

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of March 20, 2014

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

ATTENDANCE

Board Members:

Joseph E. Doyle, Chair
Joseph Femia
J. Timothy Kernan
Phyllis Marchand
Richard M. Maser
Elizabeth C. McKenzie
Edward M. Smith
Janice Talley

DCA Staff:

Amy Fenwick Frank
John Lago

Guests:

John Showler	Department of Agriculture
Corey Anen	Department of Environmental Protection
Susan Weber	Department of Transportation
Dean Marcolongo	Attorney representing the Borough of Avalon

CALL TO ORDER

Joseph Doyle, Chair of the Site Improvement Advisory Board, called the meeting to order at 10:52 a.m.

ROLL CALL

Roll was called and attendance was duly noted for the record.

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.

APPROVAL OF MINUTES

Chairman Doyle asked whether there were any corrections to the minutes of the February 20, 2014 meeting. There were none. A motion to approve the minutes was made by Mr. Maser and seconded by Ms. Talley. Of those voting, all were in favor. There were three abstentions (members not in attendance at the February meeting.)

OLD BUSINESS

A. Update on Department of Department of Agriculture Soil Compaction Rules

Chairman Doyle introduced John Showler of the Department of Agriculture and invited him to give an update on the soil conservation rules. Mr. Showler distributed a synopsis of the changes. This synopsis also may be found on the Department of Agriculture's website. He explained that the Department has updated all of the standards with the exception of topsoil and land grading. Both of these would address soil quality/soil compaction. The Department has recalled the committee and the committee has met four or five times. Ms. Hrabal continues to serve on the committee. The Department received divergent comments when this rule was published. The current goal is to scale back the requirements and to provide an opportunity to opt out. The assumption underlying the proposal published was that all of the soil was compacted by virtue of its being a construction site. The draft now under consideration would allow testing. If it can be demonstrated that the soil is not compacted, then interventions would not be required. The primary change is in topsoil standard. The original proposal called for five inches of topsoil, unsettled; the new draft calls for five inches plus or minus an inch of settled topsoil. Additionally, the land grading standard now has testing options. Staff and the committee are looking at what is workable and what is defensible.

Speaking to timeframe, Mr. Showler said that they hoped to be done with the technical recommendations within three or four months, but he noted that they must still do a cost/benefit analysis. The cost side of the equation is easy; the benefit side still is problematic. There is a question as to the longevity of the benefits, particularly given that the land use cannot be controlled. Once the issues under discussion are resolved, the Department will have to publish a proposal for public comment. This will not occur before end of the year. In the interim, Mr. Showler said that he would be glad to respond to questions on the adopted, modified standards.

Chairman Doyle thanked Mr. Showler for attending and for bringing the Board up to date.

B. Proposed Amendments to the Residential Site Improvement Standards (RSIS)

Chairman Doyle, noting that the Board is not under pressure to move this proposal, asked whether there were any comments or whether any Board members needed additional time for review. Mr. Kernan noted that there is one community having issues

with the use of High Density Polyethylene (HDPE) pipe under roads. This is permitted under the RSIS. He added that it is possible that the projects in question had not used proper bedding material. Mr. Lago pointed out that the choice of pipe material is the designer's option with the exception of corrugated metal. The RSIS reference the ASTM standards and the manufacturer's specifications. Chairman Doyle asked whether others were experiencing problems with HDPE pipe. He stated that, if it is a universal problem, then the Board should address it. Mr. Kernan offered to check.

Mr. Maser made a motion, which was seconded by Ms. McKenzie, to approve the proposed amendments with the corrections submitted via e-mail by Board member Valerie Hrabal. All were in favor.

C. Application for Special Area Parking Standard for Avalon Borough, Cape May County

The members of the streets committee met this morning to consider this application. Chairman Doyle invited Committee Chair Richard Maser to report on the meeting. Based on the testimony presented and a review of documents submitted, the Committee unanimously recommended that the special area be approved by the full Board. He referenced the application which includes a traffic study done several years ago and a letter from the Board attorney outlining the Borough's zoning requirements in response to member requests for additional information on zoning. The proposed special area standard involves two changes to the rules: rounding up to determine the number of parking spaces required for two or four bedroom units and requiring one off-street parking space per bedroom beginning with the sixth bedroom.

Mr. Kernan made a motion, which was seconded by Mr. Maser, to go forward with publication of a Notice in the *New Jersey Register* reflecting the fact that the streets committee had recommended approval and that the full Board would hold a public hearing at the May 15 meeting to consider the special area standard. All were in favor. The notice will appear in the April 21 issue of the *New Jersey Register*.

NEW BUSINESS

A. Fees for Application and Inspection Review (FAIR) Act – Draft Escrow Legislation

Ms. Frank noted that this is a preliminary draft; no legislation has been introduced. The problem that this draft seeks to address is spending from the engineering review escrow account. The possible solutions are still under discussion. Mr. Kernan explained that this draft would move the resolution of disputes over spending from escrow accounts from the County Boards of Appeals to a State appeal through the SIAB. He added that he sits on the Gloucester County Construction Board of Appeals and that the Board hears a lot of appeals on escrows. The Senate president has reached out to the New Jersey Society of Municipal Engineers and has asked that they discuss this with the

builders. Mr. Maser and Chairman Doyle both posited that this draft reflects a very early phase in the discussions and that the Board should wait until this issue is ripe for discussion.

B. Adopt a Stormwater Basin Act (S-943 introduced January 16, 2014)

Copies of this bill were shared with the Board. Mr. Lago noted that the RSIS say that basins must be maintained, but do not specify who is responsible for maintenance. It was explained that this bill has been provided for the information of the Board members and the organizations they represent. Questions were raised as to what happens if a volunteer organization fails to maintain the basin and as to liability if someone is injured. Chairman Doyle asked the Board members to review this bill, and specifically asked that the stormwater committee, chaired by Ms. Hrabal, review the bill to determine whether the Board should comment. Mr. Kernan suggested that the Department of Environmental Protection may also want to weigh in on this.

PUBLIC COMMENTS

None.

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 11:31 a.m.

Respectfully submitted,

Amy Fenwick Frank
Secretary to the Board