

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES

MAY 10, 2012

The meeting was opened at 7:32 p.m. by Vice Chairman Butz. 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
Jeffrey Butz, Vice-Chairman, Fredon Township
Keith Gourlay, Hampton Township
Howard Baker, Hopatcong Borough
David Muscalo, Lafayette Township
Paul Baldwin, Town of Newton
Lisa Chammings, Stillwater Township
Michael Furrey, Vernon Township
Denise Webb, Wantage Township
Eleanor Mensonides, At-Large
Susan Zellman, Freeholder Liaison

EXCUSED MEMBERS: Joe Pinzone, Sandyston Township
James Benson, Stanhope Borough
John Armeno, Chairman, At-Large
Richard Gottemoller, At-Large
Kathy Little, At-Large

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

ALSO PRESENT: Carrine Kaufer, Hardyston Township
Ken Dykstra, for Sparta Junction
Debra Nicholson, Esq. for Sparta Junction
Colleen Cunningham, Esq. for Hampshire Co.
Michael Simone, Jr., Crew Engineering

A Motion was made by Denise Webb to amend the Agenda to Unfinished Business, A. The motion was seconded by Eleanor Mensonides and carried unanimously.

A. PROPOSED RESOLUTION, SPARTA JUNCTION WMP AMENDMENT, SPARTA :

Alice Brees reported that since the last meeting there was some additional information provided by the applicant which answered some of the questions that were raised during their presentation last month.

Ken Dykstra said at the last meeting he discussed the site specific amendment for the Sparta Eco Commerce Center. There were some minor technical comments about the report. The changes were made by Suburban Consulting Engineers and the report was resubmitted.

David Muscalo questioned the lot size which was listed as 4,461 acres. Mr. Dykstra said that was incorrect, it should be 4.461 acres and he will see that it gets corrected on the report. He added that there was another correction made relative to the status of the existing septic system and uses and said he e-mailed the correction to Alice Brees. He said that existing users that have existing septic systems will not be required to connect to the wastewater treatment plant when it becomes functional, but they will have the option to do so. If they expand their use, then they will have to connect. Also, any new development or new systems will have to connect.

Alice Brees said another issue that was clarified was the status of the Highlands review. Sparta was in conformance with the Highlands Regional Master Plan only for the Highlands Preservation Area. Mr. Dykstra said this project is in the Planning Area of the Highlands region.

A draft Resolution was prepared and sent to the PAC members. The four affected parties were determined to be Sparta Township, Sparta Twp. Water Utility, Byram Township and the SCMUA. Mr. Dykstra said he noted one change to the gallonage in the Resolution. The Resolution showed 19,800 gallons and in all the reports it showed 19,810 gallons. Ms. Brees said she will make the change in the Resolution. Ms. Brees also confirmed that this is being proposed as a site specific amendment and will be processed separately from the County Wastewater Plan.

Dennis McConnell said the third "Whereas" in the Resolution will be amended to include 19,810 as previously stated. The Plan document will also be corrected to show the correct lot size.

MOTION:

A motion was made by Howard Baker to approve the Resolution for the Sparta Junction Wastewater Management Plan Amendment as corrected. The motion was seconded by Denise Webb and carried unanimously.

PRESENTATION:

A. HAMPSHIRE CO. SITE, LOWER UNIONVILLE ROAD, WANTAGE TWP.;

Colleen Cunningham, attorney with Lucas and Gaus, said she is here to make a presentation regarding a revision to the Wastewater Management Plan for Wantage. Michael Simone, from Crew Engineering will provide testimony. Exhibits have already been submitted and she confirmed that PAC received the application and their letters in support of the application from the Wantage Township Administrator, Attorney John Ursin and Nicholas Angarone from DEP. Those were in addition to the documents that Mr. Simone will discuss. They also just submitted correspondence from the Sussex Borough Administrator. Alice Brees confirmed receipt of the documents and said that the last letter is on the table as a handout this evening.

Mr. Simone was sworn by Dennis McConnell. Mr. Simone said he is a Professional Engineer and his qualifications were accepted. A map showing existing and proposed sewer service areas was displayed and marked as A-1. Mr. Simone said about 10 years ago, DEP approved the WMP Amendment for the A&P to be included into SCMUA sewer service area (Block 20, Lot 3). Hampshire Co. is proposing to have two lots added to the SCMUA sewer service area (Block 2, Lots 36.01 and 36.02). When asked, Mr. Simone said allowing those lots to be brought into sewer service area will provide commercial ratables to the town.

He said around the year 2000, there was an agreement among Wantage Township, Sussex Borough, Franklin Borough and SCMUA to transfer gallonage from the SCMUA allocation to the A & P site. A pumping station was built to take the sewage generated by the A&P facility and pump it through Sussex Borough's sewer collection system to the SCMUA treatment plant. He said that agreement was for 10,000 gallons per day (GPD.) Currently, the A&P site does not utilize the entire 10,000 GPD and based on the calculations they performed, there is approximately 2,900 – 3,900 GPD available. When asked how he arrived at those figures, Mr. Simone said the pump station operator at the A&P site is required to report to SCMUA the actual flow rate from pump station, which is metered.

Mr. Simone said it is unknown what the ultimate development might be at this site, but potentially they are considering office/retail. A site plan sketch was displayed and was marked A-2. The sketch shows a two-story building of 27,600 sq. ft. The Zoning Ordinance dictated that 138 parking spaces were required but they were able to fit 143 parking spaces in the area. There were also other minor requirements which they did accommodate. This exercise was to show what was possible, it does not represent what the property owner is proposing to build. In accordance with DEP, this size building would require 2,760 gallons of sewage allocation available. This is based on

DEP regulations for retail use, one gallon per 1,000 sq. ft. He added that the size of the building is limited by the amount of gallonage available.

When asked, Mr. Simone said all of the property mentioned has one owner. Mr. McConnell asked if the owner has the right to transfer the gallonage to another property by the initial allocation agreement. Ms. Cunningham said they believe they do have the right to transfer the allocation. Mr. Simone said because you can't sell allocation to a private entity, the original agreement was between Wantage Township, Sussex Borough to a degree because it runs through their system, SCMUA and Franklin. Franklin was the selling entity and Wantage was the buying entity. United Properties at that time paid for everything. The succeeding organization is Hampshire Co. Ownership of the 10,000 GPD should rest with Hampshire Co. They are proposing that because they have 10,000 GPD and they are not using it all, that they be permitted to apply it to two adjacent lots. Ms. Brees asked if in the event the lot was sold, does the allocation stay with the property. Mr. Simone said that would have to be part of an agreement because you couldn't move the allocation away from the building that needed it. Ms. Cunningham agreed to provide documents supporting their position.

A member asked about peak or seasonal variations in the flow calculations from the A&P. Mr. Simone said they are very consistent except for the time during the hurricane. The flow rates are consistently less than 6,000 GPD. They have monthly readings for about 16 months. He added that the design of pump stations deals with peaking factors within the design of the station itself. A pump station is not designed for 10,000 GPD. The design of the pump station is for two and a half times that because that is what is required by the administrative code. The actual flow into it varies within the day with the hours of operation of the businesses. Ms. Brees requested the records for the existing flow, the monthly reports.

Jeffrey Butz asked if the problems that occurred during the hurricane implied that there was an infiltration of storm water into the sewer. Mr. Simone said it did not. He said the entire site was literally covered with water. Because of that every conceivable entry, including every toilet, had water going into it instead of out of it. The hurricane was a record event in New Jersey. He added that there was one hurricane, one tropical storm and two very heavy rains in the spring and none of the other events caused any problems, just the hurricane. It literally flooded the entire shopping center. When asked, Mr. Simone said the approximate average per day over the 16 months is right around 6,000 gallons per day. The hurricane changed it to an average of 7,000. The 16 months of data are very consistent, slightly above or below 6,000 gallons per day.

Jeffrey Butz asked how long has the pump station and the current sewer system been in place. Mr. Simone said from the year 2000, about 12 years. Prior to that time it was on septic. When asked who maintains the pump station, Mr. Simone said it is owned by Hampshire Companies and they are required to have a licensed operator. The operator maintains it and the expenses go to Hampshire Company. There is an on-site generator.

A member asked if all of the store fronts were fully occupied during the recording period. Mr. Simone said he does not know if any stores were vacant. Ms. Cunningham said she would find out and submit the flow readings as well as the documentation on the stores being occupied or vacant. Mr. Simone said with the readings, if there are any stores that were vacant, they can estimate what that flow rate would have been. Ms. Brees said a description of what is in the A&P Shopping Center and the uses would be helpful. She also said in the County Planning file paperwork for the original allocation transfer, there was some mention of 12,500 gallons per day as an option during the agreement but they were only able to get 10,000 from Franklin. Ms. Cunningham said she would provide Alice with the documents with respect to the agreements. Eleanor Mensonides requested that the owner proposed a definite allocation number that he will allocate to the site.

Freeholder Liaison Susan Zellman asked what would happen if years from now there was a vacancy in either one of the sites. Who determines if the new occupant (for instance, a laundromat or restaurant) would exceed the 10,000 gallons? Dennis McConnell said the owner would have to prove to the municipality that the gallonage is available. The Board of Health would also get involved. Denise Webb said if the old use was a retail store and then it changed to a restaurant, the flow would change and it would have to go to DEP to make sure that the flow calculations were correct. DEP would evaluate it. Ms. Cunningham said she would submit the additional information in a package.

Jeffrey Butz said in the past, PAC was provided with five years of flow records. Ms. Cunningham said she was not sure if her client would be able to provide five years worth of records. Denise Webb said DEP would have those figures. Ms. Cunningham said she would look into that.

MINUTES CORRECTION/APPROVAL:

A motion was made by David Muscalo to approve the Minutes of April 12, 2012. The motion was seconded by Eleanor Mensonides . All were in favor, with an abstention from Michael Furrey. Motion carried.

CORRESPONDENCE:

Alice Brees reviewed the correspondence listed on the attached sheet and answered questions on Correspondence Number Seven. There was some discussion on Correspondence Number Nine.

PLANNER'S REPORT:

Alice Brees said that her work for PAC this month was related to items on the Agenda.

UNFINISHED BUSINESS:

B. SUBMITTAL OF SEWER SERVICE AREA MAP AS REQUIRED BY NEW LEGISLATION:

Alice Brees said she e-mailed the link to PAC members to view the comparison sewer service area maps of Sussex County and DEP. She said she had a problem with the link and that the County GIS Manager fixed it. Legislation that was passed in January 2012 requires sewer service area maps from all the counties by mid-July. She hoped to have more detailed maps next month and would like to have the GIS Manager here to show the maps online.

Ms. Brees displayed the comparison sewer service area (SSA) map for the entire county. The original sewer service areas from Sussex County Wastewater Management Plan were submitted to DEP in February 2008 (shown in yellow). After 4 years of DEP review, their reduced SSA areas were shown in a darker color. Areas that had the most sewer service removed were in the SCMUA: Franklin, Hardyston and parts of Vernon. More information will be sent out and posted on the County website. She also e-mailed municipal administrators and engineers looking for comments within the next month or two on how this change will impact their towns. At either the June or July meeting, she will be asking for a recommendation to the Freeholders on how to proceed in sending maps to DEP.

The existing and future sewer service areas were sent in the PAC mailing. Once DEP gets the sewer maps in July, they will be able to process site specific amendments. Under the new legislation, those have a timetable and deadlines for DEP review.

C. WATERSHED UPDATES: UPPER DELAWARE, WALLKILL:

Jeffrey Butz said he did not have anything to report on the Upper Delaware. He asked if anyone had anything to report on either the Upper Delaware or the Wallkill. No one had anything to report.

Freeholder Liaison Susan Zellman said at the last meeting there was a directive to have a Resolution before the Freeholder Board for support of funding for the Lake Hopatcong Commission. She said that was on the agenda last night. They also received a similar request from Lake Musconnetcong Regional Planning Board for funding for lake management and vegetation control. The Freeholders combined both Resolutions and passed them last night. They were sent on to the State.

NEW BUSINESS:

A. “SUSSEX COUNTY WATER QUALITY MANAGEMENT AREA” JURISDICTION INCLUDING PORTION OF MORRIS COUNTY:

Alice Brees said PAC received information on this in their mailing. It is a listing of Water Quality Management Planning (WQMP) agencies in New Jersey. The Sussex County Board of Freeholders has been a WQMP agency since the mid-1970s. She said

the document includes a map of the Planning Areas and that the boundaries were created in the 1970's when the Clean Water Act Funding was first coming out. Sussex County's WQMP boundary includes the Musconnetcong Watershed Area in portions of 4 municipalities in Morris County: Jefferson Twp., Mount Arlington, Netcong and Roxbury. DEP will be using those boundaries for processing the Morris County Wastewater Management Plan, so a portion will be under the Sussex County WQMP jurisdiction. Ms. Brees said PAC will probably have to go through a hearing process in the next couple of months.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Eleanor Mensonides. The motion was seconded by Denise Webb and carried unanimously. The meeting adjourned at 8:15 p.m.