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**DEPARTMENT OF TRANSPORTATION**  
Office of Planning

**SUSTAINABILITY AND RESILIENCY**

**PROGRESS REPORT**

**September 2020**

**I. Water Quality Planning Activities**

**A. *Middlesex County Wastewater Management Plan (WMP)***

The New Jersey Department of Environmental Protection (NJDEP) has provided minor comments on the draft Middlesex County Wastewater Management Plan. The main challenge facing adoption of the county's plan emanate from discrepancies between the county's nitrate dilution analysis numbers and build out flow numbers for Plainsboro Township and Plainsboro's own calculations for same. Before the coronavirus emerged, the county and Plainsboro were in discussions over methodology. The county is in the process of resuming discussions with Plainsboro in order to come to a resolution for moving forward. Once the modifications are made to the plan, and they are accepted by the NJDEP, the official public review process will occur before the plan can be adopted by the NJDEP.

**B. *Site-Specific Sewer Service Area (SSA) Amendments to Lower Raritan-Middlesex County Water Quality Management Plan***

- Scotto Site Specific SSA Amendment Application -- Block 37, Lot 12.14, Township of South Brunswick, six house subdivision, was approved by the Water Resources Association (WRA) and the Planning Board in November. The Board of Chosen Freeholder public hearing was scheduled for March 18, 2020 but had to be officially cancelled due to the corona virus rules that sent nonessential workers home and did not permit the public to enter the Middlesex County Administration Building. The county is waiting for the NJDEP to finalize the public notice for publication in the New Jersey Register with the date of the Board of Chosen Freeholder Public Hearing.
- South Ridge Estates Site Specific SSA Amendment Application-- Section 2C -- a residential development on Block 85, Lot 17.014 in the Township of South Brunswick, Middlesex County, NJ. The development is situated at the intersection of Major Road and Northumberland Way. The property contains 14.3 acres and is presently wooded with no existing structures. The developer proposes to construct four apartment buildings (72 units, 11 affordable) with associated parking areas and underground utilities. This application was heard and endorsed at the September 14<sup>th</sup>, 2020 Water Resources Association (WRA) Meeting. The application will be forwarded to the County Planning Board for their consideration at the October 13<sup>th</sup> Meeting.



- Northwood Manor Site Specific SSA Amendment Application – Block 8005, Lot 4.11, Old Bridge, NJ, deemed incomplete. The property is a 6.22-acre site currently outside of an approved sewer service area. The application proposes to expand the sewer service area of the Middlesex County Utilities Authority (MCUA) treatment plant. The site is proposed for residential development consisting of 25 townhouses and 6 apartments. The six apartments, which represent 20 percent of the housing proposed, are designated to be affordable units. A Letter of Technical Incompleteness was issued August 6, 2020, via regular and e-mail and discussion with both NJDEP and the applicant’s engineer are underway to resolve six items.
  
- Jernee Mill Business Center, Site Specific SSA Amendment Application - Jernee Mill Road, Block 62, Lots 15 & 16, Borough of Sayreville. The project proposes a commercial site development, Jernee Mill Business Center, consisting of four light industrial flex buildings for a total of 46,017 SF of buildings with 6,142 sf office space and 39,875 sf warehouse space. With internal parking, loading, site circulation, utility infrastructure and storm water management facilities on existing undeveloped land mostly comprised of mixed indigenous vegetation. Currently, the property is not within an assigned sanitary sewer service area. This application proposes to expand the sewer service area coverage of the Wastewater Management Plan to include 4.1 acres within the 14.21-acre property. The applicant provided documentation of NJDEP approvals for revised wetlands values, isolated open water and wetlands fill permit, transition area averaging for onsite wetlands transition areas and confirmation of Habitat Suitability Determination and Habitat Impact Assessment to ensure environmental constraints are not in the 4.10-acre project development area. Wastewater treatment services are proposed to be provided by the Middlesex County Utilities Authority. Sanitary sewer capacity calculations provided by the Applicant’s engineer indicates 814 GPD estimated average daily sewer flow from the project and confirms adequate sewerage capacity within the 8” existing sewer line within Jernee Mill Road that will be accessed by an 8” line from the project. The application was presented and approved at the May 14, 2018 WRA meeting. The application was presented and approved by the County Planning Board on July 10, 2018. The NJDEP public notice is scheduled for publication in the New Jersey Register in October with the date of the Board of Chosen Freeholder Public Hearing to be Wednesday, December 2, 2020 at 5:30PM. The Public Hearing will be a virtual meeting in Teams.
  
- SUEZ Water Princeton Meadows (SWPM) Wastewater Treatment Plant (WWTP) Amendment Seeking Permission to Expand the Design Capacity at the SWPM Plant from 1.64 million gallons per day (MGD) to 1.70 MGD to address future flow from infill and residences on septic. The plant is located on Block 1801, Lot 117, 31 Maple Avenue, on a 36.5-acre site in Plainsboro Township. No expansion of the sewer service area is proposed. The increased flow is to serve properties within the existing sewer service area, such as infill properties and existing homes on septic systems, as detailed on a buildout analysis that was submitted to the County and to NJDEP. The application was deemed complete. The application was presented at the May 11, 2020 WRA meeting and approved by the membership. The next day, May 12<sup>th</sup>, 2020, the application was presented and approved by the County Planning Board. The NJDEP public notice for is scheduled for publication in the New Jersey Register in October, with the date of the Board of Chosen Freeholder Public Hearing to be Wednesday, December 9, 2020 at 5:30PM. The Public Hearing will be a virtual meeting in Teams.



- Bridgepoint South Plainfield, LLC Site Specific SSA Amendment Application – 602 New Market Avenue, Block 284, Lot 18. Applicant proposes to construct an approximate 189,059 square foot warehouse building on a 21-acre site, situated along New Market Avenue, west of Lakeview Avenue and east of South Clinton, in the central portion of the Borough of South Plainfield. Approximately 57,850 square feet of the proposed building – or 30 percent of the total site – extends beyond the sewer service area boundary of the Middlesex County Utilities Authority. Application deemed complete. The application was presented at the May 11, 2020 WRA meeting and approved by the membership. The next day, May 12<sup>th</sup>, 2020, the application was presented and approved by the County Planning Board. The NJDEP public notice is scheduled for publication in the New Jersey Register in October with the date of the Board of Chosen Freeholder Public Hearing to be Wednesday, January 6, 2020 at 5:30PM. The Public Hearing will be a virtual meeting in Teams.

*B. Lower Raritan-Middlesex County Water Resources Association (WRA)*

A WRA meeting was held on September 14, 2020. The WRA heard and endorsed a WQMP Amendment Application for South Ridge Hills Estates – Section 2C, located in South Brunswick Township. The WRA also heard a presentation by Dr. Heather Fenyk, Lower Raritan Watershed Partnership, entitled “Civic Science Monitoring for Pathogen Indicators on the Lower Raritan River.”

*C. Resilient NJ Grant Program- Raritan River and Bay Resilience Action Plan (aka Middlesex County)*

NJDEP continues re-negotiation for adjustments to the scope of work with the consultant team begun in May. NJDEP’s newest goal is to hold a project kick-off (virtually) in the last week of October, pushed back from earlier start up plans to begin in June.

*F. South River Ecosystem Restoration and Flood Resiliency Enhancement Project*  
The project is anticipated to begin late in October 2020.

*G. 2020-2025 Middlesex County Multi-Hazard Mitigation Plan*

The 2020-2025 Middlesex County Multi-Hazard Mitigation Plan (the Plan) is well underway, coordinated with the MC Office of Emergency Management and the selected consultant team from Rutgers University associated with the Rutgers Climate Institute. The Steering Committee is reviewing responses to the municipal worksheets for Capabilities Assessment, Mitigation Project Update and Land Use Update, in anticipation of a series of Local Planning Committee Workshops to be scheduled for virtual meetings in October 2020.

**II. County Agriculture Development Board**

**A. County PIG Applications**

The County currently has three *open* PIG applications for farmland preservation (*with additional/ potential applications in the pipeline\**).

A detailed summary sheet of the current farmland application is attached, and summarized as follows:



- **Estate of Ernest Bergfelder, East Brunswick Twp.:** The Board of Chosen Freeholders previously approved a Resolution at the 4/16/2020 Board of Chosen Freeholder meeting, authorizing the proposals of the two (2) selected appraisers for this project. The two appraisers were issued their Notices to Proceed on 4/20/20, providing 45 days to complete their appraisal reports and get them to the Review Appraiser. The Board of Chosen Freeholders approved a subsequent Resolution at the 5/21/2020 Board of Chosen Freeholder meeting, authorizing the Appraisal Review proposal submitted by the selected Review Appraiser, and providing 15 days from receipt of appraisals to complete the review of the two appraisal reports. The Review Appraiser received the completed appraisal reports on 6/4/2020 and completed the appraisal review reports on 6/17/2020. The Review Appraiser presented the appraisal review findings at the MCADB meeting that was held on 7/29/2020 and the MCADB voted to approve sending the two appraisal reports to the SADC for a certification of market value to be determined. MCADB staff submitted the two appraisal reports to the SADC on 8/4/2020 and received confirmation the reports will be logged into SADC's review schedule for a certified market value to be certified. **\*MCADB staff is currently awaiting the SADC's certification of market value report for the agricultural development easement purchase price. The MCADB's review and approval of same for the offer amount is tentatively scheduled on the 10/14/2020 MCADB meeting agenda, pending the County's receipt of this information before the scheduled meeting.**
- **Estate of Anthony Zimbicki, Sr., Monroe:** Closing document review and necessary revisions are currently underway on all necessary closing documents. Title work and Preliminary Survey drawing and property descriptions have gone through several rounds of edits, with the most recent version of the Survey documents being resubmitted to County and SADC on 6/25/20 for review. The SADC advised on 6/29/20 that all requested survey revisions appear to have been made and the current survey documents appear to meet all required standards, pending the County's final approval for compliance with Scope of Professional Services. Draft of Quit Claim Deed prepared by Counsel for Co-executors, to address issue of lifetime rights on portion of property, was previously provided to SADC on 4/16/20. SADC legal staff advised on 6/16/20 that the State finds the proposed Quit Claim Deed sufficient for terminating the life tenancy of one of the members as established in the Estate's associated will and legal documents. Prior to closing, SADC will also require written consent from all parties of the Estate for not proceeding with the testamentary division in the will, as a conditional requirement of the SADC's Green Light Approval. As such, Affidavits of Title for each member of the Estate/beneficiaries were prepared by Counsel for Co-executors and submitted with the proposed Deed of Easement by CADB Counsel to the SADC and Title Company on 8/12/20 for review. The Title Company approved of same on 8/12/20. **\*As of 10/6/20, the revised Final Survey drawings, property descriptions, Surveyor's checklist and certification and accompanying GIS data have been received by the County. CADB Counsel advised on 10/6/20 that the final survey will be provided to Seller's attorney for final review prior to closing procedures commencing.**



- **Duchess Farms, South Brunswick Twp.:** The Application to Sell a Development Easement was presented to the MCADB, along with all necessary supporting information and GIS mapping at the 7/29/2020 MCADB meeting for the Board's consideration of granting Preliminary Approval. Following the application presentation, the MCADB voted to grant Preliminary Approval to this new application by way of an MCADB Resolution of Preliminary Approval. A copy of the fully-signed Resolution of Preliminary Approval was provided to the applicants and their consultant on 8/5/2020, along with a copy of the next application in the process, the SADC's Farmland Preservation Application. The applicants' SADC Farmland Preservation Application was submitted to MCADB staff on 8/14/20 with the Applicant section (Section I) completed. **MCADB staff contacted South Brunswick Township on 8/31/20 for confirmations on the municipal zoning page of the application, which was received on 9/9/20. MCADB staff completed the County section of the Application (Section II) and compiled the full application package with all required supporting documents, Appraisal Order Checklist, signed landowner guidance documents and GIS mapping, and submitted same to the SADC on 9/22/20 for the State's review and consideration of granting "Greenlight Approval," which would then trigger the appraisal process to commence, if granted.**

#### B. Right to Farm

- **There are currently three (3) Right to Farm cases before the MCADB pursuant to mulching activities on farmland in Monroe Township, that were transferred to the MCADB by way of a Court Order of Middlesex County Superior Court Judge Natali dated 8/21/17.**

*[Lark Nurseries SSAMP Application was submitted on 12/5/18; Smentkowski Brothers and Brothers Investment LLC SSAMP Applications were submitted on 12/6/18].*

All three (3) of these affected property owners have submitted the second part of their Right to Farm Applications (Site Specific Agricultural Management Practice "SSAMP" Applications) to the County during December 2018, and since that time, CADB Counsel/Administrator have been reviewing/following up as necessary throughout application process. CADB Administrator and CADB Counsel met on 2/10/20 to discuss issues with the SSAMP applications with the *intention* of issuing a final notice to all parties that if no action is taken, the applications will be dismissed without prejudice again at an upcoming CADB meeting. CADB Counsel received a letter dated 2/13/20 from one of three attorneys, advising that a case management conference was recently held with Judge LeBlon, and the three attorneys/applicants will be obtaining their joint report from their expert with the intention forward toward scheduling a CADB Public Hearing.

CADB Counsel, CADB Administrator, and Counsel for the three (3) applicants held a working meeting on 3/14/20 to address remaining issues with the submitted SSAMP applications that must be addressed or updated before moving forward with the process, including a discussion of the adopted AMP for On-Farm Compost Operations on Commercial Farms that commercial farmers engaged in mulching activities must comply with. In addition, Counsel for applicants were also advised of updated financial documentation that is necessary to resubmit to support the "commercial farm designation" status previously awarded to these three applicants during a different tax year. To date, no new supporting information or application revisions have been received by the County. Applicant(s) attorneys have not submitted supplemental information.



Applicants were to provide expert report. Matter may be placed on an upcoming MCADB meeting for dismissal if applicants are not proceeding.

CADB Counsel issued follow-up letters dated 7/01/2020 to Counsel for the above referenced three (3) applicants, advising that the County must be notified if their applicants intend to proceed and requested that the outstanding application information be provided, otherwise the matters will be dismissed without prejudice at an upcoming MCADB meeting. Counsel for Brothers Investment LLC responded on 7/6/2020, advising that his client will be amending and resubmitting his application. CADB staff provided the attorney with a new application (Request for Site Specific Agricultural Management Practice (SSAMP) Recommendation Application) on 8/21/2020, as requested.

**\*Update:** To date, Counsel for Lark Nurseries and Smentkowski Brothers have not responded or provided the requested application information necessary to proceed, and as such, both of these matters have been scheduled on the MCADB's October 14, 2020 meeting agenda to be dismissed without prejudice since the MCADB cannot make a determination on the merits at this time.

- **A fourth (4<sup>th</sup>) Right to Farm Application was submitted to the MCADB staff on 4/8/19 for a horse auction site in Cranbury Township alleged to be operating horse rodeo events,**

*[Cranbury Sales Stables SSAMP Application was submitted on 4/8/2019]*

CADB Counsel and staff reviewed the SSAMP Application for completeness and held a meeting with the rodeo operator and his attorney on 6/3/19 in order to discuss the missing items from the Application and to address questions with the Application and general activity prior to scheduling a CADB Public Hearing. To date, the County has not received follow-up information from the rodeo operator's attorney to address the missing information in the SSAMP application as discussed in the meeting. CADB Counsel issued a follow-up letter dated 7/01/2020 to Counsel for the above referenced applicant, advising that the County must be notified if the applicant intends to proceed and requested that the outstanding application information be provided, otherwise the matter will be dismissed without prejudice at an upcoming MCADB meeting.

**\*Update:** To date, the County has not received a response or the requested outstanding information except for a verbal communication that the applicant would be proceeding. As such, the outstanding information has not been received, and this matter has been scheduled on the MCADB's October 14, 2020 meeting agenda to be dismissed without prejudice since the MCADB cannot make a determination on the merits at this time.

*C. County Agriculture Development Board Meeting*

The last MCADB meeting was held on **July 29, 2020**. The next regularly scheduled MCADB meeting date is **October 14, 2020**.

*D. FY2022 County Planning Incentive Grant (P.I.G.) Application: Municipal Outreach*

MCADB staff conducted the municipal outreach component of the annual County Planning Incentive Grant (P.I.G.) Application update for Fiscal Year 2022 on 9/10/2020, as required for the County's continued participation in the Farmland Preservation Program and for State-cost sharing on acquisitions. The six (6) municipalities currently participating in the Farmland Preservation Program were provided with a current list of all Targeted Farm properties, accompanying Targeted Farm GIS map book pages, F.Y. 2021 P.I.G. Project Area mapping and minimum eligibility criteria to review.



**Municipalities were requested to advise MCADB staff of any additions or deletions from their respective Targeted Farm lists by 10/15/2020. MCADB staff anticipates submitting the FY2022 County PIG Application to the New Jersey State Agriculture Development Committee (SADC) by the 12/15/20 deadline.**

p/environmental sustainability/pla

