

**MINUTES OF THE JANUARY 19, 2021  
REORGANIZATIONAL MEETING OF THE SOMERSET COUNTY PLANNING BOARD  
HELD AT 4:45 P.M.  
ZOOM VIRTUAL MEETING**

**Call to Order**

The January 19, 2021 meeting of the Somerset County Planning Board convened at 4:45 p.m. This meeting was held as a virtual meeting.

**Pledge of Allegiance**

**Open Public Meetings Statement**

Chairman Navatto, Jr. reported the meeting had been duly advertised in accordance with Open Public Meetings Act as follows:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*, and the Emergency Remote Meeting Protocol for Local Public Bodies N.J.A.C. 5:39-1.1 through 1.7, adequate notice of this meeting has been provided. The date, time and virtual meeting information for this meeting was published in The Star-Ledger and the Courier News. The agenda and the virtual meeting information was also posted on the County Planning Board website.

**Swearing in of New and Reappointed Members**

Deputy Counsel for Planning Joseph DeMarco swore in the following:

Erika Inocencio, Member  
Sami Shaban, 1<sup>st</sup> Alternate  
Ashok Rakhit, 2<sup>nd</sup> Alternate

**The Roll was called, and the following were in Attendance:**

Bernard V. Navatto, Jr., Chairman  
Chris Kelly, Vice-Chair  
Al Ellis, Member  
Jeffrey A. Wright, Sr., Member  
Erika Inocencio, Member  
Matthew Loper, Secretary/County Engineer  
Commissioner Director Robinson  
Sami Shaban, 1<sup>st</sup> Alternate  
Ashok Rakhit, 2<sup>nd</sup> Alternate  
Joseph DeMarco Esq., Deputy County Counsel

Sami Shaban, 1<sup>st</sup> Alternate voted in place of John Lindner who was absent.

**Absent**

John Lindner, Member  
Commissioner Paul Drake

**Also Present from Staff:**

Walter Lane, Director of Planning  
Anthony McCracken, Assistant Director  
Thomas D'Amico, Supervising Planner  
Laurette Kratina, Chief of Strategic Planning  
Ken Wedeen, Supervising Transportation Planner  
James Ruggieri, Principal Community Planner  
Nora Fekete, Planner  
Aarthy Sabesan, Senior Planner-GIS  
Kate Katzer, Principal Planner  
Cynthia Mellusi, Office Manager

**Approval of December 15, 2020 Regular Meeting Minutes**

Chairman Navatto, Jr. asked for a motion to approve the minutes of December 15, 2020 Planning Board Meeting. The motion was made by Chris Kelly and seconded by Commissioner Director Robinson. The roll was called and the motion passed unanimously.

**ACTION ITEMS**

**Selection of Chair Pro-Tem**

Bernard Navatto, Jr. made a motion to nominate Matthew Loper as Chair Pro-Tem. Chris Kelly second. The motion was approved unanimously.

**Election of Officers for 2021**

Chair Pro-Tem Matt Loper asked for nominations for the entire 2021 Officers for Chairman, Vice-Chairman and Secretary. Al Ellis nominated Bernard Navatto, Jr. as Chairman and was seconded by Chris Kelly. Erika Inocencio nominated Chris Kelly for Vice Chairman and was seconded by Bernie Navatto., Jr. Bernie Navatto, Jr. nominated Matthew Loper as Secretary and was seconded by Chris Kelly. Chair Pro-Tem Matt Loper closed the nominations and a roll call vote was called and the motion passed unanimously.

Chair Pro-Tem Matt Loper turned the meeting back to Chairman Navatto congratulating him on his election as Chairman.

**Chair's Comments**

Chairman Navatto thanked the Board for re-electing him as Chairman. He welcomed the new appointees to the Board.

Chairman Navatto recognized Planning Director Walter Lane and his talented and dedicated staff for their hard work. Chairman Navatto also acknowledged the Commissioners for their good leadership and their continued full support in making all this possible.

### **Resolution Designating 2021-2022 Planning Board Meeting Dates**

Director of Planning Walter Lane reviewed the meeting dates for 2021 and the first meeting of 2022. Chairman Navatto asked for a motion to approve this resolution for the designated Planning Board meeting dates. The motion was made by Chris Kelly and seconded by Jeff Wright. Roll call was called and the motion passed unanimously.

### **Resolution Designating Non-voting Representative to the Somerset County Agriculture Development Board for 2021**

Director Lane provided an overview of the resolution. Chairman Navatto asked for a motion to approve this resolution, which appoints the Chairman of the Environmental & Utilities Committee or the Chair's Designee as the representative to the Agriculture Development Board. The motion was made by Al Ellis and seconded by Jeffrey Wright. Roll call was called and the motion passed unanimously.

### **Resolution Authorizing Certain Somerset County Planning Board and Planning Division Members the Responsibility of Signing All Subdivision Plats to be Filed with the County Clerk for 2021**

Director of Planning Walter Lane summarized the proposed resolution which designates who is authorized to sign subdivision plats. Chairman Navatto asked for a motion to approve this resolution designating those that can sign subdivision plats. The motion was made by Jeffrey Wright and seconded by Chris Kelly. Roll call was called and the motion passed unanimously.

### **Approval of Dates for the 2021 Committee Meetings**

Director of Planning Walter Lane reviewed the proposed meeting dates for all of the Planning Board Sub-Committees. Chairman Navatto asked for a motion to approve the meeting dates for the Committee Assignments. The motion was made by Erika Inocencio and seconded by Matt Loper. Roll call was called and the motion passed unanimously.

### **Preliminary 2021 Committee Assignments**

Chairman Navatto referred to this list in the Planning Board Packet. He requested that if any member had a problem with the assignments, to contact Director Lane or Chairman Navatto to discuss it.

### **Planning Director's Report**

Director of Planning Walter Lane provided an overview of work underway in the Planning Division. He briefed the Board on the following items:

- Director Lane stated he provide an overview of 2020 accomplishments and goals for the coming year at our next meeting. He stated last year was full of twists and turns but I think as an organization and Board we had a successful year. This was possible due to the incredible support we received from the Planning Board and the Board of Freeholders/ Commissioners. Without this support we would not be in the position

that we are in today: a recognized leader in planning. He thanked both Boards Director Lane also thanked his staff for their professionalism and dedication. He added staff adapted and overcame many obstacles and continued to serve the residents of Somerset County in these extraordinary times.

- The Green Jobs Task Force spearheaded by Commissioner Marano will be holding their third meeting on February 20<sup>th</sup>. The Task Force is making good progress and currently working on developing a mission statement.
- Director Lane reported that he facilitated a discussion with Bernardsville, NJDOT and NJ Transit regarding the Borough's desire to obtain designation as a Transit Village.
- At next month's Board Meeting, Director Lane stated the Board may be asked to approve municipal stormwater plans and ordinances. Per the new stormwater rules adopted last March, Counties must review and approve these documents. Municipalities must submit these approved documents to the NJ Department of Environmental Protection (NJDEP) by March 3<sup>rd</sup>. To date, only a few municipalities have submitted documents for review. Staff has sent reminders in the past and another reminder will be sent out tomorrow.
- The consultant team, as part of the AT&T Land Use Study, has developed some initial concepts for the repositioning of the site. A meeting with Bedminster's Master Plan Sub-committee will be held next week to discuss these concepts.
- Governor Murphy signed legislation to create a new Economic Development Incentive Program. Based upon our initial review of the legislation, it is evident that many of the concerns we had raised have been reflected in the new legislation. The new programs seem to support places that are doing good planning, i.e. Somerset County. We will be working to ensure the rules and regulations of these new programs do not create a suburban disadvantage like the old programs did.
- Director Lane made a presentation to NJDEP's first virtual Sustainability Speakers Series. The presentation highlighted how we have incorporated sustainability concepts into all of our planning efforts: the County Investment Framework, Walk, Bike, Hike Study, the Preservation plan and our work with the Energy Council.
- He reported that he attended a meeting on Middlesex County's Destination 2040 Plan. As mentioned previously, the work our County has done regarding regional planning has helped inspire a similar effort in Middlesex County and they are creating a Strategic Investment Framework that mirrors our County Investment Framework. At this recent meeting, he pointed out that our two counties share a common planning agenda and we should work to identify ways our counties can work together.

### **January 2021 Land Committee Report and Approval of the December 2020 First Time Submissions**

Thomas D'Amico, Supervising Planner, referred to the report in the Planning Board Packet.

At the January 13, 2021 meeting of the County Planning Board Land Development Committee the Committee reviewed several projects as well as the first-time submissions for the month of December 2020. The meeting was held via Zoom.

**Branchburg Senior Apartments, Branchburg**

The Committee reviewed the request from the developers of the Branchburg Senior Apartments, "Walters Group Apartments", to waive the requirements for the number of recycling dumpsters for their project. The site is located on Old York Road (County Route 657). The project proposed two structures containing 75 multi-family units each. The development is totally age-restricted and income restricted. The developers feel that the required two 4-yard dumpsters for every 20 residential units are excessive for this type of community.

The Committee felt that the County should not waive the recycling requirements since this would set a precedent for these types of multi-family developments and it is possible that, in the future, it could be converted to non-age restricted housing. In addition, no supporting documents or data was provided related to the expected lower volume of material.

**Giraldi Brothers Old York Road, Bridgewater**

James Ruggieri reported that in November the applicant, Giraldi Builders, submitted a subdivision application. They propose demolishing the existing house, and vacating the paper street in the rear of the property (known as Moran Avenue), consolidate the existing three lots and then subdivide the property into four single-family lots for four single-family homes. Access will be from Old York Road by means of a proposed stub street that will follow the existing right-of-way of a paper street known as Franklin Street. The project site is located on Old York Road (CR 567) in Bridgewater just west of Milltown Road. Property is bounded to the east by an existing residential house; to the west the property is bounded by County-owned parkland. Existing topography is such that majority of land naturally drains away from the road in a south east to north west direction and towards the adjacent County-owned parkland.

The project shows encroachment onto County owned land; not only would this impact County-owned parkland but the County-owned parcel is Green Acres encumbered as preserved open space. The encroachments onto the County parkland as shown on the plans include proposed tree removal. Also, the plans proposed a retaining wall along the property line with the County Park property and that it is unclear how this wall and adjacent road can be constructed without disturbance on the park property.

Another major issue involves drainage. Stormwater runoff is proposed to be managed by a detention basin in the low spot of the property which, based on the plans that were submitted, would concentrate the runoff onto County parkland. As a practice, we do not allow stormwater runoff to discharge from development projects onto County-owned parkland and certainly not discharges that increase the runoff velocity or volumes.

In response to these issues in our County Planning Board letter of November 30, 2020 the applicant requested to meet with County staff to resolve these issues, their biggest concern being the drainage issues. On December 3<sup>rd</sup> staff met virtually with applicant's engineers who indicated the tree removal as shown on the plans was an error on their part and that they have no intention of removing any trees. They also indicated that the Township prefers that the proposed access road be aligned to follow the existing paper street right-of-way known as Franklin Street which puts the access road parallel to and right up alongside the property line

with the adjacent County-owned parkland. The meeting concluded with the applicant's engineers to discuss further with the applicant.

The applicant submitted a letter dated December 11 describing in detail a proposed stormwater management plan designed to minimize any impact; including following the natural topography, reducing runoff rates below existing for 1-year, 10-year and 100-year storm events, and that they are meeting state stormwater management standards for soil erosion and sediment control. Also they are reducing the size of proposed access road [Franklin Street] to reduce amount of runoff, and employing rip-rap to further dissipate and stabilize the runoff before it leaves the property.

County planning and engineering staff along with Planning Board Counsel discussed their proposal and the conclusion was this situation involves a unique set of circumstances based on the topography, and that since they are not altering the natural topography and drainage patterns, and not increasing velocity or volume of runoff, County Engineering found their stormwater proposal to be acceptable with certain stipulations which we have outlined in a letter that is being sent to the Township and the applicant, including

- Rectifying certain detail discrepancies concerning the rip-rap apron and discharge pipe.
- Preparing a Drainage Facilities Operation and Maintenance Manual to insure the proper maintenance of all proposed drainage features. The O&M manual must also state that, should the owner fail to maintain the basin as per the plan, the Township or County shall have the right to perform the repairs and/or maintenance and charge the owner accordingly. The manual must provide information on the type of action that will be taken in the event that the facility fails to function as anticipated.
- Unless a homeowner's association is being created with provisions for maintaining the stormwater management facility, a new deed for the property is to be recorded in the County Clerk's office for the purpose of outlining the owner's maintenance requirements and making them a matter of public record. It is also important that they identify who will be the owner of the drainage facilities. It is requested that the Township handle the bonding and inspection of the stormwater management facility for this project.
- We also made it very clear in our letter there must be no encroachment on the County land and that all construction and disturbance must occur on the applicant's property with no need to enter onto the County's property.

The letter went out on January 12<sup>th</sup>. We are now awaiting revised plans. The plans will have to show no encroachment. As long as the plans demonstrate there will be no encroachment, there will be no further need to involve the Land Development Committee.

**BSREP III 17 School House Road**, Franklin

Nora Fekete presented, as an informational item, the BSREP III 17 School House Road project. The project is located at the corner of Schoolhouse Road and Belmont Drive.

The Applicant proposes to demolish the existing 89,799 square foot building which was the former Elite Preparatory Academy and prior to that Central Jersey College Prep Charter School and construct a 204,772 square foot one story warehouse building with a warehouse area of +/- 187,917 square feet, office area of +/-10,007 square feet, a +/- 6,000 square feet mezzanine, and

a utility room area of +/- 848 square feet. There will be a 138 car parking spaces, 29 trailer parking spaces and 44 loading docks. Stormwater management will be addressed by an underground detention basin system.

### **First Time Submissions**

The Committee reviewed all first-time submissions for the month of December 2020. During the month, the County Planning Board reviewed a total of 38 submissions. There were 102 new lots proposed and 6 new lots created. Of the site plans proposed during the month there was 644,542 square feet of non-residential building space proposed as well as 28 multi-family units. There was \$16,441 in improvement value and \$10,116 in development review fees paid to the County Planning Board.

Chairman Navatto asked for a motion to approve the 2021 January Land Development Report. The motion was made by Chris Kelly and seconded by Al Ellis. The Roll was called and the motion passed unanimously.

### **Millstone Borough Plan Endorsement Update**

Director Lane reported he attended the Millstone PB Meeting on January 12<sup>th</sup> to discuss issues related to the Borough's Plan Endorsement petition. The NJ Department of Environmental Protection (NJDEP) wanted to exclude a property that had been in the original center boundary and is the current sewer service area. The reason NJDEP wanted to exclude the parcel is because it had not been developed and the new NJDEP landscape data showed environmentally sensitive features on the parcel. Since our sewer service boundaries are set to expire in 2023, the Department wanted to remove this parcel now. Both the Borough and the County objected to the removal of this property. At this time, it appears that NJDEP has agreed and will allow this parcel to be in the Center and sewer service area.

Director Lane stated if this change were to be allowed to proceed, it would set a very bad precedent of using the wastewater management planning process to guide planning decisions instead of the State Plan informing wastewater management planning decisions. This could impact all the other Centers in our County as well as our Priority Growth Investment Areas in the County Investment Framework. Director Lane stated it is important that the County state our objections to these types of changes in our letter of support for Millstone. Director Lane asked the if the Board concurs with this approach. Chairman Navatto supported Director Lane's suggested approach. Vice-Chairman Kelly, Al Ellis and Jeffrey A. Wright, Sr. also voiced their support for Director Lane's suggested approach.

### **Wastewater Management Plan Update**

The Board was briefed by Director Lane on the status of the Wastewater Management Plan (WMP). He reported progress continues to be made on completing the WMP. Letters were sent in December asking our municipalities, surrounding counties and wastewater treatment facility operators to review a series of maps required for the WMP. To date, only a few comments have been received. It had been requested responses were to be submitted by January 20<sup>th</sup>. Director Lane asked if the Board would like to extend the deadline for another two weeks or should staff incorporate the comments received to date and move forward with preparing a formal submission to NJ Department of Environmental Protection (NJDEP) for approval of the

maps. He noted the municipalities, as well as the public, would have an additional opportunity to review and comment on the maps as part of NJDEP's adoption process. The Board directed staff to submit the maps for adoption by NJDEP.

Director Lane reported letters had been sent to our wastewater treatment facility operators regarding potential capacity constraints at the facilities based upon the buildout results. Per the wastewater planning rules, the WMP must identify strategies to address these potential capacity constraints. The letters requested a list of strategies from these facilities by January 20<sup>th</sup> and staff has received only one response to date. He stated staff has extended the deadline to February 2<sup>nd</sup> since the County cannot submit this section of the WMP without the requested information. He also noted Assistant Director Anthony McCracken presented the County's Septic Management Plan Component to the Middlesex County Water Resources Association at their January 11<sup>th</sup> Meeting and to the Middlesex County Planning Board at their January 12<sup>th</sup> meeting. Both groups approved the submission of the Plan Component to NJDEP. This approval is required by the NJDEP WMP Rules since a portion of our County is served by the Middlesex County Utility Authority. With these actions, staff's hope is that NJDEP will begin the adoption process for the Septic Management Plan. Director Lane acknowledge Chief of Strategic Planning Lorette Kratina and Assistant Director Anthony McCracken as well as the entire WMP Team for their work on this effort.

#### **Public Comment**

Chairman Navatto opened the meeting to the Public. There being no comments, the meeting was closed to the Public.

#### **Committee Reports**

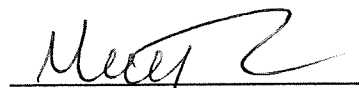
Committee Report were included in the Packet.

**Next Meeting Date:** February 16, 2021@4:45pm (virtual)

#### **Adjournment:**

There being no further business before the Board, Chairman Navatto asked for a motion to Adjourn. The motion was made by Jeffrey Wright and seconded by Chris Kelly. A Voice Vote was called and the motion moved unanimously.

Respectfully submitted,

  
Matthew D. Loper, Secretary