

MONMOUTH COUNTY PLANNING BOARD

FREEHOLD • NEW JERSEY

JOSEPH RETTAGLIATA
Chairman



ROBERT W. CLARK, P.P.
Director

MINUTES OF THE REGULAR MEETING OF THE MONMOUTH COUNTY PLANNING BOARD HELD ON March 15, 2010

1. CALL MEETING TO ORDER

Chairman Rettagliata called the meeting to order at 2:06 p.m.

2. PLEDGE OF ALLEGIANCE

3. OPEN PUBLIC MEETINGS ACT

Counsel Aikins read the "Open Public Meetings Act Compliance" statement.

4. ROLL CALL

Members Present: Vincent Domidion II, Paul Kiernan, Jr., Joseph Rettagliata, James Stuart, Joseph Ettore, Freeholder Burry and Freeholder D'Amico.

Members Absent: Mollie Giamanco and Tom Means.

Alternates Present: James Giannell

Alternates Absent: Nancy Grbelja, Richard Kucinski and Freeholder Clifton.

Counsel Aikins stated that James Giannell will be a voting member in the absence of Mollie Giamanco.

Others Present: Robert W. Clark, Director of Planning
Bonnie Goldschlag, Assistant Director of Planning
Mark Aikins, Esq., Counsel to the Board
Geraldine Elias, Secretary to the Board

MCPB Staff Present: Anthony Gamallo, Transportation Planning Section
Harriet Honigfeld, Environmental Planning Section
Turner Shell, Environmental Planning Section
Ann Waters, Environmental Planning Section

Public Present: Carl O. DeAngelis, Red Bank Resident
Eric Feerst, NJDEP
Ann Fournier, Monmouth County Health Department
Tom Frank, Colts Neck Resident
Bill Hartelius, NJ American Water
Bruce Hovendon, NJDEP
Dennis Kavanaugh, Sandy Hook Watermans Alliance
Gef Flimlin, Rutgers Cooperative Extension
Greg Nagy, Monmouth County Regional Health Commission
Stanley J. Sickels, Administrator-Borough of Red Bank
Bill Simmons, Monmouth County Health Department
Sandy VanSant, Monmouth County Regional Health
Commission

5. MEETING MINUTES

Paul Kiernan, Jr. offered a motion to approve the meeting minutes of February 17, 2009 and it was seconded by Vincent Domidion II. All present were in favor except for James Stuart and Freeholder D'Amico who abstained since they were absent at that meeting. A copy of the February 17, 2009 meeting minutes is attached to these minutes for reference.

Vincent Domidion II offered a motion to approve the meeting minutes of March 16, 2009 and it was seconded by Paul Kiernan, Jr. All present were in favor. A copy of the March 16, 2009 meeting minutes is attached to these minutes for reference.

Freeholder Burry offered a motion to approve the meeting minutes of April 20, 2009 and it was seconded by Vincent Domidion II. All present were in favor except for James Stuart and Joseph Ettore who abstained since they were not present at that meeting. A copy of the April 20, 2009 meeting minutes is attached to these minutes for reference.

6. CORRESPONDENCE

Director Clark reported that we have received Resolution No. 2010-32 passed by the Township Committee of Colts Neck on February 24, 2010 opposing Senate No. 82 and Assembly No. 437 Time of Decision Rule. Mr. Clark stated that this item will be discussed later in the agenda at today's meeting. A copy of this resolution is attached to these minutes for reference.

7. COMMITTEE REPORTS

A. ENVIRONMENTAL COUNCIL

Ann Waters reported that at the Environmental Council's February meeting they discussed the possibility of a tour in September of the Summerfield School in Neptune as a follow-up to the Midtown Community School tour.

In addition, Ms. Waters stated that the June 3rd roundtable is confirmed and will be held at the Agriculture Building. She also received a list of ten Master Gardeners who offered to be part of a panel of speakers at the roundtable.

Ms. Waters stated that NJDEP is requesting additional information regarding the Brookdale Rain Garden project.

B. AMENDMENT REVIEW COMMITTEE

The March Amendment Review Committee meeting was cancelled.

C. AGRICULTURE DEVELOPMENT BOARD

Harriet Honigfeld stated that they expect to close on the Baldachino Farm in Manalapan next week. Ms. Honigfeld mentioned that we are receiving over \$800,000 of Federal funds for this project.

In addition, Ms. Honigfeld reported that at the last Agriculture Development Board meeting, the board gave final approval to the McCarron easement in Marlboro.

D. TRANSPORTATION COUNCIL

Anthony Gamallo reported that at the February Transportation Council meeting, Glenn Mason, Coordinator of the Monmouth County Office on Emergency Management, was in attendance to discuss the county's emergency evacuation procedures. They discussed how the council and the Office on Emergency Management can work together.

Mr. Gamallo stated that the council discussed NJ TRANSIT's proposed fare and service policies changes. The council has compiled some suggestions for NJ TRANSIT to consider to soften the blow to affected commuters. Mr. Gamallo briefly reviewed the proposed changes by NJ TRANSIT and how it will affect Monmouth County. He then reviewed the suggestions by the council.

Mr. Giannell asked Mr. Gamallo to prepare a two to three paragraph summary on the proposed changes by NJ TRANSIT and the list of suggestions by the council and bring it to the next board meeting. Freeholder D'Amico stated that he will be attending one of the public hearings and information sessions on March 26th and would like to have the information on this issue before that time. Mr. Gamallo stated that he will prepare a draft and send it to Freeholder D'Amico before the March 26th public hearing.

E. STORMWATER TECHNICAL ADVISORY COMMITTEE

The Stormwater Technical Advisory Committee did not meet in the month of March.

G. GREENHOUSE GAS REDUCTION ADVISORY COMMITTEE

The Greenhouse Gas Reduction Advisory Committee did not meet in the month of March.

F. DEVELOPMENT REVIEW COMMITTEE

Chairman Rettagliata stated that Schedules 1099 A, B, C, and D of the Monday, January 11, 2010 meeting, Schedules 1100 A, B, C, and D of the Monday, January 25, 2010 meeting and Schedule 1101D are available from Secretary Elias if anyone would like a copy.

Counsel Aikins reported that the DRC is recommending that the Planning Board recommend to the Monmouth County Board of Chosen Freeholders the addition of certain language in those sections of the *Monmouth County Development Regulations* that relates to approvals. A draft resolution was prepared and distributed to the board for their consideration. A copy is attached to these minutes for reference. Counsel Aikins read the resolution into record.

The recommended language is as follows:

“The applicant, its successors and assigns shall be obligated to completely construct any and all improvements as contemplated within the scope of the application to standards established by the County of Monmouth. This shall include, but is not limited to, roads, curbing, guardrails, drainage structures and drainage facilities, relocation of fire hydrants, telephone poles, sidewalks and signage, along with the grading, stabilization, seeding and landscaping therewith. The applicant shall add a note to each plan submitted to the Monmouth County Planning Board confirming the foregoing. The failure to add a note to each plan submitted to the Monmouth County Planning Board confirming the foregoing shall not relieve any applicant, its successors and assigns from the terms of this requirement.”

Vincent Domidion II offered a motion to adopt the resolution as presented and it was seconded by Freeholder Burry. All present were in favor.

Director Clark stated that this resolution will be forwarded to the Board of Chosen Freeholders for public hearing and adoption.

8. OLD BUSINESS

A. Updated on the Corridor Management Plan for Upper Freehold Historic Farmland Byway

Chairman Rettagliata stated that this item is being held for the April meeting.

B. Update on the Wastewater Management Plan

Assistant Director Goldschlag stated that our office is waiting to hear back from NJDEP on the remaining two conflict sites. She will give the board an update on how the issues for all the conflict areas were resolved at the next meeting. The next step will be to schedule the public meeting.

9. **NEW BUSINESS**

A. Upper Navesink River Source Tracking Update

Turner Shell introduced Eric Feerst of the NJ DEP-Water Monitoring and Standards. Mr. Feerst distributed a copy of the *Coastal Nonpoint Source Pollution Monitoring Program – Upper Navesink River Stormwater Study: Microbial Source Tracking* report that he prepared with other NJDEP staff. Mr. Feerst reviewed the highlights of the report with the board. A copy of this report is attached to these minutes for reference.

Turner Shell introduced Bill Simmons of the County's Health Department. Mr. Simmons gave the board an overview of the NJ application of microbial source tracking techniques, case histories, lessons learned, data from Navesink testing/monitoring and preliminary findings since the downgrade of certain areas.

Mr. Feerst and Mr. Simmons answered questions from the board and public.

Stanley Sickels, Administrator of Red Bank, spoke to the board about what Red Bank has done, in conjunction with NJDEP, to rectify problems that were identified in the Red Bank area.

Freeholder D'Amico asked if the planning staff could come up with recommendations resolving these types of issues in all rivers located within Monmouth County. Director Clark stated that staff will put their recommendations together and bring to the next meeting.

Director Clark asked Mr. Sickels of all documents regarding the tests and improvements he mentioned today.

B. Proposed S-82 and A-437 – Time of Decision Rule

Director Clark reported that he has prepared a draft resolution opposing the legislation amending the Time of Decision rule. A copy was distributed to the board for their consideration and is attached to these minutes for reference. Director Clark stated that the board received a copy of a resolution adopted by the Township Committee of Colts Neck opposing the Time of Decision rule as well which was listed in the correspondence section of today's meeting agenda. The League of Municipalities is also in opposition.

Director Clark reviewed the legislation and the concerns as stated in the draft resolution. There was discussion among the board. After some discussion, the board decided to amend the draft resolution submitted to change the fourth whereas to read "phrase "date of submission" in place of "word "filed" and would like to ask for clarification on this issue and what constitutes submission of an application. Paul Kiernan offered a motion to adopt the draft resolution opposing the legislation S-82 and A-437 in its current form and with the amendments agreed upon. Freeholder D'Amico seconded the motion. The resolution was adopted upon roll call vote with James Stuart and James Giannell voting in the negative.

10. EXECUTIVE STAFF REPORT

Assistant Director Goldschlag stated that as discussed at the last meeting, she worked with Nancy Grbelja and prepared and sent out letters to Senators Lesniak and Bateman on the S-1 legislation to reform the State's existing affordable housing laws. These letters were distributed to the board and are attached to these minutes for reference. Assistant Director Goldschlag asked the board if they would like to send copies of these letters to the municipalities as well. All present were in favor.

Director Clark stated that he wanted to clear up something he said at the last meeting after the presentation on the scenic byway expansion program presentation. He had incorrectly stated that the Engineering Department had been notified of all the scenic byway expansion meetings when they had not.

County Engineer Ettore stated that his office and the Planning Board have decided to meet on a regular basis to go over some of the more technical issues before the board meetings.

11. PUBLIC COMMENTS

Dennis Kavanaugh of the Sandy Hook Watermans Alliance stated that he wanted to submit a request to the Board asking to have additional water quality testing done at Monmouth Park Race Track. In addition, he wanted to expand the testing to include the feeder streams complex in Colts Neck.

Mr. Kavanaugh explained to the board that there is potential litigation under the Clean Water Act (CWA) against the New Jersey Sports Authority, the Monmouth Park Race Track. The basis of the suit is that The Sports Authority is in violation of the pollution provisions of the CWA and the Sports Authority pollution discharge permit. Mr. Kavanaugh gave Secretary Elias a letter from him regarding the Alliance's concerns and supporting documents (letter to NJDEP Central Water Compliance and Enforcement with sampling results and the notice of litigation) for the violations at Monmouth Park Racetrack. Secretary Elias will make copies and distribute these documents to the board. He also distributed copies of maps and photos of the Water Table Contours and Marine Water Recharge Areas and a copy of the paper titled "Optical Brightener and Fecal Indicator Bacteria Determination

for the Navesink/Shrewsbury River Watershed” written by Cara Muscio, Marine Extension Agent – Rutgers Cooperative Extension.

In addition, Mr. Kavanaugh stated that the reason he is asking for water testing is that the shell fishing industry would like to be more proactive since it now a dying industry. The purpose is to try to expand the testing to the rest of the county similar to what we saw in Red Bank which was done with Rutgers Cooperative Extension. This will have the polluters pay for it not the county taxpayers.

Geff Flimlin of Rutgers Cooperative Extension commented on the stopping of the harvesting of shell fish at the Navesink River. In addition, Mr. Flimlin stated that what they are really trying to do is raise the consciousness of the people in the county that what they do in the watershed impacts the bay. He explained what other initiatives they are trying to do in that area.

Carl DeAngelis, a resident of Tinton Falls and who has an office in Red Bank, stated that he has a personal interest in keeping river in “river center” and that he wanted to thank the board for its concern about the water quality issue in Monmouth County. He commented that the presentation by NJDEP today was very informational and helpful. Mr. DeAngelis stated that he lives in Tinton Falls downstream from the falls and on a secluded cul-de-sac and at the bottom of his neighbor’s street is a pump station. He stated that there have been times that this pump station would cause sewage back up in the lower level of this neighbor’s home. He was wondering what overall protocols might be in place for the constant monitoring, testing and inspecting important points along that road. The board suggested that he follow up with the NJDEP representative.

12. ADJOURNMENT

With no further business to discuss, Paul Kiernan, Jr. offered a motion to adjourn this meeting and was seconded by James Stuart. All present were in favor. Chairman Rettagliata adjourned this meeting at 4:20 p.m.

Respectfully submitted,



Geraldine A. Elias
Secretary to the Board