

**Minutes of a Regular Meeting of the
MONMOUTH COUNTY
STORMWATER TECHNICAL ADVISORY
COMMITTEE**

**Wednesday, March 3, 2021, 9:30 AM
Virtual Meeting via Webex**

1. CALL TO ORDER:

Mr. Casagrande called the meeting to order at 9:35 a.m.

2. COMPLIANCE STATEMENT: Open Public Meetings Act

Ms. Mallm offered a statement that the meeting was being held in compliance with P.L. 1975, c.231, the Open Public Meetings Act. She 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: Barris (arrived at 10:00 a.m.) Casagrande, Eareckson, Englehart, Morrissey, Schmetterer (arrived at 9:45 a.m.), Zimmerman

Members Absent: Fournier, Merkel, Poulsen

Alternates Present: Karras, Santiago

Staff Present: Mallm and Smith

Counsel: Aikins (left the meeting at 10:00am)

4. Regular Reports:

A. Staff/Pre-Adoption Review Subcommittee- Ms. Mallm stated that the last Stormwater Technical Advisory meeting met in February. Since then, our office has not received any municipal stormwater management plans for review. Ms. Mallm stated that at the Monmouth County Planning Board meeting in February, Interlaken Borough SCO was approved, and Roosevelt Borough SCO was conditionally approved. Ms. Mallm stated that the following ordinances will be discussed at today's meeting: Interlaken Borough, Roosevelt Borough, Matawan Borough, Loch Arbor Village, Long Branch City, Colts Neck Township, Atlantic Highlands, Millstone Township, Lake Como Borough, Allentown Borough, and Allenhurst Borough. Ms. Mallm stated that the Subcommittee met with representatives from Keyport, Highlands, Holmdel, and Middletown in February, they will be adopting soon. There are no updates on legislation. The next anticipated STAC meeting is scheduled for April 7, 2021.

5. REVIEW OF MINUTES

The minutes of the February 3, 2021 meeting were reviewed. Mr. Eareckson moved to adopt the minutes and Ms. Zimmerman seconded the motion. Minutes were approved by voice vote.

6. OLD BUSINESS

None

7. NEW BUSINESS

Present at today's meeting are Timothy Anfuso representing Colts Neck, Turner Shell representing Millstone, Allenhurst, and Loch Arbour, Adam Hubeny representing Atlantic highlands, Louise Mekosh representing Lake Como, and Jordan Rizzo representing Long Branch.

A. Matawan Borough Stormwater Control Ordinance

Ms. Mallm offered the following comments that may be addressed through a conditional approval: 1) Update county review agency to Board of Commissioners (p. 4). 2) remove italic text under major development definition (p. 6). 3) Revise stormwater management "BMP" to "basin." (p. 8). 4) Section III B remove italic statement (p. 9). 5) Section IV I. 4. Revise "BMP" to "basin" (p. 13). Ms. Mallm stated that this sentence merely incorrectly refers to another title later in the ordinance. 6) Section VIII Revise BMP to basin throughout section (p. 21).

Ms. Zimmerman made a motion to recommend to the Monmouth County Planning Board approval of the ordinance subject to the conditions mentioned above. Mr. Eareckson seconded the motion. Motion passed. Mr. Schmetterer abstained.

B. Loch Arbour Village Control Ordinance

Ms. Mallm provided the following comment: in Section 607.4 I. 4. revise the text from "BMP" to "basin." Mr. Shell asked where this was located in the ordinance. Ms. Mallm read the passage aloud to Mr. Shell, and he understood. Ms. Morrissey made a motion to recommend to the Monmouth County Planning Board approval of the ordinance subject to the condition's mentioned above. Ms. Zimmerman seconded the motion. Motion passed unanimously.

C. Long Branch City Stormwater Control Ordinance

Ms. Mallm reported that Long Branch defined major development as disturbing .5 acres or more. Ms. Mallm called attention to S300.26 D. 2. which references non-structural and structural stormwater management strategies. Ms. Mallm asked if the Committee should recommend revising this language just to "stormwater management measures". Ms. Mallm also called attention to 3.S300.26 E. which reads "nonstructural stormwater management strategies" Ms. Mallm is unsure if this is just an area accidentally left in from the old ordinance that needs to be removed. Mr. Casagrande asked Ms. Mallm if they carried something over from their old ordinance and if the entire area above is recommended to be removed also. Ms. Mallm stated that she thinks just the title alone does not need to be in the ordinance, because what follows are not non- structural standards. Mr. Casagrande said he is unable to tell why this sentence is there and would like to see a clean copy of the ordinance and spend more time reviewing it.

Mr. Eareckson questioned if they need approval from NJDEP to do change the definition of major development to .5 acre or more. Mr. Casagrande said yes they are only required to meet the minimum standards of the Stormwater Management Rules but are allowed to adopt a stricter ordinance. Ms. Mallm agreed with Mr. Casagrande. Attorney Aikins stated that the

municipality can make a more restrictive determination, and that the State standard is a minimum standard.

Attorney Aikins stated that we can ask for a clean copy for a better review. Mr. Rizzo from CME stated that he incorporated the changes suggested by the STAC subcommittee in the fall and is surprised there are new comments today. Ms. Mallm apologized that certain were not seen then. The STAC carried this ordinance to the next meeting.

D. Colts Neck Township Stormwater Control Ordinance

Ms. Mallm noted that the municipality added a definition for “campus redevelopment.” Mr. Anfuso, Colts Neck Township Planner, stated that this definition was taken from a watershed association’s recommended stringent ordinance. The town pulled this definition from the water association’s suggestion but did not incorporate all of the recommendations from the water association. Ms. Mallm noted that the definition for “low impact development technique” was also likely taken from the water association and should be permitted. Ms. Mallm said the committee could recommend “BMP” is revised to “basin” throughout Section D. 10.d. (p. 13) and to revise “BMP” is revised to “basin” throughout Section H (p. 22). Ms. Morrissey made a motion, seconded by Ms. Englehart to approve the ordinance under the condition that the 2 comments are incorporated into the ordinance. Motion passed unanimously.

E. Atlantic Highlands Stormwater Control Ordinance

Ms. Mallm recommended to revise “County Board of Chosen Freeholders” to “County Board of Commissioners.” Ms. Mallm said the Committee could recommend that the text be revised from “BMP” to “basin” in Section IV. I. 4. Ms. Morrissey made a motion seconded by Ms. Zimmerman to approve the ordinance under the condition that the 2 comments are incorporated into the ordinance. Motion passed unanimously.

F. Allentown Borough Stormwater Control Ordinance

Ms. Mallm offered the following recommendations: 1) update “Monmouth County Board of Chosen Freeholders” to “Monmouth County Commissioners,” (p. 3). 2) revise BMP to basin (p. 7). 3) Section IV. I. 4. revise BMP to basin (p. 16). 4) section 30-13.8 revise BMP to basin throughout section (p. 29).

Ms. Morrissey made a motion seconded by Ms. Zimmerman to approve the ordinance under the condition that the above comments are incorporated into the ordinance. Motion passed unanimously.

G. Millstone Township Stormwater Control Ordinance

Ms. Mallm pointed out that the ordinance adds the following statement at S35-4-14.2 A. 1, “the development design shall limit the creation of stormwater runoff through ‘implementation of low impact development techniques to the extent technically practicable without reduction of the allowable development given the applicable zoning and other provisions of State law or regulations, or of municipal ordinance,” (p. 11). Ms. Mallm explained that this addition should be acceptable as the municipalities are able to offer a stricter ordinance. Ms. Mallm pointed out another additional statement that should also be acceptable. At S35-4-14.3 i. 6. the ordinance includes the sentence, “Stormwater management measures shall be designed and demonstrated not to negatively impact wetlands or watercourse on site or adjacent to the property” (p. 17). Ms. Mallm stated the following comment may be addressed through a

conditionally approval, at S35-4-14.3 i. 4. revise “BMP” to “basin” (p. 17).

Ms. Morrissey made a motion, seconded by Ms. Zimmerman to approve the ordinance under the condition the municipality revises “BMP” to “basin” at S35-4-14.3 i. 4. Motion passed unanimously.

H. Lake Como Borough Stormwater Control Ordinance

Ms. Mallm offered the following recommendations: 1) Revise County Board of Chosen Freeholders to County Commissioners (p. 2); 2) Revise stormwater management BMP to basin (p. 8); 3) Section IV I. 4. revise BMP to basin (p. 16); 4) Section IV M. revise italic text appropriately (p. 16). Ms. Mallm explained that this text was meant to be revised by the municipality. It should read “Office of the County Clerk.” 5) Section IV N. revise italic text appropriately (p. 17) Ms. Mallm said this text was also meant to be revised by the municipality. It should read “Office of the County Clerk.” 6) Section VIII revise BMP to basin in text throughout section (p. 27).

Ms. Morrissey made a motion, seconded by Mr. Barris to approve the ordinance under the condition that the above recommendations are addressed. Motion passed unanimously.

I. Allenhurst Borough Stormwater Control Ordinance

Ms. Mallm offered the following recommendation: revise BMP to basin (p. 14). Ms. Morrissey made a motion, seconded by Mr. Barris to approve the ordinance under the condition above. Motion passed unanimously.

8. COMMENTS FROM THE COMMITTEE – None

9. COMMENTS FROM THE PUBLIC – None

10. ADJOURNMENT:

A motion was made by Ms. Morrissey and seconded by Mr. Eareckson to adjourn at 10:15 a.m.