

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.
JACK BREDIN
ROBERT BODVEY
PAUL GOLDFINGER, MD
ANDREW JAFOLLA
JEFF KOLAKOWSKI
MICHAEL RAFEEDIE

MUNICIPAL ENGINEER FOR
OCEAN GROVE RESIDENT
CONNELL FOLEY LLP
OCEAN GROVE RESIDENT
DYNAMIC TRAFFIC
NJ BUILDERS ASSOCIATION
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