

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES

JANUARY 12, 2012

The meeting was opened at 7:30 p.m. by Chairman Armeno. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended, and notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

**ROLL CALL:**

MEMBERS PRESENT: James Landrith, Andover Borough  
Brian VanDenBroek, Franklin Borough  
Jeffrey Butz, Vice-Chairman, Fredon Township  
Christopher Kelly, Hamburg Borough  
Keith Gourlay, Hampton Township  
Howard Baker, Hopatcong Borough  
David Muscalo, Lafayette Township  
Paul Baldwin, Town of Newton  
Joe Pinzone, Sandyston Township  
Eric Powell, Sparta Township  
John Armeno, Chairman, At-Large  
Richard Gottemoller, At-Large  
Eleanor Mensonides, At-Large  
John Nugent, At-Large

EXCUSED MEMBERS: James Benson, Stanhope Borough  
Denise Webb, Wantage Township  
Kathy Little, At-Large

STAFF MEMBERS: Alice Brees, Principal Planner  
Dennis R. McConnell, Esq., County Counsel  
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Nathaniel Sajdak, Wallkill River Watershed Mgmt. Group  
Frank Elmuccio, Americorp NJWAP  
Dr. Sam Castimore, Franford Township Committeeman  
Joseph Mikulka, Cerenzio & Panero  
Tom Collins, Esq., Vogel, Chait, Collins & Snyder  
Harold Pellow, Frankford Township Engineer  
Anthony Santorelli, Principal of Sussex Commons, LLC

**REORGANIZATION:**

Dennis McConnell said the first order of business is the election of a Chairman and Vice Chairman. He asked for a report from the Nominating Committee. Jim Landrith said the Nominating Committee would like to nominate John Armeno for the office of Chairman. The nomination was seconded by Eleanor Mensonides and carried unanimously.

Eleanor Mensonides said the Nominating Committee would like to nominate Jeffrey Butz for the office of Vice Chairman. The nomination was seconded by David Muscalo and carried unanimously.

Chairman Armeno said he is happy to represent PAC as its Chair and appreciates the talents and experience of the Committee.

**PRESENTATION:**

A. FRANKFORD TOWN CENTER AMENDMENT

Alice Brees said she received a copy of the Frankford Town Center Resolution from the Township, so this is a formal presentation by the applicant.

Joseph Mikulka was sworn by County Counsel. He said he is the Senior Project Manager for Cerenzio and Panaro and represents the Township of Frankford and the Sussex County Municipal Utilities Authority.

Tom Collins was also sworn by County Counsel. Mr. Collins said he is an Attorney and Professional Planner with the firm of Vogel, Chait, Collins & Snyder in Morristown, New Jersey. He is special counsel to the Township of Frankford.

Mr. Mikulka said also present this evening are Harold Pellow, Frankford Township Engineer and Anthony Santorelli, principal of Sussex Commons, LLC. Sussex Commons, LLC has preliminary Planning Board Approval from Frankford Township. The project would be located in the Town Center Sewer Service Area.

Mr. Mikulka said this afternoon he received a list of initial questions from Alice Brees which he will preliminarily address this evening. Some questions may need some research to give a full answer to. He displayed a map of the project and said it is being proposed as a site-specific amendment on the advice of DEP. It would be an amendment to the existing 2001 Sussex County Wastewater Management Plan. The

Permit Extension Act continued this section of the Water Quality Management Plan until 2013 because it is in a non-sensitive area, Rural Planning Area in the State Plan. He said this would be an amendment above and beyond and separate from anything PAC has been working on with DEP. Alice Brees clarified that the project can proceed through the process on its own without having to wait for the County Plan. She said the letter from DEP saying this is a site-specific amendment is on the table.

Mr. Mikulka talked about how the Sewer Service Area is going to develop and the build-out analysis. He said they separated the sewer service area into different sectors. One sector is where the "Sussex Commons" development has been approved by the Township with specific site plans. The rest of the area will be dealt with in the future considering social and economic conditions. He said it is impossible to predict how quickly, how much or in what fashion the rest of the sewer service area will develop. In order to determine how much sewage flow is going to ultimately be necessary when the entire area is built out, they utilized existing zoning. Under this scenario, when a sewage treatment facility is built to service the Town Center sewer service area, the small facility that is currently serving the ballpark would be abandoned. There would only be one sewage treatment plant which will be owned and operated by the SCMUA. For the rest of the area, with the exception of the ballpark, they used existing zoning, which is either commercial or light industrial and estimated how much additional flow could result if the areas were built out. All of this information is in the report and application and he brought 20 CDs for PAC members.

Sussex Commons is the development that was approved by the Planning Board so they have firm numbers for that project. There will be 336,000 sq. ft. of retail space, utilizing DEP guidelines that result in 33,600 gallons per day (GPD) of flow. There are three restaurants planned with a total of 504 seats, which adds 17,640 GPD of flow. For the Housing Units, assuming two one-bedrooms, 12 two-bedrooms and four three-bedroom units, they generate respectively 300 gallons per day, 2,700 and 1,200 GPD of flow. Based on the number of seats, the ballpark will generate 12,600 GPD of flow.

In the C-2 Commercial Zoning Areas, there is 115.8 acres of available land that could be developed. When the zoning restrictions are applied, 1,800,850 sq. ft. is available, which results in 100,885 GPD of flow. For the Light Industrial acreage, 41,469 GPD is projected. Between what has already been approved and what the currently zoning would support, there are 210,394 GPD total of wastewater flow proposed.

Mr. Mikulka was asked to point out the location of the treatment plant and recharge beds. He said DEP may or may not have a problem with inter-basin transfer of water. The site sits on a drainage divide between the Wallkill and the Paulins Kill watersheds. It is recognized in the report that if future development takes place on the Wallkill side, they may need to locate recharge beds on the Wallkill side. David Muscalo asked what the geology of the area is. Mr. Mikulka said essentially it is a flat basin and it is relatively ideally suited for this type of development. He added that the report addressed all of the environmental factors required by DEP. The only wetlands on the property are surrounding the pond by the ballpark. The rest of the area is free of wetlands. Also, the report will be revised, since it currently says that there is zero flood plain incursion on the entire sewer service area. When Alice Brees had asked if

the most recent data was used, Mr. Mikulka looked into it and found that it was not the most recent data. The new digital FEMA flood map does show a very minor incursion on two lots. When asked, Mr. Mikulka said the area is not in the Highlands region.

Mr. Mikulka went over some of the comments he received from Alice.

Comment 1 dealt with the issue of inter-basin transfer and the location of the discharge. Mr. Mikulka said he met with DEP in August and they were told verbally by DEP that this would not be a big issue. However, until they get that determination in writing, they have to operate under the assumption that they may need to recharge the water back into the watershed that they take it out of. David Muscalo asked him to point out the location of the water well.

Comment 2 asked for a description of the confined aquifer and its boundaries listed on page 5. Mr. Mikulka said that was a mistake. It is an unconfined aquifer.

Comment 3 asked if the flood prone areas were obtained from the newly updated FEMA maps. A definition of steep slopes was also requested. Are the slopes greater than 20%? Mr. Mikulka said there is a slight incursion of a flood hazard area.

Comment 4 asked for a description of the Natural Heritage Priority Site and what features would be protected. It also asked for an explanation of the non-sustainable habitat (page 6) and the DEP letter. Mr. Mikulka said the reason the area is a natural heritage priority site is because of grasslands. The areas of concern that have been identified were grassland birds, wood turtles, Jefferson salamander and the spotted turtle. He said a number of studies have been done and found that this area has been historically farmed, is currently farmed and the grassland habitat is artificial, since crops are planted. The conclusion of the professionals that did the wildlife studies was that there were no real issues with nesting of grassland birds because of the ongoing farming. He added that DEP reviewed the work and studies that were done in the area and in Appendix 2 of the report is a recent letter from the DEP Assistant Commissioner that says the areas were not sustainable habitat because of the farming practices.

Comment 5 asked for a clarification on whether there was an outfall structure. Mr. Mikulka said that was a formatting error. "No" was checked and in the next version of the report, he will correct those formatting error. There are no outfall structures in the wetlands.

Comment 6 asked if there was a build-out projection using the Commercial zoning for those lots where there are existing residences. It also asked for a list of lots in the sewer service area with the acreage and current uses. Mr. Mikulka said he will provide that specific information. He said that acreage was included in the build out.

Comment 7 asked about the potential build-out scenario using the total 210,394 gallons per day, how many housing units or other proposed uses could be included in a mixed-use center? Mr. Mikulka said that depends on the nature of the zoning changes. Their estimates were based on existing zoning and they would have to make assumptions if they were to provide other build-out scenarios.

Comment 8 asked if a water allocation permit would be required since the total water usage is over 100,000 gallons per day. Mr. Mikulka said not if they can avoid it. For what is already approved, it will be 70,000 gallons per day, so only a water registration is needed. Sussex Commons would need to apply to be a public water system, probably a public community system because of the residential component. That same standard of requirements would be applied to whoever else may develop.

Comment 9 said the location of recharge beds for the effluent should be designated within each watershed. Mr. Mikulka said he already addressed this issue. He said they were aware that they may need to put recharge beds in specific watersheds, and DEP will be addressing that issue.

Jeffrey Butz said it seems like Mr. Mikulka is addressing two separate issues. The first issue is the Wastewater Management Plan for the town center. But he is also addressing an application for the development of a small part of that. If they're coming together as one package, one of his concerns is the stormwater runoff. The part that contains Sussex Commons, before development, drains towards Route 206, which is towards the Paulins Kill River. After development, it will drain towards the wetlands that are part of the town center. He noted a retention basin adjacent to the wetlands. His concern is that with just the Sussex Commons phase of the development and stormwater drainage, it doesn't continue to drain towards Route 206, because of the additional impervious cover. Mr. Mikulka said Appendix 3 was written by another engineering firm and he would pose those questions to them. Mr. Butz said his concern was for road debris being directed to the Paulins Kill River. Tom Collins said road debris would be directed to stormwater detention and retention facilities to be cleaned out. There are no direct pipes to the Paulins Kill.

Chairman Armeno asked Jeffrey Butz to forward additional comments or questions to Alice Brees.

There was discussion about a developer's agreement, and Eleanor asked for a copy of it. There was some discussion on the affected parties. Alice Brees said they would be Frankford Township, SCMUA and Millennium as the owner of the other wastewater treatment facility at the ballpark.

Jeffrey Butz said that we're talking about a Wastewater Management Amendment to create a sewer service area for a town center. As part of that, there is a development, which is a small percentage of the land. He asked if this should be looked at as two separate projects. Dennis McConnell said that's not what is before PAC. It's the entire project in one application. Mr. Butz said it seems like the Township came in to make the presentation with their Attorney. Mr. Collins said the Township is the sponsor in the application with the developer. For ten years the Township has been seeking the

Frankford Center. DEP suggested that this is the way they recommend it be done and they've been very receptive to working with Sussex County and with Frankford Township. Mr. Butz said he agrees with the amendment and the sewer service area. However, he feels there are some details that are lacking with the specific development. That puts him in the position that if they were taking a vote right now, he would vote "No" because of that and thereby possibly hold up the whole process. If it were split up, the larger process that has to go through DEP could move forward if that was passed first. Mr. Collins said that DEP doesn't allow the phasing of projects like that in their process.

Mr. Mikulka said if this amendment is approved at the next meeting, they are not guaranteeing their ability to develop the site the way they want to. They do not have an automatic approval. Chairman Armeno said PAC has concerns with development that could potentially contaminate the water supply, such as with a gas station. He advised Mr. Mikulka to get the requested information to Alice Brees as soon as possible.

As is usually done during the January meeting, Chairman Armeno asked the PAC members to introduce themselves.

#### **MINUTES CORRECTION/APPROVAL**

Minutes were not available.

#### **CORRESPONDENCE**

Alice Brees reviewed the correspondence listed on the attached sheet and answered questions on Correspondence Number Two.

#### **PLANNER'S REPORT**

Alice Brees said her work for PAC this month related to items on the Agenda: Byram, Frankford and DEP Review.

#### **UNFINISHED BUSINESS**

##### A. WATERSHED UPDATES: UPPER DELAWARE, WALLKILL

Jeffrey Butz did not have anything to report on the Upper Delaware. Nathaniel Sajdak said they are waiting for feedback from DEP regarding the recently submitted Restoration Plan for the Upper Paulins Kill Watershed. There are eight or nine projects that are suggested in that plan for implementation in this basin. These projects cover everything from stream bank restoration and agricultural restoration as well as some very specific riparian restoration projects throughout this basin.

Related to the Papakating Creek and Clove Brook Restoration Plan, as well as the Paulins Kill, their Memorandum of Understanding with the Natural Resource

Conservation Service (NRCS) was officially finalized this past month. Now that it is officially signed, it allows them to work side by side with the NRCS staff to use their funding to help them implement agricultural conservation practices on select farms around the area.

Mr. Sajdak said Frank Elmuccio is the new Watershed ambassador through the AmeriCorp Program. As a member of the AmeriCorp Program, he is raising environmental awareness and trying to get people involved with watershed management, education and outreach opportunities. He is proud to have him join his team and invited PAC to involve Frank in their community and local school system.

B. DEP REVIEW – PUBLIC COMMENTS AND SEWER AREA MAP

Alice Brees said in the past month, they received the DEP revised sewer area map. As it gets closer to having an actual map, she will put the GIS map on the County website. There are still a number of problems with the map. In this version, DEP has added in some proposed sewer areas that have not gone through PAC yet. These have been included as though they are approved sewer service areas. Ms. Brees said she, Eric Snyder and John Eskilson will meet with DEP next week. DEP is trying to meet with all the Counties by the end of January. She said the DEP map needs to show proposed areas separately from the approved sewer areas.

C. BYRAM TWP. WMP CHAPTER – FINAL APPROVAL PROCESS

Alice Brees reported that Byram Township's Wastewater Management Plan is moving forward. They went through their DEP review. Publication of the Public Notice will be in the January 17 New Jersey Herald and Star Ledger. It will also appear in the New Jersey Register on that day. Ms. Brees said she will post it on the County website. The Public Hearing is on February 22 at the Freeholder Meeting. Following that is the 15-day comment period. Responses will be given to the comments and then it can be approved.

**NEW BUSINESS**

A. MEETING SCHEDULE FOR 2012

Meeting dates for 2012 were approved at the December 2011 meeting. They will be e-mailed out to PAC tomorrow.

B. PROPOSED LEGISLATION TO EXTEND SEWER SERVICE AREAS AND REVISE WASTEWATER PLAN POLICIES

Alice Brees said the Assembly Bill regarding proposed legislation to extend sewer service areas and revise Wastewater Plan Policies was e-mailed to PAC members. She said the section on "Net Environmental Benefit" was taken out. The Bill was passed by both houses and is waiting for the Governor's signature. This will also be discussed at the DEP meeting next week.

C. POSSIBLE SPEAKERS/TOPICS FOR 2012 PAC MEETINGS

Chairman Armeno said that since there aren't too many applications coming before PAC, meetings have been cancelled. He advised the PAC members that if they know of any speakers that would do an educational program, please let Alice Brees know.

John Nugent said if PAC would like a tour of the MUA to see the expanded facility, he could arrange that. Alice Brees said that was a good idea.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

All business having been completed, a motion to adjourn the meeting was made by Jeffrey Butz. The motion was seconded by Eleanor Mensonides and carried unanimously. The meeting adjourned at 8:55 p.m.