

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

**Wednesday, September 2, 2020, 11:00 AM  
Virtual Meeting via Webex**

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**1 CALL TO ORDER:**

Chair Grbelja called the meeting to order at 11:01AM.

**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,
- Alternates Present: Englehart, McMullen (Joined at 11:40AM), Schatzle
- Staff Present: Brennen, Mallm, Smith
- Counsel: Aikins

**4 NEW BUSINESS**

**Iron Ore Road Property Manalapan Township Block 72, Lot 11.07**

- **Waiver Requests**

Ms. Mallm 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. Brennen posed a question to Mr. Aikins regarding the need for that waiver, which was submitted prior to the adoption of the new procedures that now exactly what was submitted. Mr. Aikens recapped the sequence and stated that the requested waiver is now moot.

Ms. Mallm stated that the second waiver request is for relief from the Supplemental Application form sections IV-6 and IV-7 of the stream quality data. The staff found that there were no streams on site, and there is general water quality data available from the Watershed Protection and Restoration Plan for Manalapan Brook Watershed prepared for the New Jersey Water Supply Authority by Princeton Hydro, LLC. Ms. Grbelja stated that it doesn't seem as though the changes are significant. There are some anticipated stormwater management changes related to the proposed retention and detention basins. Ms. Grbelja stated that she is not sure how we would change our application form to be consistent with new stormwater regulations and how that would be applicable to this specific application for us to say we can grant a waiver. Mr. Mele questioned if the new regulations changes were in place, pending,

or in review. Ms. Brennen stated that the Stormwater regulations are in place. Ms. Brennen stated that the town is updating their Stormwater Management Ordinances to bring them into conformance with the new regulations. The Supplemental Application form for ARC that we are working on now, will reflect the Stormwater Regulations as best as possible as we look at the wastewater side of water quality. She also noted that when it comes to proposals for expanding the Sewer Service Area, there is less impact except for reductions in recharge. Ms. Brennen stated that the things we look at for sewer projects verses surface treatment are different. This is a proposal for a property that is some-what developed, but there are no onsite streams, and there will be a detention basin. There will be a certain amount of ground water recharge that will be part of the new proposal. Mr. Mele questioned if we were comfortable that this applicant is meeting or exceeding the requirements that they are requesting for this waiver and can our department within the County feel comfortable that we have reviewed that. Mr. Mele stated that he does not want to delay this because of the pending forms, even though these projects can get delayed for any number of reasons. Mr. Mele indicated that as long as the staff feels that things have been adequately addressed, at the time, as well as what we believe is coming in the future. Ms. Grbelja questioned what is wrong with the form that we currently have now that would request a waiver. Ms. Brennen stated that the form was developed in the mid 90's. There were different things in the water quality rules at the time that are there today. There was a lack of Stormwater Rules. Today, our forms require one years' worth of on-site testing for collecting water quality data. Ms. Brennen stated that the applicant did provide a lot of Stormwater related information and water quality related information, but what they are requesting the waiver from is doing the years' worth of onsite and offsite water quality data collection. Ms. Brennen stated that in the past, we have granted waivers for projects where there were other sources of water quality information, but because it's a sewer service area expansion as opposed to an individual subsurface disposal system, we felt comfortable recommending the approval of this waiver. Mr. Mele made a motion to approve the waiver. Ms. DiLorenzo seconded the motion. Motion passed unanimously.

- **Site Specific Amendment Application Review**

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

The site is Manalapan Township Block 72, Lots 10.01, 11.06, and 11.07, and the address is 16 Iron Ore Road. The lot of concern is 11.07. The applicant is ESE Consultants for Toll Brothers Inc. It is proposed to be included in the Western Monmouth Utilities Authority Sewer Service Area. Ms. Mallm stated that the site contains 56.87 acres. The property is currently in agriculture use (training and boarding horses, with a barn, horse stalls, concrete therapy pool, paddocks, and horse track). The zone is the Affordable Housing-Diocese Overlay Zone which was adopted under a Developers Agreement for the project. Ms. Mallm gave an overview of the environmental constraints, specifically that there was mapped potential T&E Habitat. The applicant completed a Habitat Suitability Determination which concluded that habitat is not present. It is currently under NJDEP review. Ms. Mallm noted that there are intermediate wetlands in the proposed Sewer Service Area, as per LOI. The applicant is pursuing a wetlands general permit #6. Ms. Mallm stated that the project is an affordable housing development with 320 Residential Dwellings: 224 of which are Market Rate Townhouses and 96 are Multi-family Affordable units. Ms. Mallm noted that the project proposes a utility easement through lot 7.05 to allow a gravity sewer

connection down Madison Ave., to meet the proposed extension from the Four Seasons at Manalapan Brook project which has been before Development Review, and is not on a County Road. Ms. Mallm stated that it would expand the WMUA sewer service area by approximately 16.04 acres and would serve the entire proposed residential development. The estimated flow for the amendment area is 21,900 gallons per day with the proposed flow in the current sewer service area being 67,335 gallons per day. The total estimated project flow therefore is 89,235 gallons per day. Ms. Mallm stated that we have received municipal consent through a Developer's Agreement dated September 11, 2019, and Township Ordinance 2020-07 which was adopted May 13, 2020 creating the existing zoning. WMUA Resolution 20-52, which was adopted March 24, 2020, also consented to the proposed amendment.

In summary, the Site Plan was submitted to Manalapan Planning Board for review, and will be submitted to the County's Development Review Committee. The amendment package is under concurrent review at NJDEP. A wetlands general permit #6 is to be submitted, and a NJDEP water extension permit will be applied for, if required. Ms. Mallm indicated that should the ARC recommend consent, the membership may choose to suggest that consent be contingent upon receipt of the necessary municipal, county, and state approvals. After further discussion, a motion was made by Mr. Mele and seconded by Ms. DiLorenzo 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.

- **Discussion of ARC Policies and Procedures (continued from July meeting)**

Ms. Brennen reminded the membership that in July, there was a lengthy discussion on whether or not the ARC could entertain an application without Municipal Site Plan or Subdivision approval. Ms. Brennen stated that she did more research and sent that information to Mr. Aikins and Mr. Barris. Ms. Brennen stated that the requirement for municipal site plan or subdivision approval was in the rule prior to 2016 from NJDEP. It was under their Consistency Determination section. At that time these approvals needed to be in place before NJDEP would entertain an amendment. Ms. Brennen stated that there was a lot of discussion in 2014 and 2015 when NJDEP was looking to modify the rules about removing the requirement. Ms. Brennen referenced an executive order that was trying to streamline processes and the outcry from developers and builders about that being a time consuming step. They felt an amendment could be approved around a concept plan for a project. The NJDEP administration agreed and removed it by removing the entire consistency determination step. It was not taken out by mistake when they took out the consistency determination: It was something that had been deliberated at great length, and then removed. Ms. Brennen indicated that on the positive side, municipalities could more easily go forward with amendments to include areas where they wanted to channel growth. Otherwise, these changes could only be made through the adoption of a new WMP or WQMP. Ms. Brennen stated that the requirements allow us to look at site specific amendments prior to adoption of our WMP which has been at NJDEP for several years in draft form. It allows us to move forward with those amendments even if there isn't an adopted site plan or subdivision. Ms. Brennen stated that because it was removed from the rule, she reached out to NJDEP and asked if this is something that a Designated Planning Agency could require under our own procedures. Unfortunately, they forwarded it on to the DAG office, and we still do not have an answer. Ms. Brennen questioned the

ARC as to how we should move forward. She said the ARC could revise the procedures once more to include it sending them to the DAG office for review, forcing a response or hold until we get a response to the current inquiry. Mr. Aikens asked if there was a timeline where we might hear from the DAG. Ms. Brennen stated that based on past experience, it could be quite a while. Ms. Brennen question if this was something we should keep on the agenda. Mr. Barris stated that he would like to keep this under old business going forward until we get a response from the DAG's Office. Mr. Barris stated that his concern is about using a concept for the justification for a sewer service amendment. After further discussion Ms. Grbelja stated that we will keep it on the agenda and wait to hear what DAG has to say and follow it through.

Mrs. McMullen joined the meeting at 11:40AM.

## **5. STAFF ACTIVITY REPORT**

Activity Report: June 25- July 27, 2020 & July 27 – August 25, 2020

Ms. Brennen recapped from the second report dated July 27 – August 25<sup>th</sup>, that the preliminary notice for the Colts Neck Amendment will be in the second September NJ Register. Once published, the staff will send the draft resolution of consent to the Freeholders for consideration.

## **6. MEETING MINUTES**

Minutes of July 1, 2020

The minutes were reviewed. Ms. DiLorenzo moved to adopt the minutes and Ms. Grbelja seconded the motion. The minutes were approved unanimously. Mr. Schatzle was excused.

## **7. OLD BUSINESS**

- Staff Update on Revisions - Ms. Mallm stated that there were no updates at this time.
- ARC Procedures Update – Ms. Brennen stated that the Freeholders adopted the procedures, and the adoption was also approved by NJDEP.

## **8. COMMENTS FROM THE PUBLIC**

Ms. DiLorenzo made the motion to open the meeting up to the public, which was seconded by Mr. Mele at 11:56am. Motion passed unanimously. There was no public comment. Ms. Grbelja closed public comment at 11:57AM.

Ms. Brennen stated that as of now, we do not have any applications pending for an October 7, 2020 meeting, unless the ARC wants to meet to discuss the policy issues. The ARC agreed to wait and meet again on November 4, 2020.

## **9. ADJOURNMENT:**

A motion was made by Mr. Mele and seconded by Ms. DiLorenzo to adjourn at 11:58 AM.