

NEW JERSEY SITE IMPROVEMENT ADVISORY BOARD

Meeting Minutes of June 16, 2011

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
Edward M. Smith
Janice Talley

DCA Staff:

William Kramer, Acting Director, Division of Fire Safety
Amy Fenwick Frank
John Lago
Michael Whalen

Guests:

Barry Chalofsky	New Jersey Department of Environmental Protection
Susan Weber	New Jersey Department of Transportation
Timothy Kernan	New Jersey Society of Municipal Engineers
John Showler	Department of Agriculture, Soil Conservation
Elizabeth George-Chenigra	NJ Builders Association
Jason Kasler	NJ Planning Officials

CALL TO ORDER

Mr. Robert C. Kirkpatrick, Jr., Chair of the Site Improvement Advisory Board, called the meeting to order at 10:01 a.m.

ROLL CALL

The roll was called and attendance was duly noted for the record. Chairman Kirkpatrick welcomed the new members, Joseph Femia and Janice Talley. Chairman Kirkpatrick then recognized Barry Chalofsky of the Department of Environmental Protection (DEP) who is retiring. The Chairman stated that the civility Mr. Chalofsky brought to the table would be missed.

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 14, 2010 meeting. There were none. A motion to approve the minutes was made and seconded. All were in favor.

OLD BUSINESS

A. Adoption of Changes to the Residential Site Improvement Standards

It was noted that the Department no longer prints copies of the rules. A link to the currently adopted version of the rules is available on the Division's webpage. A summary of the changes adopted on May 16, 2011 also is posted on the Division's webpage. The summary of changes is to be sent to the Board. (*Note: A link to the summary was sent to all members of the Board on July 7.*)

There was a brief discussion of the availability of old versions of the rules. It was pointed out that there are end notes in the New Jersey Administrative Code that give the history of the amendments to each section.

B. New Jersey Stormwater Best Management Practices (BMP) Manual

Valerie Hrabal, Chair of the Stormwater Committee, reported on the status of amendments to the DEP's BMP Manual. The comment period for the draft amendments posted at njstormwater.org has expired, but the changes have not yet been adopted. The most significant change currently under consideration is the one addressing constructed gravel wetlands. She added that the DEP wants to make the BMP Manual a technical manual, a move that will take the BMP Manual a step closer to being a rule. Chairman Kirkpatrick noted that the Board is in agreement with the goal of this move.

Mr. Chalofsky explained that the concept behind the BMP Manual was to put frequently asked questions into a guidance document; the DEP wanted to have in one place a manual that had all of these technical issues addressed. The Barnegat Bay Ten Point

Plan involves the retrofit of existing basins in order to provide removal of nitrogen. The DEP needed to devise a standard that would be most effective. This is breaking new ground as no standard currently exists. He stated that the DEP is not adopting this standard in the BMP Manual yet. It is to be used as a standard design for the distribution of the funds available for retrofit of basins at Barnegat Bay. As with all of the BMP's, outside of its use for the Barnegat Bay retrofits, it is one of many BMP's that may be used.

C. Stormwater Rule Readoption – Department of Environmental Protection

Barry Chalofsky reported that DEP had gotten an 18 month extension on the expiration of the stormwater rules. With the recent passage of a statute extending the expiration date of all rules by two years, the DEP now has 3-1/2 years to review, revise and readopt the stormwater rules before they expire. The Commissioner of DEP undertook a sweeping initiative to work with stakeholder groups to review all of the Department's rules and programs. There was significant push back from the environmental community and concern was expressed that too many things were going on at once. The Commissioner has declared a temporary hiatus on the review of rules to identify priorities. The review process will continue once the Commissioner has identified which programs will be the top priorities.

NEW BUSINESS

A. Street Width and Fire Department Vehicle Access

Chairman Kirkpatrick posited that fire department vehicle access should not affect street widths. Fire lanes are fire lanes; they are not access roads. The State cannot have two bodies regulating the same issue with different requirements. William Kramer, Acting Director of the Division of Fire Safety, identified the biggest issue as the discrepancy between the adopted State Fire Prevention Code, N.J.A.C. 5:70-3, and the Residential Site Improvement Standards. Michael Whalen read the definition of "fire lane" and of "fire apparatus access road" from Chapter 5 of the New Jersey edition of the International Fire Code. A fire lane is a designated lane; it is not an access road. It is the second definition, fire apparatus access road, that is causing the problems at the local level. Chairman Kirkpatrick said this must be fixed. Cul de sacs are restricted to a certain ADT. The Fire Code requirements should cover certain emergency access roads, not the public streets. He stated that 20 feet is a reasonable width for an access road. It is not a public street.

Mr. Kramer noted that street widths and turning lanes have become an issue in providing adequate protection for new developments. This issue is very important to the fire service. He agreed there cannot be conflicting standards. Mr. Maser asked whether the definition that had been read is national. He was told it is. Mr. Maser said this affects turning radius more than street width. Chairman Kirkpatrick observed that vehicles cannot stay in their own lane on a right turn in any town with a 25 ft. turning radius. Emergency vehicles are not restricted to their own lane. Mr. Maser said that the concern is more the single access point. Ms. Hrabal pointed out that the public

comment received from John Drucker is specific to parking lots. Mr. Kramer said that turning radius becomes an issue if the street does not have mountable curbing. He cited the example of a development with roundabouts and Belgian block curbing. Fire apparatus cannot negotiate such turns and curbs. He added that fire companies cannot take one piece of apparatus past another with a street width of 18 feet. He pointed to the need for a dialog on this issue.

Chairman Kirkpatrick said this issue should be referred to the streets committee. A reasonable recommendation from both parties is needed. Mr. Doyle noted that the information being received to make a judgment is very scant. He has attended meetings where the fire department comes with back-up information and rational arguments. For this debate, he would like additional information from the fire service defining their needs. Chairman Kirkpatrick agreed and suggested that Mr. Whalen work with the streets committee on this issue.

B. Soil Compaction Rule Proposal – Department of Agriculture

John Showler of the Department of Agriculture reported on this issue. He said that the Department had initiated a process for revising the rules, and had readopted the rules without change while the review process is being undertaken. The soil compaction rules are the result of new legislation. The Department has been directed to amend the erosion control standards to provide for remediation on construction sites. Valerie Hrabal represents the Site Improvement Advisory Board on the group reviewing and advising on these standards. The group has looked at the causes of soil compaction and the means to alleviate it. Staff will be fitting this into the existing standards for land grading and top soil.

Mr. Showler explained that the soil compaction issue has been addressed in terms of three areas on a site. The first is the soil stabilization area which will be exempt. Examples include the soil within 10 ft. of the building foundation, underneath driveways or road beds. The second is the soil restoration area. For soil restoration areas of more than an acre, there will be testing of bulk density. For those of an acre or less in area, pushing a wire into the subsoil will be considered adequate. The third category calls for the restoration of deep infiltration capacity, including a requirement for six inches of good quality topsoil. (Five inches had been suggested; six inches is now required.) For these deep infiltration areas, the subsoil must be brought up to elevation minus six inches. Then the topsoil is spread. The requirements to alleviate compaction in these areas include going down 12 inches, making one pass, lifting that layer, and dropping and breaking it.

Chairman Kirkpatrick asked whether this is all being done to validate the pre- and post-run off numbers. Mr. Showler responded that the NRCS modeling does not totally account for compaction. This assumption was the basis for the legislation, but there are no hard data to support it. The Department will be sending draft amendments to stakeholder group. The State Committee will be meeting in July. Then the rule will be sent to the New Jersey Register as a proposal for public comment. The Department hopes for adoption by the end of the year.

Ms. Hrabal noted that no credit is given for amending the soil. If credit were given in the form of a smaller detention basin, this would offset some of the added costs of compliance with the soil compaction requirements. These added costs have not been yet been identified or quantified. There are a number of issues that will need to be addressed, including where the compost will come from, how much it will cost, whether it is to be mixed on site or purchased premixed, etc. She added that one of the things that gives the highest values is time. With maintenance, the soils do well. If cars are parked there every weekend, then they don't do so well. She also noted that soil compaction is related to detention basin bottoms and she asked whether these rules would apply to basins. Mr. Showler responded that the rules would apply to basins in deep infiltration areas.

In response to the question on cost, Mr. Showler said that one district came up with a cost of \$16,000 per acre. Ms. Hrabal stated that this contradicts the intent and purposes of the Uniform Subdivision and Site Improvement Act.

C. Membership Vacancies – Appointment of New Members

Chairman Kirkpatrick again welcomed new member Janice Talley, appointed to the public sector planner seat on the Board and new member Joseph Femia, appointed to represent the County Engineers on the Board. It was noted that Joseph Doyle retired from the New Jersey Planning Officials (NJPO) on March 4, but continues on the NJPO Board and will be serving out his term on the Site Improvement Advisory Board. Chairman Kirkpatrick announced that he is resigning as the representative of the New Jersey Society of Municipal Engineers and that he will be replaced by Timothy Kernan. Chairman Kirkpatrick observed that Professor Thomas Olenik is now the only remaining charter member.

D. Committee Membership

Chairman Kirkpatrick noted that committee membership should be reviewed in light of the changes in Board membership. Mr. Maser made a motion, which was seconded by Chairman Kirkpatrick, naming Joseph Doyle as Interim Chair of the Board. Mr. Doyle indicated that he would be willing to serve in this capacity. All were in favor. Mr. Doyle will undertake a review of the committee membership with the new Board members in place.

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

Mr. Doyle introduced Jason Kasler, the new Executive Director of the New Jersey Planning Officials.

Mr. Maser acknowledged the Chairman's hard work during his tenure on the Board and stated that he had been instrumental in everything the Board has accomplished. Chairman Kirkpatrick then recognized the hard work done by his fellow Board members. Speaking on behalf of the staff, Ms. Frank thanked the Chairman for ably shepherding the Board since its first meeting. She noted that, through working with him, she had learned that municipal engineers are public servants in the truest and best sense. Chairman Kirkpatrick said that Bill Connolly (retired Director of the of the Division of Codes and Standards) was one of the best people he had worked with as well as a consummate professional and that Mr. Connolly had spread that down to the staff.

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 11:07 a.m.

Respectfully submitted,

Amy Fenwick Frank
Secretary to the Board