



Municipality of Princeton

*Witherspoon Hall
400 Witherspoon Street
Princeton, NJ 08540-3496*

**ENGINEERING AND INFRASTRUCTURE
OPERATIONS**

DEANNA STOCKTON, P.E., C.M.E.

*Deputy Administrator
Municipal Engineer
dstockton@princetonnj.gov*

**MINUTES OF THE MEETING
of the
PRINCETON FLOOD AND STORMWATER COMMISSION**

October 7, 2022

The meeting of the Princeton Flood and Stormwater Commission was convened at 10:00 a.m. on Friday, October 7, 2022 via Virtual Meeting/Zoom Conference. B. Vadnais opened the meeting in accordance with the New Jersey Open Public Meetings Act, Section 5, Chapter 231, P.L. 275. In conformance with the requirements of the law, notice was provided of the date, time and location of this regular meeting and filed with the Clerk of Princeton.

I. ROLL CALL

Members:

David Cohen, Princeton Council Liaison; Stuart Lieberman; Scott Sillars;
Barbara Vadnais, Chair; Daniel Van Abs; Louise Wilson;
Karen Zemble, Princeton Environmental Commission Liaison

Princeton Engineering:

James Purcell, Assistant Engineer; Andrew Filippi, Sewer Engineer;
Janice Most, Recording Secretary

Absent: Deanna Stockton, Deputy Administrator/Municipal Engineer;
Ian Baker, Construction Project Engineer

Princeton Planning

Justin Lesko, Acting Director

Watershed Institute:
Sophie Glovier
Absent: Mike Pisauro

Sustainable Princeton:
Christine Symington; Jenny Ludmer

Public:
Jane Murphy; Paul Schorr, Harrison Watson

II. Approval of Agenda

Being no formal Motion; there were no objections to the Agenda as presented.
B. Vadnais stated that the Webmaster, who will be on vacation for a few weeks, requested that Agendas be posted earlier for November meetings. She and J. Purcell will work on this.

III. Approval of September 9, 2022 Minutes

D. Cohen moved to approve the September 9, 2022 Minutes as presented. K. Zemble seconded. The Motion passed unanimously.

IV. Public Comment

P. Schorr stated he sent comments and questions to the Engineering Department (no specific topic given). J. Purcell stated they have been forwarded to the Nader Group for incorporation into the study on Harry's Brook.

VI. Discussions and Decisions

Municipal Update

D. Cohen stated that S. Glovier is attempting to convene a group to look at the Zoning Ordinance for limitations on basements adjacent to stream corridors; he will advise of the date.

D. Cohen also stated he will be participating in a three-day Conference of the New Jersey Floodplain Managers.

Floodplain Development Ordinance

J. Purcell gave a brief history of FEMA's new floodplain maps and data from 2016 stating that one part of Harry's Brook was left off, in a year or so we should have updated floodplain maps.

He also stated that FEMA audited the State of New Jersey noting that mapping is out of date, and we need to improve management of floodplains and in conjunction with NJDEP we need to develop a model Floodplain Management Ordinance. In August 2022, FEMA notified Mercer

County that Princeton is in review. On the advice of legal counsel and the Municipal Engineer, it was suggested that Princeton replace the current Ordinance with the model Ordinance. J. Purcell shared the draft of the model Ordinance stating that ours and the model mirror each other and Princeton just has to format the model to be similar to other Ordinances we have. He shared the Draft Ordinance for Adoption of the Floodplain Management Regulations of the Municipality of Princeton with FSWC.

J. Purcell continued that the yellow highlights are words needed to be replaced; green highlights are similar wording that need to conform to our Ordinances; both yellow and green highlights are placeholders needed to be modified; most difficult part is to format the model into our Section numbering; blue highlights are optional for modification.

Further, FEMA has indicated that Princeton has six months to comply. The notification was sent August 15, 2022 and the compliance date is February 15, 2023; Princeton and surrounding Municipalities have stated that this is not enough time as the new Ordinance needs legal review, NJDEP review, Mayor and Council adoption, Planning Board for Master Plan conformance and adoption. Princeton would like to have this completed by the end of 2022 as you cannot introduce an Ordinance at year end and adopt it in the following year.

Discussion: violation minimums; violations are daily and needs to be submitted to court system separately; inadvertent violations or only can be intentional violation; exactly what constitutes a violation; violation remedies taken before court date; building and code violations vs. zoning violations and different scenarios of violations were discussed; surveys depicting floodplains.

S. Lieberman stated that he reviewed the documents and most environmental laws in New Jersey have strict penalties; there is always a chance of inadvertent violations which is resolved during the penalty phase, but penalties are per day per violation.

Discussion Questions: 1) was the Asbury Park case found to be consistent with FEMA; 2) “person” is not defined; 3) Planning Board has the right to give variances but there is no standard in the Draft Ordinance showing how the Planning Board determines bulk variances standards-this needs to be made clearer; 4) page 26 of the Ordinance stated occasions of more than 25% or more in damages, this is too high for Princeton, instead recommend 15-20%. A. Filippi stated in the Code “person” is defined and he read the definition.

Discussion: the Ordinance needs a separate Definitions page; J. Purcell recommended to legal counsel to pull all definitions and have a definition section; discussion of different violations as to different definitions of “person;” recommendation of referencing penalty section to general Code, S. Lieberman will send J. Purcell comments.

Chat: H. Watson submitted a chat question inquiring if the Governor still wants to change the floodplains; this is an opportunity where NJ PACT rules in advance of being issued violations if there continue to be delays.

J. Purcell stated there are optional higher standards we can institute; Princeton codes have effective flood insurance rates; Princeton's regulated flood hazard area elevation is FEMA plus one foot; there is local design flood elevation based on FEMA plus the state plus what Municipality states.

Discussion: emergency rules; additional elevation footage; stream study by NJDEP; establishment of flood hazard areas.

Section review continued with discussions of negative consequences of adopting a 500-year standard; economic consequence of one foot to two-foot elevation; strict single digit footage is not necessarily the best protection; FEMA study showing cost of resiliency improvement are 1/6th savings in repair work if improvements not made.

S. Glovier stated the Watershed advocates for two-foot elevation to be consistent with emergency rules of the NJDEP.

Discussion: if we add an additional foot it will actually be at three foot because NJAC 7:13 will have added an additional foot; can rewrite and reword Ordinance so it takes possibility into account so it does not bump up to another foot; need to keep clear the fact of the difference between extent of floodplain design standard for what is built in the floodplain and impacts on flood insurance program; changes of national flood insurance program.

D. Cohen noted these are two distinct issues: 1) how big is our flood plain; 2) how far up above do we have to build.

Discussion: by adding an additional foot it may put residents into situations no longer conforming to building height requirements from a zoning standpoint – although a Variance can be granted; try to create disincentives for floodplain development; this Ordinance and Zoning Code will need to work together; with this Ordinance change – how many properties are affected, with answer from Engineering Dept. of approximately 206 properties in the floodplain.

Chat questions: 1) will swimming pools be allowed – answer – yes
 2) will existing residential structures have other options for flood proofing
 – answer – yes

B. Vadnais stated that due to the length and density of the draft Ordinance in review – between now and the next meeting would members review and circulate comments to J. Purcell and Commission Members – with comments due by Wednesday October 12.

Presentation on Princeton Community Master Plan – Justin Lesko, Acting Planning Board Director

L. Wilson introduced Justin Lesko, Acting Planning Board Director who is managing the update of the Princeton Community Master Plan.

J. Lesko stated that this is the first major update of the Plan since 1996, with some element updates in 2012 and 2020. Now there is a re-evaluation of all elements with the addition of land use, utilities, and housing.

Discussion: there are currently two surveys out to the public with 75% of Princeton residents responding; there is outreach activities for resident and community participation via the surveys and town hall meetings; J. Lesko is reaching out to all Boards, Commission, and Committees for input; the draft plan is scheduled to be released in the Spring with the final document to be released in July 2023. He shared the engagement hub which is a revolving website and highlighted the components of the online survey. He also stated that the Consultant Firm of Clarke Caton Hintz are reviewing the elements and Plan and will be engaged in the production of the new Plan.

S. Glovier stated that the Watershed Institute held a climate vulnerability assessment webinar which is a Master Plan element; she will share the webinar with J. Lesko.

D. Cohen stated a subcommittee of the FSWC is working on Princeton Stormwater Management Goals and Strategies for completion by the end of November 2022 which will be discussed later in this meeting, he invited J. Lesko to stay on to hear more about the Plan.

S. Lieberman noted that the survey was in English and Spanish; are other languages available – J. Lesko stated that there is an icon on the homepage of the survey taking the participant to Google Translate where 50 different languages are offered.

C. Symington stated it is important for this document to be shared widely.

Stormwater Flows Mapping

A. Filippi stated the Consultant continues to map out the stormwater infrastructure.

Stormwater Utility (Sub-Committee)

A. Filippi stated that various questionnaires have been completed and the Consultant is reviewing; an advisory committee has yet to be formed.

Master Plan/Utility Element

D. Van Abs stated that the Committee has received the most recent version of objectives and has not had further comments; with approval of the Commission the document is ready to be forwarded to the Planning Board for the utility services element. L. Wilson stated that the utility services element is relevant to all elements.

D. Cohen moved for Commission approval of the Master Plan Utility Element and to move forward to the Planning Board for inclusion in the Princeton Community Master Plan. S. Lieberman seconded. The Motion passed unanimously.

Stormwater Mitigation Plan

A. Filippi stated the Princeton Stormwater Management Mitigation Plan has been sent to all Commission Members.

D. Cohen moved to have the Princeton Stormwater Management Mitigation Plan forwarded to legal counsel for review so it can then move forward to Mayor and Council for Ordinance adoption. L. Wilson seconded. The Motion passed unanimously.

A. Filippi will forward the Plan to legal counsel.

VII. Reports from Liaisons

Princeton Environmental Commission

K. Zemble stated: 1) the Environmental Commission also met with J. Lesko and discussed the new Master Plan; PEC is writing a memo for their next meeting with a section for FSWC issues [K. Zemble will share the finalized PEC memo with the FSWC]; 2) PEC received public comments re: developers constructing roads/pavers/parking/etc. and how the developers maintain storm water regulations; 3) PEC members attended the State of NJ Forest Task Force meeting

Sustainable Princeton

J. Ludmer stated that Sustainable Princeton is prepping for a fund raiser to be held Sunday, October 9 and also for ShredFest being held October 15.

Other

S. Glovier stated: 1) the Watershed will be speaking at the Library on October 13, 2022 at 10:00 a.m. on storm water related issues; 2) Pinneo Construction approached the Watershed for rain garden installation; 3) the Watershed was contacted by a resident concerned that the Tree Ordinance is not being robustly enforced in relation to stormwater. S. Sillars stated that the Watershed will be presenting at the Nassau Club the end of October on stormwater.

Chat question: P. Shoor asked, via chat, if individual roadways prone to flooding can be included in the Master Plan – answer – yes – part of the current utility element is in the Master Plan and will continue to be in the Master Plan.

VIII. Adjournment

At 11:35 a.m. D. Cohen moved to adjourn the meeting. L. Wilson seconded. The Motion passed unanimously.

The next meeting is scheduled for Friday November 4, 2022 at 10:00 a.m. via Virtual Meeting/Zoom.

Janice Most
Recording Secretary

Adopted: November 4, 2022