

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

Wednesday, October 7, 2015 11:00 AM
Monmouth County Planning Board Conference Room
Hall of Records Annex, One East Main Street
Freehold, New Jersey

1. CALL TO ORDER:

Mr. Giannell called the meeting to order at 11:06 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: Giannell, Domidion, Grbelja & Sampson
Member Absent: Ettore
Alternate Present: Englehart
Staff Present: Brennen & Luby
Counsel: Aikins

4. MONTHLY ACTIVITY REPORT, CORRESPONDENCE AND MINUTES:

- Activity Report: August 21 - September 30, 2015 – Ms. Brennen stated that updates will be presented under Old Business.
- Meeting Minutes –
The minutes of the September 2nd, 2015 meeting were reviewed. Mr. Domidion moved to approve the minutes with two grammatical corrections and Mr. Sampson seconded the motion. The minutes were unanimously approved. Ms. Englehart abstained from voting.

5. OLD BUSINESS

- Status of Plan Amendments in Process with NJDEP
 - Former Marlboro Hospital Site Specific Amendment Application – Ms. Brennen reported that the comment period ended on September 6, 2015 and NJDEP is expected to make a decision in the very near future.
 - Marlboro Conover Hills Revision Amendment Application - Ms. Brennen reported that the revision has not yet been adopted.
 - Sunnyside at Howell Revision Amendment Application – Ms. Brennen reported that a draft notice for the 3 party review was received on September 16, 2015 and was consistent with the Monmouth County Planning Board’s Resolution. Ms. Brennen sent a letter to NJDEP on September 30, 2015 with a favorable response.
- Greenleaf at Howell (BJs) Revision Amendment Application – Ms. Brennen gave a presentation regarding proposed boundary changes. Mr. Domidion made a motion to support the proposed revision to the Wastewater Management Plan for Monmouth County to include the entire property shown as Block 25, Lot 54.01, Howell Township tax

map, formerly known as The Grove at Howell, in the Manasquan River Regional Sewerage Authority's sewer service area, and that we recommend to the Monmouth County Planning Board that they pass a resolution in favor of this application. Ms. Grbelja seconded and the motion was unanimously approved.

- XXXIII Associates (Millstone) Revised Site Specific Amendment Application - Ms. Brennen informed the Committee that a letter dated October 7, 2015 was received from Attorney Steven Dalton on behalf of XXXIII Associates Riverside Center withdrawing their application for this site specific amendment.

6. NEW BUSINESS

- Friendship Circle (Marlboro) New Application Completeness – Ms. Brennen stated that at the September 2, 2015 meeting, the ARC determined that this application was incomplete due to inconsistencies with Marlboro Township zoning ordinance and Master Plan with no evidence provided by the applicant of an attempt on the part of the applicant to resolve the inconsistencies or provide an alternative explanation. The ARC informed that instruments that would help to resolve these inconsistencies might include a change in zoning by ordinance, use variance, and /or affirmative documentation from the governing body such as a duly adopted resolution indicating support. Ms. Brennen commented that the applicant's consultant provided a copy of the municipal zoning use variance application cover letter and that Marlboro Township is scheduled to hear this use variance application on October 27, 2015. After discussion, Attorney Aikins suggested to the Committee, that should they chose to approve an application before a use variance was issued, an approval conditioned upon a use variance being granted as referenced in the copy of the use variance application that was submitted, was a possible action which the ARC could employ. Therefore, an application could be deemed complete with a use variance application to the municipal Zoning Board provided as proof that the applicant was attempting to reconcile inconsistencies with the municipal master plan and zoning ordinance. Mr. Domidion offered a motion to deem the Friendship Circle Application complete on the basis of the applicant having submitted a use variance application to the Marlboro Township Zoning Board, seconded by Mr. Sampson and was approved unanimously by voice vote. Ms. Brennen stated that she will begin her review of the application and will notify the applicant of the Committee's decision.
- American Properties/Heritage at Marlboro (Stattel) Completeness – An amendment application was received on September 21, 2015 for a 504 unit multi-family residential project located within the Marlboro Township Land Conservation (LC) zone. The application noted that this project would provide affordable housing units and that currently builder's remedy litigation is pending in court. Ms. Brennen communicated with the Township Engineer via email confirming there has been no adjudication of the complaint and therefore the litigation was irrelevant to the current site specification amendment application. Ms. Brennen noted that Marlboro has a long-standing policy that parcels located in the LC and A/LC zones should not be serviced or located in the sewer service area and the applicant has not provided a statement of consent from the Township or a statement of capacity from the WMUA. After discussion, the ARC committee agreed that this application could be deemed incomplete based on the facts in Ms. Brennen's presentation. Attorney Aikins opined that there is no impact in regards to the litigation on staff's ability to deem the application incomplete and further provided guidance to staff so that the application can be deemed incomplete. Attorney Aikins offered to provide an email confirming this information so that the ARC

committee can rely on staff's decision of incompleteness. The ARC committee agreed unanimously regarding Attorney Aikins' recommendation.

- Ocean County Wastewater Management Plan – Ms. Brennen reported that she recently received the draft Ocean County Wastewater Management Plan in which the Freeholders' will be asked to consider adopting a resolution of consent. This request is coming from Ocean County and NJDEP. It appeared in the October 5th register, a public hearing is scheduled for November 16th in Toms River, comments will be due within 15 days of that hearing, and the Freeholders will have 60 days to respond from the date it appeared in the register. Ms. Brennen offered to provide a summary at the November 4th ARC meeting; if comments are recommended, she can provide a staff report to the Planning Board at their November 16th meeting with the aim to have the resolution on the Freeholders November 24th agenda. Ms. Brennen gave the ARC committee a quick overview of the plan.

7. COMMENTS FROM THE PUBLIC

None

8. ADJOURNMENT:

A motion was made by Mr. Domidion and seconded by Ms. Grbelja to adjourn at 11:45 p.m.

Adopted November 4, 2015