

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

**Wednesday, December 2, 2020, 9:30 AM
Virtual Meeting via Webex**

1. CALL TO ORDER:

Chair Casagrande called the meeting to order at 9:33 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.

3. ROLL CALL – ATTENDANCE:

Members Present: Brennen, Barris (arrived at 9:55am), Casagrande, Englehart, Eareckson, Morrissey, Poulsen, Schmetterer, Zimmerman

Members Absent: Fournier, Merkel

Alternates Present: Karras

Staff Present: Mallm and Smith

Counsel: Aikins

4. REGULAR REPORTS:

A. Staff – Ms. Mallm reported that since our last meeting in November, we have not received any new stormwater management plans. As far as stormwater control ordinances (SCO), the Planning Board approved the Sea Girt Ordinance at the November meeting. Ms. Mallm stated that we received an ordinance from Little Silver that we will be going over at today's meeting. We received draft ordinances from Red Bank and Long Branch, and we are scheduled to have a pre-adoption subcommittee meeting to go over those ordinances, as well Atlantic Highlands. There are no updates in legislation. Our next anticipated meeting is scheduled for January 6, 2021.

B. Pre-Adoption Review Subcommittee –

Ms. Mallm stated that the subcommittee has not met but will meet in December.

5. REVIEW OF MINUTES

The minutes of the November 4, 2020 meeting were reviewed. Ms. Brennen moved to approve the minutes and Ms. Zimmerman seconded the motion. Minutes were approved by voice vote. Mr. Poulsen abstained.

6. OLD BUSINESS

None

7. NEW BUSINESS

Present at today's meeting Turner Shell from Leon S. Avakian.

Ms. Mallm summarized Little Silver Stormwater Control Ordinance Number 842-20 that was prepared by Leon S. Avakian. Ms. Mallm stated that they correctly replaced the "Basin" for "BMP" as were discussed at last month's meeting. As discussed previously, no change is needed in the term County Commissioners over County Board of Chosen Freeholders.

Ms. Mallm stated that we did receive a few comments on the ordinance from a STAC member. As the ordinance is copied from what NJDEP provided, the member acknowledged that these questions might be better posed to NJDEP, but Ms. Mallm stated it is open for discussion at today's meeting. Ms. Mallm reported that the first comment for discussion was in regards to cisterns being appropriate. Mr. Poulsen referenced page 13, and stated he did not realize that a cistern was an approved BMP for stormwater control as they do not provide recharge, or water quality benefits. Mr. Poulsen stated that cisterns can breed mosquitos if it doesn't recharge into the ground water table and sits around for 5 to 7 days. Mr. Casagrande stated it was good to note, but as Ms. Mallm stated it could be directed to NJDEP.

Mr. Poulsen questioned Mr. Casagrande if towns are required to adopt all of the BMP's. Mr. Poulsen posed a question to Mr. Casagrande stating that if there was a BMP that would cause a problem for the Township wouldn't they be allowed not to adopt that particular BMP. Mr. Poulsen noted that in a coastal area where you might have cisterns, potential mosquito breeding might be a problem for the local neighborhoods. Mr. Casagrande stated that he would have to review that particular document again. Mr. Casagrande stated that possibly not every BMP would have to be adopted, and that this might vary town by town. Mr. Shell stated that table 1 that Mr. Poulsen is referring to comes directly from the Stormwater Management Rule. Mr. Shell stated that in their opinion, they cannot deviate from what is in the rule. Mr. Shell stated that he understands Mr. Poulsen's concerns, but it is listed as a BMP for stormwater runoff quantity. Mr. Shell stated they followed the model ordinance, and it is in the rule. Mr. Casagrande noted that every municipality is going to be guided by their Engineers as to how they comply with this. Mr. Shell stated that the Design Engineer would have to figure out the best Stormwater BMP for each situation.

Ms. Mallm continued discussing the comments regarding the content of the ordinance. She noted a comment that said on page 13, Section N, where it is discussing enforcement, as it is written it leaves loopholes. Upon reading the section, Mr. Poulsen questioned how a town can replace its stormwater management plan without having been reviewed by the Monmouth County Planning Board. Ms. Brennen stated that they can replace it, but after they have adopted it, it has to come to the County for approval. Mr. Poulsen stated that it does not spell that out, it only states that it subsequently has to be recorded with the County Clerk. Ms. Brennen stated that is not the correct process. Mr. Aikins agreed with Ms. Brennen. Mr. Poulsen questioned whether we have come across this situation before. Mr. Casagrande stated no, not to his knowledge.

They have approved three based on this model: Belmar, Bradley Beach and Sea Girt. Mr. Poulsen questioned if the same language was included in those submittals as well. Mr. Casagrande stated yes, that the same language was used. Mr. Shell noted that this was exactly from the Stormwater model ordinance, and they were following what NJDEP provided. Mr. Poulsen stated that it conflicts with NJDEP's regulations. Any changes to a stormwater management plan or an ordinance is suppose too be subsequently reviewed by the Monmouth County Planning Board, and approved by the Planning Board, and then they can get adopted by the Township. They cannot adopt something and use it without it being reviewed by any other party except for the town. Mr. Aikins and Mr.

Casagrande agreed with Mr. Poulsen. Mr. Shell stated that this section is talking about a Stormwater management measure approved under the ordinance, and it states that it can be altered. Ms. Brennen questioned if it was only referring to the measure, and not altering the plan or the ordinance. Mr. Poulsen stated that by default that would alter it because now there is a potential BMP that they can utilize. Mr. Aikins quoted from page 7, "Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances". Mr. Aikins stated that it is a practice, not a law, it is not a regulation. Mr. Casagrande stated that this is giving municipalities options to change from one method to another. After further discussion, Mr. Aikins stated that it has to already be approved in order to alter or replace it. If it did not exist, it cannot be altered or replaced.

Ms. Mallm stated that the last concern was regarding the Water Quality Design Storm Distribution Table being old and outdated. Ms. Mallm felt that this should be a question for the town or NJDEP. Mr. Shell stated that this table comes directly from the Stormwater management rule, and the NJDEP has not changed it. Ms. Brennen made a motion to recommend to the Monmouth County Planning Board approval of the Little Silver Stormwater Control Ordinance, seconded by Ms. Morrissey. Motion passed unanimously.

8. COMMENTS FROM THE PUBLIC

None

9. ADJOURNMENT:

A motion was made by Ms. Brennen and seconded by Mr. Eareckson to adjourn at 10:01am.