAL ADOPTION WILL BE TOWARDS THE END OF THIS YEAR. THE PLAN IS GOING TO BE A LIVING DOCUMENT AND IT WILL TAKE YEARS TO IMPLEMENT. HE ASSURED THOSE PRESENT THAT THERE IS NO URGENCY TO IMMEDIATELY CHANGE PLANS AND RULES.

CHAIRMAN KIRKPATRICK ASKED HIM WHAT EFFECT THE PLAN WILL HAVE ON RESIDENTIAL CONSTRUCTION IN THIS AREA. MR. BALZANO RESPONDED THAT THE INTENT IS TO MAKE THE WHOLE PROCESS FOR ARRIVING AT LOCAL LAND-USE DECISIONS MUCH MORE PREDICTABLE.

MS. ELIZABETH MCKENZIE ASKED A QUESTION ON THE HIGHLANDS COUNCIL'S PLAN FOR REDEVELOPMENT. SHE BROUGHT UP DR. DAVID LISTOKIN'S PRESENTATION TO THE SIAB ON INFILL DEVELOPMENT AND HIS RECOMMENDATIONS. THIS MAY HAVE A LOT OF RELEVANCE TO THE HIGHLANDS COUNCIL'S PLAN.

IT WAS REPORTED THAT MR. JOHN LAGO PERFORMED A STAFF REVIEW OF THE DRAFT REGIONAL MASTER PLAN AND FOUND THAT EACH MENTION OF AN AREA COVERED BY THE RSIS MADE REFERENCE TO COORDINATION WITH THE SIAB. THE ONLY IDENTIFIED CONFLICT IS THAT THE DRAFT MASTER PLAN CALLS FOR 125 PERCENT RECHARGE, WHILE DEP RULES AND THE RSIS REQUIRE 100 PERCENT RECHARGE.

MR. BALZANO TOLD THE SIAB THAT THE COUNCIL CAME TO UNDERSTAND THERE IS A GREAT DEFICIT OF WATER IN THE HIGHLANDS REGION. IN ORDER TO ADDRESS THIS DEFICIT, GROUNDWATER SUPPLIES NEED TO BE REPLENISHED; THE AMOUNT OF WATER THAT IS RETURNED TO THE GROUND NEEDS TO BE INCREASED. THAT IS ONE MECHANISM THE PLAN USES. CHAIRMAN KIRKPATRICK SAID THAT IT DOES NOT MAKE SENSE TO TRY TO MAKE WATER AND EARTH DO WHAT THEY CANNOT DO. MR. BALZANO RESPONDED THAT THE HIGHLANDS COUNCIL IS LOOKING REGIONALLY, NOT AT THE SITE LEVEL.

C. DEP:

1. REVISIONS TO BMP MANUAL --
MR. CONNOLLY REPORTED ON A PROPOSED PROCESS FOR AMENDING DEP'S BEST MANAGEMENT PRACTICES (BMP) MANUAL THAT WOULD INVOLVE BOTH THE SIAB AND THE DEP. WHEN THE DEP PROPOSES CHANGES TO THE BMP MANUAL, INPUT WILL BE OBTAINED FROM THE SIAB. DRAFT CHANGES TO THE BMP WILL THEN BE POSTED ON DEP'S WEB SITE, AS WELL AS THE DCA'S WEB SITE, FOR A 30-DAY COMMENT PERIOD. BASED ON COMMENTS RECEIVED, THE TWO AGENCIES WOULD THEN DECIDE TOGETHER WHICH CHANGES TO MAKE. ANY SUCH AMENDMENTS WOULD ALSO BE REVIEWED BY THE BMP COMMITTEE. AFTER THAT, THE TWO AGENCIES WOULD ISSUE TECHNICAL BULLETINS TO EXPLAIN THE CHANGES.

2. FUNCTIONAL VALUE ANALYSIS FOR SPECIAL WATER RESOURCE PROTECTION AREA --
MR. CONNOLLY RELATED TO THE SIAB THAT DEP REVIEWERS WILL BE FOLLOWING CERTAIN GUIDELINES WHEN REVIEWING PROPOSED DEVELOPMENT IN SPECIAL WATER RESOURCE PROTECTION AREAS. THE DEP COMMISSIONER HAS SIGNED AN ADMINISTRATIVE ORDER STATING THE DEP WILL NOT APPROVE ANY ENCROACHMENT INTO A SPECIAL WATER RESOURCE PROTECTION AREA UNLESS THE APPLICANT DEMONSTRATES THAT THE FUNCTIONAL VALUE AND OVERALL CONDITION OF THE AREA WILL BE MAINTAINED TO THE MAXIMUM EXTENT PRACTICABLE, IN ACCORDANCE WITH THE SPECIAL WATER RESOURCE PROTECTION AREA FUNCTIONAL VALUE ANALYSIS (FVA). THE DEP PREPARED A DOCUMENT CALLED "GUIDANCE TO THE STAFF," WHICH WAS DISTRIBUTED TO OFFER DIRECTION ON HOW TO APPROACH AN FVA. ANY FVAs THAT ARE SUBMITTED TO THE DEP BY DEVELOPERS AND DO NOT MEET THE CRITERIA WILL BE RETURNED FOR REVISION.

3. IMPLEMENTATION OF LINEAR DEVELOPMENT WAIVER STANDARDS FOR ROADWAY IMPROVEMENT PROJECTS --
MR. CONNOLLY SPOKE ON A DEP MEMO FORWARDED BY MR. LAWRENCE J. BAIER, DIRECTOR OF DEP'S DIVISION OF WATERSHED MANAGEMENT, DATED SEPTEMBER 26, 2006, WHICH HE SAID HE WILL FORWARD TO THE SIAB MEMBERS. THIS MEMO OFFERS GUIDANCE TO PUBLIC AGENCIES ON MEETING THE LINEAR WAIVER REQUIREMENTS FOR PUBLIC ROADWAYS.

INFORMATION

IT WAS NOTED THAT ASSEMBLY BILL 4116 ESTABLISHES REQUIREMENTS FOR THE CERTIFICATION OF ZONING OFFICERS, MUCH LIKE WHAT IS DONE FOR CONSTRUCTION OFFICIALS.

PUBLIC COMMENTS

THERE WERE NO COMMENTS FROM THE PUBLIC.

BOARD MEMBER COMMENTS

CHAIRMAN KIRKPATRICK NOTED THAT THE LOGS FOR *DE MINIMIS* EXCEPTIONS AND AGREEMENTS TO EXCEED THE STANDARDS WILL BE READY AT THE NEXT MEETING FOR SIAB PERUSAL.

Ms. MCKENZIE ASKED WHEN THE SIAB SHOULD BE HEARING BACK FROM DR. LISTOKIN. MR. CONNOLLY SAID THAT DR. LISTOKIN IS HAVING A GREAT AMOUNT OF DIFFICULTY PUTTING TOGETHER A PEER REVIEW COMMITTEE, FROM WHICH HE WILL NEED INPUT IN ORDER TO PROCEED. Ms. FRANK SAID THAT SHE IS WORKING WITH SCHOOR DePALMA. ONE WAY TO DEAL WITH THIS LARGE STUDY IS TO BREAK IT UP; FOR EXAMPLE, PERFORM A REVIEW ON THE PARKING SECTION ALONE. (MR. CONNOLLY ADDED THAT THE PARKING SECTION IN DR. LISTOKIN'S DRAFT IS GROUNDBREAKING.) BY DIVIDING THE STUDY INTO TOPICAL SECTIONS AND POSTING IT ON THE WEB, REVIEWERS WOULD BE ENCOURAGED TO COMMENT ON AREAS WHERE THEY HAVE EXPERIENCE AND EXPERTISE.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE SIAB, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. CONNOLLY AND SECONDED BY MR. AMOROSA; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 10:46 A.M.

RESPECTFULLY SUBMITTED,

MARY ELLEN HANDELMAN
SECRETARY TO THE BOARD

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF NOVEMBER 30, 2006

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
WILLIAM CONNOLLY, VICE-CHAIR
LESLIE MCGOWAN
ELIZABETH MCKENZIE
VALERIE HRABAL
THOMAS OLENIK

DCA STAFF:

AMY FENWICK FRANK
MARY ELLEN HANDELMAN
JOHN LAGO

GUEST:

TOM HARBERT ADVANCED DRAINAGE SYSTEMS, INC.

CALL TO ORDER

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD, CALLED THE MEETING TO ORDER AT 9:54 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE OCTOBER 26, 2006 MEETING. THERE WERE NONE. *Ms. LESLIE MCGOWAN MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY Ms. VALERIE HRABAL. ALL WERE IN FAVOR.*

OLD BUSINESS

COMMENTS RECEIVED AND AGENCY RESPONSES ON CODE CHANGE PROPOSAL FOR 2007 EDITION OF RSIS:

THE DEPARTMENT OF COMMUNITY AFFAIRS HAS RECEIVED THREE COMMENTS ON THE PROPOSED AMENDMENTS TO THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS). ONE COMMENTER WROTE TO EXPRESS GENERAL SUPPORT OF THE PROPOSED AMENDMENTS. THE OTHER TWO COMMENTERS WROTE REGARDING THE REQUIREMENT FOR ENGINEERING DOCUMENTATION TO JUSTIFY AN AGREEMENT TO EXCEED THE 40-FOOT CUL-DE-SAC TURNING RADIUS – ONE AGAINST THE AMENDMENT AND ONE IN SUPPORT. THE LANGUAGE IN QUESTION IS LOCATED IN NOTES **Q** AND **M** OF TABLE 4.3. THE COMMENTER OPPOSED TO THE AMENDMENT RECOMMENDED RATHER THAT THE STANDARDS BE INCREASED TO 45 FEET WHERE PARKING IS PROHIBITED AND 50 FEET WHERE ON-STREET PARKING IS ALLOWED. THE COMMENTER IN FAVOR OF THE AMENDMENT SUGGESTED THE REGULATIONS STIPULATE THAT IT BE THE *MUNICIPAL* ENGINEER WHO SUPPLIES THE DOCUMENTATION.

CHAIRMAN KIRKPATRICK NOTED THAT MOST VEHICLES CAN MAKE THE TURNAROUND BY THE CURRENT STANDARDS; ALL CAN MAKE IT IF THE VEHICLES BACK UP. HE POINTED OUT THE STUDIES DONE BY AND FOR THE BOARD DOCUMENT THAT SCHOOL BUSES AND OTHER LARGE VEHICLES GET THROUGH A CUL-DE-SAC DESIGNED TO MEET THE RSIS DIAMETER WITHOUT HAVING TO BACK UP. IN RESPONSE TO A QUESTION FROM MR. CONNOLLY, IT WAS NOTED THAT THERE WERE NO COMMENTS RECEIVED FROM EMERGENCY SERVICE PROVIDERS.

Ms. HRABAL FELT STRONGLY THAT THE CUL-DE-SAC RADIUS REQUIREMENT SHOULD BE KEPT AT 40 FEET AND THAT THE RSIS SHOULD BE CLEAR IT IS NOT NEGOTIABLE. SHE WOULD LIKE TO PUT THE BURDEN ON THE MUNICIPAL ENGINEER IN PROVIDING JUSTIFICATION FOR AN AGREEMENT TO EXCEED THIS STANDARD. SHE FELT THAT, IF A MUNICIPALITY HAS A SPECIAL CONCERN IT WANTS TO APPLY TO ANY OF ITS RESIDENTIAL SITE IMPROVEMENTS, A SPECIAL AREA STANDARD SHOULD BE APPLIED FOR. Ms. MCGOWAN ASKED HER HOW SHE COULD SEPARATE OUT THAT ITEM IN THE RSIS AS NONNEGOTIABLE WHEN IT COMES TO EXCEEDING A STANDARD; WHAT ABOUT OTHER STANDARDS? DR. THOMAS OLENIK DID

NOT THINK THIS ITEM IS A PROBLEM AND DID NOT THINK THE AMENDMENT IS NECESSARY.

MS. ELIZABETH MCKENZIE POINTED OUT THAT, IF THE DEPARTMENT SIMPLY ASKS FOR THE DOCUMENTATION THAT JUSTIFIES THE REASON FOR EXCEEDING A STANDARD, THAT SHOULD BE ACCEPTABLE, FOR NOW.

MS. MCGOWAN NOTED THAT THE BOARD DOES HAVE AN OPPORTUNITY TO REVIEW THE AGREEMENT TO EXCEED LOG EACH YEAR TO DETERMINE WHAT IS GOING ON OUT IN THE FIELD; MS. HRABAL AGREED.

MR. WILLIAM CONNOLLY, VICE-CHAIR OF THE BOARD, OPINED THAT REQUIRING DOCUMENTATION WILL MAKE THE REGULATIONS TIGHTER. HE SAID THAT THE SUGGESTION OF MONITORING THE SITUATION TO SEE IF IT IS BEING ABUSED IS THE BEST OPTION AT PRESENT. THERE HAS ALWAYS BEEN A NEED FOR AN AGREEMENT TO EXCEED FOR WIDENING A CUL-DE-SAC BULB; NOW THE BOARD IS SAYING IT NEEDS JUSTIFICATION.

MS. MCGOWAN RECOMMENDED THE LANGUAGE STIPULATE "BOARD ENGINEER," NOT "MUNICIPAL ENGINEER," AS HAD BEEN SUGGESTED. ALL AGREED TO THIS.

MS. MCKENZIE SAID THAT THE BOARD IS NOT GETTING REPORTS OF MOST *DE MINIMIS* EXCEPTIONS AND AGREEMENTS TO EXCEED ON A CONSISTENT BASIS. SHE ASKED ABOUT SEEKING TO AMEND THE MUNICIPAL LAND USE LAW (MLUL) TO SAY THAT THESE NOTIFICATIONS MUST BE MADE. SHE ARGUED THAT THE DEPARTMENT IS MORE LIKELY TO RECEIVE THEM IF IT AFFECTS THE APPEALS PROCESS. MS. MCKENZIE SUGGESTED THAT, AS PART OF THE REQUIREMENTS OF A NOTICE OF DECISION (AS COVERED IN THE MLUL), THE SUBMISSION OF AN AGREEMENT TO EXCEED COULD BE INCLUDED. HER CONCERN IS GETTING EVERY DEVELOPER REPORTING ON AGREEMENTS TO EXCEED. SHE SAID THAT, IF THE BOARD WANTS GOOD INFORMATION, IT MUST FIND A WAY. MR. CONNOLLY REMINDED THE BOARD THAT THE BUILDER IS SUPPOSED TO SEND THE DEPARTMENT AGREEMENTS TO EXCEED. HE POINTED OUT THAT VIRTUALLY EVERY SITE IMPROVEMENT HAS AN EXCEPTION. CHAIRMAN KIRKPATRICK REMARKED THAT HE WANTS TO ENCOURAGE MUNICIPALITIES TO REPORT, BUT THE RSIS HAS NO ENFORCEMENT MECHANISM. HE SAID THAT SOME TOWNS ARE VERY GOOD AT REPORTING AND SOME ARE NOTORIOUSLY BAD.

THE BOARD MEMBERS AGREED THAT, IN RESPONSE TO THE COMMENTS RECEIVED FOR THE 2007 EDITION OF THE RSIS, "ENGINEER" SHOULD BE CHANGED TO "BOARD ENGINEER" AND SUBSTANTIATION SHOULD BE REQUIRED ON CUL-DE-SAC WIDENING. THE BOARD WILL REVISIT THE ISSUE OF CUL-DE-SAC RADIUS ONCE MORE DATA ARE AVAILABLE. A MOTION WAS MADE BY MS. MCKENZIE TO APPROVE THESE RESPONSES, WHICH WAS SECONDED BY MR. CONNOLLY. ALL WERE IN FAVOR, EXCEPT DR. OLENIK.

NEW BUSINESS

THERE WAS NO NEW BUSINESS BEFORE THE BOARD.

INFORMATION

A. LOG OF *DE MINIMIS* EXCEPTIONS AND AGREEMENTS TO EXCEED THE STANDARDS:

THE BOARD MEMBERS REVIEWED THE LOGS THAT ARE PREPARED ANNUALLY. STAFF WAS DIRECTED TO SUPPLY THE BOARD WITH A TALLY FROM 1997 TO PRESENT.

B. HIGHLANDS MASTER PLAN:

MS. HRABAL TOLD THE BOARD MEMBERS THAT, AT A GENERAL MEMBERSHIP MEETING, IT WAS ANNOUNCED THE DRAFT HIGHLANDS Regional Master Plan IS DUE OUT TODAY. THE STANDARDS MAY BE TECHNICALLY BASED AND MAY CONFLICT WITH THE RSIS. MR. CONNOLLY RESPONDED THAT HE WILL LOOK INTO IT RIGHT AWAY AND LET THE BOARD KNOW WHAT HE FINDS. WHEN THE NEW JERSEY HIGHLANDS COUNCIL WAS FORMED, THE ENABLING LEGISLATION REQUIRED IT TO CONSULT WITH THE BOARD. IN A MEETING WITH STAFF, NO ISSUE FROM THE RSIS WAS IDENTIFIED THAT MIGHT PRESENT A PROBLEM IN THE HIGHLANDS.

CHAIRMANSHIP OF THE BOARD

AS HE IS ACCUSTOMED TO DOING EACH YEAR, CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY OTHER MEMBERS INTERESTED IN CHAIRING THE BOARD. NO INTEREST WAS EXPRESSED FROM ANY OF THE BOARD MEMBERS.

PUBLIC COMMENTS

THERE WERE NO COMMENTS FROM THE PUBLIC.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. CONNOLLY AND SECONDED BY MS. HRABAL; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 10:31 A.M.

RESPECTFULLY SUBMITTED,

MARY ELLEN HANDELMAN
SECRETARY TO THE BOARD

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF OCTOBER 26, 2006

LOCATION

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

ATTENDANCE

BOARD MEMBERS:

ROBERT KIRKPATRICK, CHAIR
WILLIAM CONNOLLY, VICE-CHAIR
LESLIE MCGOWAN
ELIZABETH MCKENZIE
RICHARD MASER
MICHAEL AMOROSA
VALERIE HRABAL
PHYLLIS MARCHAND

DCA STAFF:

AMY FENWICK FRANK
MARY ELLEN HANDELMAN
JOHN LAGO

GUESTS:

TOM HARBERT	ADVANCED DRAINAGE SYSTEMS, INC.
STEVE JOHNSON	NYLOPLAST (A DIVISION OF ADS)
SUSAN WEBER	BUREAU OF STATEWIDE PLANNING, NEW JERSEY DEPARTMENT OF TRANSPORTATION
TIM KERNAN	NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS
KENNETH REYNOLDS	NEW JERSEY BUILDERS ASSOCIATION
TOM PERRY	ADVANCED DRAINAGE SYSTEMS, INC.
JAY GRIEDER	ADVANCED DRAINAGE SYSTEMS, INC.
CHRISTINE GRAZIANO	NEW JERSEY PINELANDS COMMISSION

PRESENTATION BY DAVID LISTOKIN ON RUTGERS' INFILL STUDY

AT 9:05 A.M., PRECEDING THE REGULAR SITE IMPROVEMENT ADVISORY BOARD MEETING, PROFESSOR DAVID LISTOKIN OF THE CENTER FOR URBAN POLICY RESEARCH, EDWARD J. BLOUSTEIN SCHOOL OF PLANNING AND PUBLIC POLICY OF RUTGERS UNIVERSITY PRESENTED HIS JUNE 2006 DRAFT STUDY:

“INFILL DEVELOPMENT STANDARDS AND POLICY GUIDE.” HE OFFERED SOME BACKGROUND ON THE WORK HE DID FOR THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) DEVELOPING THE MODEL SUBDIVISION AND SITE PLAN ORDINANCE, WHICH FORMED THE BASIS FOR THE RESIDENTIAL SITE IMPROVEMENT STANDARDS. MORE RECENTLY, THE DCA CONTRACTED WITH HIM TO PERFORM AN INFILL STUDY. PROFESSOR LISTOKIN THEN GAVE AN OVERVIEW OF THE CONTENT OF THE CURRENT STUDY.

MS. VALERIE HRABAL STATED THAT THIS BOARD ONLY HAS JURISDICTION OVER THE RSIS ITEMS IN HIS STUDY. PLANNING IS NOT THE BOARD’S MISSION. SHE ASKED HOW THE BOARD SHOULD INCORPORATE THE APPLICABLE FINDINGS INTO THE RSIS.

MS. ELIZABETH MCKENZIE SAID THE ISSUE OF INFILL DEVELOPMENT IS IMPORTANT IN RIVER TOWNS. SHE ALSO NOTED THAT THE STREET RIGHT-OF-WAY WIDTH HE PROPOSES MAY BE UNREALISTIC IN URBAN AREAS. LASTLY, SHE FELT THAT IT WOULD BE HELPFUL TO ADDRESS MIXED USE IN TERMS OF SHARED PARKING. MS. MCKENZIE WONDERED WHETHER NEW HOUSEHOLDS MOVING INTO URBAN AREAS WOULD HAVE DIFFERENT CAR-OWNERSHIP RATES THAN EXISTING HOUSEHOLDS.

MR. ROBERT C. KIRKPATRICK, JR., CHAIR OF THE BOARD, STATED THAT THE CURRENT STANDARDS ARE “ONE SIZE FITS ALL” AND DO NOT ADDRESS URBAN AREAS SEPARATELY. THE BOARD WILL CONSIDER PROFESSOR LISTOKIN’S RECOMMENDATIONS AFTER HIS STUDY IS FINALIZED.

MR. WILLIAM CONNOLLY, VICE-CHAIR OF THE BOARD, NOTED THAT THE BOARD HAS THE AUTHORITY TO ADDRESS MIXED USE DEVELOPMENT AND THAT THE PARKING WORK IN THE STUDY IS GROUND BREAKING.

CALL TO ORDER

CHAIRMAN KIRKPATRICK CALLED THE REGULAR MEETING OF THE BOARD TO ORDER AT 10:04 A.M.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

CHAIRMAN KIRKPATRICK 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 TIMES OF TRENTON, THE ASBURY PARK PRESS, THE PRESS OF ATLANTIC CITY, THE COURIER-POST OF CAMDEN, AND THE RECORD OF BERGEN COUNTY.

APPROVAL OF MINUTES

CHAIRMAN KIRKPATRICK ASKED WHETHER THERE WERE ANY CORRECTIONS TO THE MINUTES OF THE APRIL 20, 2006 MEETING. THERE WERE NONE. *MR. RICHARD MASER MADE A MOTION TO APPROVE THE MINUTES, WHICH WAS SECONDED BY MR. MICHAEL AMOROSA. ALL WERE IN FAVOR EXCEPT MS. LESLIE MCGOWAN, WHO ABSTAINED DUE TO HER ABSENCE FROM THAT MEETING.*

OLD BUSINESS

CODE CHANGE PROPOSAL FOR 2007 EDITION OF RSIS:

IT WAS ANNOUNCED THAT THE PROPOSAL APPEARED IN THE SEPTEMBER 18TH ISSUE OF THE NEW JERSEY REGISTER. THE COMMENT PERIOD EXTENDS UNTIL NOVEMBER 17TH.

MS. HRABAL NOTED THAT BOTH SHE AND MR. JOHN LAGO ATTENDED A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) BEST MANAGEMENT PRACTICES MEETING. A TOPIC DISCUSSED WAS TR-55, A METHOD USED TO CALCULATE STORMWATER RUNOFF PROMULGATED BY THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS). THE ISSUE ON TR-55 IS THAT IT COMPUTES FLOWS THAT ARE TOO HIGH. DEP STAFF MAY NOT ACCEPT THE DESIGN ENGINEERS' CALCULATIONS BASED ON ALTERNATE RAINFALL DATA, EVEN THOUGH NRCS GUIDELINES ALLOW THE USE OF SUCH DATA.

CHAIRMAN KIRKPATRICK SAID THAT HE CONTINUES TO SEE COUNTIES AND SOIL CONSERVATION DISTRICTS ASKING FOR DIFFERENT STANDARDS. MR. CONNOLLY COMMENTED THAT ONLY THE NEW JERSEY LEGISLATURE HAS THE POWER TO FIX THIS. CHAIRMAN KIRKPATRICK ASKED MR. AMOROSA TO LOOK INTO THIS ISSUE WITH THE STORMWATER MANAGEMENT STANDARDS COMMITTEE. MR. AMOROSA DECLINED TO DO SO, SAYING THAT, UNLESS LEGISLATION IS PASSED THAT WILL AMELIORATE THIS, HE IS NOT CONFIDENT THAT ANYONE CAN MEDIATE A SETTLEMENT. CHAIRMAN KIRKPATRICK AGREED THAT IT HAS GOTTEN WORSE. HE SUGGESTED THAT THE NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS EXAMINE THE USE OF THE TR-55 METHOD.

IN REPLY TO WHETHER TR-55 HAS A COMPETITOR, MS. HRABAL SAID "NO." MR. CONNOLLY POINTED OUT THAT THERE IS NO SIMILAR PROBLEM WITH STRUCTURAL DESIGN BECAUSE THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) SPENDS A LOT OF TIME IN DEVELOPING ONE STANDARD. HE SUGGESTED THAT THE INTERESTED PARTIES BE CONVENED TO DISCUSS THIS ISSUE; CHAIRMAN KIRKPATRICK SAID HE WOULD LIKE TO TRY. MS. HRABAL POINTED OUT THAT EVERYONE AGREES THERE IS A PROBLEM, BUT IT IS NRCS'S METHOD AND THE DEP IS NOT GOING TO CHANGE IT. CHAIRMAN KIRKPATRICK EXPRESSED FRUSTRATION WITH THE DUPLICITY OF METHODS AND STANDARDS – TOO MANY REGULATIONS FROM VARIOUS AGENCIES. MEETINGS SHOULD BE SET UP

WITH THE DIVERSE AGENCIES AND ENGINEERING SOCIETIES TO DISCUSS THE PROBLEM THAT IS BEING EXPERIENCED. MR. TIM KERNAN OF THE NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS STATED THAT HE WILL BRING THE ISSUE BEFORE HIS MEMBERSHIP. MR. MASER WAS ALSO ASKED TO RAISE THIS CONCERN WITH THE NEW JERSEY SOCIETY OF PROFESSIONAL ENGINEERS.

MS. AMY FENWICK FRANK ANNOUNCED THAT NYLOPLAST REPRESENTATIVES ARE HERE TODAY TO ADDRESS THE BOARD ON: 1) THE USE OF PLASTIC PIPE OF LARGE DIAMETERS; AND 2) NYLOPLAST DRAINAGE STRUCTURES – WHICH THEY FEEL OFFER BETTER DRAINAGE IN AND AROUND THE HOME SITE, AND KEEP THE PRICE RELATIVELY UNDER CONTROL. A DISCUSSION ENSUED ON WHETHER A MEETING OF THE STORMWATER MANAGEMENT STANDARDS COMMITTEE WAS NECESSARY ON THESE ISSUES. THIS CODE CHANGE WOULD BE FOR THE 2008 EDITION OF THE RSIS, SO THERE IS SOME TIME FOR DISCUSSION.

MR. TOM HARBERT OF ADVANCED DRAINAGE SYSTEMS, INC. EXPLAINED TO THE BOARD HIS CODE CHANGE PROPOSAL TO UPDATE REFERENCED STANDARDS FOR CORRUGATED, HIGH-DENSITY POLYETHYLENE PIPE TO THE 2004 EDITION OF THE STANDARD BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS.

THE BOARD AGREED IN CONCEPT TO INCLUDE THE FOLLOWING AS CODE CHANGE PROPOSALS FOR THE 2008 EDITION OF THE RSIS:

1. UP TO 30-INCH POLYVINYL CHLORIDE DRAINAGE STRUCTURES WOULD BE PERMITTED, BUT NOT TO BE LOCATED UNDER STREETS;
2. REFERENCED STANDARDS WILL BE UPDATED FOR CORRUGATED, HIGH-DENSITY POLYETHYLENE PIPE, BUT THE STANDARDS WILL KEEP THE BOARD'S SCOPING (I.E., ONLY WITH APPROVAL OF THE MUNICIPAL ENGINEER FOR LARGE DIAMETERS).

NEW BUSINESS

STANDARDS FOR LOW-IMPACT DEVELOPMENT:

CHAIRMAN KIRKPATRICK REFERRED TO A MAGAZINE ARTICLE HE HAD READ ON LOW-IMPACT DEVELOPMENT. MS. MCKENZIE SUGGESTED THAT THE INFORMATION BE SENT TO THE BOARD MEMBERS FOR THEIR REVIEW AND THEY COULD DISCUSS IT AT THE NEXT MEETING.

PUBLIC COMMENTS

THERE WERE NO COMMENTS FROM THE PUBLIC.

BOARD MEMBER COMMENTS

Ms. MCKENZIE STATED THAT, FOR *DE MINIMIS* EXCEPTION NOTIFICATIONS TO THE DCA, THEY SHOULD ALWAYS INCLUDE THE RESOLUTION GRANTING APPROVAL AND SHOULD LIST THE REASON THE EXCEPTION WAS NECESSARY. THIS IS HER SUGGESTION FOR THE NEXT ROUND OF CHANGES TO THE RSIS. CHAIRMAN KIRKPATRICK FELT THAT THE MUNICIPALITIES ARE NOT CAREFULLY ADHERING TO THE RSIS. Ms. MCGOWAN NOTED THAT THE REGULATION IS ALREADY IN THE RSIS. Ms. MCKENZIE FELT THAT IT SHOULD BE MADE CLEARER. IT WAS DECIDED TO AMEND LANGUAGE IN N.J.A.C. 5:21-3.1(d) AS PART OF THE CODE CHANGE PROPOSALS FOR THE 2008 EDITION OF THE RSIS THAT THE SUBMISSION OF A COPY OF THE MUNICIPAL APPROVING AUTHORITY'S RESOLUTION GRANTING A *DE MINIMIS* EXCEPTION BE INCLUDED IN ITS NOTIFICATION TO THE DEPARTMENT.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRMAN KIRKPATRICK CALLED FOR A MOTION TO ADJOURN. THE MOTION WAS MADE BY MR. MASER AND SECONDED BY MS. HRABAL; ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 10:40 A.M.

RESPECTFULLY SUBMITTED,

MARY ELLEN HANDELMAN
SECRETARY TO THE BOARD

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of April 20, 2006

LOCATION

Conference Room 129
Department of Community Affairs
101 South Broad Street
Trenton, New Jersey

ATTENDANCE

Board Members:

Robert Kirkpatrick, Chair
Elizabeth McKenzie
Richard Maser
Michael Amorosa
Joseph Doyle
Valerie Hrabal
Phyllis Marchand

DCA Staff:

Amy Fenwick Frank
Mary Ellen Handelman
John Lago

Guests:

Kenneth Reynolds	New Jersey Builders Association
Tim Kernan	New Jersey Society of Municipal Engineers

CALL TO ORDER

Mr. Robert C. Kirkpatrick, Jr., Chair of the New Jersey Site Improvement Advisory Board, called the meeting to order at 9:45 a.m.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

Chairman Kirkpatrick 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 Times of Trenton, The Asbury Park Press, The Press of Atlantic City, The Courier-Post of Camden, and The Record of Bergen County.

APPROVAL OF MINUTES

Chairman Kirkpatrick asked if there were any corrections to the minutes of the January 26, 2006 meeting. There were none. *Mr. Michael Amorosa made a motion to approve the minutes, which was seconded by Mayor Phyllis Marchand. All were in favor except Mr. Richard Maser, who abstained due to his absence from that meeting.*

COMMITTEE REPORTS

Stormwater Management Standards Committee:

Mr. Amorosa reported on a meeting of the Stormwater Management Standards Committee held on January 26th. The sole issue discussed by the Committee was the inclusion of a referenced standard for mortar joints in the Residential Site Improvement Standards (RSIS), as now only watertight joints are listed. In researching those approved by the New Jersey Department of Transportation (DOT), he stated that the Committee recommends the appropriate DOT specifications be added to the next edition of the RSIS.

OLD BUSINESS

Code Change Proposals:

Ms. Amy Fenwick Frank reported on the draft rule proposal, included in the meeting packet, that incorporates language changes suggested at the last Board meeting. She stated that the draft contains amendments to --

- Table 4.1 that, by adopting the 7th edition of the Institute of Transportation Engineers' Trip Generation, addresses a separate trip generation rate for active adult communities as opposed to those retirement communities housing an older and more frail population

- the Notes to Table 4.3, which incorporate a limitation on the use of emergency vehicle access as a reason for an agreement to exceed the standards on a specified cul-de-sac radius
- the Notes to Figures 4.2 through 4.5 and the Notes to Table 4.8, which add an adoption by reference of DOT specifications for Superpave as an alternative paving material
- N.J.A.C. 5:21-7.2(c)1.vi, which includes new language on the use of the new rainfall data and the Delmarva hydrograph, along with a map
- N.J.A.C. 5:21-7.3(h)1, which lists the adoption of a referenced standard from DOT on the use of mortar joints
- N.J.A.C. 5:21-7.3(h)3, which has a standard for high-density polyethylene (HDPE) pipe of diameters greater than 36 inches subject to municipal engineer approval

Regarding the research staff had done on turning radii of fire trucks, Ms. Frank said that there was not much information from fire truck manufacturers on specifications that would address this issue, as these emergency vehicles are largely made to order for a particular fire district. Fire trucks with up to a 245-inch wheel base can negotiate the cul-de-sac radii listed in the RSIS. Ms. Valerie Hrabal and the rest of the Board members agreed that writing this regulatory amendment was better than issuing a clarification.

On the item for Superpave, it was noted that the amendment simply offers this material as an option. Chairman Kirkpatrick mentioned that the New Jersey Society of Municipal Engineers (NJSME) is trying to update its publication, Asphalt Handbook for County and Municipal Engineers, to include Superpave, as the Handbook is a referenced standard in the RSIS. Mr. Tim Kernan of the NJSME stated that he will be in touch with his organization's committee which updates this book to ensure the Handbook is kept current so the reference can be kept in the RSIS.

On the subject of the use of new rainfall data, Chairman Kirkpatrick commented that just because a municipality is in the coastal plain does not mean it can use the Delmarva hydrograph. There are other criteria for its use. Ms. Hrabal suggested amending the third sentence as follows (addition underlined): "New Jersey Bulletin No. NJ210-3-1 from the NRCS calls for the use of the Delmarva hydrograph only in coastal plain areas that have a flat topography (average watershed slope less than five percent), low relief, and significant surface storage in swales and depressions." All agreed to this change.

For mortar joints, the question was posed as to whether the DOT specifications differentiate between elliptical and circular joints. It was determined that they do not and Mr. Amorosa said he was satisfied with the language as it is.

In regards to HDPE pipe, it was determined to allow this material to be used subject to approval by the municipal engineer on a case-by-case basis. Some discussion ensued on

whether the Board should be advised when a municipal engineer approves its use, but it was decided that such notification was unnecessary.

Chairman Kirkpatrick called for a vote to accept the proposed draft code changes as presented and modified. Mr. Amorosa made the motion and Ms. Hrabal seconded it; all were in favor.

NEW BUSINESS

Use of PVC Pipe:

Referring to the literature from Nyloplast, received as a code change proposal and included in the meeting packet, Mr. John Lago gave a description of polyvinyl chloride (PVC) pipe used for stormwater catch basins and inlets. He said that he has been in contact with the DOT about this. The DOT has not approved the use of this material. Mr. Amorosa expressed concern over the fact that this type of pipe is not big enough for a person to climb into to clean out when a storm drain becomes clogged. Chairman Kirkpatrick stated that most of what the Board deals with is drainage on public streets. This material may be of some help in other areas (e.g., drainage structures in private yards) because it is a lot lighter, has fewer joints, etc. He referred the issue to the Stormwater Management Standards Committee for review. Ms. Frank told the Board that staff has not obtained a referenced standard for this yet. Perhaps a representative of Nyloplast could be invited to provide additional information.

Chairman Kirkpatrick mentioned that, in a future Board meeting, he would like to talk about establishing separate standards for light-impact development.

INFORMATION

Ms. Frank announced to the Board members that they will be contacted sometime in the near future by Dr. David Listokin of Rutgers University's Center for Urban Policy Research. He was one of the authors of the Model Subdivision and Site Plan Ordinance, on which the RSIS was based. He is now ready to distribute a draft of the Nonresidential Site Improvement Standards for peer review. Dr. Listokin has requested and received the names and addresses of all Board members, and those of their organizations' executive directors or presidents, for this purpose. He would like to solicit comments particularly on an innovative approach to mixed-use parking. All Board members will be invited to a first meeting on this draft, the date of which is yet to be determined. Chairman Kirkpatrick asked whether legislation exists that would make compliance with a final set of such standards mandatory and he was told "no."

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

There being no further business before the Board, Chairman Kirkpatrick called for a motion to adjourn. The motion was made by Mayor Marchand and seconded by Mr. Maser; all were in favor. The meeting was adjourned at 10:21 a.m.

Respectfully submitted,

Mary Ellen Handelman
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of January 26, 2006

LOCATION

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

ATTENDANCE

Board Members:

Robert Kirkpatrick, Chair
William Connolly, Vice-Chair
Leslie McGowan
Michael Amorosa
Joseph Doyle
Valerie Hrabal
Thomas Olenik
Phyllis Marchand

DCA Staff:

Amy Fenwick Frank
Mary Ellen Handelman
John Lago

Guests:

Kenneth Reynolds	New Jersey Builders Association
Susan Weber	Bureau of Statewide Planning, New Jersey
	Department of Transportation

CALL TO ORDER

Mr. Robert C. Kirkpatrick, Jr., Chair of the New Jersey Site Improvement Advisory Board, called the meeting to order at 9:48 a.m.

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT

Chairman Kirkpatrick 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 Times of Trenton, The Asbury Park Press, The Press of Atlantic City, The Courier-Post of Camden, and The Record of Bergen County.

APPROVAL OF MINUTES

Chairman Kirkpatrick asked if there were any corrections to the minutes of the October 31, 2005 meeting. There were none. *Mr. Michael Amorosa made a motion to approve the minutes, which was seconded by Dr. Thomas Olenik. All were in favor except Ms. Leslie McGowan and Mayor Phyllis Marchand, who abstained due to their absence from that meeting.*

OLD BUSINESS**Status of Proposed Amendments to the Residential Site Improvement Standards:**

Ms. Amy Fenwick Frank reported that the adoption of the amendments to the Residential Site Improvement Standards (RSIS) will appear in the February 6, 2006 issue of the New Jersey Register. She reminded the Board members that there is a six-month grace period before the new edition of the RSIS must be followed. A new book will be put out in early spring. Ms. Valerie Hrabal requested that the pdf version on the Division of Codes and Standards' web site be consolidated into one file.

NEW BUSINESS**A. New Code Change Proposals:**

Chairman Kirkpatrick noted that Ms. Frank has prepared a memorandum on the list of six items for the Board to address on possible adjustments to the RSIS. He will go down the list and the Board will decide on each point, or will refer the item to a committee to study.

The first item deals with streets and parking standards: adoption of the seventh edition of the Institute of Transportation Engineers' (ITE's) Trip Generation. Referring to his memorandum in the meeting packet, Mr. John Lago discussed

the reasoning behind this proposed amendment, outlining how this edition includes new categories for age-restricted housing and associated trip generation rates that could be included in Table 4.1 of the RSIS, and would more accurately reflect the increasing degrees of care in adult communities. Ms. Hrabal noted that active adult communities can share one campus (which may include recreational facilities, pools, dining, and theaters) and road system with assisted-living facilities and nursing homes. Mr. William Connolly, Vice-Chair of the Board, said that the new edition of the ITE book provides for additional traffic in active adult communities. It pushes up the current peak rate standard of 2.8 for “retirement community” to as much as 3.7 for “detached senior adult housing.” Mayor Marchand commented that continuing care retirement communities may indeed have single-family homes as part of their developments. Ms. Hrabal expressed concern over the limitation on cul-de-sacs. These are multifamily buildings. Mr. Connolly told her that a multifamily court can have an average daily traffic of 1,000. Ms. Frank read from the RSIS on “multifamily cul-de-sac” and “multifamily court.” Chairman Kirkpatrick felt that this is an appropriate change to the standards and did not think it needed to be reviewed by a committee. This change would keep the RSIS current with what is happening in the field. He asked if the seventh edition of Trip Generation has any new information on parking. Mr. Lago said he would check. Mr. Connolly stated that new approaches on how parking is provided are now being formulated using a much more scientific approach. It provides a method to obtain accurate information on how many cars people have in a certain area. This is for all uses, not just residential, as part of a project by the Center for Urban Policy Research at Rutgers University.

The second item is also a streets and parking standards issue: the adoption by reference of the New Jersey Department of Transportation’s (DOT’s) specifications for Superpave. Mr. Amorosa told the Board that State-aid and federal-aid projects require that Superpave be used. The difference is in the mix design. “Superpave” does not mean that it is super thick. It does contain more stone and, visually, it appears grainy. It is better for heavier vehicles. If the State is going to mandate its use, he would use it on all roads, including County projects. Chairman Kirkpatrick recommended that this item be forwarded to the Streets and Parking Standards Committee for discussion. He asked that the Committee request input from the New Jersey Society of Municipal Engineers (NJSME). Mayor Marchand stated that municipalities will not want to have to build their roads for heavier traffic. Mr. Connolly commented that this would just be another type of material that can be used. Ms. Frank explained that the only amendment to the RSIS for this item would be to add the DOT standard on Superpave. Chairman Kirkpatrick noted that the RSIS currently specifies a different asphalt mix. This simply represents another choice. He asked whether Superpave should be the specified standard everywhere, since it carries a heavier load with the same amount of thickness. Mr. Amorosa added that it also

lasts longer. Ms. Hrabal found the section in Subchapter 4 that would need to be amended. Mr. Amorosa said that there are a lot more areas in the RSIS that this would have to be vetted for. The Board probably should add it and not pull out the other choices; however, sometime in the future, the Board will need to remove the other mixes because that is all municipalities will be using. Chairman Kirkpatrick directed that the NJSME be sent a letter asking its opinion on Superpave. The Board will consider this material as an alternative, not as a replacement.

The third item in Ms. Frank's memo deals with water supply and sanitary sewers standards: adoption by reference of the National Fire Protection Association standard for water supply for firefighting purposes. Ms. Frank referred to her memorandum in the meeting packet on this issue and explained that it was brought about by a municipal (Borough of Kinnelon, Morris County) resolution sent in for an unrelated *de minimis* exception that outlined the requirement by ordinance of a certain amount of water to be provided in storage tanks for the four new homes being built. Mr. Connolly pointed out that, when public water is available, this is not done. The water flow required for a single house is very low; sprinklers can be run off of a well. This cannot be done for big buildings, however; they require backup. This is not currently addressed in the standards. Mr. Amorosa asked whether writing a standard for this would create 566 battles. Mr. Connolly agreed that consideration must be given to the cost/benefit ratio in adding a new standard. It was decided to leave this section as it is.

The fourth item deals with stormwater management standards: adoption of a standard for the use of mortar joints. Mr. Amorosa explained that the RSIS requires rubber gaskets or some type of exterior band to seal joints. Chairman Kirkpatrick said that he has seen mortar put on the top half of the joint, but not on the bottom half. Mr. Amorosa noted that now mortar is better for the water to get out of the pipe for ground-water recharge. He explained that the excavation is lined with a fabric material and laid with stone, and credit is given for that. Referring to her memorandum in the meeting packet on this issue, Ms. Frank pointed out that there is no American Society for Testing and Materials standard for mortaring joints. Chairman Kirkpatrick decided that the Stormwater Management Standards Committee should meet to go over the wording and make a recommendation. *Mr. Amorosa voted to accept Ms. Frank's wording and Ms. Hrabal seconded it.* Mr. Connolly noted that it does not mention "mortar" anywhere in the DOT standards and that there must be an authoritative source. Mr. Amorosa said that it is probably called "grout" in the DOT standards and, if so, that is how it would be referred to as a referenced standard.

The fifth item deals with stormwater management: adoption of a standard for HDPE pipe of larger diameters. Use of HDPE pipe of larger diameters is not generally accepted by the DOT, but is reviewed on a case-by-case basis. Mr.

Amorosa said that location, type of fill material, etc. are the factors the DOT would review. Ms. Frank stated that she had contacted Advanced Drainage Systems (ADS). The representative from the company told her that there is an updated standard that goes up to 60 inches in diameter and ADS would like this to be included in the RSIS. Ms. Hrabal said that, if it is being used in an underground detention basin, it would be different than elsewhere. It was agreed that the use of larger diameter (over 36-inch) pipe should be allowed, subject to approval by the municipal engineer. Staff will draft language for the proposed amendment.

The sixth item deals with stormwater: use of the new rainfall data and the Delmarva hydrograph. Referring to his memorandum in the meeting packet, Mr. Lago said the language that is suggested directs the user to refer to the technical bulletin on how to use this method. Chairman Kirkpatrick agreed that this should be added to the RSIS and that the drawing should be included as well. Mr. Amorosa suggested that the web site on this be included in the RSIS.

B. Clarification on Valid Reasons for *De Minimis* Exceptions and Agreements to Exceed the Standards:

Referring to her memorandum in the meeting packet, Ms. Frank reminded the Board members that, at its last meeting, staff was asked to draft a clarification on agreements to exceed where emergency vehicle access is given as the reason. She explained that, in going through the National Fire Protection Association (NFPA) standards, staff found that NFPA has no standards on point. None of the diagrams shows a fire truck. There are some diagrams from the American Association of State Highway and Transportation Officials. Mr. Connolly suggested obtaining information from fire truck manufacturers that includes turning radii. He suggested language be added to N.J.A.C. 5:21-3.6 that safety cannot be used as a reason for widening cul-de-sac and right-of-way widths for emergency vehicle access if the information gathered from manufacturers supports such a change.

COMMITTEE MEMBERSHIP

Chairman Kirkpatrick assigned the new Board members to the technical committees. Changes were only made to the Water Supply and Sanitary Sewers Standards Committee. Mr. Richard Maser was removed from this Committee, and Mr. Joseph Doyle and Ms. Marge Della Vecchia were added.

PUBLIC COMMENTS

Ms. Susan Weber of the DOT's Bureau of Statewide Planning stated that she would like to address a couple of items. Firstly, regarding Superpave, the DOT is contemplating that it is probably not going to use that term – just descriptive language. Secondly, she was contacted by a vendor for high-density pipe. He objected to the DOT's wording in its standards that this type of pipe is to be used on a case-by-case basis. He told her that many other states use this. She told the Board members that she will be following up on how well high-density pipe works in other states. Ms. Frank cautioned that this gentleman also told the Board the Pennsylvania's Department of Transportation uses materials that, in fact, it was only considering the use of it.

ADJOURNMENT

Chairman Kirkpatrick announced that the Stormwater Management Standards Committee will meet following the Board meeting today.

There being no further business before the Board, Chairman Kirkpatrick called for a motion to adjourn. The motion was made by Mayor Marchand and seconded by Ms. McGowan; all were in favor. The meeting was adjourned at 10:58 a.m.

Respectfully submitted,

Mary Ellen Handelman
Secretary to the Board