

**MINUTES OF THE AUGUST 16, 2022  
MEETING OF THE SOMERSET COUNTY PLANNING BOARD  
HELD AT 4:45 P.M.  
ZOOM VIRTUAL MEETING**

**Call to Order**

The August 16, 2022 meeting of the Somerset County Planning Board convened at 4:47 p.m. This meeting was held as a virtual meeting.

**Pledge of Allegiance**

**Open Public Meetings Statement**

Chairman Bernard V. 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.

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

Bernard V. Navatto, Jr, Chairman  
Michael Giordano, Vice-Chair  
Albert Ellis, member  
Christopher Kelly, member (joined the meeting at 4:49pm)  
Commissioner Paul Drake  
Matthew D. Loper, Board Secretary  
Ashok Rakhit, 1<sup>st</sup> alternate  
Marina Stinely, Esq. covering for Joseph DeMarco, Esq., Deputy County Counsel

**Absent**

Erika Inocencio, Member  
Sami Shaban, Member  
Commissioner Director Shanel Y. Robinson  
Adam Slutsky, Alternate County Engineer

**Also Present from Staff:**

Walter Lane, Director, Office of Planning, Policy & Economic Development  
Angela Knowles, Deputy Director, Office of Planning, Policy & Economic Development  
Adam Bradford, Senior Transportation Planner  
Erika Phillips, Principal Community Planner

Kaitlin Bundy, Cultural & Heritage Manager  
Ken Wedeen, Supervising Transportation Planner  
Naghma Malik, GIS Services Coordinator  
Nora Fekete, Planner  
Sheli Daniels, Office Manager  
Tom Boccino, Supervising Planner, Preservation  
Thomas D'Amico, Supervising Planner

**Approval of the Meeting Minutes: July 19, 2022**

Chairman Navatto called for a motion to approve the minutes of the July 19, 2022 Planning Board Meeting. The motion was made by Michael Giordano and seconded by Ashok Rakhit. Chairman Navatto asked the Board to authorize approval of the July 19, 2022 Meeting Minutes. A voice vote was called and the motion passed unanimously.

**Discussion/Presentation Items:**

**New Jersey Department of Environmental Protection Environmental Justice Rules Proposal**

Office of Planning, Policy and Economic Development Director Walter Lane provided an overview of NJDEP's Draft Environmental Justice Rules, which were published in the NJ Register on June 6, 2022. Public comments on the rule proposal are due September 4<sup>th</sup>. These new rules establish the requirements for applicants seeking permits for certain pollution-generating facilities located, or proposed to be located, in overburdened communities. In addition, the rules are intended to ensure applicants engage in meaningful discussions with members of the host overburdened communities and community's participation in the Department's decision-making process.

- major sources of air pollution
- incinerators and resource recovery facilities
- large sewage treatment plants that process more than 50 million gallons per day
- transfer stations and solid waste facilities
- recycling facilities that receive at least 100 tons of recyclable material per day
- scrap metal facilities
- landfills
- medical waste incinerators, except those part of hospitals and universities.

In the Environmental Justice Act signed into law in September of 2020 (first in the United States) an Overburdened Community is defined as any census block group, as determined in accordance with the most recent US Census in which:

- at least 35% of households qualify as low-income households (at or below twice the poverty rate as determined by the US Census Bureau);

- at least 40% of the residents identify as minority or as members of the of State recognized tribal community; or,
- at least 40% of the households have limited English proficiency (without an adult that speaks English “very well” according to the US Census Bureau

The Overburdened Communities is somerset County are:

Bernards Township  
Bound Brook Borough  
Bridgewater Township  
Franklin Township  
Green Brook Township  
Hillsborough Township  
Manville Borough  
Montgomery Township  
North Plainfield Borough  
Raritan Borough  
Somerville Borough  
South Bound Brook Borough  
Watchung Borough

Overall, there are 348 municipalities almost 4.7 million people living in Overburdened Communities in NJ.

The Act and proposed rules also apply to the Department’s permits or approvals related to solid waste and recycling, land resource protection, water supply and pollution control, air pollution control and pesticide regulation. The proposed rules require applicants for these types of permits to conduct an Environmental Justice Impact Statement including the analysis of cumulative stressors and impacts on the community. Applicants must also demonstrate the proposed project will prevent a disproportionate impact to the community. It also outlines a process to ensure “Meaningful Public Participation” by holding a Public Hearing in the Overburdened Community.

Director Lane stated the County’s planning efforts have been consistent with the intent of these proposed rules. Environmental Justice and Equity Analyses are part of the update of the County Investment Framework Map. He also stated he will continue to monitor the implementation of the Environmental Justice Rules and report back to the Board on as needed basis.

Ashok Rahkit asked how the impact of minority and overburdened parts of cities affect us as a county planning board. Director Lane responded how this does not impact county facilities such as the recycling center and sewage facilities, however it does impact air pollution.

## August Planning Director's Report

Office of Planning, Policy and Economic Development Director Walter Lane provided an overview of the work underway in the Office of Planning, Policy and Economic Development. He briefed the Board on the following items:

- Director Lane reported he was invited to serve on Highlands Council Statewide Advisory Stakeholder Group to provide input for the scope of work and to develop a model environmental sustainability plan element for municipal master plans.
- He stated the Office continues to work on a wide range of resiliency planning efforts. Director Lane will be on a resiliency panel at the League of Municipalities Conference. He was also recently interviewed by a consultant working for the NJ Department of Environmental Protection as part of the update to their resiliency toolkit.
- Director Lane, Deputy Director Angela Knowles and Supervising Planner Tom Boccino have been working on several potential flood mitigation and flood resiliency planning grants. These efforts will be discussed in greater detail at future Planning Board meetings.
- He reported he is continuing to assist Bedminster Township to advance the recommendations from the AT&T Land Use Study. He attended additional Land Use Board meetings and have had several follow-up conversations with the Mayor and he continues to provide technical support and guidance to the Township. He is also assisting the Township with their Plan Endorsement efforts.
- He also stated the Preservation Programs have been very active during the past month.
- Director also asked the Board if they would like to resume meeting in person in September. After much discussion, the Board agreed to resume meeting in person for the rest of the year. The resumption of in person meetings will be publicly noticed in accordance with the Open Public Meetings Act.

## Action Items/Informational Items:

### August 2022 Land Development Committee Report

Supervising Planner Thomas D'Amico reported there was no August meeting of the Land Development Committee.

### July First Time Submissions

Supervising Planner Thomas D'Amico reported that during the month of July 2022, the County Planning Board reviewed a total of 23 submissions. There were three new lots proposed. Of the site plans proposed during the month there was 556,524 square feet of non-residential building space as well as 12 multi-family units. There was \$183,884.00 in improvement value and \$4,790.00 in development review fees paid to the County Planning Board.

Bernard Navatto, Jr., did not participate in any discussion or take any action on the 200 East Main Street Townhomes project in Somerville.

Commissioner Drake inquired about how much of the non-commercial space was warehouse space. Planner D'Amico responded over 500,000 sq feet.

Chariman Navatto called for a motion to approve the July, 2022 First Time Submissions. A motion was made by Albert Ellis and seconded by Michael Giordano. The roll was called, and the motion passed unanimously.

#### Somerset County Circulation Plan Project Update

Supervising Transportation Planner, Kenneth Wedeen reported on August 3<sup>rd</sup> planning staff hosted the first kickoff biweekly meeting for the Somerset County Circulation Element Update (CEU) Study with the NJTPA and consultant team. Planning staff has been working with the Michael Baker International, WSP and Susan Blickstein LLC. to launch the following study-related activities: the 1<sup>st</sup> Technical Advisory Committee (TAC) committee and public meeting dates; online survey; web page including web page format and content; study logo; study email address; and study URL.

The consultant and planning staff have been reviewing the draft Public Involvement Plan (PIP), TAC, and committee members list. Staff is working on gathering various data resources including NJDOT safety management system data, county transportation studies and documents. Finally, staff has been working to identify representatives for focus groups and interviews as part of the public outreach process. The next bi-weekly meeting is scheduled for August 31<sup>st</sup>

#### Somerset County Regional Flooding / Stormwater Management Roundtable

Office of Planning, Policy and Economic Development Deputy Director Angela Knowles reported that she sent an invitation to all municipal clerks, planning board chairs, and municipal staff and professionals in the County for September 21<sup>st</sup> from 1-4pm at the County Fire Academy classrooms. The Roundtable will be a kickoff meeting to a wider effort by the Somerset County Office of Planning, Policy and Economic Development, to work with towns impacted by flooding. The kick-off meeting will highlight the region's issues with flooding, and we will hear from watershed experts about addressing the issues with regional solutions. Participants will also engage in breakout sessions where they will be guided in identifying projects for resiliency and identifying funding and technical resources to implement those projects. The inspiration for this kick-off meeting stems from FEMA's Resiliency Accelerator program where a handful of Somerset County towns participated. We are modeling this workshop after that approach and including all Somerset County towns in the process.

#### Wastewater Update

Office of Planning Policy and Economic Development Director Walter Lane provided a brief update on the status of the Wastewater Management Plan (WMP). He reported that he and Deputy Director Knowles meet with staff from the New Jersey Department of Environmental Protection (NJDEP) regarding the status of the various submissions for the County's WMP. At this meeting, NJDEP reported that the Septic Management Plan (SMP) Component was undergoing one final review and NJDEP Staff

were confident that the SMP would begin the adoption process in about a month or two. The remainder of the WMP components would be reviewed shortly.

The request for a Sewer Service Area Transfer application from the Warren Township Sewerage Authority (WTSA) was also discussed. NJDEP would like to hold a meeting with Somerset County and Warren Township to discuss how this request should be handled since the WMP was currently under review. The meeting will take place in mid-September.

### **Public Comments**

No members of the public were present.

### **Committee Reports**


Committee Reports were included with the meeting packet.

### **Adjournment**

There being no further business before the Board, Chairman Navatto asked for a move to adjourn. Member Christopher Kelly stated so moved. A voice vote was called and the meeting was adjourned at 5:15pm.

**Next meeting Date:** September 20, 2022 @ 4:45 Regular Meeting (In person)

Respectfully submitted,

  
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Matthew D. Loper, Secretary