

**Minutes of a Regular Meeting of the
MONMOUTH COUNTY
AREAWIDE WATER QUALITY MANAGEMENT PLAN
AMENDMENT REVIEW COMMITTEE**

**Wednesday, July 1, 2020, 11:00 AM
Virtual Meeting via Webex**

1 CALL TO ORDER:

Chair Grbelja called the meeting to order at 11:04 A.M.

2 COMPLIANCE STATEMENT: Open Public Meetings Act

Attorney Aikins offered a statement that the meeting was being held in compliance with P.L. 1975, c.231, the Open Public Meetings Act. He further noted that supplemental notice of remote participation in the meeting via Webex internet conference and telephonic conference was given in accordance with the guidelines established by the New Jersey Department of Community Affairs.

3 ROLL CALL – ATTENDANCE:

- Members Present: Grbelja, Mele, Barris, DiLorenzo
- Members Absent: Ettore, Schatzle
- Alternate Present: Englehart, McMullen
- Staff Present: Brennen, Mallm, Smith
- Counsel: Aikins

4 STAFF ACTIVITY REPORT

Activity Report: May 27 – June 25, 2020,

Ms. Brennen provided a status update to the written report that was provided in the packet.

5 MEETING MINUTES:

Minutes of June 3, 2020

- The minutes were reviewed. Mrs. McMullen moved to adopt the minutes and Mr. Mele seconded the motion. The minutes were approved by voice vote.

Ms. Grbelja stated that we would be moving the New Business item before the Old Business to facilitate for guests that might be present. Ms. Brennen asked if the applicant's consultant was present, but she was not, and was not required to be. Meeting moved forward with the New Business.

6 NEW BUSINESS

Views at Monmouth Manor Howell Township Block 110, Lot 166

- **Waiver Requests**

Ms. Brennen stated that there was a waiver request for the two paper copies and one electronic copy in place of the required 5 paper copies. Ms. McMullen made a motion to approve the waiver. Mr. Mele seconded the motion. Motion passed unanimously.

- **Site Specific Amendment Application Review**

Ms. Brennen presented to the Committee a PowerPoint presentation on the application and the following was outlined:

The site is Howell Township Block 110, Lot 166, and the address is 843 Fort Plains Road. It is located north of Route 195 and west of Route 9. It is in the Franchise Area of MRRSA. Ms. Brennen stated that this application would amend the Ocean County Water Quality Management Plan and the Monmouth County Future Wastewater Service Area Map. The site contains 100 acres that was formerly farmed. The zoning was modified to accommodate the Settlement Agreement and the zone is now ML-12. Ms. Brennen stated that they are proposing a pump station and force main to connect to an existing sewer in West 5th Street. Ms. Brennen stated that NJDEP concurred that the site does not have suitable T&E habitat. The Wetlands and Flood Hazard permits have been applied for and are currently under review. Mrs. Brennen stated that the stream and surrounding wetlands that run through the property will not be part of the amendment area. The development proposal is for 319 Residential dwellings, consistent with the Settlement Agreement and is a combination of single family homes, townhouses, and the multi-family affordable units which are all condo flats. Ms. Brennen stated that the need for the amendment would be to provide sewer service to 47 acres with an estimated total flow of 95,700 gpd. Ms. Brennen stated that the Township's consent to the amendment included the Settlement Agreement dated October 9, 2018, as amended November 20, 2018; Township Ordinance 19-52 that was adopted on November 12, 2019; and Township Resolution 18-345 adopted December 11, 2018 specifically consenting to the site specific amendment. MRRSA Resolution 2019-03 adopted on January 16, 2019 consented to the amendment. Ms. Brennen stated that copies of those documents have been submitted, and are filed. Ms. Brennen stated that the site plan has been submitted to the Howell Township Planning Board, but has not been scheduled for review. Ocean County Division of Planning is also reviewing the application. Ms. Brennen stated that they have been copied on all of NJDEP correspondence. Ms. Brennen also noted that should the ARC recommend consent, the membership may choose to suggest the consent be contingent upon receipt of the necessary municipal, county, and state approvals.

Mr. Barris stated that in the past, we never approved an amendment unless it has already received approval from the towns without a site plan. Mr. Barris stated that he wanted the committee to be aware that we cannot change land use in a sewer service area unless a town has already committed to a site plan or subdivision with condition upon the ARC reviewing it and agreeing to it. He does not want a developer or applicant to come before the committee that they want to make a

change to accommodate their development without it going through the local level first. Ms. Grbelja agreed because she did not want a developer to come before the board looking for approval when the township would not want them included in the sewer service area, and use that as an opportunity to go around the municipality. Ms. Brennen stated that this discussion is similar to one awhile back where the ARC decided to put into the procedures a definition of affirming documentation which states:

“Affirming Documentation” means an instrument or instruments adopted by a municipality or sewerage agency either affirming consent to the application or that resolves prior inconsistencies between the project seeking an amendment and previous plans or ordinances in place. Such instruments may include a change in zoning by ordinance; approved use variance; or documentation from the municipal governing body and/or sewerage agency, such as a duly adopted resolution indicating support of the application.

Ms. Brennen continued to say that due to the 2016 rule change, we have been asked to review amendment applications without site plan approval, but using our “Affirming Documentation” policy, we have required resolutions from the governing body indicating support of the application, and by making the County consent to the application contingent upon the site plan review and approval. If anything changes during site plan review or if the application is denied, the recommendation for consent could be pulled. Mr. Mele asked if we approve this application and the projects falls apart, does the 92, 000 gallons remain in place if the project does not move forward. Ms. Brennen stated that if it goes through NJDEP and the amendment is adopted, it would. Mr. Aikins stated that we have a Settlement Agreement, Township Ordinance, Township Resolution and MRRSA Resolution specific to the affordable housing. Mr. Aikins stated that if we are going to discuss policy issues, we should reserve that for another section on the agenda. Mr. Barris stated that we should put that on the agenda for the next time the ARC meets.

After further discussion, a motion was made by Mr. Barris and seconded by Mr. Mele to recommend to the Planning Board that they pass a resolution recommending the Freeholders consent to the proposed amendment as presented today. Motion was passed unanimously.

7 OLD BUSINESS

- Staff Update on Revisions - Ms. Mallm stated that there was nothing new to report.
- ARC Procedures – After a lengthy discussion, a motion was made by Ms. DiLorenzo, and seconded by Ms. McMullen to make the recommended changes and forward the Procedures to the Planning Board requesting they be sent to the Board of Chosen Freeholders for review and adoption. Motion passed unanimously.

Mr. Mele left the meeting at 12:10 PM.

8 COMMENTS FROM THE PUBLIC

Ms. McMullen made the motion to open the meeting up to the public, and seconded by Ms. DiLorenzo at 12:11pm. There was no public comment. Ms. McMullen made the

motion to close the meeting, and seconded by Ms. DiLorenz to close the meeting at 12:12pm. Motion passed unanimously.

Ms. Brennen asked if the August 5th meeting should be cancelled as there are no pending applications or necessary business. The next meeting would be September 2, 2020. Motion to cancel was made by Ms. McMullen, and seconded by Mr. Barris. Motion passed unanimously.

9 ADJOURNMENT:

A motion was made by Ms. McMullen and seconded by Ms. DiLorenzo to adjourn at 12:14 PM.