

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES

JANUARY 8, 2015

The meeting was opened at 7:35 p.m. by Program Manager, Alice Brees. 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
Howard Baker, Hopatcong Borough, Chairman
David Muscalo, Lafayette Township
Eric Powell, Sparta Township
Lisa Chammings, Stillwater Township
Denise Webb, Wantage Township, Vice Chair
Daniel Flynn, At-Large
Richard Gottemoller, At-Large
Gary Larson, At-Large
Richard Vohden, Freeholder Liaison

EXCUSED MEMBERS: George Ryals, Fredon Township
Ernie Hofer, At-Large
Eleanor Mensonides, At-Large

STAFF MEMBERS: Alice Brees, Principal Planner
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: John A. Maione, Sr., Town Center, Wantage
John A. Maione, Jr., Town Center, Wantage
Joseph Retz, Rubin Hill Properties, LLC

REORGANIZATION:

Alice Brees said that a Nominating Committee was not appointed at the December meeting. She asked for a nomination for the PAC Chairman. A nomination was made by Jim Landrith to nominate Howard Baker as Chairman of PAC. The nomination was seconded by David Muscalo. No other nominations were made. All were in favor of Howard Baker serving as the PAC Chairman.

Chairman Baker asked for a nomination for the position of PAC's Vice Chair. David Muscalo nominated Denise Webb as Vice Chair of PAC. The nomination was seconded by Eric Powell. No other nominations were made. All were in favor of Denise Webb serving as the PAC Vice Chair.

Chairman Baker welcomed two new At-Large members, Daniel Flynn and Gary Larson. For the benefit of the new members, PAC members introduced themselves.

MINUTES CORRECTION/APPROVAL:

Minutes were not available.

CORRESPONDENCE:

Alice Brees reviewed the Correspondence listed on the attached sheet and answered questions on Correspondence Numbers Three and Four.

PLANNER'S REPORT:

Ms. Brees reported that most of her work for PAC this month related to items on the Agenda. She is still gathering relevant information for the Wastewater Plan and hopes to have more information for the February PAC meeting.

UNFINISHED BUSINESS:

A. COUNTY WASTEWATER MANAGEMENT PLAN (WMP) DRAFT, MAPS:

Ms. Brees said there are a few tables in the Plan that need some more municipal information. The DEP is interested in municipal Ordinances for "Required Connection for Septic Systems in Sewer Areas" or Ordinances for dry conveyances in sewer service areas. A member asked what a dry conveyance was. Eric Powell said it is the infrastructure, manholes and piping, which have been installed in anticipation of future sewer connection. Towns that do this usually have an established service area and are planning for a new area, whether commercial or a residential area with aging septic. They will install the dry lines and then create an Ordinance that requires this connection to a dry conveyance. Ms. Brees said she will send out a reminder e-mail to the towns for the information she needs. Since the County no longer has a GIS Department, she is trying to do more in-house mapping where there are minor changes.

B. MUNICIPAL CHAPTERS FOR COUNTY WMP – REVISIONS DUE BY 1/28/15:

Municipal Chapters were sent to the towns for their review and changes/corrections where necessary. The revisions are due by January 28. Mr. Muscalo asked what happens if a town does not respond by the due date. Ms. Brees said for the sake of moving the plan forward, she will submit the information she has. However, there is still time in the process for the town to make a change.

If the Plan is ready by February 5 (the next PAC meeting,) and PAC takes an action in February or March to recommend the Plan to the Freeholders, it would then go on a Freeholder Agenda. After the Freeholders give their preliminary approval, the Plan will go to the DEP for review. It then goes for review by the Highlands Council. After that, DEP writes the Public Notice. The County sends a notice to all the towns as Affected Parties and asks for their consent. The towns will have a 60-day period to respond. The County will have a Public Hearing at a Freeholder Meeting. Comments from the Public Hearing will be responded to, the Plan will go back to the Freeholders for final approval, and then back to the DEP for final approval. Ms. Brees said there are instances where a town can hold off their endorsement and will have to go through the process separately.

Ms. Brees advised PAC that DEP hopes to have new rules relating to wastewater in place by the end of 2015 and that the County is submitting the Plan under the existing rules. Ms. Brees said from what she's heard, any changes will only help us. DEP is trying to simplify the process.

C. WATERSHED UPDATES: UPPER DELAWARE, WALLKILL:

No watershed updates were available.

NEW BUSINESS:

A. “CHANGES IN GROUNDWATER RECHARGE RESULTING FROM DEVELOPMENT, 1995 – 2007” STUDY BY NJ GEOLOGICAL & WATER SURVEY:

A copy of this study was sent to the PAC members for their information. Ms. Brees said this is not something PAC has to take an action on. There was some discussion on the model used in the study and uncertainties in the findings. Howard Baker said these studies become the foundation for the tools that regulators use. Eric Powell pointed out that the data they used is already seven years old. If DEP did this study now with seven years' worth of data from 2007-2012, when the last set of variables came out, these numbers may very well completely reverse themselves. Dan Flynn said they also did not take into consideration any of the developments that have infiltration basins and detention basins. They're just looking at impervious cover. Mr. Powell said they used aerial photography and land use cover data. The aerial photo shows a parking lot (as an example) but if there is an underground recharge basin under the parking lot, it doesn't see it and that gets missed in the ground water

recharge analysis. There was also some discussion on the role of wetlands as a source of discharge, not recharge.

B. POSSIBLE SPEAKERS AND TOPICS FOR 2015 MEETINGS:

While discussing possible speakers and topics for 2015 meetings, the authors of the report on ground water recharge was suggested, as was a revisit by the Highlands Commission.

PUBLIC COMMENT:

Joe Retz, a builder from Wantage, said the State is using the State Development Redevelopment Plan to control local zoning. He said the science of using five and six-acre zoning in the Nitrate Dilution model is sketchy at best. He also talked about the loss of population in the County and attributed it to five and six acre zoning.

Ms. Brees said years ago DEP was saying that if the County did a Nitrate Dilution model and it showed that nitrate load was too high, the County needed to consider down-zoning to larger lot sizes. DEP is not saying that anymore. Because there is so much open space in Sussex County, we still meet the DEP standards for nitrate dilution, even using existing zoning. She added that requiring five-acre zoning everywhere is not the County's intention in the Wastewater Plan. The Nitrate Dilution Model is meant to be at a watershed level. If you have 30 acres of open space, then you can have one-acre lots within the watershed. The Wastewater Plan matches the County Strategic Growth Plan from 2004, where we are supporting compact development. There are a lot of approved sewer areas that are not built yet. The County is not being held up by the Wastewater Plan as there are approved NJPDES Permits for commercial and residential areas. She said according to the Table that starts on Page 36, DEP's allowed units are higher than the County's build-out units using existing zoning.

Mr. Retz said there are towns that already have five-acre zoning and that they will use nitrate dilution as the reason for the zoning. Mr. Baker said the reality is that there are communities that want five-acre zoning for its own sake. Eric Powell said the towns write the ordinances and many locals who serve on the Zoning and Planning Boards do not want to see any major change to the way their town looks. Mr. Baker agreed and said if there are no factories or commercial establishments that provide jobs for people; you won't have a demand to build a lot of houses on smaller than five-acre lots.

There was some discussion on population loss. Ms. Brees said the loss of population is not limited to Sussex County. Nationwide, New Jersey has the highest rate of people leaving the state. There was also some discussion about the trend of people moving back to the city. David Muscalo said 60% of Sussex County residents work outside the County. He feels the price of gasoline is responsible for people moving out of the rural and suburban areas and closer to their jobs.

Freeholder Mudrick said he was the Liaison to the PAC in 2013 and 2014 and that Freeholder Director Crabb did not assign him to be the liaison to PAC for 2015. He said he was not always able to attend the PAC meetings because his commitments often overlapped, but he wanted to congratulate the Chairman and Vice Chair. He said he was aware of the vacancies on the Policy Advisory Committee and asked John Eskilson if he could make some recommendations for those openings. The first two calls he made were to Mayor Larson from Frankford and Councilman Daniel Flynn from Newton, both of whom are now At-Large members of the PAC. He thanked all the members for the passion they have for this Committee.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by David Muscalo. The motion was seconded by Richard Gottemoller and carried unanimously. The meeting adjourned at 8:46 p.m.