



NEW JERSEY GENERAL ASSEMBLY

DANIEL R. BENSON
DEPUTY SPEAKER PRO TEMPORE
ASSEMBLYMAN, 14TH DISTRICT
PARTS OF MERCER AND MIDDLESEX COUNTIES

January 24, 2019

COMMITTEES
CHAIR,
TRANSPORTATION AND INDEPENDENT AUTHORITIES
HEALTH AND SENIOR SERVICES
BUDGET

Bureau of Environmental Analysis, Restoration and Standards
Water Quality management Planning Program
PO Box 420
Mail Code 401-041
401 East State Street
Trenton, NJ 08625-0420
Attn: Kimberly Cenno, Bureau Chief.

RE: Program Interest No. 435452, Activity no. AMD160001

Dear Ms. Cenno,

I am writing on behalf of my constituents who reside in Hamilton Township's designated Rural Resource Conservation Zone (RRC). Please accept the following as my written comments during the open comment period on the reposed amendment to the Mercer County Water Quality Management Plan. Specifically, this is in reference to the proposed amendment to expand the sewer service area (SSA) of the Hamilton Township Water Pollution Control Facility (NJPDES no. NJ 0026301) by 56 acres to serve a proposed recreational facility located on portions of Block 2712, Lots 151 and 156, Hamilton Township, Mercer County. The proposed project is identified as the "Radvany Site." It is projected to generate a wastewater flow of 17,366 gallons per day to be received by the Hamilton Township Water Pollution Control Facility.

My constituents who reside in the RRC zone have serious concerns that the expansion of sewer service in this area of the township is in direct contrast to the intent and purpose of the RRC zone ordinance and threatens the protection of what little existing open space, farmlands and woods remain in Hamilton Township. It is my understanding there is less than 10% or 2500 acres of open space remaining in Hamilton. The subject area contains a sensitive environment of open fields, woodlands, streams, endangered wildlife, small family farms and historic homes. The RRC does permit development in the zone; however, it simply says not to make exceptions to the RRC that would permit non-permitted development. Its intent is to discourage sprawl. Expanding sewer service into the existing RRC would lead to other attempts to expand such service into other adjacent parcels and threaten the larger acre zoning of the RRC that befits an area mostly served by well water and septic service.

I share my constituents concerns about the need to preserve this area and abide by current zoning. I respectfully request that the Department reconsider its determination that the amendment is compliant with state regulations regarding water quality and sewer service.

I also respectfully request that the Department hold another public hearing on the amendment in addition to the hearing that was already held and extend the comment period so that more residents who are directly affected by this reposed amendment can express their concerns directly to Department personnel. Many residents did not know about the date and timing of the hearing or could not make the initial hearing because it was held during a work day when they could not attend.

3691A NOTTINGHAM WAY • HAMILTON SQUARE • NJ • 08690
PHONE: (609) 631-0198 • FAX: (609) 631-0324 • EMAIL: AsmBenson@njleg.org

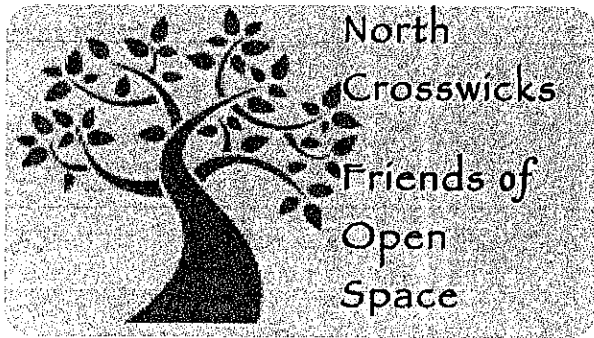
Thank you for your attention to this issue. If you have any questions or wish to contact me directly, please call my office at (609) 631-0198.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Benson", with a long, sweeping horizontal stroke extending to the right.

Daniel R. Benson
Assemblyman, 14th District

January 15, 2019



North Crosswicks Friends of Open Space

Dan Dill, President

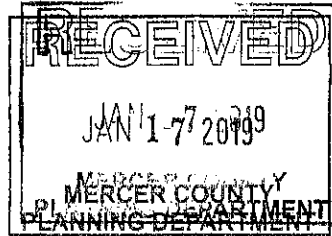
609-298-1157

dill.dan.j@gmail.com

Ed Pfeiffer, Treasurer

609-581-1660

ecpfeiffer@gmail.com



***The Rural Resource
Conservation Zone was created
"...to conserve rural character,
retain farmland for agricultural
use, and protect surface waters,
woodlands and environmentally
sensitive lands..."***

Mr. Michael E. Shine
Chairman of the Mercer County Planning Board

(8/14/2017) From Article III 550-73. RRC Rural Resource Conservation and R-25 Single Family Districts
A. Purpose (1)

Re: Our objection to Sewer extension into RRC zone at Radvany site for development of All Play facility

Mr. Shine:

Thank you for allowing me to testify last Wednesday as to the ramifications of a decision to permit sewer extension into the Rural Resource Conservation zone (RRC) zone and our objections to this application.

Please allow me to clarify more precisely various points and underline why our objection is relevant to the sewer extension request. We feel our testimony became germane to your decision process since the Hamilton Township government indicated to you that they had "no objection" to this request. We feel that they have abdicated their responsibility as stewards of the land and have failed to protect the RRC zone from intensive non-rural development by not objecting.

Specifically they have ignored their own master plan and ordinance in which I can cite the relevant points in opposition to this sewer extension:

In Article III. District Regulations:

A, Purpose, (1.) **The RRC District's location beyond the sewer service area has prevented its rapid suburbanization, distinguishing it from the remainder of the Township and much of the region.**

B. (1) Principal permitted uses on the land and in the buildings. (e) **Parks and playgrounds, but not including amusement parks or similar uses which detract from the natural rural characteristics of the district or are operated for profit.**

(3) Other uses permitted upon application to the municipal agency for a conditional use permit. (a) Golf courses, **excluding a golf driving range or miniature golf course.**

Also please note this application will probably not meet required height restrictions in the ordinance.

(4) Maximum building height. (a) **No building shall exceed 35 feet in height and 2.5 stories. and (b) The height of accessory buildings shall not exceed 15 feet.**

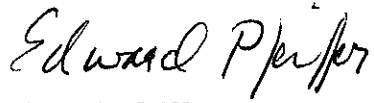
Finally under zoning requirements:

(7) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, **the preservation of agricultural lands and soils shall take precedence.** On tracts in areas which are predominantly forested areas, **the preservation of forested areas shall take precedence.**

As noted in my statement before the County Planning Board, we have close to 600 signatures in two batches from a petition circulated in 2011, taken from Hamilton residents, of which the overwhelming majority live in the RRC zone and oppose this kind of development. Specifically they signed a petition opposing developments that would lead to the suburbanization of the RRC zone and that states in particular: "**no multi-purpose sports complexes**" and asks to "**keep the RRC zone rural!**" Please note the attached copies of the petition in its 2 forms. 519 of these signatures (the first batch collected in person) were gathered during my term as president of Save Hamilton Open Space and were submitted to Mr. Dennis Pone, President of the Hamilton town council at their meeting of June 13, 2011. (The second batch of 43 was collected on line and not submitted at that meeting) A copy of that cover letter to Mr. Pone is also attached with this mailing.

So in conclusion I think you can see from this letter that Hamilton really should have objected to the applicant's proposed request for sewer service extension into the RRC zone. And that **this request should be denied by the board or at the least be deferred until appropriate local public hearings are held regarding the major variances needed for such a project.**

Sincerely,

A handwritten signature in black ink that reads "Edward Pfeiffer". The signature is written in a cursive style with a small mark above the 'i' in Pfeiffer.

Edward Pfeiffer
Treasurer/Secretary
North Crosswicks Friends of Open Space

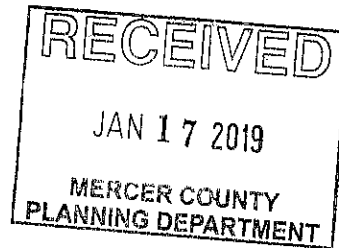
609 581-1660, ecpfeiffer@gmail.com
4 Halley Drive, Hamilton NJ 08691

cc: Bureau of Environmental Analysis Division of Water Monitoring and Standards, NJDEP;
Richard Smith, Secretary Mercer County Planning Board; Tony DiLodovico, Tony D
Environmental Permitting LLC - w/o attachments



June 13, 2011

Dennis Pone, President
Hamilton Municipal Council
2090 Greenwood Ave.
PO Box 00150
Hamilton, NJ 08650



Dear Mr. Pone,

Attached are signatures of 519 Hamilton residents on a petition in support of the Rural Resource Conservation Zone (RRC) and its ordinance.

As our members and neighborhood volunteers went door to door over the past two and a half months we found near unanimous and enthusiastic support for the RRC and emphatic rejection of rezoning or variances that would allow developments such as the one proposed by Next Level Soccer Academy or incursion of large commercial or dense housing as proposed in the past by Beazer Homes and Sharbell Land Development.

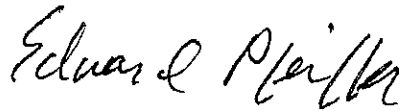
As you know, the RRC permits development within the zone. The petition asks only that Hamilton follow the development rules as stated in RRC. It simply says not to make exceptions to the RRC that would permit non-permitted development. It does not ask the township to spend additional funds, create or revise any ordinance, or do anything other than enforce and abide by the current zoning.

We hope that you will consider this petition in light of the new Master Plan, which promises a new beginning in planning for Hamilton's future, for it makes no sense to encourage sprawl by developing in the RRC Zone when we have so many empty shopping centers and buildings elsewhere in Hamilton. Also, with so little of Hamilton's land left (about 10% or 2,500 acres according to the Open Space and Recreation Plan), we should do all we can to protect the existing open space. Instead of paving over farmlands and woods, we urge you to support **redevelopment, reuse, and rehabilitation** of previously developed properties. Let's not continue with the same old ideas of the past that encourage the same old cycle of blight, sprawl and then more blight and sprawl throughout the township.

Please note that most signatures are from people who live within the RRC, namely the communities of North Crosswicks, West Acres, Summer Hill, Aqua Terrace, Nalbone

Court, Sams Way, Alessio Court, Timberwolf Dr., Drialo Farm, Spruce Farm, and the Highlands. These are the people for whom this issue is extremely important. We heard over and over again that people moved to this area because of its rural setting and lack of congestion and how much they did not want the intrusion of heavy development into the area. At the same time, based in part on our 2005 township-wide petition drive in support of creation of the RRC, we are certain that the rest of Hamilton would agree that the RRC should be supported.


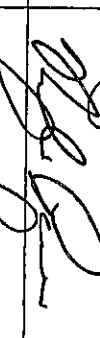
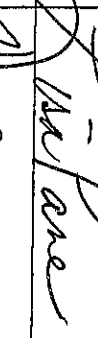





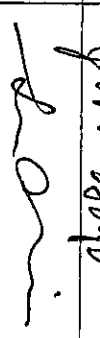

Sincerely,



Edward Pfeiffer, President
Save Hamilton Open Space
PO Box 2594
Hamilton, NJ 08690
609-587-0160; www.savehamiltonopenspace.org

Keep the Rural Resource Conservation Zone Rural

We the undersigned support the purpose of the Rural Resource Conservation Zone to protect an area on this side of Route 130, that is a sensitive, pristine, and rural environment of open fields, lush woodlands, clear flowing streams, endangered wildlife, small family farms, and historic homes. Therefore, we oppose any variance or rezoning that threatens to permit urbanization by intensive and intrusive development and that will degrade and ruin this area. With the glut of empty shopping centers and buildings elsewhere in the township, building more shopping centers or strip malls, housing tracts, roads for denser traffic, and multi-sports complexes here, makes absolutely no sense.

Print Name	Signature	Address	Email
Mary Hallahan		14 Timber Wolf Dr Yardville, NJ 08620	hallahan@yahoo.com
Frank Paves		8 Timber Wolf Dr. Yardville, NJ 08620	gyp2154@901.
Lisa Pave		8 Timber Wolf Dr. Yardville, NJ 08620	"
Virginia Donnelly		4 Timber Wolf Dr Yardville NJ 08620	wolf@4e AOL Com
Marcia Rembicki		42 Doe Drive Hazard Tn, NJ 08620	
Stan Cardaciotto		44 Doe Drive Yardville, NJ 08620	
Linda Cardaciotto		44 Doe Drive Yardville, NJ 08620	
James Karas		46 Doe Dr Yardville NJ 08620	
JAMES SAPIA		28 VILLAGE DRIVE WEST YARDVILLE, NJ 08620	SAPIAS28@PTSD LINE.NET.
Serina Chiri		24 Village Dr. W Yardville, NJ 08620	

SAPIAS28@PTSD
LINE.NET





Stuart J. Lieberman
Attorney at Law
SJL@LiebermanBlecher.com

Reply to Princeton Office

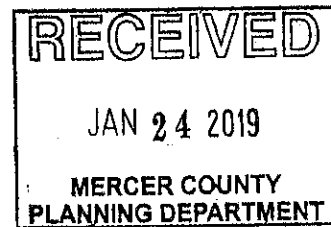
10 Jefferson Plaza | Suite 400 | Princeton | NJ | 08540
Telephone 732.355.1311 Facsimile 732.355.1310

845 Third Avenue | 6th Floor | New York | NY | 10022
Telephone 646.290.5121 Facsimile 646.290.5001
BY APPOINTMENT ONLY

January 23, 2019

VIA COURIER SERVICE

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
PO Box 420, Mail Code 401-04I
401 East State Street
Trenton, NJ 08625-0420



Secretary, Mercer County Planning Board
McDade Administration Building
PO Box 8068
640 South Broad Street
Trenton, NJ 08650-0068

***RE: Radvany Site – Sewer Service Area Extension Public Comment
Program Interest No. 435452
Activity No. AMD160001***

Dear Sir/Madam:

This firm represents Save Hamilton Open Space (“SHOS”), a group of citizens who reside in Hamilton Township, Mercer County. SHOS is comprised of passionate members of the Hamilton Township community who are concerned about the environment and ensuring that natural resources will be maintained for generations to come. The purpose of this letter is to submit a public comment in opposition to the Proposed Amendment to the Mercer County Water Quality Management Plan that would extend the sewer service area into Block 2712, Lots 151 and 156, Hamilton Township, Mercer County (“Radvany Site”).

Pursuant to N.J.A.C. 7:15-4.4(h), factors that shall be considered in the delineation of areas eligible for sewer service are (1) land uses allowed in the zoning ordinance, (2) future land uses shown in municipal or county master plans, and (3) local land use objectives, such as preservation of forests, natural areas, or other areas that are not expected to support development that would require connection to sewers.

The extension of the sewer service area into the Radvany Site is entirely inconsistent with the Township of Hamilton zoning ordinances, the Township of Hamilton master plan, the Mercer

County master plan, and the State of New Jersey Redevelopment Plan. Furthermore, the Radvany Site is not well suited for any development that would require sewer service. As such, SHOS strongly urges that the Proposed Amendment to the Mercer County Water Quality Management Plan be denied in its entirety.

- I. The extension of the Sewer Service Area into the Radvany Site is inconsistent with the Township of Hamilton zoning ordinance, Township of Hamilton Master Plan, and the State Development and Redevelopment Plan.

Pursuant to the Township of Hamilton zoning ordinance, the purpose of the Rural Resource Conservation District (“RRC”) is to promote the Township’s important “long-standing planning objectives to conserve rural character, retain farmland for agricultural use, and protect surface waters, woodlands, and environmentally sensitive lands.” Township of Hamilton Ordinance, Chapter 550, Article III, §550-73(A)(1). In fact, the ordinance specifically states that “[t]he RRC District’s location beyond the sewer service area has prevented its rapid suburbanization, distinguishing it from the remainder of the Township and much of the region.” (emphasis added) Township of Hamilton Ordinance, Chapter 550, Article III, §550-73(A)(1). This is also reflected in the Township of Hamilton Master Plan, which states that “[the RRC District] is also excluded from the sewer service area which further limits the intensity of development and potential conflicts with agriculture.” Township of Hamilton, Master Plan, Page 7.13.

The RRC is home to invaluable resources such as extensive wetlands and wooded stream corridors, including headwater tributaries to the Crosswicks Creek and Delaware River. Township of Hamilton Ordinance, Chapter 550, Article III, §550-73(A)(3). The RRC provides a diverse landscape that is a sanctuary for threatened and endangered species, including grasslands, emergency wetlands, upland forest, and forested wetlands. Township of Hamilton Ordinance, Chapter 550, Article III, §550-73(A)(3). Lastly, the RRC District’s zone standards were designed to maximize the retention of farmland and other natural resource lands and maintain the ecological integrity of the area as permitted development proceeds. (emphasis added) Township of Hamilton Ordinance, Chapter 550, Article III, §550-73(A)(4). In a Township that is over 85% fully developed, the RRC protects what makes Hamilton Township the beautiful, diverse, natural environment that it has always been. SHOS works to protect those resources to ensure that they are enjoyed by future generations, as generations in the past have enjoyed them.

The listed principle permitted uses on the land and in buildings include:

- (1) Farms;
- (2) Single-family detached dwellings;
- (3) Public recreation and community center buildings and grounds;
- (4) Public libraries
- (5) Parks and playgrounds, but not including amusement parks or similar uses which detract from the natural rural characteristics of the district or are operated for profit;
- (6) Buildings used exclusively by federal, state, county, or local municipal government, for public purposes; and

(7) Harvesting of wild crops.

Township of Hamilton Ordinance, Chapter 550, Article III, §550-73(B)(1).

The Radvany Site's proposed project is drastically different from any of the permitted uses in the RRC District. The proposed project includes: (1) 21,600 square foot indoor baseball training facility; (2) 57,600 square foot indoor bubble facility; (3) 1,160 square foot concession stand; (4) 2,400 square foot storage/maintenance building; (5) 900 square foot concession building; (6) 8 little league/softball fields; (7) 2 multipurpose fields; (8) Playground; (9) Enclosed pitching mound; and (10) Enclosed batting cage. It could not be any clearer that the Radvany Site seeks to install a major commercial sports complex that does not belong in the RRC District.

The RRC District was created as a result of the increased loss of farmland due to rapid urbanization and industrialization. The 2020 State Development and Redevelopment Plan ("SDRP") emphasizes the importance of protecting and preserving agricultural and rural environments. SDRP, page 18. This is further noted in the SDRP objectives, which include (1) protecting recreational facilities and open space from direct, indirect, and cumulative impacts associated with the installation of infrastructure and induced development; (2) protecting scenic qualities of forested areas that are visible from public roads, trails, and waterways from visually intrusive land uses, and (3) promote and preserve the agricultural industry. SDRP, page 124, 156, 159. The proposed project is entirely inconsistent with the SDRP and in fact, directly undermines the SDRP goals.

The Township of Hamilton Master Plan further emphasizes the need to protect important natural resources in the township. In fact, the Township of Hamilton Master Plan points out that areas south of the Route 130 corridor feature agriculture and open space, with an occasional low density residential subdivision, and retains a rural and agricultural character. Township of Hamilton Master Plan, page 1.2. Not only will the proposed project destroy precious natural resources in farmland and woodlands, but it will also destroy the rural character of the township and be wholly inconsistent with the Township of Hamilton Master Plan.

During the public hearing on the Radvany Site on January 9, 2019, the Applicant stated that if the area was developed in accordance with the zoning ordinance to the maximum extent possible, there could be potentially nine (9) single-family houses built, with an approximate wastewater flow of 300 gallons per house per day. Utilizing the Applicant's own numbers, this would mean a wastewater flow of approximately 2,700 gallons per day. The proposed project is estimated to be 17,366 gallons per day. This is almost 6.5 times greater than the estimated flow of a permitted use on the property. The proposed project is a major development that simply does not belong in the RRC, and would devastate the natural resources located at the RRC.

In conclusion, approval of the proposed amendment to the Mercer County Water Quality Management Plan would essentially be spot zoning, as it would extend sewer service into a zoning district that explicitly states that the lack of sewer service is a distinguishing characteristic of the zone. The Radvany Site is a reckless push forward to develop environmentally sensitive

land and would destroy the rural character of the area, encroach on environmentally sensitive lands, and destroy woodlands and natural open space. The proposed amendment directly entirely contradicts the RRC zoning ordinance as well as the Township of Hamilton Master Plan. SHOS strongly urges that the proposed amendment to extend the sewer service area be denied in its entirety.

II. The extension of the Sewer Service Area into the Radvany Site is irreconcilable with local land use objectives.

Pursuant to N.J.A.C. 7:15-4.4(h), another factor that shall be considered in the delineation of areas eligible for sewer service include the local land use objectives, such as preservation of forests, natural areas, or other areas that are not expected to support development that would require connection to sewers. In this situation, the proposed sewer service extension directly conflicts with the local land use objectives and would result in the destruction of forests and natural areas, and encourages an intensive commercial development that the subject property would not support.

The subject property consists of Lots 151 and 156. Lot 151 currently has a farm and has wetlands on the property. The agricultural soils consists of 27% prime farmland and 47% soils of statewide importance, and 17% soils of statewide importance if drained. Lot 156 is completely wooded, and almost half of it is classified as wetlands. The agricultural soils consists of 8% prime farmland and 62% soils of statewide importance if drained. These properties consist of valuable farmland that should be protected rather than developed. The property also has a creek running along the edge of the property, and pursuant to the USDA Natural Resources Conservation Service, the property consists of highly hydric soils, limiting the development of the property. SHOS has been working since 2006 to protect these valuable natural resources, and the extension of the sewer service area would threaten the destruction of these resources.

As previously discussed, this area is located in the RRC and pursuant to the Township of Hamilton Master Plan, the goal is to preserve farmland and protect surface waters, woodlands, and environmentally sensitive lands. Even if the discussion on zoning were avoided, the property's physical characteristics make it unsuited for such an intensive development as proposed by the Applicant. There was a reason that the sewer service area was not originally extended into this area, and nothing has changed that would warrant the proposed amendment. SHOS strongly urges that the proposed amendment to extend the sewer service area be denied in its entirety.

III. The Proposed Extension Will Have a Wide Impact on the Township.

While the proposed extension of the sewer service area into the Radvany Site is by itself inconsistent with the RRC District, Township of Hamilton Master Plan, and the State Development and Redevelopment Plan, the proposed extension will have a larger impact than just on the proposed site. If the sewer service area is extended, then it would open the floodgates for anyone who owns a property in the RRC District to similarly request an extension of the

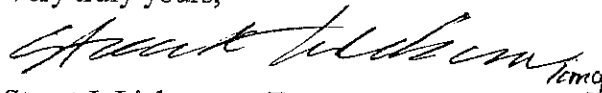
sewer service area. There would be no basis for denying other applications and with the grant of this amendment, the entire RRC District is threatened with high density development.

The Township of Hamilton, in conjunction with Mercer County, New Jersey Green Acres funding, Farmland preservation programs, and a number of non-profit groups, such as Save Hamilton Open Space, have already invested millions of dollars in land preservation in the RRC District. The purpose of the RRC district is to preserve natural resources and farmland in an otherwise heavily developed township. The extension of the sewer service area into the Radvany Site would promote a development that would be at odds with the township's goals. The people of the Township of Hamilton deserves better. There are other more suitable sites for the proposed project that already has the necessary infrastructure, including sewer service. There is no need for the extension of the sewer service area into the Radvany Site that will lead to the destruction of one of the few remaining, undeveloped natural parcel of land in the Township of Hamilton. SHOS strongly urges that the proposed amendment to extend the sewer service area be denied in its entirety.

IV. Conclusion

In conclusion, the Proposed Amendment to the Mercer County Water Quality Management Plan is in direct conflict with the Township of Hamilton zoning ordinances, the Township of Hamilton Master Plan, and the Mercer County Master Plan. In addition, the property is not suitable for the type of development that would require sewer service. For the foregoing reasons, the sewer service area should not be extended.

Very truly yours,



Stuart J. Lieberman, Esq.
of LIEBERMAN & BLECHER, P.C.

SJL/cmj

Enclosures

cc: Tony DiLodovico, Tony D Environmental Permitting, LLC (*via courier service*)

FORNARO FRANCIOSO LLC
COUNSELLORS AT LAW

1540 KUSER ROAD, SUITE A1, HAMILTON, NEW JERSEY 08619-3628
TELEPHONE 609-584-6104 ♦ TELEFAX 609-584-2709

RICHARD D. FORNARO*
ANTHONY R. FRANCIOSO*

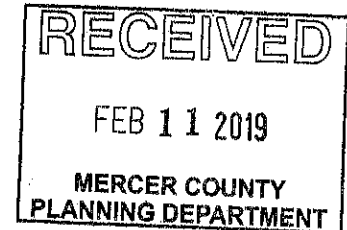
Of Counsel
KATHLEEN A. FRANCIOSO*

*MEMBERS OF THE NEW JERSEY & PENNSYLVANIA BAR

February 5, 2019

Via Hand Delivery

Kimberly Cenno, Bureau Chief
New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
401 East State Street, PO Box 420
Mail Code 401-041
Trenton, New Jersey 08625-0420



Re: Program Interest No. 435452, Activity No. AMD 16001
Water Quality Management Plan – Site Specific Amendment Application (Radvany Site)
Hamilton Commercial Realty LLC/Sebastian Farms LLC
Premises: Part of Route 130, Block 2712, Lot 151, Hamilton Township, Mercer County, New Jersey
File Radvany 13125 Route 130

Dear Ms. Cenno:

Fornaro Francioso LLC represents Hamilton Commercial Realty LLC and its principal James Radvany, the owner/contract purchaser of the subject parcels. Please accept this transmittal in response to comments issued at or after the January 9, 2019 public hearing. We have attached the written comments which have been supplied, which are consistent with comments placed on the record at the hearing.

The Water Quality Management Plan – Site Specific Amendment Application (Radvany Site) is based on the underlying proposed recreational development. It was readily acknowledged at every stage of this application process that the current zoning of the site does not permit the proposed recreational development¹. If the WQMP amendment sought is approved, an application to the Hamilton Township Zoning Board of Adjustment will be required for the recreational use to be established at the site. The WQMP amendment was sought prior to any variance application to the Hamilton land use board as the viability of the project is directly impacted by sewer service being available at the site. It would also make no sense to first seek relief from the Hamilton Zoning Board related to the use without knowing if the project could be built due to what would be an unanswered issue related to sewer service. The WQMP regulations governing amendments contemplate this process and do not set up land use approvals as a condition precedent to a determination that sewer is appropriate in given locations.

As outlined above, there exist two distinct elements of the development proposal. It is submitted that the New Jersey Department of Environmental Protection should not be basing any aspect of the determination on the WQMP Amendment on local zoning issues that are wholly within the jurisdiction of the Hamilton land use boards. As appropriate, the Hamilton zoning ordinance addresses uses permitted in applicable zones and sets up specific procedures for seeking relief from the strictures of the zoning

¹ It is noteworthy that the subject zoning does not exclude recreational uses. Public recreational uses are permitted. The sole distinction in the proposed use is that it is a private venture rather than a public entity project. Functionally there is no true difference.

Kimberly Cenno, Bureau Chief
New Jersey Department of Environmental Protection
Water Quality Management Planning Program
Program Interest No. 435452, Activity No. AMD 16001
Water Quality Management Plan – Site Specific Amendment Application (Radvany Site)
Hamilton Commercial Realty LLC/Sebastian Farms LLC
Premises: Part of Route 130, Block 2712, Lot 151, Hamilton Township, Mercer County, New Jersey
File Radvany 13125 Route 130
February 5, 2019
Page 2 of 2

regulations. And equally appropriate, no aspect of the Hamilton zoning ordinance precludes extension of sewer service into this zone, which determination is within the unique jurisdiction of the New Jersey Department of Environmental Protection.

The comments attached focused largely on local zoning standards and factors advocated to local government related to establishing zoning restrictions east of Route 130. There were no substantive comments offered predicated on the WQMP regulation standards that identify factors weighing against sewer extension, other than the assertion the land is a prohibited environmentally sensitive area which has been proven otherwise by the application submissions. The reliance on local zoning issues in the attached comments implicitly acknowledges that the sewer extension to the site based on the regulations is warranted.

Practical, common-sense view of the development site recognizes its adjacency and connection to Route 130. The project is fully oriented to Route 130. Its access points are at Route 130 with a commercial boulevard stubbing directly to the site; there is no site access at Crosswicks - Hamilton Square Road. Existing sewer service is available from the adjacent Route 130 commercial site to service the proposed development. The development has been carefully planned to have structures adjacent to the existing hotel and retail uses at the western property line that orients to Route 130.

Thank you for your consideration of this submission.

Very truly yours,
FORNARO FRANCIOSO LLC

Richard D. Fornaro

Richard D. Fornaro, Esq.

RDF/
attachments

c: Leslie Floyd, PP, Planning Director, Mercer County Planning Department
Robert N. Ridolfi, Esq., Counsel, Mercer County Planning Board
Michael L. Pisauro, Jr., Esq., The Watershed Institute
Edward Pfeiffer, North Crosswicks Friends of Open Space
Honorable Daniel R. Benson, Assemblyman, 14th District
James Radvany, Hamilton Commercial Realty LLC
Tony DiLodovico, PE
(via Regular Mail)



Your Water. Your Environment.
Your Voice.

Scott Sillars
Chair

Katharine B. Hackett
Vice Chair

Anna Horner
Secretary

Robert H.B. Baldwin, Jr.
Treasurer

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Bernadette Woods Placky

Joe Riley

Aaron Schomburg

Patricia Shanley, PhD

Catherine Sidamon-Eristoff

Jennifer Staikos

Gregory Vafis

Daniel J. Van Abs, PhD

Philip Wey, MD

Forwood "Duke" Wiser III

Margaret R. Gorrie
Trustee Emeritus

The Watershed Institute
31 Titus Mill Road
Pennington, NJ 08534
609.737.3735
thewatershed.org

January 24, 2019

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
P.O. Box 420, Mail Code 401-041
401 East State Street
Trenton, NJ 08625-0420

RE: Radvany Site- Sewer Service Area Extension
Program Interest #: 43542
Activity #: AMD160001

Dear Sir/Madam:

Please accept the following as the Watershed Institutes comments in opposition to the above referenced sewer service application. Since 1949, the Watershed Institute (formerly the Stony Brook-Millstone Watershed Association) has worked to protect clean water and the environment in the region of central New Jersey. We work closely with state agencies, municipal governments, non-profit organizations, and citizens to improve the policies upon which healthy watersheds depend.

The Radvany application does not meet the requirements set out in the Water Quality Management Planning Rules and therefore should be denied. In fact the site qualifies as an environmentally sensitive site which is not appropriate to include in a sewer service area.

The Watershed Institute was formerly known as the Stony Brook-Millstone Watershed Association

N.J.A.C. 7:15-4.4 sets out the requirements for an area to be included in a sewer service area. Specifically, areas that are identified as environmentally sensitive areas are not eligible to be included in sewer service area delineations. It. At (d). The regulations define an environmentally sensitive area as 25 acres or more that are individually or in combination: (1) Areas mapped as endangered or threatened wildlife species habitat; (2) areas mapped as Natural Heritage Priority Sites; (3) Category One waters; or (4) Wetlands as **mapped**. N.J.A.C. 7:15-4.4(e). As noted in the notice for this application, the site is a 56 acre site; therefore this site may be considered as an environmentally sensitive area based upon its size, assuming it also contains one or more of the above listed criteria.

According to NJ Geoweb significant portions of Lot 156 and 151 are encumbered by wetlands. Lot 151 also, according to GeoWeb contains an unnamed tributary that bisects a majority of the property. While not a criteria itself, the existence of the stream further explains why this site is not suitable for a sewer service area designation. Therefore it meets the criteria of having mapped wetlands.

Not only does the site not qualify because it is an environmentally sensitive area, the site does not meet the criteria set out in subsection h for inclusion in the sewer service area. Currently, the site is zoned by Hamilton Township as a Rural Resource Conservation District. The Township's designation of this area was to further its "long-standing planning objectives to conserve rural character, retain farmland for agricultural use, and protect surface waters, woodlands and environmentally sensitive lands." Hamilton Twp, Code 550-73(A). In fact the Township notes this region has "highly productive farmland and sensitive natural resource land," and the designation was designed to "maximize the retention of farmland and other natural resources lands and maintain the ecological integrity of the area..." Id. Of the permitted uses in this district a private recreational facility is not one of those uses. Hamilton Twp. Code 550-73(B). The proposed use is not even a conditional use under the zoning code. Therefore, it is not consistent with the "[I]and uses allowed in zoning ordinances that have been adopted and are in effect under N.J.S.A. 40:55D-62." In fact pursuant to the township's master plan, extending the sewer service area to this site would be counter to the municipality's "longstanding planning objections to conserve the rural character of the region." Hamilton Township's Master Plan, 7.15 (June 16, 2011).

Lastly, the extension of the SSA is not necessary or desirable to "accommodate infill development, or remove undulations in the sewer service area boundary as necessary to create a linear boundary that coincides with recognizable geographic, political or environmental features." N.J.A.C. 7:15-4.4(i)(1)(iii).

As the site contains mapped wetlands and the extension of the SSA to the site would run counter to the Township's goals of preserving the rural, agricultural and environmental resources of the area, the Department should not grant this application.

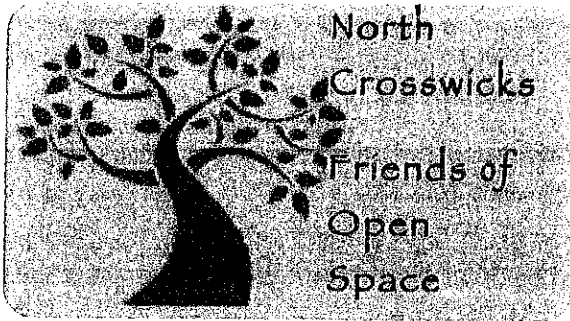
Respectfully submitted,



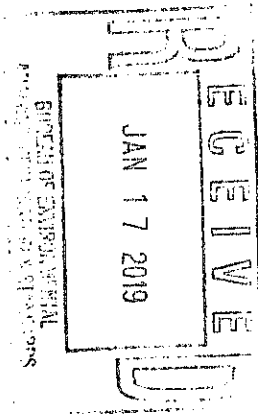
Michael L. Pisauro, Jr., Esq.
Policy Director

Cc: Mercer County Planning Department
Tony DiLodovico, Tony D Environmental Permitting, LLC.

January 15, 2019



North Crosswicks Friends of Open Space
Dan Dill, President
609-298-1157
dill.dan.j@gmail.com
Ed Pfeiffer, Treasurer
609-581-1660
ecpfeiffer@gmail.com



The Rural Resource Conservation Zone was created "...to conserve rural character, retain farmland for agricultural use, and protect surface waters, woodlands and environmentally sensitive lands..."

Mr. Michael E. Shine
Chairman of the Mercer County Planning Board

(8/14/2017) From Article III 550-73. RRC Rural Resource Conservation and R-25 Single Family Districts
A. Purpose (1)

Re: Our objection to Sewer extension into RRC zone at Radvany site for development of All Play facility

Mr. Shine:

Thank you for allowing me to testify last Wednesday as to the ramifications of a decision to permit sewer extension into the Rural Resource Conservation zone (RRC) zone and our objections to this application.

Please allow me to clarify more precisely various points and underline why our objection is relevant to the sewer extension request. We feel our testimony became germane to your decision process since the Hamilton Township government indicated to you that they had "no objection" to this request. We feel that they have abdicated their responsibility as stewards of the land and have failed to protect the RRC zone from intensive non-rural development by not objecting.

Specifically they have ignored their own master plan and ordinance in which I can cite the relevant points in opposition to this sewer extension:

In Article III. District Regulations:

A, Purpose, (1.) **The RRC District's location beyond the sewer service area has prevented its rapid suburbanization, distinguishing it from the remainder of the Township and much of the region.**

B. (1) Principal permitted uses on the land and in the buildings. (e) **Parks and playgrounds, but not including amusement parks or similar uses which detract from the natural rural characteristics of the district or are operated for profit.**

(3) Other uses permitted upon application to the municipal agency for a conditional use permit. (a) Golf courses, **excluding a golf driving range or miniature golf course.**

Also please note this application will probably not meet required height restrictions in the ordinance.

(4) Maximum building height. (a) **No building shall exceed 35 feet in height and 2.5 stories. and (b) The height of accessory buildings shall not exceed 15 feet.**

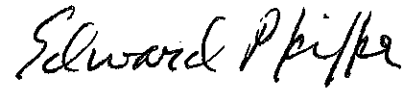
Finally under zoning requirements:

(7) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, **the preservation of agricultural lands and soils shall take precedence.** On tracts in areas which are predominantly forested areas, **the preservation of forested areas shall take precedence.**

As noted in my statement before the County Planning Board, we have close to 600 signatures in two batches from a petition circulated in 2011, taken from Hamilton residents, of which the overwhelming majority live in the RRC zone and oppose this kind of development. Specifically they signed a petition opposing developments that would lead to the suburbanization of the RRC zone and that states in particular: **"no multi-purpose sports complexes"** and asks to **"keep the RRC zone rural"** Please note the attached copies of the petition in its 2 forms. 519 of these signatures (the first batch collected in person) were gathered during my term as president of Save Hamilton Open Space and were submitted to Mr. Dennis Pone, President of the Hamilton town council at their meeting of June 13, 2011. (The second batch of 43 was collected on line and not submitted at that meeting) A copy of that cover letter to Mr. Pone is also attached with this mailing.

So in conclusion I think you can see from this letter that Hamilton really should have objected to the applicant's proposed request for sewer service extension into the RRC zone. And that **this request should be denied by the board or at the least be deferred until appropriate local public hearings are held regarding the major variances needed for such a project.**

Sincerely,



Edward Pfeiffer
Treasurer/Secretary
North Crosswicks Friends of Open Space

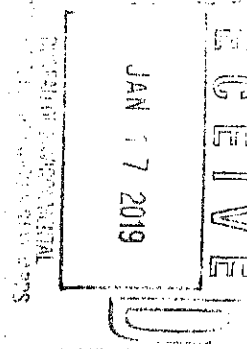
609 581-1660, ecpfeiffer@gmail.com
4 Halley Drive, Hamilton NJ 08691

cc: Bureau of Environmental Analysis Division of Water Monitoring and Standards, NJDEP;
Richard Smith, Secretary Mercer County Planning Board; Tony DiLodovico, Tony D
Environmental Permitting LLC - w/o attachments



June 13, 2011

Dennis Pone, President
Hamilton Municipal Council
2090 Greenwood Ave.
PO Box 00150
Hamilton, NJ 08650



Dear Mr. Pone,

Attached are signatures of 519 Hamilton residents on a petition in support of the Rural Resource Conservation Zone (RRC) and its ordinance.

As our members and neighborhood volunteers went door to door over the past two and a half months we found near unanimous and enthusiastic support for the RRC and emphatic rejection of rezoning or variances that would allow developments such as the one proposed by Next Level Soccer Academy or incursion of large commercial or dense housing as proposed in the past by Beazer Homes and Sharbell Land Development.

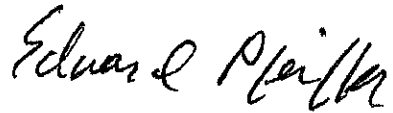
As you know, the RRC permits development within the zone. The petition asks only that Hamilton follow the development rules as stated in RRC. It simply says not to make exceptions to the RRC that would permit non-permitted development. It does not ask the township to spend additional funds, create or revise any ordinance, or do anything other than enforce and abide by the current zoning.

We hope that you will consider this petition in light of the new Master Plan, which promises a new beginning in planning for Hamilton's future, for it makes no sense to encourage sprawl by developing in the RRC Zone when we have so many empty shopping centers and buildings elsewhere in Hamilton. Also, with so little of Hamilton's land left (about 10% or 2,500 acres according to the Open Space and Recreation Plan), we should do all we can to protect the existing open space. Instead of paving over farmlands and woods, we urge you to support **redevelopment, reuse, and rehabilitation** of previously developed properties. Let's not continue with the same old ideas of the past that encourage the same old cycle of blight, sprawl and then more blight and sprawl throughout the township.

Please note that most signatures are from people who live within the RRC, namely the communities of North Crosswicks, West Acres, Summer Hill, Aqua Terrace, Nalbone

Court, Sams Way, Alessio Court, Timberwolf Dr., Drialo Farm, Spruce Farm, and the Highlands. These are the people for whom this issue is extremely important. We heard over and over again that people moved to this area because of its rural setting and lack of congestion and how much they did not want the intrusion of heavy development into the area. At the same time, based in part on our 2005 township-wide petition drive in support of creation of the RRC, we are certain that the rest of Hamilton would agree that the RRC should be supported.

Sincerely,



Edward Pfeiffer, President
Save Hamilton Open Space
PO Box 2594
Hamilton, NJ 08690
609-587-0160; www.savehamiltonopenspace.org



NEW JERSEY GENERAL ASSEMBLY

DANIEL R. BENSON
DEPUTY SPEAKER PRO TEMPORE
ASSEMBLYMAN, 14TH DISTRICT
PARTS OF MERCER AND MIDDLESEX COUNTIES

January 24, 2019

COMMITTEES
CHAIR,
TRANSPORTATION AND INDEPENDENT AUTHORITIES
HEALTH AND SENIOR SERVICES
BUDGET

Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
PO Box 420
Mail Code 401-041
401 East State Street
Trenton, NJ 08625-0420
Attn: Kimberly Cenno, Bureau Chief

RE: Program Interest No. 435452, Activity no. AMD160001

Dear Ms. Cenno,

I am writing on behalf of my constituents who reside in Hamilton Township's designated Rural Resource Conservation Zone (RRC). Please accept the following as my written comments during the open comment period on the re-proposed amendment to the Mercer County Water Quality Management Plan. Specifically, this is in reference to the proposed amendment to expand the sewer service area (SSA) of the Hamilton Township Water Pollution Control Facility (NJPDES no. NJ 0026301) by 56 acres to serve a proposed recreational facility located on portions of Block 2712, Lots 151 and 156, Hamilton Township, Mercer County. The proposed project is identified as the "Radvany Site." It is projected to generate a wastewater flow of 17,366 gallons per day to be received by the Hamilton Township Water Pollution Control Facility.

My constituents who reside in the RRC zone have serious concerns that the expansion of sewer service in this area of the township is in direct contrast to the intent and purpose of the RRC zone ordinance and threatens the protection of what little existing open space, farmlands and woods remain in Hamilton Township. It is my understanding there is less than 10% or 2500 acres of open space remaining in Hamilton. The subject area contains a sensitive environment of open fields, woodlands, streams, endangered wildlife, small family farms and historic homes. The RRC does permit development in the zone; however, it simply says not to make exceptions to the RRC that would permit non-permitted development. Its intent is to discourage sprawl. Expanding sewer service into the existing RRC would lead to other attempts to expand such service into other adjacent parcels and threaten the larger acre zoning of the RRC that befits an area mostly served by well water and septic service.

I share my constituents concerns about the need to preserve this area and abide by current zoning. I respectfully request that the Department reconsider its determination that the amendment is compliant with state regulations regarding water quality and sewer service.

I also respectfully request that the Department hold another public hearing on the amendment in addition to the hearing that was already held and extend the comment period so that more residents who are directly affected by this re-proposed amendment can express their concerns directly to Department personnel. Many residents did not know about the date and timing of the hearing or could not make the initial hearing because it was held during a work day when they could not attend.

3691A NOTTINGHAM WAY • HAMILTON SQUARE • NJ • 08690
PHONE: (609) 631-0198 • FAX: (609) 631-0324 • EMAIL: AsmBenson@njleg.org

Thank you for your attention to this issue. If you have any questions or wish to contact me directly, please call my office at (609) 631-0198.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Ben", with a long, sweeping horizontal stroke extending to the right.

Daniel R. Benson
Assemblyman, 14th District



Your Water. Your Environment.
Your Voice.

Scott Sillars
Chair

Katharine B. Hackett
Vice Chair

Anna Horner
Secretary

Robert H.B. Baldwin, Jr.
Treasurer

Jim Waltman
Executive Director

Board of Trustees

Sandra Allen

Beth Behrend

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Jennifer Staikos

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Philip Wey, MD

Forwood "Duke" Wiser III

Margaret R. Gorrie

Trustee Emeritus

The Watershed Institute

31 Titus Mill Road

Pennington, NJ 08534

609.737.3735

thewatershed.org

January 24, 2019

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
P.O. Box 420, Mail Code 401-041
401 East State Street
Trenton, NJ 08625-0420

RE: Radvany Site- Sewer Service Area Extension
Program Interest #: 43542
Activity #: AMD160001

Dear Sir/Madam:

Please accept the following as the Watershed Institutes comments in opposition to the above referenced sewer service application. Since 1949, the Watershed Institute (formerly the Stony Brook-Millstone Watershed Association) has worked to protect clean water and the environment in the region of central New Jersey. We work closely with state agencies, municipal governments, non-profit organizations, and citizens to improve the policies upon which healthy watersheds depend.

The Radvany application does not meet the requirements set out in the Water Quality Management Planning Rules and therefore should be denied. In fact the site qualifies as an environmentally sensitive site which is not appropriate to include in a sewer service area.

The Watershed Institute was formerly known as the Stony Brook-Millstone Watershed Association

N.J.A.C. 7:15-4.4 sets out the requirements for an area to be included in a sewer service area. Specifically, areas that are identified as environmentally sensitive areas are not eligible to be included in sewer service area delineations. It. At (d). The regulations define an environmentally sensitive area as 25 acres or more that are individually or in combination: (1) Areas mapped as endangered or threatened wildlife species habitat; (2) areas mapped as Natural Heritage Priority Sites; (3) Category One waters; or (4) Wetlands as **mapped**. N.J.A.C. 7:15-4.4(e). As noted in the notice for this application, the site is a 56 acre site; therefore this site may be considered as an environmentally sensitive area based upon its size, assuming it also contains one or more of the above listed criteria.


According to NJ Geoweb significant portions of Lot 156 and 151 are encumbered by wetlands. Lot 151 also, according to GeoWeb contains an unnamed tributary that bisects a majority of the property. While not a criteria itself, the existence of the stream further explains why this site is not suitable for a sewer service area designation. Therefore it meets the criteria of having mapped wetlands.

Not only does the site not qualify because it is an environmentally sensitive area, the site does not meet the criteria set out in subsection h for inclusion in the sewer service area. Currently, the site is zoned by Hamilton Township as a Rural Resource Conservation District. The Township's designation of this area was to further its "long-standing planning objectives to conserve rural character, retain farmland for agricultural use, and protect surface waters, woodlands and environmentally sensitive lands." Hamilton Twp, Code 550-73(A). In fact the Township notes this region has "highly productive farmland and sensitive natural resource land," and the designation was designed to "maximize the retention of farmland and other natural resources lands and maintain the ecological integrity of the area..." Id. Of the permitted uses in this district a private recreational facility is not one of those uses. Hamilton Twp. Code 550-73(B). The proposed use is not even a conditional use under the zoning code. Therefore, it is not consistent with the "[l]and uses allowed in zoning ordinances that have been adopted and are in effect under N.J.S.A. 40:55D-62." In fact pursuant to the township's master plan, extending the sewer service area to this site would be counter to the municipality's "longstanding planning objections to conserve the rural character of the region." Hamilton Township's Master Plan, 7.15 (June 16, 2011).

Lastly, the extension of the SSA is not necessary or desirable to "accommodate infill development, or remove undulations in the sewer service area boundary as necessary to create a linear boundary that coincides with recognizable geographic, political or environmental features." N.J.A.C. 7:15-4.4(i)(1)(iii).

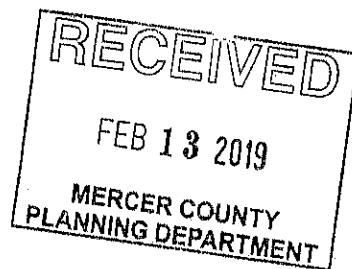
As the site contains mapped wetlands and the extension of the SSA to the site would run counter to the Township's goals of preserving the rural, agricultural and environmental resources of the area, the Department should not grant this application.

Respectfully submitted,



Michael L. Pisauro, Jr., Esq.
Policy Director

Cc: Mercer County Planning Department
Tony DiLodovico, Tony D Environmental Permitting, LLC.



February 8, 2019

New Jersey Department of Environmental Protections
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
PO Box 420, Mail Code 401-041
401 East State Street
Trenton, NJ 08625-0420

Secretary, Mercer County Planning Board
McDade Administration Building
PO Box 8068
640 South Broad Street
Trenton, NJ 08650-0068

**Re: Radvany Site – Sewer Service Area Extension Public Comment
Program Interest 435452' Activity No. AMD160001**

To Whom It May Concern:

The Delaware Riverkeeper Network (DRN) opposes the Proposed Amendment to the Mercer County Water Quality Management Plan that would extend the sewer service area into Block 2712, Lots 151 and 156. We recognize that the Public Comment period has recently ended, but respectfully request this additional comment be accepted in the record.

DRN agrees with and supports the facts and arguments against this sewer extension presented in Lieberman and Blecher, PC's letter dated January 23, 2019 (copy attached). DRN agrees that the proposed extension of the sewer service area into the Radvany Site is entirely inconsistent with the Township of Hamilton zoning ordinances, the Township of Hamilton master plan, the Mercer County Master Plan, and the State of New Jersey Redevelopment Plan. The impacts of this project on the Delaware River and its tributaries, as well as the community, would be significant and permanent.

In conclusion, Delaware Riverkeeper Network urges the requested sewer service extension be denied.

Respectfully,

A handwritten signature in black ink that reads "Maya K. van Rossum".

Maya K. vanRossum
the Delaware Riverkeeper

Attachment

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
drm@delawareriverkeeper.org
www.delawareriverkeeper.org

FORNARO FRANCIOSO LLC
COUNSELLORS AT LAW

1540 KUSER ROAD, SUITE A1, HAMILTON, NEW JERSEY 08619-3828
TELEPHONE 609-584-6104 ♦ TELEFAX 609-584-2709

RICHARD D. FORNARO*
ANTHONY R. FRANCIOSO*

Of Counsel
KATHLEEN A. FRANCIOSO*

*MEMBERS OF THE NEW JERSEY & PENNSYLVANIA BAR

February 12, 2019

Via Electronic Mail & FedEx

Mercer County Planning Board
Attn. Richard Smith, Secretary
McDade Administration Building
640 South Broad Street
Trenton, NJ 08650-0068

Andrew Lloyd, Assistant Planner
Mercer County Planning Department
McDade Administration Building
640 South Broad Street
Trenton, NJ 08650-0068



Re: Water Quality Management Plan – Proposed Site Specific Amendment
Premises: Portions of Route 130, Block 2712, Lots 151 and 156, Hamilton Township, Mercer County, New Jersey
File Radvany 13125 Route 130

Dear Mr. Lloyd, Sir or Madam:

Fornaro Francioso LLC represents Hamilton Commercial Realty LLC and its principal James Radvany, the owner/contract purchaser of the subject parcels. Please accept this transmittal in response to the late submission of Lieberman & Blecher PC dated February 12, 2019 raising procedural issues associated with the Water Quality Management Plan – Proposed Site Specific Amendment to be considered by the Mercer County Planning Board at its February 13, 2019 Agenda Meeting.

NJAC 7:15-3.5 compels no action by any governmental agency that receives notice of the proposed Water Quality Management Plan – Proposed Site Specific Amendment. The only requirement is that any such governmental agency is provided notice. The requisite notice was supplied to Hamilton Township as reflected by the record before the Mercer County Planning Board - - that's all that is required. Hamilton chose not to act on February 5, 2019. Hamilton has neither endorsed nor opposed the Amendment, perfectly consistent with the regulations.

There is nothing in the regulations that dictates the Mercer County Planning Board is not to act until there is an affirmative response from Hamilton Township, contrary to the assertions made in the Lieberman & Blecher PC submission.

Thank you for your consideration of this submission. We certainly apologize for this late submission, however Lieberman & Blecher PC chose to wait to provide their comments until 4:23 PM today related to what happened a week ago - - February 5, 2019 - - at Hamilton Council; surely a strategic choice on their part.

Very truly yours,
FORNARO FRANCIOSO LLC
Richard D. Fornaro
Richard D. Fornaro, Esq.

RDF/
Enclosures

Mercer County Planning Board
Attn. Richard Smith, Secretary
Andrew Lloyd, Assistant Planner
Mercer County Planning Department
Water Quality Management Plan – Proposed Site Specific Amendment
Premises: Portions of Route 130, Block 2712, Lots 151 and 156,
Hamilton Township, Mercer County, New Jersey
File Radvany 13125 Route 130
February 12, 2019
Page 2 of 2

c: Leslie Floyd, PP, Planning Director, Mercer County Planning Department
Robert N. Ridolfi, Esq., Counsel, Mercer County Planning Board
Kimberly Cenno, Bureau Chief, New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards, Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
Hamilton Commercial Realty LLC/James Radvany
Tony DiLodovico, PE, President, Tony D Environmental Permitting LLC
Kelly Yaede, Mayor, Hamilton Township
Michael L. Pisauo, Jr., Esq., The Watershed Institute
Edward Pfeiffer, North Crosswicks Friends of Open Space
(via electronic mail only)

N.J.A.C. 7:15-3.5

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51
No. 03, February 4, 2019

***New Jersey Administrative Code > TITLE 7. ENVIRONMENTAL PROTECTION >
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING > SUBCHAPTER 3. PLAN
ASSESSMENT, MODIFICATION, AND ADOPTION PROCEDURES***

**§ 7:15-3.5 Water quality management plan amendment
procedures**

- (a) The Department and the designated planning agencies shall periodically review areawide WQM plans in order to propose amendments as necessary. Amendments may be proposed for various reasons, such as to implement or comply with applicable State or Federal law; respond to new information or circumstances; improve the economic, social, or environmental impact of WQM plans; or address issues identified through the consistency assessment or permitting process.
- (b) Except as provided in (e) below, areawide WQM plans shall be amended by designated planning agencies pursuant to this chapter and procedures approved by the Department in accordance with (c) and (d) below.
- (c) Plan amendment procedures developed by the designated planning agencies shall be consistent with the Department's amendment procedures set forth below and must be approved by the Department. Within 15 days of approving an amendment, a designated planning agency shall submit to the Department a copy of the amendment, with relevant supporting documentation. WQM plan amendments approved by designated planning agencies are valid only upon adoption by the Department.
- (d) Designated planning agency plan amendment procedures approved by the Department prior to November 7, 2016, shall remain in full force and effect, unless or until modified by

the designated planning agency and approved by the Department under this section. If a designated planning agency does not have its own approved amendment procedure, or where the Department proposes to amend the areawide plan on its own initiative, the procedures in (g) below apply.

(e) Amendments for any project or activity that is either proposed, constructed, operated, or conducted by the State or Federal government, or that is regulated by the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., shall be processed only by the Department.

(f) Entities that prepare an amendment to an areawide WQM plan shall, during such preparation, notify, seek comments from, and offer to consult with:

1. All governmental entities that have regulatory or planning jurisdiction over wastewater, water supply, or land use in any sewer service area being modified. Such governmental entities shall include, but not be limited to: designated planning agencies, wastewater management planning agencies, county planning boards, municipal governing bodies, sewerage authorities, county utilities or municipal authorities, joint meetings, the Passaic Valley Sewerage Commissioners, the Meadowlands Regional Commission, water purveyors, the Pinelands Commission, the Highlands Council, and the Delaware River Basin Commission, as appropriate; and

2. All vendors of wastewater treatment systems or services under the "New Jersey Wastewater Treatment Privatization Act," N.J.S.A. 58:27-1 et seq., with a legal or fiduciary interest in wastewater treatment facilities located within any sewer service area being amended under this section; and

3. For site specific amendments proposing to add 100 acres or more to the sewer service area or where the additional sewer service area would generate 20,000 gallons per day or more of wastewater, the entity shall initiate a public notification process to alert property owners who will experience a change in their wastewater service area designation.

(g) The Department procedure for amendment of areawide WQM plans is as follows:

1. An applicant may petition the Department to amend the areawide WQM plan, or the Department may propose to amend the areawide WQM plan on the Department's own

N.J.A.C. 7:15-3.5

initiative. Applications for amendments shall be submitted electronically on forms prescribed by the Department in accordance with N.J.A.C. 7:15-1.6;

2. Applications shall include a description of the proposed amendment, including documentation substantiating the need for the amendment, documentation demonstrating compliance with the notification and consultation requirements at (f) above and (h) below, and other documentation as determined by the Department to be necessary to determine compliance with the criteria established at N.J.A.C. 7:15-4.4 and 4.5;

3. For all site specific amendments, the applicant shall submit a copy of the request to the municipality and county for a letter or resolution regarding the consistency of the proposed wastewater producing project with the land use identified in the municipal master plan and zoning ordinances or the county master plans;

4. Within 90 days of receiving an amendment application, the Department shall review the application and notify the applicant that additional information is required, the application is disapproved, or that the application qualifies as an amendment;

5. If the Department's decision is to proceed further with the amendment application, the Department will notify the applicant and the designated planning agency, if applicable, and include the public notice for the proposed amendment and a list of entities from which a written statement of consent shall be requested. The Department shall publish the public notice in the New Jersey Register, on its website at <http://www.nj.gov/dep/wrm/>, and electronically to entities that have requested electronic notifications from the Department pursuant to N.J.A.C. 7:15-1.6(d). In cases where the Department's decision includes a requirement for a non-adversarial public hearing, the public notice shall provide at least 30 days' notice of the hearing;

6. Requirements concerning written statements of consent are as follows:

i. The Department shall identify a list of governmental entities, sewerage agencies, and BPU-regulated sewer and water utilities from (f) above that may be affected by, or otherwise have a substantial interest in, approval of the proposed amendment, and that shall be asked to issue written statements of consent for the proposed amendment. Within 15 days of receiving such list, the applicant shall submit by

N.J.A.C. 7:15-3.5

certified mail (return receipt requested) a copy of the proposed amendment to these parties, with a request that they issue written statements of consent for the proposed amendment within 60 days of their receipt of the request;

ii. A written statement of consent shall include a statement that the party concurs with, or does not object to, the proposed amendment. A statement of consent by a governmental entity shall be in the form of a resolution by that unit's governing body. If the party objects to the proposed amendment, the party shall state all reasons for objection in writing; and

iii. The applicant shall promptly forward to the Department a copy of all requests for consent (with return receipts) sent to parties and a copy of all statements of consent and other comments received. The Department will consider statements of consent and comments received within 60 days of receipt of the request under (g)6i above;

7. Written comments on the amendment or requests to extend the comment period shall be submitted to the Department by the close of the comment period, which shall be no less than 30 days of the date of the New Jersey Register notice;

8. Interested persons may also request that the Department hold a non-adversarial public hearing; such requests shall be submitted in writing to the Department within 30 days of the date of the New Jersey Register public notice. If there is sufficient public interest, as defined under N.J.A.C. 7:1D-5.2, then a public hearing will be held. A public notice providing at least 30 days' notice of the hearing will be published by the Department in the New Jersey Register, on its website at <http://www.nj.gov/dep/wrm/>, and electronically to entities that have requested electronic notifications from the Department pursuant to N.J.A.C. 7:15-1.6(d), and will be mailed to the applicable designated planning agency, if any, and to each party who was requested to issue a written statement of consent for the amendment. The public comment period will be extended until 15 days after the hearing. Except when the Department proposes to amend areawide WQM plans on its own initiative, the applicant shall, at the applicant's expense, secure an acceptable location for the hearing, mail the public notice, secure a court stenographer, and provide a copy of a verbatim transcript of the hearing to the Department;

N.J.A.C. 7:15-3.5

9. If any data, information, or arguments submitted during the public comment period or in response to a request for written statement of consent raise substantial new issues concerning a proposed plan amendment, the Department may:

- i.** Reopen or extend the public comment period to give interested persons an opportunity to comment on the information or arguments submitted;
- ii.** Disapprove the proposed amendment and notify the applicant; or
- iii.** Notify the applicant that the amendment cannot be adopted as proposed and that additional information is required in order to determine if a new or revised plan amendment is necessary;

10. Based on the administrative record, the Department shall adopt, adopt with minor changes that do not effectively destroy the value of the public notice, or disapprove the amendment, and notify the applicant and affected entities; and

11. The Department shall provide written notification of its decision. Notice of the final decision shall also be published in the New Jersey Register and posted on the Department's website at <http://www.nj.gov/dep/wrm/>.

(h) If the proposal is located in the Pinelands National Reserve or the Highlands Region, the applicant shall simultaneously submit the application to the Department and the Pinelands Commission or Highlands Council as applicable in order to provide an opportunity for those agencies to provide comment prior to the Department rendering any decision. The application shall be considered incomplete if the applicant does not provide a demonstration that this requirement has been met.

(i) An application for a site specific amendment located in the Highlands preservation area that requires a Highlands Preservation Area Approval or Approval with Waiver shall be governed by the Highlands Water Protection and Planning Act rules at [N.J.A.C. 7:38-9.3](#), [9.5](#), [9.6](#), and [11.6](#). If the Department determines the application qualifies for an amendment, it shall be processed in accordance with (g)5 through 11 above and reviewed in accordance with the criteria established at [N.J.A.C. 7:15-4.4\(c\)](#).

(j) Applications for site specific amendments shall comply with the requirements of this section and the following:

N.J.A.C. 7:15-3.5

1. Delineation of sewer service area shall be completed in accordance with the procedures set forth at N.J.A.C. 7:15-4.4; and
2. For site specific amendments that propose to add 100 or more acres to the sewer service area or where the additional sewer service area would generate 20,000 gallons per day or more of wastewater, the application shall include a proposed modification to the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity.

History

HISTORY:

The following public notices were filed under N.J.A.C. 7:15-3.4 prior to its repeal by R.2016 d.149:

Public Notice: To designate the City of Asbury Park as the Wastewater Facilities Planning agency.

See: 17 N.J.R. 2690(a).

Public Notice: To eliminate Totowa Borough's West End Sewage Treatment Plant (STP) converting it to a pumping station.

See: 17 N.J.R. 2690(b).

Public Notice: To provide sewer service to the Eastampton Farms subdivision, Eastampton Township, Burlington County and to provide sewer service to the Cedarwood development in Harrison Township, Gloucester County.

See: 17 N.J.R. 2690(c).

Public Notice: The elimination of Totowa Borough's West End Sewage Treatment Plant for the expansion of Evesham Municipal Utility Authority's Sewage Treatment Plant.

See: 17 N.J.R. 2690(e).

Public Notice: Expand plant capacity of the Sussex County Municipal Utilities to 2.5 million gallons per day.

See: 18 N.J.R. 112(b).



Stuart J. Lieberman
Attorney at Law
SJL@LiebermanBlecher.com

Reply to Princeton Office

10 Jefferson Plaza | Suite 400 | Princeton | NJ | 08540
Telephone 732.355.1311 Facsimile 732.355.1310

845 Third Avenue | 6th Floor | New York | NY | 10022
Telephone 646.290.5121 Facsimile 646.290.5001
BY APPOINTMENT ONLY

February 12, 2019

VIA ELECTRONIC MAIL

Secretary, Mercer County Planning Board
McDade Administration Building
PO Box 8068
640 South Broad Street
Trenton, NJ 08650-0068



**RE: *Radvany Site – Sewer Service Area Extension Public Comment
Program Interest No. 435452
Activity No. AMD16001***

Dear Sir/Madam:

This firm continues to represent Save Hamilton Open Space (“SHOS”) and Sierra Club, which submitted a written comment in opposition to the above-referenced proposed amendment to the Mercer County Water Quality Management Plan.

Pursuant to the public notice published on December 3, 2018, it was stated that the Township of Hamilton offered no objection to the proposed amendment in a letter dated November 28, 2017. However, this proposed amendment was the subject of a public hearing in front of the Township of Hamilton on February 5, 2019. A true and correct copy of the February 5, 2019 agenda is enclosed for reference. During the Township Council meeting, it was announced that the Applicant was not proceeding with the presentation. Board members of SHOS questioned the Township Council regarding the November 28, 2017 letter, and the Township Council responded that they were not aware of any letter and had not issued any opinion on this proposed amendment.

Pursuant to N.J.A.C. 7:15-3.5 and the Mercer County Water Quality Management Plan Amendment Procedures, Section IV (B), an endorsement by a governmental unit shall be in the form of a resolution by that unit’s governing body. A review of the agendas and meeting minutes indicates that there was no public hearing or resolutions authorizing the letter in the Township, and the Township Council alleges they have no knowledge of this letter. The Township letter dated November 28, 2017 was signed by Business Administrator John Ricci. Interestingly, John Ricci then retired two days later on November 30, 2017.

As a matter of comity, this Board should not act until the Board receives a comment from the Township of Hamilton. It is worth noting that the Township Council would have been able to



make a decision on February 5, 2019, prior to the scheduled vote before the Mercer County Planning Board on February 13, 2019; however, the Applicant cancelled the presentation. It begs the question as to why the presentation was pulled; perhaps the applicant was uncomfortable with the potential outcome of the meeting.

SHOS and Sierra Club requests that no decision be made until the Township has clarified its position on this application. The public would be best served if the Township was given a chance to provide comments on the proposed water management plan amendment, especially given the questions surrounding the November 28, 2017 letter. Thank you.

Very truly yours,

/s Stuart J. Lieberman, Esq.

Stuart J. Lieberman, Esq.
of LIEBERMAN & BLECHER, P.C.

SJL/cmg

Enclosures

cc: New Jersey Department of Environmental Protection (*via federal express*)
Council President, Township of Hamilton (*via electronic mail and federal express*)
Mayor, Township of Hamilton (*via electronic mail and federal express*)
Robert N. Ridolfi, Esq., Mercer County Planning Board Counsel (*via facsimile*)
Tony DiLodovico, Tony D Environmental Permitting, LLC (*via electronic mail*)
Richard D. Fornaro, Esq. (*via electronic mail and federal express*)
Save Hamilton Open Space (*via electronic mail*)
Sierra Club (*via electronic mail*)

"This Meeting is being held with the benefit of Public Notice as required by the
Open Public Meetings Act"

ROLL CALL

I. SCHIRMER ____, R. MASTRANGELO ____, A. CARABELLI ____, R. TIGHE ____, J. MARTIN ____

SALUTE TO THE FLAG

INVOCATION

DISCUSSION

Presentation by Habitat for Humanity

MINUTES

COMMUNICATIONS

Sunnybrae Stingers 5th Grade Committee – Tag Day Solicitation on various specified and approved business locations for the months February and March 2019

Robbinsville-Hamilton Rotary Club – Tag Day Solicitation on various specified and approved business locations for the months of August, September and October 2019

Commendation – Stigma-Free Awareness

RESOLUTIONS

- 2a. Resolution Consenting To The Appointment Of Michael Balint, Esquire As The Director, Department Of Law
- 2b. Resolution Approving Application Of Hamilton Auto Group For A Used Automobile Dealer License

PUBLIC HEARING

- 2c. Resolution Consenting To The Proposed Mercer County Water Quality Management Plan Amendment

CONSENT AGENDA

- 3a. Resolution Establishing Special Traffic Regulations Pursuant To N.J.S.A. 39:4-197.3
- 3b. Resolution Authorizing Agreement With Horizon Healthcare Of New Jersey, Inc. In Connection With The Administration Of Medicare Part D Health Insurance For Municipal Retirees For The Term January 1, 2019 Through December 31, 2019 (Total Contract Amount: \$0.00)
- 3c. Resolution Rescinding Resolution 19-049 Authorizing Assignment Of Certain Tax Sale Certificate Held By The Township Of Hamilton Pursuant To N.J.S.A. 54:5-112 Et Seq. (Block 1961, Lot 201; Kuser Road)

Services For the Period Of January 1, 2018 To December 31, 2018 (+\$11,000.00)

- 3h. Resolution Authorizing The Reduction Of Performance Bond For On-Site Improvements Made To The Development Located At 626 South Olden Avenue
- 3i. Resolution Authorizing The Release Of Performance Bond For The Development Known as Wawa Located At 1170 Route 33 (Block 1835, Lot 2; Mercer Property, LLC)
- 3j. Resolution Authorizing The Release Of Performance Bond For On-Site Improvements Made To The Development Known As Homestead Senior Living, LLC., Located At 2560 Kuser Road (Block 2173, Lots 10 And 11)
- 3k. Resolution Authorizing the Release and Replacement of a Performance Surety Bond for On-Site Improvements Made to the Development Known as Weathersfield Estates, [South Section] Located on Old York Road (Orleans at Hamilton, LLC; Planning Board Application No. 04-04-046A)
- 3l. Resolution Approving First and Final Change Order to Contract 18-142 Awarded to Earle Asphalt For The 2017 Capital Road Project Known as Chewalla Boulevard, Vincent Avenue, Steiner Avenue, and Arbor Avenue (-\$136,601.45 Decrease)
- 3m. Resolution Approving Extension No. 1 to Contract 17-061 with J. Vinch & Sons for the Hauling of Sludge, Grits and Screenings for the Wastewater Treatment Plant (\$130,000.00 Maximum)
- 3n. Resolution Authorizing An Agreement With Hamilton A's Baseball For The Provision Of Four Recreation Units/Bleachers To Enhance Its Facility Located In Sayen Park
- 3o. Resolution Authorizing A Shared Services Agreement With The County Of Mercer For EMS Dispatch Services For The Period Of January 1, 2019 To December 31, 2019 (\$101,980.00 Maximum)
- 3p. Resolution Authorizing Transfers In The Calendar Year 2018 Municipal Budget (\$160,184.73)
- 3q. Resolution Rejecting Bids Received To Establish A Contract For The Removal And Disposal Of Concrete And Concrete Materials At The Hamilton Township Ecological Facility For The Department Of Public Works

ORDINANCES

- 4a. 19-001 Ordinance Amending And Supplementing The Code Of Ordinances, Hamilton Township, New Jersey Chapter 485, Vehicles And Traffic, Article II, Parking; § 485-19, Handicapped Parking (Establishing Space For 2025 South Clinton Avenue)

SECOND READING AND PUBLIC HEARING

- 4b. 19-002 Ordinance Accepting A Deed Of Sanitary Sewer Easement (Briad Lodging Group Hamilton II, LLC – Block 2610, p/o Lot 37.01; New Jersey State Highway Route 130)

SECOND READING AND PUBLIC HEARING

FIRST READING AND INTRODUCTION

- 4e. 19-005 An Ordinance Amending And Supplementing The Code Of Ordinances, Hamilton Township, New Jersey Chapter 215, Fees § 215-6, Department Of Health, Recreation, Senior And Veterans Services

FIRST READING AND INTRODUCTION

- 4f. 19-006 An Ordinance Amending And Supplementing The Land Development Code, Hamilton Township, New Jersey Chapter 550, Land Development, Article II, Zoning Districts; Map § 550-42, Zoning Map

FIRST READING AND INTRODUCTION

- 4f1. Resolution Referring Proposed Amendments To The Land Development Code, Hamilton Township, New Jersey, Chapter 550, Land Development, Article II, Zoning Districts; Map § 550-42, Zoning Map, To The Hamilton Township Planning Board For Review Pursuant To N.J.S.A. 40:55D-26

- 4g. 19-007 An Ordinance Amending And Supplementing The Land Development Code, Hamilton Township, New Jersey Chapter 550, Land Development, Article VIII, Fees, Guarantees And Inspections; Off-Tract Improvements; § 550-256, Off-Tract Improvements

FIRST READING AND INTRODUCTION

- 4g1. Resolution Referring Proposed Amendments To The Land Development Code, Hamilton Township, New Jersey Chapter 550, Land Development, Article VIII, Fees, Guarantees And Inspections; Off-Tract Improvements; § 550-256, Off-Tract Improvements, To The Hamilton Township Planning Board For Review Pursuant To N.J.S.A. 40:55D-26

- 4h. 19-008 Ordinance Amending And Supplementing The Code Of Ordinances, Hamilton Township, New Jersey Chapter 485, Vehicles And Traffic, Article II, Parking; §485-19, Handicapped Parking (Repealing space Established At 109 Fitzrandolph Avenue by Ordinance No. 16-002)

FIRST READING AND INTRODUCTION

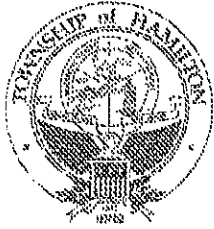
- 4i. 19-009 An Ordinance Amending And Supplementing The Code Of Ordinances, Hamilton Township, New Jersey Chapter 340, Parks And Playgrounds, Article I, Rules And Regulations, § 340-1 Prohibited Activities

FIRST READING AND INTRODUCTION

COMMENTS FROM THE PUBLIC

COMMENTS FROM COUNCIL

ADJOURNMENT



The Township of Hamilton

Kathy M. Yanko
Mayor

November 28, 2017

Alan Miller, Manager
NJDEP WRM Office of Operations & Coordination
Mail Code: 401-02A
PO Box 420, 3rd Floor, West Wing
401 East State Street
Trenton, New Jersey 08625

RECEIVED

DEC - 6 2017

Office of Water Resource
Coordination

**Re: Water Quality Management Plan -- Site Specific Amendment Application
Hamilton Commercial Realty LLC
Premises: Part of Route 130, Block 2712, Lot 151, Hamilton Township,
Mercer County, New Jersey**

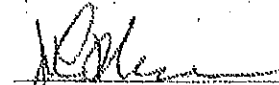
Dear Mr. Miller:

Hamilton Township has reviewed the Water Quality Management Plan -- Site Specific Amendment Application by Hamilton Commercial Realty LLC. Hamilton Township has no objection to NJDEP proceeding with the Site Specific Amendment Application process.

The Applicant Hamilton Commercial Realty LLC revised the scope of the project concept after meeting with Hamilton Township. The Applicant Hamilton Commercial Realty LLC will be required to make the appropriate applications for land use approvals, including all necessary variances, related to the proposed project.

Thank you.

Very truly yours,


John F. Ricci
Business Administrator

JFR:cad

2090 Greenwood Avenue - P.O. Box 00150 - Hamilton, NJ 08650-0150

Telephone 609-890-3506 - Fax 609-631-9522

Website www.HamiltonNJ.com - E-Mail - JRicci@HamiltonNJ.com

Retired John Ricci looks back on a lifetime in Hamilton government

By Rob Anthes - February 5, 2018



Hamilton Township Municipal Building

When John Ricci announced his retirement as Hamilton's business administrator Nov. 30, it wasn't just the end of Ricci's career. It was also the end of an era.

Ricci, 67, had worked in Hamilton for parts of five decades, and had served as business administrator for Jack Rafferty, John Beneivengo and Kelly Yaede. He has been replaced by Dave Kenny, whose third term on council ended this year.

A lifelong Hamiltonian, Ricci graduated from Hamilton High School West and Trenton State College, where majored in political science. His first job was with the State of New Jersey as a buyer, but he quickly jumped to employment with Hamilton Township. He took a few detours with Mercer County and in

private industry, but Ricci spent 20 years of his career with the township as its business administrator.

Hamilton Post editor Rob Anthes spoke with Ricci via phone Jan. 4, when the former official was enjoying his first major snowstorm in retirement. The following is an abridged transcript:

When did you decide you wanted to retire?

I think I've been thinking about it for awhile, and I told the mayor earlier in 2017 that it was probably going to be my last year. I turned 67 in October, and to me that sounded kind of old. So I figured it was time to pucker it in, take a break, and get away from all this work.

What are your plans now?

Between the holidays, we went out to California to visit our daughter who's living out there now. Hopefully, we'll do some more of that as the years go on since she seems to be pretty ensconced in the area just north of Los Angeles. She went to graduate school there, and she's teaching out there now. It doesn't seem like she'll be coming back home any time soon. We'll be travelling out there again.

I enjoy reading and playing golf and spending time with friends, and we'll be able to do some more of that.

**You'll remain in Hamilton,
though?**

Yes, my wife is still working. Our son, whose 21, is in college at The College of New Jersey, so we're not going anywhere any time soon.

**Switching gears, you've been
involved in Hamilton Township
government since Jack Rafferty
was mayor. How did you start
out here?**

Well, my career in government actually started in the early '70s with the State of New Jersey as a buyer in the purchase bureau. After a few years there, Jack Rafferty got elected mayor, and I became the first purchasing agent in Hamilton Township when he first took office in 1976. I stayed with him for a few years, moving up to budget officer in addition to purchasing agent. Then, went to Mercer County in 1980 with Bill Mathesius as deputy administrator. Then, I came back in '82 as the business administrator under Rafferty. I stayed there for 10 years, and then went to the county with Bob Prunetti for 12, and then retired in 2003 after his third term. I did some consulting work and labor arbitration work. I came back into government again in Hamilton in 2008 with Bencivengo.

My original plan was to just stay for the first term of [John] Bencivengo's. Things got a little crazy with John, so I stuck around a bit longer.

On that subject, going back five years ago to the Bencivengo trial, you got caught up in the aftermath. When Bencivengo resigned, council president Kevin Meara by state law became acting mayor. And one of the first things Meara did was to fire you, saying the township needed to clean house to earn back the trust of the residents. Kelly Yeade hired you back when she was appointed mayor just days later, noting you had not been accused of anything during the trial. What was your reaction to all the turmoil?

I didn't quite understand what Kevin was attempting to do. I was the only one he decided to let go, and I think a lot of that was a personal issue between Kevin and myself, going back to when he was a Democrat on Hamilton council and thought I didn't allow him to do some of the things he wanted to do. When he became mayor for what amounted to just a few days, I guess he thought it was time to gain his retribution.

One of the conditions of a Faulkner Act form of government, like Hamilton has, is if a mayor is going to fire a director or business administration, we have the right to appeal it to council, which I did. Before I could even have a hearing before council, Kelly Yaede was appointed mayor, and almost immediately sent me a letter saying my firing had been rescinded. I went back to work for her; of course, I was very grateful to her for doing that. I don't really think I had done anything wrong to warrant termination, and I guess she didn't nor did the rest of council.

Considering that you had thought about retiring at that point anyway, did you have any second thoughts about accepting Mayor Yaede's offer? Any hesitation about coming back?

No, there was no hesitation to come back. Not at all. I looked forward to assisting the new mayor as she began her efforts to restore the public's faith in Hamilton Township government.

You have worked for all but one of the elected mayors in township history. How has the municipal government changed over those years?

Government and all business has changed from back in those days. Most communication was by telephone or some written form. Now, everything's emails or texts, and the public reaches out directly to us all the time. I would get emails all sorts of times---holidays, weekends, evenings---with a problem. They expected an answer in a fairly short amount of time, and with the communications we have, we were able to do that. Back in the beginning, direct contact with citizens was rare, especially outside of the office. That communications aspect is a good thing. It's opened government up. But it's made the life of a public official much more open, and makes us more available to citizens.

Hamilton has certainly has grown over that period of time. A considerable amount of development has taken place. I marvel at the fact that back in the day, we were anxious to get a hotel, and we just couldn't seem to break through and get a hotel. Now, we have three already built, another one approved, and as I left, discussions with one or two more.

But has the role of business administrator changed?

I don't really think it's changed, just maybe the way we perform the job has changed. The role is the same: to assist the mayor and council in carrying out

their mission with the rest of the township departments.

Is it harder now to make a budget? There are only so many things you can cut, and you have fixed costs that increase every year.

I don't know about harder because, as you said, there are all these fixed costs, and you have to budget for them and you have to plan for them. You don't have a whole lot of flexibility, and it's difficult to create new programs now. I can remember back during the Rafferty administration when we had continuing increases in the energy receipts revenue, and it was pretty easy to put a budget together, keep taxes low and still have new efforts like Veterans Park. There's not a lot of flexibility these days, and in a certain sense, it's almost easier to put a budget together these days because it almost puts itself together. But if you want to do something new and innovative, it's more difficult.

What we've found we've had to do is--- and this is an old cliché--- do more with less. People get assigned more duties, and we just get things done. If you look at our police department, when we came in there was a chief, a deputy chief, five captains and so on. We cut those things back. We civilianized

positions to cut cost. We didn't reduce patrol or detectives, so the main task of the police department is still getting done.

You have a lot of experience, not just in the recent past but from decades ago with people like Jack Rafferty and Bob Prunetti. What did you take from those years?

With Jack, it was really one of my first positions of substance. With the state, there's probably 20 or 30 buyers with the state purchase bureau. I was one of many. In Hamilton, you're one of one. There's much more access to the higher levels of the administration. Jack always preached the team concept. We do things together as a team, and the team makes for a better government, a better political organization. I learned that from him.

With Bob, I had been administrator for awhile in Hamilton. Certainly, the county is a much broader organization. At the time, we had a hospital, we had libraries, we had correction centers, courthouses, an airport. And Bob wasn't one to sit around a bide his time. He was constantly doing things, such as building a baseball stadium and an arena. I was always involved in those projects. That was some interesting

times, especially with the baseball stadium.

What made Waterfront Park so interesting?

We had been approached by two gentlemen, Sam Plumeri, Sr. and Jim Maloney, about siting a baseball stadium somewhere in Mercer County. They thought they could acquire a minor league team. They really were interested in putting it by the airport because of the access from the interstate highways. Bob insisted it had to be somewhere in Trenton. We came up with the site at Waterfront Park, and we had a very limited amount of time to deal with it because we had to get an approval from the freeholders, we had to get an approval from the team they were buying and moving ---- it was located in Canada at the time ---- and also we had to get approvals from Major League Baseball. All of this was new to us. We did a lot of research along with the team owners, and we were able to pull it all off.

Unfortunately the winter we were building the stadium was similar to the one we're starting to have now ---- it was very cold, a lot of storms. Construction got a bit behind schedule, and the team had to open on the road for the first few weeks. Then, we had some issues with the field, which it

turned out had to be redone after the first season.

Of course, we had to convince the public it was a good idea because a lot of folks were skeptical it was going to work, particularly in Trenton. As it's turned out, it has worked very well. Waterfront Park has consistently been one of the top draws in the minor leagues, no matter what organization they were with.

If someone told you that you would spend nearly your whole career in local government, would you have believed it?

Yeah, I would have believed it because after I got out of college that was my goal to move into local government administration and eventually become an administrator or manager. That was my goal. As soon as I had the opportunity to make the move to local government, I did.

Why?

State government's a rather big bureaucracy, and you don't seem to accomplish much. You just do the same thing every day—buying a certain kind of commodity. In local government, you're closer to residents, you have a greater opportunity to move up and better yourself and you're not constantly buying the same thing. My

area at the state was technical equipment: radios, computers, things of that sort. That's all I bought. In local government, you're one person, and you're buying everything, from police cars to snow fence, whatever the town needs. You learn a lot.

To go back to something you said, you noted that Jack Rafferty stressed the importance of teamwork in a political organization. Since the 1970s, you've been part of an incredibly successful political organization in the Hamilton Republicans. In the 44 years between 1976 and 2020, barring something unforeseen, Hamilton will have had a Republican mayor 75 percent of the time. It's so hard at most levels for one party to keep control for that long, particularly in a diverse and politically independent town like Hamilton. So, why have the Republicans been successful here?

I think part of it is the tradition of Jack Rafferty. Jack was a very, very popular mayor. That popularity flowed down to candidates running for council and other Republicans running in Hamilton

Township. The team concept, that carried over to Goodwin, Kenny and Pone when they broke through in 2005, and regained control of the council.

Then, Bencivengo was elected, along with Kevin Meara and Kelly Yaede. Even after the problems Bencivengo had, Kelly was elected mayor. Most people thought the Republicans were finished because of Bencivengo and there was no possible way a Republican could be elected. Kelly proved them wrong. Certainly, that can be attributed to her popularity. She works very hard at being mayor.

The local Republicans just hit a bump in November, losing three seats—and the majority—on the council. That’s been attributed to voter dissatisfaction with Gov. Chris Christie, and the numbers could be used to argue that case. But the mayor and the two remaining Republicans on council will still have to govern with Democrats for the first time. Do you have any thoughts on where the Republicans go the next few years?

They have to keep moving ahead with good government, as they have in the past, and I’m sure Mayor Yaede and the

members of council will continue doing just that. I think this year was an aberration year, if you will. The top of the ticket was almost a foregone conclusion from the beginning, that the Democratic candidate would be elected. It was a landslide all the way down the ticket. There wasn't an impact just here in Hamilton, but all around the state.



N.J.A.C. 7:15-3.5

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 03, February 4, 2019

New Jersey Administrative Code > TITLE 7. ENVIRONMENTAL PROTECTION > CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING > SUBCHAPTER 3. PLAN ASSESSMENT, MODIFICATION, AND ADOPTION PROCEDURES

§ 7:15-3.5 Water quality management plan amendment procedures

(a) The Department and the designated planning agencies shall periodically review areawide WQM plans in order to propose amendments as necessary. Amendments may be proposed for various reasons, such as to implement or comply with applicable State or Federal law; respond to new information or circumstances; improve the economic, social, or environmental impact of WQM plans; or address issues identified through the consistency assessment or permitting process.

(b) Except as provided in (e) below, areawide WQM plans shall be amended by designated planning agencies pursuant to this chapter and procedures approved by the Department in accordance with (c) and (d) below.

(c) Plan amendment procedures developed by the designated planning agencies shall be consistent with the Department's amendment procedures set forth below and must be approved by the Department. Within 15 days of approving an amendment, a designated planning agency shall submit to the Department a copy of the amendment, with relevant supporting documentation. WQM plan amendments approved by designated planning agencies are valid only upon adoption by the Department.

(d) Designated planning agency plan amendment procedures approved by the Department prior to November 7, 2016, shall remain in full force and effect, unless or until modified by

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the designated planning agency and approved by the Department under this section. If a designated planning agency does not have its own approved amendment procedure, or where the Department proposes to amend the areawide plan on its own initiative, the procedures in (g) below apply.

(e) Amendments for any project or activity that is either proposed, constructed, operated, or conducted by the State or Federal government, or that is regulated by the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., shall be processed only by the Department.

(f) Entities that prepare an amendment to an areawide WQM plan shall, during such preparation, notify, seek comments from, and offer to consult with:

1. All governmental entities that have regulatory or planning jurisdiction over wastewater, water supply, or land use in any sewer service area being modified. Such governmental entities shall include, but not be limited to: designated planning agencies, wastewater management planning agencies, county planning boards, municipal governing bodies, sewerage authorities, county utilities or municipal authorities, joint meetings, the Passaic Valley Sewerage Commissioners, the Meadowlands Regional Commission, water purveyors, the Pinelands Commission, the Highlands Council, and the Delaware River Basin Commission, as appropriate; and

2. All vendors of wastewater treatment systems or services under the "New Jersey Wastewater Treatment Privatization Act," N.J.S.A. 58:27-1 et seq., with a legal or fiduciary interest in wastewater treatment facilities located within any sewer service area being amended under this section; and

3. For site specific amendments proposing to add 100 acres or more to the sewer service area or where the additional sewer service area would generate 20,000 gallons per day or more of wastewater, the entity shall initiate a public notification process to alert property owners who will experience a change in their wastewater service area designation.

(g) The Department procedure for amendment of areawide WQM plans is as follows:

1. An applicant may petition the Department to amend the areawide WQM plan, or the Department may propose to amend the areawide WQM plan on the Department's own

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- initiative. Applications for amendments shall be submitted electronically on forms prescribed by the Department in accordance with N.J.A.C. 7:15-1.6;
2. Applications shall include a description of the proposed amendment, including documentation substantiating the need for the amendment, documentation demonstrating compliance with the notification and consultation requirements at (f) above and (h) below, and other documentation as determined by the Department to be necessary to determine compliance with the criteria established at N.J.A.C. 7:15-4.4 and 4.5;
 3. For all site specific amendments, the applicant shall submit a copy of the request to the municipality and county for a letter or resolution regarding the consistency of the proposed wastewater producing project with the land use identified in the municipal master plan and zoning ordinances or the county master plans;
 4. Within 90 days of receiving an amendment application, the Department shall review the application and notify the applicant that additional information is required, the application is disapproved, or that the application qualifies as an amendment;
 5. If the Department's decision is to proceed further with the amendment application, the Department will notify the applicant and the designated planning agency, if applicable, and include the public notice for the proposed amendment and a list of entities from which a written statement of consent shall be requested. The Department shall publish the public notice in the New Jersey Register, on its website at <http://www.nj.gov/dep/wrm/>, and electronically to entities that have requested electronic notifications from the Department pursuant to N.J.A.C. 7:15-1.6(d). In cases where the Department's decision includes a requirement for a non-adversarial public hearing, the public notice shall provide at least 30 days' notice of the hearing;
 6. Requirements concerning written statements of consent are as follows:
 - i. The Department shall identify a list of governmental entities, sewerage agencies, and BPU-regulated sewer and water utilities from (f) above that may be affected by, or otherwise have a substantial interest in, approval of the proposed amendment, and that shall be asked to issue written statements of consent for the proposed amendment. Within 15 days of receiving such list, the applicant shall submit by

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certified mail (return receipt requested) a copy of the proposed amendment to these parties, with a request that they issue written statements of consent for the proposed amendment within 60 days of their receipt of the request;

ii. A written statement of consent shall include a statement that the party concurs with, or does not object to, the proposed amendment. A statement of consent by a governmental entity shall be in the form of a resolution by that unit's governing body. If the party objects to the proposed amendment, the party shall state all reasons for objection in writing; and

iii. The applicant shall promptly forward to the Department a copy of all requests for consent (with return receipts) sent to parties and a copy of all statements of consent and other comments received. The Department will consider statements of consent and comments received within 60 days of receipt of the request under (g)6i above;

7. Written comments on the amendment or requests to extend the comment period shall be submitted to the Department by the close of the comment period, which shall be no less than 30 days of the date of the New Jersey Register notice;

8. Interested persons may also request that the Department hold a non-adversarial public hearing; such requests shall be submitted in writing to the Department within 30 days of the date of the New Jersey Register public notice. If there is sufficient public interest, as defined under N.J.A.C. 7:1D-5.2, then a public hearing will be held. A public notice providing at least 30 days' notice of the hearing will be published by the Department in the New Jersey Register, on its website at <http://www.nj.gov/dep/wrm/>, and electronically to entities that have requested electronic notifications from the Department pursuant to N.J.A.C. 7:15-1.6(d), and will be mailed to the applicable designated planning agency, if any, and to each party who was requested to issue a written statement of consent for the amendment. The public comment period will be extended until 15 days after the hearing. Except when the Department proposes to amend areawide WQM plans on its own initiative, the applicant shall, at the applicant's expense, secure an acceptable location for the hearing, mail the public notice, secure a court stenographer, and provide a copy of a verbatim transcript of the hearing to the Department;

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9. If any data, information, or arguments submitted during the public comment period or in response to a request for written statement of consent raise substantial new issues concerning a proposed plan amendment, the Department may:

- i.** Reopen or extend the public comment period to give interested persons an opportunity to comment on the information or arguments submitted;
- ii.** Disapprove the proposed amendment and notify the applicant; or
- iii.** Notify the applicant that the amendment cannot be adopted as proposed and that additional information is required in order to determine if a new or revised plan amendment is necessary;

10. Based on the administrative record, the Department shall adopt, adopt with minor changes that do not effectively destroy the value of the public notice, or disapprove the amendment, and notify the applicant and affected entities; and

11. The Department shall provide written notification of its decision. Notice of the final decision shall also be published in the New Jersey Register and posted on the Department's website at <http://www.nj.gov/dep/wrm/>.

(h) If the proposal is located in the Pinelands National Reserve or the Highlands Region, the applicant shall simultaneously submit the application to the Department and the Pinelands Commission or Highlands Council as applicable in order to provide an opportunity for those agencies to provide comment prior to the Department rendering any decision. The application shall be considered incomplete if the applicant does not provide a demonstration that this requirement has been met.

(i) An application for a site specific amendment located in the Highlands preservation area that requires a Highlands Preservation Area Approval or Approval with Waiver shall be governed by the Highlands Water Protection and Planning Act rules at N.J.A.C. 7:38-9.3, 9.5, 9.6, and 11.6. If the Department determines the application qualifies for an amendment, it shall be processed in accordance with (g)5 through 11 above and reviewed in accordance with the criteria established at N.J.A.C. 7:15-4.4(c).

(j) Applications for site specific amendments shall comply with the requirements of this section and the following:

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1. Delineation of sewer service area shall be completed in accordance with the procedures set forth at N.J.A.C. 7:15-4.4; and
2. For site specific amendments that propose to add 100 or more acres to the sewer service area or where the additional sewer service area would generate 20,000 gallons per day or more of wastewater, the application shall include a proposed modification to the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity.

History

HISTORY:

The following public notices were filed under N.J.A.C. 7:15-3.4 prior to its repeal by R.2016 d.149:

Public Notice: To designate the City of Asbury Park as the Wastewater Facilities Planning agency.

See: 17 N.J.R. 2690(a).

Public Notice: To eliminate Totowa Borough's West End Sewage Treatment Plant (STP) converting it to a pumping station.

See: 17 N.J.R. 2690(b).

Public Notice: To provide sewer service to the Eastampton Farms subdivision, Eastampton Township, Burlington County and to provide sewer service to the Cedarwood development in Harrison Township, Gloucester County.

See: 17 N.J.R. 2690(c).

Public Notice: The elimination of Totowa Borough's West End Sewage Treatment Plant for the expansion of Evesham Municipal Utility Authority's Sewage Treatment Plant.

See: 17 N.J.R. 2690(e).

Public Notice: Expand plant capacity of the Sussex County Municipal Utilities to 2.5 million gallons per day.

See: 18 N.J.R. 112(b).