

**REGULAR MEETING OF MAYOR AND COUNCIL
FEBRUARY 10, 2021**

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm via the virtual platform, Zoom. He stated that adequate notice of this meeting has been provided in accordance with the NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was published in the Asbury Park Press and the Beach Haven Times on January 16, 2020. This meeting is being conducted remotely by electronic means, during the COVID-19 State of Emergency and State of Public Health Emergency, as provided by NJSA 10:4-9.3 & 52:27D-18.11. The change from an in person meeting to a ZOOM meeting was posted in the Asbury Park Press on January 27, 2021 and posted in the Post Office and on the mailbox outside of the Municipal Building. Log in information was posted on the Borough website.

ROLL CALL: Spark, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Stuart McGowan, Sponge Washburn, Kathleen Flanagan and Brenda Kuhn

Discussion: Mayor Larson said that all dogs should be on a leash and no running loose on the beach. He said with the coyote situation you should leash the dogs to keep them safe. The Mayor then talked about the building height restrictions. He thought that marine commercial was already 32' but that could not be found in the Borough Code Book. There was discussion about the height restrictions and the council decide to have the EOC discuss it to make recommendations.

Mayor Larson asked for a motion to close the Caucus. On a motion by Mikuletzky, seconded by Reynolds and carried by all the Caucus Meeting was closed.

THE MEETING of the Mayor and Council was called to order by Mayor Larson at 5:00pm via the virtual platform, Zoom. He stated that adequate notice of this meeting has been provided in accordance with the NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was published in the Asbury Park Press and the Beach Haven Times, both newspapers are designated by Mayor and Council to receive such notice.

PLEDGE OF ALLEGIANCE

The Municipal Clerk stated that the meeting was being recorded and that a written copy would be available in the Clerk's office.

ROLL CALL: Spark, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Stuart McGowan, Sponge Washburn, Kathleen Flanagan and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the January 13, 2021 regular meeting.

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway		X	X			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the 2021 Reorganization meeting.

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway		X	X			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

TREASURER'S REPORT: Mayor Larson asked for a motion to approve the Treasurer's Report.

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Wellington			X			
Alloway			X			
Reynolds		X	X			
Foley			X			
Mikuletzky			X			

BUILDING AND ZONING REPORT: Mayor Larson asked for a motion to approve the Building and Zoning Report.

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway			X			
Reynolds		X	X			
Foley	X		X			
Mikuletzky			X			

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky said he wanted to make the court report a part of the meeting minutes. He reported that the court brought in \$437.65. He said Fish & Game got \$190.00 and the Borough kept \$103.88. He said there wasn't much crime in January. He also urged everyone to beware of scammers. The Councilman also said to keep your dog safe by leashing them at all times.

DOCKS AND HARBORS: Councilman Alloway reported that all of the boat slips were rented.

BEACHES AND PARKS: Councilwoman Reynolds reported that the last storm effected the beaches. She reported that \$10,730.00 was collected in beach badge revenue and \$294.00 was sold through the VIPLY app. She also reported that \$330 paw passes was collected.

FINANCE: Councilman Spark reported that the first budget workshop was held and the 2021 budget was being prepared. He said there would be another one but the date wasn't set yet. He said that this years budget would include playground equipment.

The Mayor thanked the public for their cooperation.

WATER/SEWER: Councilwoman Foley said that 698 meters had been activated and the data entry had been done on all of those accounts. She thanked Stuart and his team and Brenda & Kathy. She said that it was revealed that 3 meters had been installed backwards. She said that the deadline for activating was extended to June 15th due to the number of "snowbirds". She said that there were 20 meters that were not picked up and they were either open land or under construction.

PUBLIC WORKS: Councilman Wellington said that the nor'easter caused damage to the trails. He said that Stu filled in the low spots with more sand and the guys were busy cleaning up debris on the beach. He reported that work continued on the lifeguard house. He said it was on pilings and safety straps were installed. He added that the framing on the lower level had begun and the concrete would be poured soon.

OPEN PUBLIC SESSION: Mayor Larson asked for a motion to open the open public session. There was a motion by Wellington, seconded by Foley and carried by all.

Barbara Trucellito, 15 West 8th Street, talked about the meeting that the Joint Council of Taxpayers. (all towns on the island with the exception of Surf City) had a meeting with Atlantic Shores regarding the windfarms. She said that they had prepared about 20 questions for the meeting, however there were still many unanswered questions. The Mayor talked about the possibility of the municipalities having a liaison to look out for the towns on the island. Barbara Truncellito and Councilwoman Reynolds agreed. There was more discussion on this subject.

Jon Sebiri, 13 East 30th Street, wanted to understand about the coyote situation. Mayor Larson said that the Borough hired a pest control to take care of a menace. He said that one attacked a dog and that their food source was running out. He went on to say that there were cameras that were looking for coyote movement but mostly the cameras were catching fox and raccoons. He urged everyone to stay off the beach with dogs so that their footprints wouldn't be confused with those of coyotes. Mayor Larson said that the coyotes travel at night and are rarely seen during the day. He said to keep your cats inside and your little dogs under your arm.

Connie Higgins, 10 east 11th Street, asked what happens when pest control gets one in their traps and the Mayor replied that he did not know. Mrs. Higgins said that the Foundation was having presentations on coyotes on two dates.

Rick Jones, 25 East 7th Street, asked questions regarding the restoration area. He wanted to know who was doing the work there, if more work was going to be done, how much of the land was theirs, and if there were plans to do any other work.

John Nistad, 28 West 3rd Street, asked how would he know if his water meter is activated. The Clerk looked at his account and informed him that it was activated.

Rich Brodman, 4 East 10th Street, stated that he wanted to add to what Barbara Truncellito talked about. He said he also attended the meeting. He said that a recurring question was why were the wind farms were so close to the shoreline and they said it had to do with the shipping lanes.

CLOSE PUBLIC SESSION: Mayor Larson asked for a motion to close the open public session. There was a motion by Reynolds, seconded by Spark and carried by all.

RESOLUTIONS:

The clerk said that the resolution would be done by consent agenda. She read each resolution by title and then recorded the votes as follows:

DATED: February 10, 2021

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Wellington			X			
Alloway		X	X			
Reynolds			X			
Foley			X			
Mikuletzky			X			

RESOLUTION 2021-047

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH THE CENTRAL JERSEY HEALTH INSURANCE FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the CENTRAL JERSEY HEALTH INSURANCE FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND;

WHEREAS, the governing body of Barnegat Light, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the Borough of Barnegat Light is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

RESOLUTION 2021-048

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR THE RECONSTRUCTION OF WEST 6th STREET TO EARLE ASPHALT COMPANY.

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for the West 6th Street Reconstruction Project; and

WHEREAS, at the time, place and date set for the receipt of bids, formal bids were received by the Borough as follows:

Earle Asphalt Company	\$185,613.13
Shore Top Const	\$199,524.00
Black Rock Enterprises	\$200,130.80
Swift & Son	\$205,024.90
Seacoast Construction	\$217,417.94
Mathis Construction Co.	\$235,047.93
Shore Connection	\$243,693.80
Construction Connect	no bid
Think Pavers Hardscaping	no bid

WHEREAS, said bids were taken under advisement and have been reviewed by the Borough Engineer and it has been determined that Earle Asphalt Company submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amount of \$185,613.13; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a contract for the West 6th Street Reconstruction Project to Earle Asphalt Company, the lowest bidder; and

WHEREAS, part of the funding for said project comes from financing awarded by the NJ Department of Transportation, and the award is, therefore, subject to NJDOT review and approval, per their grant rules and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

1. That the Mayor & Borough Council of the Borough of Barnegat Light do hereby award the contract for the West 6th Street Reconstruction Project to Earle Asphalt Company, at the price of \$185,613.13, subject to NJDOT review and approval.

2. That the Mayor and Borough Clerk are hereby authorized to execute an agreement with Earle Asphalt Company for said project, said agreement to be in conformance with bid specifications and bid submitted by Earle Asphalt Company.

3. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following line item appropriations or ordinances constitute the availability of funds for this contract:

ORDINANCE 2019-15
2019 ROAD PROJECT

4. That a certified copy of this resolution shall be forwarded to Earle Asphalt Company, the NJDOT, the Chief Financial Officer and the Borough Engineer.

5. This contract award is subject to NJDOT review and approval, per their grant rules and regulations.

RESOLUTION 2021-049

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes the Borough of Barnegat Light to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40:8A-4 requires such a contract to be authorized by resolution; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Barnegat Light to authorize the execution of a contract with the Ocean County Board of Health for Animal Facility Services for 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, that the agreement entitled "CONTRACT FOR ANIMAL FACILITY SERVICES", be executed by the Mayor and Borough Clerk in accordance with the provisions of law.

RESOLUTION 2021-050

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDS A CONTRACT FOR THE LEASING OF CERTAIN MUNICIPAL PROPERTY (SPACE FOR CELL ANTENNA CONTROL PANEL/GENERATOR).

WHEREAS, N.J.S.A. 40A:12-14 provides that a municipality may lease any lands or buildings or portions thereof not presently needed for public use to the person who will pay the highest rent therefor; and WHEREAS, the governing body has duly authorized and received bids for the leasing of land under the borough water tank for the use for cell antenna control panel/generator equipment space;

WHEREAS, New Cingular Wireless PCS LLC (AT&T) submitted the highest (only) bid for the leasing of said space, as set forth below; and

WHEREAS, it is the desire of the Mayor and Borough Council to award a lease for said space to New Cingular Wireless PCS LLC, the highest bidder therefor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

1. That the Borough of Barnegat Light does hereby award a contract for a lease of 99sf of space under the Borough water tank for a term of 2 years, with an option for an additional 5 years, commensurate with the cell antenna leases for water tower space, at the rate of \$250 per month.

2. That the Mayor and Borough Clerk are authorized to execute a lease and any and all other documentation relative to said lease.

RESOLUTION 2021-051

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING THE 2021 SALARIES OF CERTAIN EMPLOYEES

BE IT RESOLVED, by the Mayor and Council of the Borough of Barnegat Light that the following rates of compensation shall be within the scale of limits set forth in Section I of Salary Ordinances 08-03, 09-02, 10-09, 10-10, 12-11, 16-02 and 2020-2020-08; and

BE IT FURTHER RESOLVED, that the following Borough employees are actively employed by the Borough of Barnegat Light and shall receive the amount specified and set forth below:

<i>Name</i>	<i>Position</i>	<i>2021</i>
Kirk O. Larson	Mayor	4,000.00

Michael Spark	Council President	2,800.00
Samuel Alloway	Councilperson	2,500.00
Dorothy Reynolds	Councilperson	2,500.00
Edwin Wellington	Councilperson	2,500.00
Frank Mikuletzky	Councilperson	2,500.00
Mary Ellen Foley	Councilperson	2,500.00
Michele Inman	Assistant Treasurer	58,000.00
Brenda Kuhn	Municipal Clerk	141,354.00
Brenda Kuhn	Tax Collector/Water/Sewer	1,500.00
Kathy Guerrero	Deputy Municipal Clerk/Tax Clerk	75,091.00
Kathy Guerrero	Recycling Coordinator	3,000.00
Elaine Tollison	Administrative Clerk/Tax Clerk	55,998.00
Elaine Tollison	Planning Board Secretary	3,000.00
Elaine Tollison	Open Space Secretary	1,000.00
Elaine Tollison	Zoning Board Secretary	2,000.00
Elaine Tollison	Recreation Coordinator	1,500.00
Kathleen Flanagan	Chief Financial Officer	33,281.00
Kathleen Flanagan	Qualified Purchasing Agent	7,500.00
Kathleen Flanagan	Payroll Clerk	5,000.00
Bernard Haney	Tax Assessor	19,761.00
Maureen Daniels	Court Administrator	7,569.00
Damian Murray	Municipal Court Judge	6,874.15
Stuart McGowan	Supt. Water/Sewer	58,540.00
Stuart McGowan	Supt. Public Works	58,540.00
Albert Morison	Assistant Supt. Water/Sewer	42,452.00
Albert Morison	Assistant Supt. Public Works	42,452.00
Jeffrey Washburn	Zoning Officer/Code Enforcement	36.53 hr

RESOLUTION 2021-052

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$586,662.66

WHEREAS, the Finance Committee of the Borough of Barnegat Light has examined the vouchers presented for payment,

NOW, THEREFORE, BE IT RESOLVED, that the approved vouchers amounting to \$586,662.66 be authorized to be paid upon verification of the Treasurer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

ORDINANCES

FIRST READING

ORDINANCE 2021-02

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO REVISE THE 4TH, 7TH & 16TH STREET TEMPORARY USE PERMIT FEE.

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington		X	X			
Alloway			X			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

2021-04 CAPITAL BOND ORDINANCE No.

BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NJ PROVIDING FOR UPGRADES TO THE CHLORINATION SYSTEM, AND APPROPRIATING \$65,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway		X	X			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

SECOND READING

ORDINANCE 2021-01

ORDINANCE OF THE BOROUGHS OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Barnegat Light in the County of Ocean finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 2.5 % increase in the budget for said year, amounting to \$54,723.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Barnegat Light, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Barnegat Light shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$79,613.39, and that the CY 2021 municipal budget for the Borough of Barnegat Light be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCTION:

Passage on First Reading: Date: January 13, 2021

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Wellington		X	X			
Alloway			X			
Reynolds			X			
Foley			X			
Mikuletzky			X			

ADOPTION:

Final Passage: Date: February 10, 2021

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Wellington			X			
Alloway			X			
Reynolds			X			
Foley		X	X			
Mikuletzky			X			

ORDINANCE 2021-03

AN ORDINANCE OF THE BOROUGHS OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 167 OF THE BOROUGHS CODE, ENTITLED “STORMWATER CONTROL,” TO REVISE ARTICLE I, ENTITLED “STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS.”

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 167 of the Borough Code of the Borough of Barnegat Light, entitled “Stormwater Control,” is hereby amended and supplemented to provide a revised Article I, entitled “Stormwater Management Requirements and Controls,” to read as follows:

CHAPTER 167

STORMWATER CONTROL

Article I

Stormwater Management Requirements and Controls

§ 167-1. Scope and purpose.

Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI

BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in §167-2.

Applicability

This ordinance shall be applicable to the following major developments:

Non-residential major developments; and

Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

This ordinance shall also be applicable to all major developments undertaken by the Borough of Barnegat Light.

Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 167-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA Centers, Cores or Nodes

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA Planning Map

The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

Community Basin

An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

Compaction

An increase in soil bulk density.

Contributory Drainage Area

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

Core

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County Review Agency

An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

Department

means the Department of Environmental Protection.

Designated Center

means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Design Engineer

means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Development

means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 *et seq.*

Disturbance

means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

Drainage Area

means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Environmentally Constrained Area

means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Environmentally Critical Area

means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Empowerment Neighborhoods

means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

Erosion

means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Green Infrastructure

means a stormwater management measure that manages stormwater close to its source by:

Treating stormwater runoff through infiltration into subsoil;

Treating stormwater runoff through filtration by vegetation or soil; or

Storing stormwater runoff for reuse.

HUC 14 or Hydrologic Unit Code 14

means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

Impervious Surface

means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

Infiltration

is the process by which water seeps into the soil from precipitation.

Lead Planning Agency

means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

Major Development

means an individual "development," as well as multiple developments that individually or collectively result in:

The disturbance of one or more acres of land since February 2, 2004;

The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;

The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or

A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

Motor Vehicle

means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

Motor Vehicle Surface

means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

Municipality

means any city, borough, town, township, or village.

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual

means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 167-4, F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

Node

means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Nutrient

means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Person

means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

Pollutant

means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

Recharge

means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Regulated Impervious Surface

means any of the following, alone or in combination:

A net increase of impervious surface;

The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

Regulated Motor Vehicle Surface

means any of the following, alone or in combination:

The total area of motor vehicle surface that is currently receiving water;

A net increase in motor vehicle surface; and/or

quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

Sediment

means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Site

means the lot or lots upon which a major development is to occur or has occurred.

Soil

means all unconsolidated mineral and organic material of any origin.

State Development and Redevelopment Plan Metropolitan Planning Area (PA1)

means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

State Plan Policy Map

is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

Stormwater

means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

Stormwater Management BMP

means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater Management Measure

means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

Stormwater Runoff

means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Stormwater Management Planning Agency

means a public body authorized by legislation to prepare stormwater management plans.

Stormwater Management Planning Area

means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

Tidal Flood Hazard Area

means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

Urban Coordinating Council Empowerment Neighborhood

means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zones

means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

Urban Redevelopment Area

is defined as previously developed portions of areas:

Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

Designated as CAFRA Centers, Cores or Nodes;

Designated as Urban Enterprise Zones; and

Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Water Control Structure"

means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

"Waters of the State"

means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "Wetland"

means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 167-3. Design and Performance Standards for Stormwater Management Measures.

Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§ 167-4. Stormwater Management Requirements for Major Development.

The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 167-10.

Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle). The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 167-4, P, Q and R:

The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 167-4, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 167-4, O, P, Q and R to the maximum extent practicable;

The applicant demonstrates that, in order to meet the requirements of § 167-4, O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and

The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling § 167-4, D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 167-4, O, P, Q and R that were not achievable onsite.

Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 167-4, O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at:

https://njstormwater.org/bmp_manual2.htm.

Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2

Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff		Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
	Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity		
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at § 167-4, O.2;

(b) designed to infiltrate into the subsoil;

(c) designed with underdrains;

(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) designed with a slope of less than two percent;

(f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at § 167-2 ;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at § 167-4.

An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 167-6, B. Alternative stormwater management measures may be used to satisfy the requirements at § 167-4, O only if the measures meet the definition of green infrastructure at § 167-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 167-4, O.2 are subject to the contributory drainage area limitation specified at § 167-4, O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 167-4, O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 167-4, D is granted from § 167-4, O.

Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

Design standards for stormwater management measures are as follows:

Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 167-8, C; Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 167-8; and

The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 167-2 may be used only under the circumstances described at § 167-4, O.4.

Any application for a new agricultural development that meets the definition of major development at § 167-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 167-4, O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 167-4, P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Ocean County Clerk.

A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 167-4, O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 167-10, B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 167-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Ocean County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

Green Infrastructure Standards

This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

To satisfy the groundwater recharge and stormwater runoff quality standards at § 167-4, P and Q, the design engineer shall utilize green infrastructure

BMPs identified in Table 1 at § 167-4, F. and/or an alternative stormwater management measure approved in accordance with § 167-4, G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

To satisfy the stormwater runoff quantity standards at § 167-4, R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 167-4, G.

If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 167-4, D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 167-4, G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 167-4, P, Q and R.

For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 167-4, P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 167-4, D.

Groundwater Recharge Standards

This subsection contains the minimum design and performance standards for groundwater recharge as follows:

The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 167-5, either:

Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

The following types of stormwater shall not be recharged:

Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Stormwater Runoff Quality Standards

This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 167-4, P, Q and R.

In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in

stormwater runoff to waters classified as FW1.

The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

Stormwater Runoff Quantity Standards

This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 167-5, complete one of the following:

Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 167-5. Calculation of Stormwater Runoff and Groundwater Recharge.

Stormwater runoff shall be calculated in accordance with the following:

The design engineer shall calculate runoff using one of the following methods:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at § 167-5, A.1.i and the Rational and Modified Rational Methods at § 167-5, A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 167-6. Sources for Technical Guidance.

Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850

Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

Submissions required for review by the Department should be mailed to:

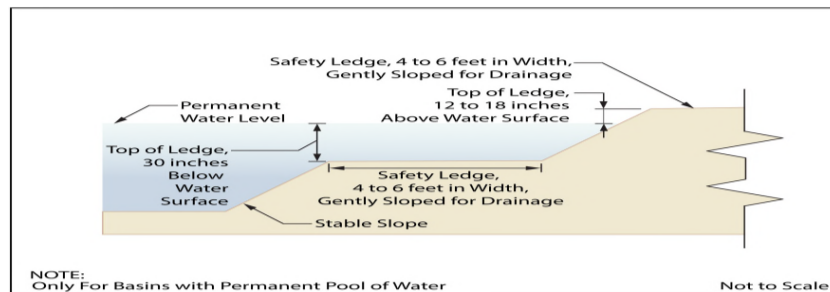
The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§ 167-7. Solids and Floatable Materials Control Standards.

Site design features identified under § 167-4, F above, or alternative designs in accordance with § 167-4, G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 167-7, A.2 below.

Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or



A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

The standard in A.1. above does not apply:

Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 167-8. Safety Standards for Stormwater Management Basins.

This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 167-8, C for trash racks, overflow grates, and escape provisions at outlet structures.

Requirements for Trash Racks, Overflow Grates and Escape Provisions

A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

The overflow grate spacing shall be no less than two inches across the smallest dimension

The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

Stormwater management BMPs shall include escape provisions as follows:

If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure.

Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 167-8, C, a free-standing outlet structure may be exempted from this requirement;

Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 167-8, E for an illustration of safety ledges in a stormwater management BMP; and

In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration

§ 167-9. Requirements for a Site Development Stormwater Plan.

Submission of Site Development Stormwater Plan

Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 167-9, C below as part of the submission of the application for approval.

The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

The applicant shall submit 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 167-9, C of this ordinance.

Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

Submission of Site Development Stormwater Plan

The following information shall be required:

Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted.

This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site.

Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 167-3 through § 167-4 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

Calculations

Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 167-4 of this ordinance.

When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 167-10.

Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 167-9, C.1 through § 167-9, C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 167-10. Maintenance and Repair.

Applicability

Projects subject to review as in § 167-1, C of this ordinance shall comply with the requirements of § 167-10, B and § 167-10, C.

General Maintenance

The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

If the party responsible for maintenance identified under § 167-10, B.3 above is not a public agency, the maintenance plan and any future revisions based on § 167-10, B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

The party responsible for maintenance identified under § 167-10, B.3 above shall perform all of the following requirements:

maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 167-10, B.6 and B.7 above.

The requirements of § 167-10, B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Maintenance and inspection guidance can be found on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

Nonpayment of such bill may result in a lien on the property.

Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 167-11. Violations and penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be punishable as provided in § 1-15 of the Borough Code, entitled "Violations and Penalties"

§ 167-12. Enforcement.

This article shall be enforced by any officer of the Borough.

§ 167-13. Effective Date.

This article shall take effect immediately upon the approval by the County review agency, or 60 days from the receipt of the ordinance by the county review agency if the county review agency fail to act.

§ 167-14 Severability.

If the provision of any section, subsection, paragraph, subdivision, or clause of this article shall be judged invalid by a court of competent jurisdiction, such order shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this article

INTRODUCTION:

Passage on First Reading: Date: January 13, 2021

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington	X		X			
Alloway			X			
Reynolds		X	X			
Foley			X			
Mikuletzky			X			

ADOPTION:

Final Passage: Date:

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway		X	X			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

Correspondence:

Garden Club asked to waive fees for pavilion use.

There was a motion by Alloway, seconded by Reynolds and carried by all.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn. On a motion by Wellington seconded by Reynolds and carried

by all, the Meeting of the Borough Council was closed.

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, RMC