

Subject:

Resolution to Recommend Disapproval of Proposed Amendment to the Mercer County Water Quality Management Plan titled "Radvany Baseball Facilities Hamilton" ("Radvany Site") and associated expansion of the Hamilton Township Water Pollution Control Facility sewer service area

WHEREAS, the Mercer County Planning Board has been petitioned by Tony DiLodovico (Tony D. Environmental Permitting, LLC) to amend the Mercer County Water Quality Management Plan (WQMP) and expand the Hamilton Township Water Pollution Control Facility sewer service area (SSA); and

WHEREAS, Tony D. Environmental Permitting, LLC, representing landowner James Radvany, prepared an amendment to the Mercer County WQMP titled "Radvany Baseball Facilities Hamilton," which would expand the Hamilton Township Water Pollution Control Facility sewer service area by 56 acres to allow for the development of currently farmable/forested land to accommodate the construction of a new indoor/outdoor private baseball facility, consisting of a 21,600-square foot indoor baseball training structure; a 57,600-square foot indoor 'bubble' structure; two (2) concession stands totaling 2,060 square feet; a 2,400-square foot storage/maintenance building; eight (8) little league/softball fields, two (2) multi-purpose fields, a playground, an enclosed pitching mound, and an enclosed batting cage, all located in Hamilton Township, Mercer County, on Block 2712, Lots 151 and 156; and

WHEREAS, Block 2712, Lots 151 and 156, are located between Route 130 and Crosswicks Hamilton Square Road, to the South of and adjacent to the Back Creek waterway, behind the 'Shoppes at Hamilton,' within a zone proscribed by the Hamilton Township Zoning Code as Rural Resource Conservation (RRC); and

WHEREAS, the projected wastewater flow of the project is 17,366 gallons per day; and

WHEREAS, the applicant sent, on December 04, 2018, a letter requesting consent for approval of this amendment from the Hamilton Township municipal government within 60-days of receipt of said letter; and

WHEREAS, the applicant has provided proof of receipt of this letter requesting consent by the Hamilton Township municipal government on December 07, 2018; and

WHEREAS, the 60-day time period for the Hamilton Township municipal government to respond to the letter requesting consent, either in the form of a Resolution of support of the amendment, or a letter outlining its reasons for objection to the amendment, has come to an end; and

WHEREAS, the Planning Board has not received such a Resolution nor a letter of objection from the Hamilton municipal government; and

WHEREAS, according to N.J.A.C. 7:15, the WQMP sewer service amendment review process requires that amendments be viewed based on, among other things, "uses allowed in local zoning ordinances", and "local land use objectives" that seek to preserve "forests... natural areas... or other areas that are not expected to support development that would require connections to sewers." The local zoning ordinance in this case clearly states that the Rural Resource Conservation (RRC) zone is largely defined by the fact that it is outside of sewer service, and does not include private recreational facilities in its list of primary nor conditional uses; and

WHEREAS, the Planning Board finds that the amendment does not conform with the primary nor conditional uses proscribed for the Rural Resource Conservation zone, and would require that either a use variance or a "re-zoning" be agreed upon and effected by the municipal government; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) and the applicant arranged for a public notice to be published in the New Jersey Register on December 03, 2018, and the Trenton Times and Trentonian newspapers on December 05, 2018 and December 06, 2018, respectively, advising of a public hearing and seeking public comment concerning the proposed amendment to the Mercer County Water Quality Management Plan and expansion of the Hamilton Township Water Pollution Control Facility wastewater treatment sewer service area; and

WHEREAS, a public hearing was held by the Mercer County Planning Board on January 09, 2019 concerning the amendment; and

WHEREAS, a verbatim transcript of the hearing was forwarded to the NJDEP; and

WHEREAS, the period for public commentary came to a close on January 24, 2019; and

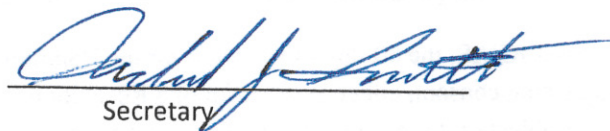
WHEREAS, the NJDEP and the Mercer County Planning Board received oral commentary from "Save Hamilton Open Space," "North Crosswicks Friends of Open Space," and Bonnie Tillery at the Mercer County Planning Board public hearing on January 09, 2019, and received written commentary from The Sierra Club, The Watershed Institute (formerly the "Stony Brook Millstone Watershed Organization), and Daniel R. Benson, Assemblyman, 14th District, prior to the close of the public commentary period; and

WHEREAS, the Planning Board has found the proposed amendment and sewer service area expansion to be inconsistent with County and local policies for sewer service area delineation, growth management and land development;

NOW THEREFORE BE IT RESOLVED, that the Mercer County Planning Board recommends to the County Executive that he forward to NJDEP a letter of disapproval concerning the amendment to the Mercer County Water Quality Management Plan titled "Radvany Baseball Facilities Hamilton" ("Radvany Site").

2-13-2019

Date Adopted


Secretary