

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of December 17, 2020

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

ATTENDANCE

Board Members:

Joseph E. Doyle, Chair
Ed Smith
Timothy Kernan
Valerie Hrabal
Janice Talley
Joseph Staigar
Thomas Olenik
Thomas O'Shea
Suzanne Walters

DCA Staff:

Marie Daniels
Rob Austin
John Lago
John Donadio
Thea Popko

Guests:

| | |
|-------------------------------|--------------------------------------|
| Chuck Olivo | Stonefield Engineering and Design |
| Matt Ward | NJ Builders Association |
| Assemblyman Clinton Calabrese | (D) NJ State Assembly |
| Jason Kasler | New Jersey Planning Officials - NJPO |
| Christine Schell | NJ DEP |
| Maria Connolly | NJ DCA |
| Jennifer Feltis | NJ DEP |
| Jeff Kolakowski | NJ Builders |

CALL TO ORDER

Mr. Joseph Doyle, chair of the Site Improvement Advisory Board, called the meeting to order at 9:05 a.m.

OPEN PUBLIC MEETINGS ACT

In accordance with the Open Public Meetings Act (P.L. 1975, chapter 231), notice of the time, date, and place of this meeting was given to the Secretary of State of New Jersey, The Star-Ledger of Newark, The Asbury Park Press, The Press of Atlantic City, and The Courier-Post of Camden.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairman Doyle asked for corrections to the minutes of the September 17th, 2020 meeting. There were none. The minutes were approved by all who attended.

NEW BUSINESS

Electric Vehicle (EV) Charging Stations

The board heard from Christine Schell, Maria Connolly, and Jennifer Feltis, who are working on behalf of the New Jersey Department of Environmental Protection (DEP) to write a model ordinance to help municipalities deal with electrical vehicle (EV) charging stations. Ms. Connolly said municipalities have begun to adopt ordinances for EV stations. The model ordinance will recommend municipal plans to treat EV stations as an accessory use. This will make planning and zoning approvals faster and easier. The model ordinance also will recommend standard for EV stations.

SIAB members asked about EV stations and residential development. Ms. Talley wanted to know if the model ordinance would specify a ratio for EV stations. She also asked if the model ordinance would deal with enforcement issues, like the sharing of EV spaces. Ms. Hrabal mentioned a draft ordinance South Brunswick considered. That ordinance was a subject of discussion at a previous SIAB meeting because sections of the ordinance would have exceeded current standards in the building code and the parking standards in the RSIS.

Discussion was opened to the public. Jeff Kolakowski said New Jersey Homebuilders are concerned about municipalities exceeding their authority. He referred to two bills in the New Jersey Legislature that if enacted, promote EV stations statewide.

Chairman Doyle asked the streets and parking committee to keep on top of developments in EV stations and consider if the RSIS needs to specify requirements EV stations in garages, parking lots, and parking decks.

Stormwater

Stormwater chair Hrabal said the RSIS stormwater chapter needs to be updated to comply with rule changes adopted by DEP and revisions to its stormwater Best Management Practices (BMP) manual. The stormwater committee will work on doing so. She expects the revised chapter to be much shorter. It will reference DEP standards for water quantity, quality control, and recharge standards within a min/max framework. This will allow stormwater standards in the RSIS to change when DEP revises them. She also is concerned about the way some municipalities try to exceed stormwater standards without going through the exception process in subchapter 3 of the RSIS. She recommended the Department issue a letter or clarification to local reviewers stating that the standards in the RSIS are maximum requirements for new, residential development.

Parking Standards

Jersey City planner Matt Ward proposed a new parking standard to replace table 4.4. The proposal had different parking requirements based on planning areas. This was an attempt to account for density, mass transit options, and other settlement patterns that are not considered in table 4.4. The most important feature of the proposal, however, was that the parking standard should be administered as a maximum requirement. This was always the intention, but many reviewers, developers, and others misinterpret the rule as specifying a minimum number of parking spaces.

Janice Talley said the streets and parking committee would consider the proposal and work on recommending ways to make the parking standard clearer. The committee has started to look at parking in recent residential development to see if the number of spaces required needs to be revised. Chuck Olivo and Jeff Kolakowski have assisted the committee with this effort.

OLD BUSINESS

DCA adopted changes to the RSIS in 2020. There are new water supply standards (table 5.1) which were recommended by a water advisory board to DEP. The RSIS parking standards were extended to now apply to assisted living facilities, as defined by the Department of Health. N.J.A.C. 5:21-4.16(e) was re-written to make it clear that for large parking lots, local reviewers had authority to limit the second access to only emergency vehicles.

Election of New Chair and Vice Chair

Chairman Joseph Doyle announced his retirement from the board. The Department of Community Affairs greatly appreciates his dedication, commitment, and public service. Board members expressed appreciation for his leadership. The remainder of the meeting dealt with election of a new chair and vice chair.

A motion was made to create the position of vice chair with a two-year limit. This was unanimously approved.

Janice Talley was nominated as vice chair to the board. This was unanimously approved.

Val Hrabal was nominated to serve as the chair. This was unanimously approved.

PUBLIC COMMENTS

Chuck Olivo from Stonefield Engineering presented new empirical data to the board based on their study of 30 residential sites. He states the results of his study and data supports changing the parking calculation requirements. The streets and parking Committee will look at the data in a working meeting.

Scott Brody said he would like to meet with the streets and parking committee to discuss street widths and other requirements in the RSIS.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:05 p.m.

Respectfully submitted,

John Donadio
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of September 17, 2020

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

ATTENDANCE

Board Members:

Joseph E. Doyle, Chair
Timothy Kernan
Valerie Hrabal
Janice Talley
Joseph Staigar
Thomas Olenik
Thomas O'Shea
Suzanne Walters

DCA Staff:

Marie Daniels
Rob Austin
John Lago
John Donadio
Thea Popko

Guests:

| | |
|-----------------|---|
| Chuck Olivo | Stonefield Engineering and Design |
| Jeff Kolakowski | NJ Builders Association |
| Mike Pisauro | Policy Director for Stony Brook-Millstone Watershed Association |
| Jason Kasler | New Jersey Planning Officials - NJPO |

CALL TO ORDER

Mr. Joseph Doyle, chair of the Site Improvement Advisory Board, called the meeting to order at 9:05 a.m.

OPEN PUBLIC MEETINGS ACT

In accordance with the Open Public Meetings Act (P.L. 1975, chapter 231), notice of the time, date, and place of this meeting was given to the Secretary of State of New Jersey, The Star-Ledger of Newark, The Asbury Park Press, The Press of Atlantic City, and The Courier-Post of Camden.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

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

OLD BUSINESS

DCA staff gave an update on new rule adoptions. The new rules completed a 60-day public comment period and DCA responded to each comment. The new rules will be published in the NJ Register within the coming weeks and become finalized.

The new rule proposals include:

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

Mr. Tom O'Shea was appointed to the Stormwater Committee.

NEW BUSINESS

Mrs. Valerie Hrabal commented that the RSIS needs to review BMP (Best Management Practices) references and keep tables and rates up to date. Specifically, she mentioned runoff rates that need to be updated.

Chairman Doyle urged the committees to be an active and essential part of the process to make sure the rules are in harmony with other agencies and not out of date. The committees determine how to cite, make changes, and reference authoritative sources.

Stormwater

There was a motion that passed at the June 18th, 2020 SIAB meeting which amended subchapter 7 -Stormwater Management. The motion was carried to amend chapter 7, including removing Appendix B which incorporates NJDEP stormwater rules. DCA staff and the Stormwater Committee needed more understanding on the specific language to be removed as some disagreement on what sections of chapter 7 were to be amended was brought up. The issue of which precise changes are to be made will go into working committee to resolve.

Mr. Tim Kernan noted that the NJDEP and RSIS stormwater management rules should be harmonized. This would help engineers and developers have clarity on the rules.

Mrs. Valerie Hrabal gave notes and comments from her attendance at the NJ Climate Resiliency PACT meeting. (PACT -Protecting Against Climate Threats) She noted this executive mandate will affect stormwater rules in the RSIS in a major way. Some of the changes the NJDEP PACT initiative includes are flood hazard rules, dam exemptions, onsite retention basins, net impervious surface calculation changes, changes to rainfall amounts, and amendments to stormwater runoff calculations. She noted these changes are big in scope and that rules in chapter 7 in the RSIS are already out of lockstep. Mr. Tom Olenik cautioned on “feel good engineering” and the impacts that required over-development can have. Mrs. Hrabal went on to note that there is now a lower development threshold which triggers stormwater management rules. The smaller disaggregate development might need to be addressed by the RSIS.

Streets and Parking

Electrical vehicle (EV) charging stations and parking standards (table 4.4) were the two topics of discussion.

Mrs. Janice Talley remarked work needs to be done on EV charging. Issues at hand are questions of whether EV charging spaces will count in total parking calculations, like handicap parking does. The board wants to craft EV parking standards and this topic will go into the Streets and Parking committee to be hashed out.

Parking standards Table 4.4 was discussed by two guest speakers. Mr. Jeff Kolakowski of the NJ Builders Association remarked that Table 4.4 needs to be updated. He advised that alignment with current population densities can be possible which can better capture rural and urban characteristics. A regional approach to parking calculations can be possible. He wants the parking table to be consistent with current ITE trip generation rates. He also mentioned that while the RSIS allows for exceptions and flexibility in its parking standard, towns tend to be rigid on developers.

Mr. Chuck Olivo of Stonefield Engineering and Design also supported revising Table 4.4. He told the board that his firm conducted a survey of parking demand and parking counts in residential developments within NJ. They found less need for parking and he

objects to the notion of parking shortages. He commented that parking requirements can be an anchor on development which exacerbates housing shortages. He explained that urban characteristics have changed, with TOD development and new urban mobility patterns, which equates to reduced parking demand. He questioned whether parking demand is real or reinforced from the rule itself. His work and research support that parking demand is inflated, and that the rates need to be adjusted. He proposes a tiering of Table 4.4 to account for population density and other characteristics such as transit hubs and walkability. He urged the committee to consider revising the table.

Mr. Staigar questioned if there was a legislative initiative for parking standards. Mrs. Hrabal questioned if a special area standard can be utilized in certain areas instead of changing the table and parking standards. The issue of revising Table 4.4 will be discussed further among the Streets and Parking Committee during a working meeting.

PUBLIC COMMENTS

Mr. Chuck Olivo made comments during the streets and parking portion of the meeting which is reflected above. He advocated for revising Table 4.4 in the RSIS, which determines parking requirements.

Mr. Jeff Kolakowski made comments on parking and Table 4.4 which is reflected above. He also commented that they are not against EV but wanted rules to be appropriate and completed in a uniform manner throughout the state. Mentioned the UCC will be involved as well for installation rules.

Mr. Mike Pisauro asked if the public can be invited to working committee meetings. The board said the public can attend.

ADJOURNMENT

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

Respectfully submitted,

John Donadio
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of June 18, 2020

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

ATTENDANCE

Board Members:

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

DCA Staff:

Marie Daniels
Rob Austin
John Lago
John Donadio
Thea Popko

Guests:

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

CALL TO ORDER

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

OPEN PUBLIC MEETINGS ACT

In accordance with the Open Public Meetings Act (P.L. 1975, chapter 231), notice of the time, date, and place of this meeting was given to the Secretary of State of New Jersey, The Star-Ledger of Newark, The Asbury Park Press, The Press of Atlantic City, and The Courier-Post of Camden.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

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

NEW BUSINESS

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

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

Street and Parking Standards Committee:

Janice Talley (chair)
Joe Staigar
Tim Kernan

Valerie Hrabal (alternate)

De Minimis Exceptions and Agreements to Exceed the Standards Committee:

Janice Talley (chair)
Thomas Olenik

Valerie Hrabal (alternate)

Stormwater

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

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

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

Streets and Parking

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

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

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

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

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

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

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

OLD BUSINESS

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

The new rule proposals include:

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

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

PUBLIC COMMENTS

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

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

ADJOURNMENT

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

Respectfully submitted,

John Donadio
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of June 20, 2019

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

ATTENDANCE

Board Members:

Joseph E. Doyle, Chair
Richard Maser
Edward M. Smith
Janice Talley
Joseph Femia

DCA Staff:

Marie Daniels
John Lago
Keith Makai
Tom Pitcherello

Guests:

Kent Barr
Grant Lucking
Norman Nelson
Vince Monaco
Susan Weber

NJ DEP
NJ Builders Association
NJ Water Supply Advisory Council
NJ Water Supply Advisory Council
NJ DOT

CALL TO ORDER

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

OPEN PUBLIC MEETINGS ACT

In accordance with the Open Public Meetings Act (P.L. 1975, chapter 231), notice of the time, date, and place of this meeting was given to the Secretary of State of New Jersey, The Star-Ledger of Newark, The Asbury Park Press, The Press of Atlantic City, and The Courier-Post of Camden.

ROLL CALL

The roll was called and attendance noted for the record.

APPROVAL OF MINUTES

Chairman Doyle asked for corrections to the minutes of the October 18, 2018 meeting. There were none. The minutes were approved by all who attended.

NEW BUSINESS

Table 5.1 Water Demand

The chairman asked the Board to discuss new business to accommodate guests who had written a letter proposing a change in water supply standards to chapter 5 of the Residential Site Improvement Standards (RSIS). In a January 25, 2019 letter to Lt. Governor Shelia Oliver, Mr. Norman Nelson, chair of the New Jersey Water Supply Advisory Council, asked the Department of Community Affairs (DC) to revise table 5.1 in the RSIS “to reflect more current water use demands” in New Jersey. The standards are used in the RSIS to size water mains for new, residential development. The New Jersey Department of Environmental Protection (DEP) also references them in Safe Drinking Water rules. These water demand rates are based on demographic trends and water use in the 1970s.

The Water Council funded a study by researchers at Rutgers University to examine residential water use in New Jersey. The study focused on water use between 2008 and 2015 in 35 public community water systems, accounting for over 40 percent of the state’s population. In all but one instance, the study found water consumption was below levels in table 5.1 of the RSIS.

A 2006 Rutgers study commissioned by DCA had similar results. The water use today is lower than it was in the 1970s because households have gotten smaller and appliances today use less water.

DCA has implemented the RSIS since 1997. No designer or reviewer ever complained the table 5.1 resulted in over-sized water mains. The size of water supply systems also consider fire suppression, which likely overshadows the effects of water use rates.

The standards have more bearing to DEP. Table 5.1 is referenced by DEP’s Safe Drinking Water rules at NJAC 7:10-11.5(f) and used by DEP for permit applications to extend water systems. The inflated standards limit the capacity of existing systems.

The Water Council asked DCA and DEP to change the standard in both rules.

SIAB members agreed the water supply standard in table 5.1 are outdated. They also wanted consistent water supply standards in rules adopted by DCA and DEP. In discussion, Richard Maser and Janice Talley pointed out the demographic assumptions in table 5.1 are outdated. Household sizes are much smaller. They both recommended the household sizes in the table be either updated or removed. Those present agreed to remove the household sizes from the table. A copy of the revised standard shown current and proposed rates follows.

| Table 5.1, Water Demand Generation by Housing Type & Size | | | |
|--|----------------------|---|------------------------|
| | | Existing RSIS | proposed |
| | | Daily Water Demand | |
| | House type | gallons per day | gallons per day |
| | Single family | | |
| | 2 bdrm | 215 | 150 |
| | 3 bdrm | 320 | 225 |
| | 4 bdrm | 395 | 395 |
| | 5 bdrm | 475 | 475 |
| | Garden Apt | | |
| | 1 bdrm | 120 | 95 |
| | 2 bdrm | 175 | 140 |
| | 3 bdrm | 270 | 215 |
| | Townhouse | | |
| | 1 bdrm | 125 | 120 |
| | 2 bdrm | 150 | 140 |
| | 3 bdrm | 210 | 200 |
| | 4 bdrm | 275 | 255 |
| | Hi-rise | | |
| | studio | 80 | 65 |
| | 1 bdrm | 100 | 80 |
| | 2 bdrm | 160 | 130 |
| | Mobile home | | |
| | 1 bdrm | 130 | 120 |
| | 2 bdrm | 150 | 140 |
| | 3 bdrm | 260 | 245 |
| | Source: | Van Abs, Daniel J., Jiayl Ding, and Eric Pierson, "Water Needs Through 2040 for New Jersey Public Community Water Supply Systems," Rutgers University, New Brunswick, NJ, 2018. | |

Chairman Doyle thanked DEP and the Water Council for the recommendation.

The Chairman opened discussion to the public. There were no comments.

The Board unanimously approved the proposal by the Water Council.

OLD BUSINESS

In addition to the water demand standards in chapter 5, the Board has approved the following changes:

1. Referenced standards in chapter 8: Later editions of the authoritative sources in the rules may be used only if designer and reviewer both agree to do so.
2. Emergency / alternative access is required for large surface parking lots with more than 100 spaces, as per NJAC 5:21-4.16(e) 3. The second access can be used by residents and/or visitors only with municipal approval.
3. Table 4.4 is revised to make clear assisted living facilities as defined by NJ Department of Health are residential uses in the scope of the RSIS. The entire complex is considered residential use, not just apartments for independent living.

Parking decks

There are no standards in the RSIS for parking decks. With more housing being built with parking decks, Chairman Doyle said there will likely be a need for standard for structure parking. Right now, the rules allow great discretion to designer subject only to review approval. The chairman expressed concern with tandem or shared spaces in parking decks. He asked Richard Maser, chair of the streets and parking committee, to prepare talking points and standards the Board might consider.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:10 a.m.

Respectfully submitted,

John Lago
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

MEETING MINUTES OF OCTOBER 18, 2018

CONFERENCE ROOM 816
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
TRENTON, NEW JERSEY

ATTENDANCE

BOARD MEMBERS:

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

DCA STAFF:

MICHAEL BAIER
JOHN LAGO

GUESTS:

| | |
|--------------------------------|-------------------------|
| GLENN BECKMEYER VERONA TWP. | MUNICIPAL ENGINEER FOR |
| JACK BREDIN | OCEAN GROVE RESIDENT |
| ROBERT BODVEY | CONNELL FOLEY LLP |
| PAUL GOLDFINGER, MD | OCEAN GROVE RESIDENT |
| ANDREW JAFOLLA | DYNAMIC TRAFFIC |
| JEFF KOLAKOWSKI | NJ BUILDERS ASSOCIATION |
| MICHAEL RAFEEDIE | KENSINGTON DEVELOPMENT |

CALL TO ORDER

MR. JOSEPH DOYLE, CHAIR OF THE SITE IMPROVEMENT ADVISORY BOARD, CALLED THE MEETING TO ORDER AT 10:20 A.M.

OPEN PUBLIC MEETINGS ACT

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

ROLL CALL

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

APPROVAL OF MINUTES

CHAIRMAN DOYLE ASKED FOR CORRECTIONS TO THE MINUTES OF THE OCTOBER 19, 2017 MEETING. THERE WERE NONE. THE MINUTES WERE APPROVED BY ALL WHO ATTENDED.

COMMITTEE REPORTS

A. STORMWATER

MS. VAL HRABAL, CHAIR OF THE STORMWATER COMMITTEE, SAID THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) SENT A DRAFT OF ITS STORMWATER RULES TO THE NEW JERSEY OFFICE OF THE ATTORNEY GENERAL FOR REVIEW. AS A MEMBER OF SIAB AND THE NEW JERSEY BUILDERS ASSOCIATION (NJBA), MS. HRABAL ATTENDS STAKEHOLDER MEETING WITH ENVIRONMENTALISTS, REVIEWERS, AND DESIGNERS. MOST OF THE MEETINGS DEALT WITH REVISIONS TO DEP'S BEST MANAGEMENT PRACTICES (BMP) MANUAL, BUT THERE WAS SOME DISCUSSION ON THE NEW STORMWATER RULES.

MS. HRABAL EXPECTS THE DEP TO TAKE A PHASED OR TIERED APPROACH TO REGULATE WATER QUANTITY, QUALITY, AND RECHARGE STANDARDS. SHE SAID THE NEW RULES LIKELY WILL PROMOTE RAIN GARDENS, GREEN ROOFS, GRASS SWALES, PERVIOUS PAVEMENT, AND OTHER GREEN INFRASTRUCTURE (GI). THE CURRENT RULE REQUIRES NONSTRUCTURAL APPROACHES TO BE USED TO THE MAXIMUM EXTENT PRACTICABLE. DEP REVISED ITS BMP MANUAL TO INCLUDE A LOW-IMPACT DESIGN SPREADSHEET TO QUANTIFY THE EXTENT TO WHICH DESIGNS CONSIDER NATURAL APPROACHES. THIS EFFORT WAS DEEMED SUBJECTIVE AND INVALIDATED BY THE COURT. DEP INTENDS FOR THE NEW RULES TO REPLACE THE EMPHASIS ON NATURAL, NONSTRUCTURAL STORMWATER PRACTICES WITH RULES TO PROMOTE GI.

DETENTION BASINS, WET PONDS, STORM DRAINS, AND OTHER, MORE TRADITIONAL RUNOFF FACILITIES, ARE LARGER AND MORE CENTRALIZED THAN GREEN BMPs, WHICH ARE LIMITED TO DRAINAGE AREAS OF NO MORE THAN ONE ACRE. THE NEW RULES WILL ENCOURAGE USE OF SMALLER, MORE NUMEROUS DEVICES SPREAD THROUGHOUT A SITE, RATHER THAN BIGGER, MORE CENTRALIZED FACILITIES. THE RULES WILL PROMOTE GREEN FACILITIES, LIKE GRASS SWALES, RATHER THAN GRAY ONES, LIKE CONCRETE STORM PIPES. MANY GI IS ON INDIVIDUAL LOTS, A PRACTICE CURRENT RULE DISCOURAGES.

MS. HRABAL DISCUSSED ISSUES RAISED BY GI. BECAUSE MANY OF THESE FACILITIES INFILTRATE RUNOFF, MOUNDING ANALYSIS IS IMPORTANT TO ENSURE WATER IS SAFELY RETURNED TO THE GROUND. CONCERNS ABOUT UPKEEP AND PRESERVATION ALSO ARE IMPORTANT. DEP EXPECTS TO RELY

ON DEED NOTICES AND OTHER LEGAL CONTROLS TO PRESERVE GI, AS WELL AS PROGRAMS TO EDUCATE THE PUBLIC ON THE NEED TO PRESERVE AND MAINTAIN GI.

ANOTHER INITIATIVE MS. HRABAL EXPECTS IS A NEW PROGRAM TO LICENSE STORMWATER PROFESSIONALS WHO WILL HAVE THE AUTHORITY TO CERTIFY PLANS. IT IS EXPECTED DEP REVIEWERS WILL HAVE TO ACCEPT CERTIFIED PLANS.

BOARD MEMBER MR. RICHARD MASER ASKED IF THERE WAS CONCERN ABOUT FLOODING AFTER RECENT STORMS. MS. HRABAL SAID BASED ON THE DIRECTION OF THE NEW RULES, IT APPEARS DEP DOES NOT THINK THERE IS A PROBLEM WITH BASIN CAPACITY. IF ANYTHING, DEP THINKS TRADITIONAL BASINS ARE OVER DESIGNED. ENVIRONMENTALIST, DESIGNERS, AND REVIEWERS AT THE STAKEHOLDER MEETINGS SEEM TO AGREE. THEY SUPPORTED THE PROPOSAL TO REVISE THE RULES TO PROMOTE GI AND BETTER PRESERVE THE NATURAL HYDROLOGY OF THE LAND OVER TRADITIONAL BASINS. THERE IS A BELIEF THAT GI CAN MEAN SMALLER BASINS AND LESS CONCRETE FOR STORMWATER MANAGEMENT.

CHAIRMAN DOYLE THANKED MS. HRABAL. HE ASKED STAFF TO WORK WITH DEP TO MONITOR THE PROPOSED RULES.

B. PARKING STANDARDS

MR. RICHARD MASER, CHAIR OF THE STREETS AND PARKING COMMITTEE, REPORTED ON THREE PARKING ISSUES: 1) PARKING REQUIREMENTS FOR ASSISTED LIVING DEVELOPMENTS; 2) DIVIDED ENTRANCES FOR LARGE SURFACE LOTS; AND 3) WHETHER THE RSIS SHOULD SPECIFY REQUIREMENTS FOR PARKING DECKS.

ASSISTED LIVING

BECAUSE THERE WERE PUBLIC MEMBERS PRESENT TO DISCUSS A SPECIFIC PROPOSAL IN VERONA TOWNSHIP, MR. MASER BEGAN BY DISCUSSING PARKING AND ASSISTED LIVING. IN ATTENDANCE WAS MR. GLENN BECKMEYER, PE, PP, CME, THE MUNICIPAL ENGINEER FOR VERONA TOWNSHIP. MR. BECKMEYER HAD ASKED DCA FOR AN INTERPRETATION ON THE PARKING STANDARDS IN TABLE 4.4. IN A SEPTEMBER 13, 2018 LETTER, HE WAS TOLD ASSISTED LIVING DEVELOPMENTS HAVE BOTH COMMERCIAL AND RESIDENTIAL USES, AND THE PARKING STANDARD OF 0.5 SPACES PER UNIT APPLIED ONLY TO THE RESIDENTIAL PART, AND ONLY IF IT WAS SEPARATE AND DISCRETE FROM THE COMMERCIAL PART, AS SPECIFIED AT NJAC 5:21-1.5(c).

MR. ROBERT PODVEY, COUNSEL TO THE DEVELOPER OF THE ASSISTED LIVING PROJECT IN VERONA, QUESTIONED THIS INTERPRETATION. MR. PODVEY SAID HE WAS INVOLVED IN ABOUT 20 ASSISTED LIVING PROJECTS. MOST ARE IN NEW JERSEY, WHERE THE RSIS PARKING STANDARD OF 0.5 SPACES PER UNIT WAS APPLIED TO THE ENTIRE PROJECT AND PROVED "MORE THAN ADEQUATE." HE SAID THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE),

AN AUTHORITATIVE SOURCE USED IN THE RSIS, SPECIFIES ONLY 0.41 SPACES PER UNIT FOR ASSISTED LIVING USES, AND THIS EXTENDS TO THE ENTIRE COMPLEX.

BOARD MEMBERS AND PROFESSIONAL PLANNERS MS. ELIZABETH MCKENZIE AND MS. JANICE TALLEY AGREED 0.5 PARKING SPACES PER UNIT IN AN ASSISTED LIVING DEVELOPMENT IS SUFFICIENT FOR THE ENTIRE COMPLEX, BOTH COMMERCIAL AND RESIDENTIAL USES. MS. TALLEY SAID THE PARKING STANDARD FOR ASSISTED LIVING SHOULD STAY IN THE RSIS, AND IT SHOULD APPLY TO THE ENTIRE DEVELOPMENT. SHE RECOMMENDED TABLE 4.4 BE REVISED WITH A FOOTNOTE THAT DEFINED ASSISTED LIVING IN TERMS USED BY RULES ADOPTED BY THE NEW JERSEY DEPARTMENT OF HEALTH (DOH). THE TABLE SHOULD CLEARLY INDICATE THE PARKING STANDARD APPLIES TO THE ENTIRE FACILITY.

MR. BECKMEYER, WHO ALSO REVIEWS FOR CALDWELL, EAST RUTHERFORD, AND SECAUCUS, SAID HE DOES NOT WANT THE PARKING TO BE OVERDESIGNED. HE ASKED DCA FOR AN INTERPRETATION TO MAKE SURE HE ADMINISTERED THE STANDARD CORRECTLY.

Mr. Maser agreed the parking standard in table 4.4 should apply to the entire complex. He made a motion to keep the standard and add a footnote to the table 4.4 to define assisted living in accordance with DOH rule and specify the standard is for the complete facility. Ms. McKenzie seconded the motion. All Board members present approved it.

PARKING LOTS

NJAC 5:21-4.16(e)3 REQUIRES SURFACE LOTS WITH MORE THAN 100 SPACES TO HAVE A MINIMUM OF TWO WAYS IN AND OUT OR A DIVIDED-TYPE ENTRANCE. A REVIEWER ASKED IF THE SECOND ACCESS WAS FOR VISITORS, RESIDENTS, OR EMERGENCY VEHICLES. A LETTER FROM DCA SAID THE REVIEWER CAN REQUIRE ACCESS FOR ALL THREE. THE BOARD DISAGREED WITH THIS INTERPRETATION. THIS WAS DISCUSSED AT THE OCTOBER 19, 2017 MEETING. BOARD MEMBERS AGREED THEY INTENDED FOR THE SECOND ACCESS TO BE PRIMARILY FOR EMERGENCY USE AND SAID THERE ARE TIMES WHEN RESIDENTS AND VISITORS GET IN THE WAY WITH EMERGENCY RESPONDERS. MR. MASER PROPOSED LANGUAGE TO NJAC 5:21-1.16(e)3:

“THE PRIMARY FUNCTION OF THE SECOND ACCESS OR DIVIDED ENTRANCE IS EMERGENCY ACCESS. DESIGNERS MAY DESIGNATE, SUBJECT TO THE APPROVAL OF THE LOCAL REVIEWER, THE SECOND ACCESS BE OPEN TO TRAFFIC ON A FULL-TIME OR PART-TIME BASIS.”

THE BOARD WILL DISCUSS AND APPROVE THIS PROPOSAL.

PARKING DECKS

CHAIRMAN DOYLE ASKED THE STREETS AND PARKING COMMITTEE TO EXAMINE AUTHORITATIVE SOURCES FOR PARKING DECK STANDARDS THE RSIS SPECIFY REQUIREMENTS FOR DRIVEWAYS, PARKING LOTS, AND ON-STREET PARKING, BUT HAS NO STANDARDS FOR STRUCTURED PARKING. MOST OF

THE NEW DWELLINGS BUILT TODAY ARE IN MULTI-FAMILY AND MIXED-USE BUILDINGS. PARKING DECKS ARE COMMON. MR. DOYLE BELIEVES IT'S TIME FOR THE RSIS TO HAVE PARKING DECK STANDARDS.

MR. MASER SAID THE STREETS AND PARKING COMMITTEE AND STAFF AT HIS ENGINEERING FIRM REVIEWED PARKING DECK STANDARDS. AT THIS TIME, THE COMMITTEE HAS NOT RECOMMENDED STANDARDS BECAUSE THEY FOUND NONE BROAD ENOUGH TO PROVIDE THE FLEXIBILITY NEEDED FOR GOOD DESIGN. AS AN EXAMPLE, MR. MASER CITED A STANDARD FOR A SECOND ACCESS OR DIVIDED ENTRANCE. THIS CAN BE A PROBLEM IN CITIES AND AREAS WITH HIGH DENSITIES WITH ONE-WAY ROADS. MR. MASER SAID ANY PARKING DECK STANDARDS MUST BE BROAD AND FLEXIBLE TO ALLOW DESIGNS THAT ARE NOT ONLY SAFE, BUT ALSO FEASIBLE.

BOARD MEMBERS IDENTIFIED SEVERAL ISSUES THAT MIGHT BE CONSIDERED IN PARKING DECK STANDARDS.

MS. MCKENZIE SAID MANY PARKING DECK DESIGNS SHE SEES REQUIRE ACCESS FOR SMALL, EMERGENCY VEHICLES. DECKS USUALLY HAVE LOW CEILINGS, BLOCKING FIRE TRUCKS AND AMBULANCES. THE DESIGNS CALL FOR CARTS OR OTHER SMALL VEHICLES SO THE DECKS HAVE EMERGENCY ACCESS.

PUBLIC MEMBER MR. JEFF KOLAKOWSKI SAID A BILL IN THE NEW JERSEY LEGISLATURE WOULD HAVE REQUIRED EMERGENCY CARTS. IT WAS NEVER ENACTED, HOWEVER, BECAUSE THERE WAS NO AGREEMENT ON WHO WAS RESPONSIBLE AND LIABLE FOR THEM.

MS. MCKENZIE SAID ANOTHER CONCERN IS THE SIZE AND LAYOUT OF SPACES IN DECKS. SHE SAID TANDEM SPACES AND MECHANIZED STRUCTURES ARE NEVER A GOOD IDEA. MS. TALLEY SAID WHEN SHE SEES THESE FEATURES, THEY'RE USUALLY IN LOTS OR DECKS WITH VALET PARKING. SHE IDENTIFIED CAR SHARING AS AN EMERGING TREND.

MS. MCKENZIE MADE A MOTION TO HAVE THE STREETS AND PARKING COMMITTEE PROPOSE BROAD STANDARDS FOR THE RSIS ON PARKING DECKS. SHE AGREED WITH MR. MASER THAT THE STANDARDS MUST BE BROAD AND FLEXIBLE ENOUGH TO ALLOW FOR SAFE AND FEASIBLE DESIGNS. MS. TALLEY SECONDED THE MOTION, WHICH WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENTS

CHAIRMAN DOYLE OPENED THE MEETING FOR PUBLIC COMMENT.

MR. JACK BREDIN, A RESIDENT OF OCEAN GROVE IN NEPTUNE TOWNSHIP, MONMOUTH COUNTY, TOLD THE BOARD ABOUT CONDITIONS IN WESLEY LAKE, A PUBLIC, OPEN SPACE THAT HE SAYS IS POLLUTED BY STORMWATER. MR. BREDIN WAS AT EARLIER BOARD MEETINGS ON THE PROPOSED SPECIAL AREA PARKING STANDARD FOR OCEAN GROVE AND THOUGHT THE BOARD MIGHT BE ABLE TO HELP PROVIDE USEFUL GUIDANCE ON HOW BEST TO WORK WITH VARIOUS GOVERNMENT AGENCIES TO CLEAN UP WESLEY LAKE.

MR. DOYLE SAID HE WAS FAMILIAR WITH THE LAKE'S CONDITION. HE ADVISED MR. BREDIN TO CONTACT THE DEP GREEN ACRES PROGRAM AND SUGGESTED HE NOTIFY MONMOUTH COUNTY FREEHOLDERS.

BOARD MEMBER COMMENTS

MR. DOYLE CONCLUDED THE MEETING WITH KIND COMMENTS ABOUT MS. CYNTHIA CORDERO, ASSISTANT TO DIRECTOR ED SMITH AND STAFF MEMBER FOR THE BOARD. MS. CORDERO PASSED AWAY UNEXPECTEDLY ON AUGUST 21, 2018. MR. DOYLE SAID THE BOARD MEMBERS APPRECIATE AND REMEMBER MS. CORDERO FOR HER MANY KINDNESSES AND HARD WORK. ON BEHALF OF THE BOARD, HE EXPRESSED DEEPEST SYMPATHY TO HER FAMILY AND THE PEOPLE WHO WORKED WITH HER.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 11:45 A.M.

RESPECTFULLY SUBMITTED,

JOHN LAGO
SECRETARY TO THE BOARD

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of October 19, 2017

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

ATTENDANCE

Board Members:

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

DCA Staff:

Michael Baier
Amy Fenwick Frank
John Lago

Guests:

John Showler
Susan Weber
Michele Kropilak
Peter Keledy
Robert Kirkpatrick

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

CALL TO ORDER

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

OPEN PUBLIC MEETINGS ACT

Chairman Doyle announced that, in accordance with the Open Public Meetings Act (P.L. 1975, chapter 231), notice of the time, date, and place of this meeting was given to the Secretary of State of New Jersey, The Star-Ledger of Newark, The Asbury Park Press, The Press of Atlantic City, and The Courier-Post of Camden.

ROLL CALL

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

APPROVAL OF MINUTES

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

COMMITTEE REPORTS

There were no committee reports.

OLD BUSINESS

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

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

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

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

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

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

B. Notification of Agreements to Exceed and De Minimis Exceptions

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

NEW BUSINESS

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

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

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

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

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

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

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

B. Streets and Parking

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

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

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

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

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

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

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

PUBLIC COMMENTS

There were no comments from members of the public.

BOARD MEMBER COMMENTS

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

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

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

There were no further comments from Board members.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 11:41 a.m.

Respectfully submitted,

Amy Fenwick Frank
Secretary to the Board

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of May 19, 2016

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

ATTENDANCE

Board Members:

Joseph E. Doyle, Chair
Joseph Femia
Valerie Hrabal
Phyllis Marchand
Elizabeth McKenzie
Thomas Olenik
Edward M. Smith
Janice Talley

DCA Staff:

Amy Fenwick Frank
John Lago

Guests:

| | |
|-------------------------|--|
| Frank Minch | Department of Agriculture |
| Gabriel Mahon | Department of Environmental Protection |
| Tim Douth | Department of Environmental Protection |
| Kelley Curran | NJ Highlands Council |
| Maryjude Haddock-Weiler | NJ Highlands Council |

CALL TO ORDER

Joseph Doyle, Chair of the Site Improvement Advisory Board, called the meeting to order at 10:13 a.m.

OPEN PUBLIC MEETINGS ACT

Chairman Doyle announced that, in accordance with the Open Public Meetings Act (P.L. 1975, chapter 231), notice of the time, date, and place of this meeting was given to the Secretary of State of New Jersey, The Star-Ledger of Newark, The Asbury Park Press, The Press of Atlantic City, and The Courier-Post of Camden.

ROLL CALL

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

APPROVAL OF MINUTES

Chairman Doyle asked whether there were any corrections to the minutes of the meeting of December 17, 2015. There were none. A motion to approve the minutes was made by Ms. McKenzie and seconded by Ms. Talley. All were in favor.

COMMITTEE REPORTS

A. Exceptions Committee – There was no committee report. Chairman Doyle said he wants to remind municipalities and developers of the process they must go through to report exceptions to the Residential Site Improvement Standards (RSIS). He described a draft of an article on the exception process that specifies when notices must be sent, who should send them, and what they must say. The article also describes the kinds of exceptions the Site Improvement Advisory Board (SIAB) has received to date. In his view, the municipality should be responsible for sending copies of resolutions that clearly notify the Board of exceptions. Ms. McKenzie agreed. She said the simplest solution is to have this information in the resolutions. They must include the reasons for the variations. Mayor Marchand endorsed the idea of an article in *New Jersey Municipalities*, the magazine published by the NJ League of Municipalities. It was agreed that the easiest and least costly way to get this information is to require planning board secretaries to send copies of resolutions of approval. Ms. Hrabal noted the rules call for agreements to exceed to be sent by developers or applicants. Any change would need to be codified. Ms. McKenzie suggested that a written consent could be included with the resolution. Chairman Doyle asked the committee to meet to discuss these ideas and make recommendations to the Board.

OLD BUSINESS

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

Frank Minch from the Department of Agriculture and the State Soil Conservation Committee summarized progress on the soil compaction rules. Work on them took four years. Two chapters from the original proposal, land grading and soil erosion, were remanded by the Governor's office back to the Department of Agriculture and Board for review and revision because they were deemed too costly. Changes were made to make them more cost effective, and therefore, consistent with the enabling legislation.

In early February, a draft was sent to the Governor's Office for review. The Governor's Office reached out to the New Jersey Builders' Association (NJBA) and received a letter of support. Chairman Doyle noted Ms. Hrabal represented the Board on the technical advisory committee that revised the standards. Ms. Hrabal said cost and benefits were a big sticking point with the top soil and land grading standards. NJBA quantified the

revised proposal and found it reduced the cost of remediation from about \$16,000 per acre to about \$2,000 per acre.

Mr. Minch said the revised rules allow developers more options for testing soil conditions. They also broaden areas exempt from the measures. The proposed amendments await approval at the Governor's Office. In response to a request for copies of the letters of support, Mr. Minch said he would send the NJBA letter to the Board through staff.

Chairman Doyle said the Board will provide comment on the new proposal if any alarm bells are sounded. He added the key concern about costs appears to have been addressed. He warned there may still be concern about whether the benefits from soil remediation are lasting. In response to a question from the Chairman as to whether the RSIS reference the soil erosion rules with a specific date, Mr. Lago stated they do not because the RSIS do not trump State regulations.

Chairman thanked Mr. Minch. Mayor Marchand thanked Ms. Hrabal for her time and effort on the advisory board that reviewed the measure.

NEW BUSINESS

A. DEP proposal to amend *Stormwater Best Management Practices Manual*

Chairman Doyle commended Ms. Hrabal for her time and insights on a committee that was created to help the NJ Department of Environmental Protection (DEP) revise its stormwater Best Management Practices (BMP) Manual. He invited DEP representatives to address the Board on the technical manual.

Gabriel Mahon from the Division of Water Quality said that a significant portion of the BMP manual already was revised. Since 2010, seven chapters were either added or re-written. DEP revised four chapters in early in 2016. Most of the changes were relatively minor, dealing with format or simply clarifications of existing design, construction, and maintenance standards. These changes were posted for comment on the DEP website and then incorporated in latest edition of the manual.

Mr. Mahon said DEP has two more BMPs under review. The first deals with pervious pavement, an existing BMP. The second is an entirely new measure, blue roofs. DEP posted drafts of both BMPs. Comments on pervious paving were received from seven entities. As a result, a meeting was scheduled with the commenters and Department staff, as well as representatives from the New Jersey Builders Association. Following this meeting, the standards will be revised and posted on the DEP website. This same process will be used for future revisions.

The DEP will hold similar meetings to focus on specific BMPs. These meetings will have representatives from sister agencies. They also will include other participants,

designers, and advocates. The composition of those invited to comment on draft standards will vary by BMP, depending on the expertise and interest of the participants.

Ms. Hrabal described the old stakeholder process DEP used for the BMP manual. It was a large standing committee of engineers, environmental advocates, State administrators, and others. She represented the Board on this committee. The last time it met, however, was January 2012.

Mr. Mahon said DEP replaced this committee with smaller, more focused groups because the larger stakeholder committee took too long to revise the manual. By having smaller groups meet more frequently, DEP hopes to step up the pace of changes.

Ms. Hrabal said one of the goals of the Board and its enabling legislation is to recommend rules that make the residential development process more predictable. There is a chance that, if DEP revises the manual at too fast a pace, there will be “rulemaking by internet.” The RSIS references a specific (2004) edition of the BMP manual. It has referenced updated BMPs as they were reviewed and revised by the DEP. Each amended BMP has its own publication date. But the Board was kept involved in the process to change these measures. She added that the RSIS gives the BMP manual the weight of rule.

Mr. Mahon said DEP views the manual as a guidance document. Municipalities are not required to follow it. DEP does not have to follow the Administrative Procedure Act process when it updates and changes BMPs. There was discussion as to how the RSIS should deal with revisions to the BMP manual. Ms. McKenzie said the RSIS should either be revised to reference and include the latest changes or there should be a statement that emphasizes these measures are guidance only.

Ms. Hrabal said DEP reviewers don’t treat the document as advisory. They require designers to use the latest version. This can make reviews unwieldy and less predictable. She also noted DEP stormwater management and coastal and Flood Hazard Area Control Act rules are scheduled for major revision. SIAB must follow these changes, too, so the RSIS remain consistent with DEP requirements.

Chairman Doyle thanked Mr. Mahon for the briefing. Mr. Mahon said he was happy to answer any questions and DEP would continue to be available for the Board.

B. Notice of *De Minimis* Exception – Springfield Township, Burlington County

Discussion then turned to a notice of a de minimis exception from Springfield Township, Burlington County. It dealt with stormwater management. Mr. Mahon commented that DEP rules have an exception process that is different from the RSIS. If a designer or developer can’t comply with a stormwater requirement, the DEP rule requires some form of mitigation. This can be either on or off site.

A draft of a letter to Springfield Township, Burlington County was shared with the Board. It acknowledged the notice of a stormwater exception. Ms. McKenzie suggested the

draft be revised to remind both the developer and the reviewer of the mitigation process in the DEP rules. It was also suggested that the letter to the municipality on this exception should state that the DEP requirements are triggered if the project in question is “major development” as defined in the stormwater management rules.

PUBLIC COMMENTS

There were no comments from members of the public.

BOARD MEMBER COMMENTS

Chairman Doyle proposed that meetings be scheduled quarterly rather than monthly and that the Board not meet in the summer unless there is something urgent. If there is an urgency, then the Board would have the ability to meet on a monthly basis. Pending matters also could be referred to the appropriate committee(s). A motion was made by Ms. Hrabal and seconded by Ms. McKenzie. The quarterly meetings will be held in March, June, September, and December, beginning at 10 a.m. The next meeting will be held in September. All were in favor.

Chairman Doyle also mentioned the need to update the rules and to put a fresh date on the booklet. He noted that the last hard copy was printed in 2008, but indicated that an online version would be acceptable.

There were no further comments from Board members.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 11:26 a.m.

Respectfully submitted,

Amy Fenwick Frank
Secretary to the Board