

**READINGTON TOWNSHIP COMMITTEE
MEETING – September 20, 2021**

Mayor Albanese *calls the meeting to order at 6:00 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

PRESENT: Mayor J. Albanese, Deputy Mayor J. Heller, Mrs. BA Fort and Mr. B. Smith
Mr. J. Huelsebusch joined the meeting at 7:20 p.m.

ALSO PRESENT: Administrator R. Sheola, Municipal Clerk K. Parker, Attorney S. Dragan,

ABSENT: None

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

NOW, THERFORE, BE IT RESOLVED by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit “A.”

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Construction Code	Personnel.....	Certain information at the discretion of the Township Committee tonight...other Information will remain confidential
Police Department	Personnel	“ “ “
Award of 2021-22 Hunting Bid	Contract Negotiations.....	“ “ “
Readington-Lebanon Sewerage Authority	Contract Negotiations	“ “ “
Attorney-Client Privilege	Contract Negotiations	“ “ “
Affordable Housing (Ridge at Readington)		
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• <i>September 7, 2021</i>		
Former Employee.....	Potential Litigation.....	“ “ “
Affordable Housing.....	Potential Litigation.....	“ “ “
Hutton. V. Hunterdon County.....	Litigation	“ “ “
Construction Board of Appeals, Et al.		

Civil Action Summons / Litigation..... “ “ “
Rosedale and Rosehill Cemetery Association vs. Township of Readington and the Township of
Committee of the Township of Readington

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

A **MOTION** was made by Mr. Smith to adopt this resolution, seconded by Mr. Heller with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:30 p.m.

Mayor Albanese led those present in the *Salute to the Flag*.

Executive Session:

Personnel Construction Code

A **MOTION** was made by Mrs. Fort to accept the resignation of John Tillotson, Building Inspector, effective September 30, 2021, seconded by Mr. Heller and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

A **MOTION** was made by Mrs. Fort to authorize Administrator Sheola to advertise for the open position, seconded by Mr. Heller and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

Personnel / Police Department

Mayor Albanese stated that this matter remains in Executive Session.

Contract Negotiations / Award of 2021-22 Hunting Bid

A **MOTION** was made by Mrs. Fort to authorize the return of the bid monies as requested by 7-Point Pines Gun Club for Woodschurch Road (Block 63, Lots 24, 27, 66 & 68), seconded by Mr. Heller and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

Contract Negotiations / Readington-Lebanon Sewerage Authority

Mayor Albanese stated that this matter remains in Executive Session.

Contract Negotiations / Attorney-Client Privilege / Ridge at Readington

Mayor Albanese stated that this matter remains in Executive Session.

Attorney-Client Privilege / Executive Session Minutes / September 7, 2021

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of September 7, 2021, for content only, seconded by Mr. Heller with a vote of ayes all, nays none recorded.

Potential Litigation / Former Employee

A **MOTION** was made by Mrs. Fort to approve the Separation Agreement and General Release, seconded by Mr. Heller and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

Potential Litigation / Affordable Housing

Mayor Albanese stated that this matter remains in Executive Session.

Litigation / Hutton v. Hunterdon County Construction Board of Appeals, et al

A **MOTION** was made by Mrs. Fort to authorize Attorney Dragan to take appropriate action to protect the Township’s interests, seconded by Mr. Heller and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

Litigation / Civil Action Summons / Rosedale and Rosehill Cemetery Association vs. Township of Readington and the Township Committee of the Township of Readington

Mayor Albanese stated that this matter remains in Executive Session.

The following matter was added to the Executive Session:

Contract Negotiations / Professional Services / Princeton Public Affairs Group

The following resolution was offered for consideration:

#R-2021-143

***TOWNSHIP OF READINGTON
RESOLUTION***

WHEREAS, there exists a need in the Township of Readington for Professional Services; and

WHEREAS, the Local Public Contract Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the Resolution hiring a professional for professional services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Readington as follows:

Resolution #R-2021-143 cont'd:

1. That the following contract has been awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contract Law because the services rendered or to be performed are by persons authorized by law to practice their profession:
 - Princeton Public Affairs Group (PPAG) to represent the Township on all governmental relations matters relating to the Township's legislative and regulatory matters at a rate of \$4,000 per month
2. Said contract shall expire on December 31, 2021.
3. Copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection.
4. This Resolution shall take effect immediately.

A **MOTION** was made by Mrs. Fort to adopt this resolution, seconded by Mr. Heller and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

CONSENT AGENDA:

Mayor Albanese read the following statement:

All items listed with an asterisk "" are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*

Mr. Heller requested to remove Item #1 from the Consent Agenda.

1. ***APPROVAL OF MINUTES** of meeting of September 7, 2021
2. * *Special Items of Revenue and Appropriations in the 2021 Budget Pursuant to N.J.S.A. 40A:4-87*

The following resolution was offered for consideration:

#R-2021-144

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION
IN THE 2021 BUDGET
PURSUANT TO N.J.S.A. 40A:4-87**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

Resolution #R-2021-144 cont'd:

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the amount of \$1,800.00, which item is now available as a revenue from the following source pursuant to the provision of statute:

Somerset County Prosecutor:	
Drive Sober or Get Pulled Over	\$1,800.00

BE IT FURTHER RESOLVED that a like sum of \$1,800.00 be and the same is hereby appropriated under the caption of the following:

Somerset County Prosecutor:	
Drive Sober or Get Pulled Over	\$1,800.00

3. *** Resolution Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to Chapter 99 of the Public Laws of 1997**

The following resolution was offered for consideration:

#R-2021-145

**RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE
 CERTIFICATE PURSUANT TO CHAPTER 99 OF THE
 PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Tad J. Dabrowski which certificate is date October 27, 2020, covering premises commonly known and referred to as Lot 64, Block 8.17 as set out on the municipal tax map then in use which certificate bears number 2020-016.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly file the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Readington Township that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

4. *** Resolution Ratifying and Confirming the Action of the Readington Township Committee Authorizing the Construction Department to Waive Construction Permit Fees Related to Hurricane Ida Repairs**

The resolution was offered for consideration:

#R-2021-146

RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE READINGTON TOWNSHIP COMMITTEE AUTHORIZING THE CONSTRUCTION DEPARTMENT TO WAIVE CONSTRUCTION PERMIT FEES RELATED TO HURRICAN IDA REPAIRS

WHEREAS, an emergency exists as a result Hurricane Ida 2021 which caused damage to many homes and businesses within the Township of Readington and:

WHEREAS, this damage will have to be repaired and will require construction permits; and

WHEREAS, the Mayor and Township Committee do not want to burden those residents and business owners impacted by the storm with the costs of those construction permits; and

WHEREAS, the Construction Official may waive the construction permit fees associated with the repairs resulting from damage caused by Hurricane Ida for the period of September 3, 2021 through December 31, 2021; and

WHEREAS, the fees waived shall only be Township of Readington construction permit fees, not any surcharges or fees from third parties where applicable.

NOW THEREFORE, BE IT RESOLVED, by the Township of Readington, County of Hunterdon, State of New Jersey that the construction permit fees associated with repairs necessitated by the damage caused by Hurricane Ida, as necessary per the Construction Code Official may be waived, for the period of September 3, 2021, through December 31, 2021, excluding any applicable surcharges and, or third-party fees.

7. * **Payment of Bills** – (Complete bill list is on file in Clerk’s Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	1-01	\$ 828,682.05
SEWER APPROPRIATIONS	1-02	\$ 7,272.75
TRUST FUNDS	X-03	\$ 25,769.70
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 3,905.11
PAYROLL DEDUCTIONS	X-06	\$ 167,563.97
2018 CAP IMPROVEMNETS	X-18	\$ 3,512.22
2020 CAP IMPROVEMENTS	X-20	\$ 227,068.39
2021 CAP IMPROVEMENTS	X-21	\$ 2,593.75
2006 CAPITAL	X-66	\$ 1,852.80
TOTAL OF ALL FUNDS		\$ 1,268,220.74

A MOTION was made by Mrs. Fort to approve the Consent Agenda (*with the removal of Item #1*), seconded by Mr. Smith and on Roll Call vote the following was recorded:

- Mrs. Fort - Aye
- Mr. Heller -Aye
- Mr. Huelsebusch - Aye
- Mr. Smith -Aye
- Mayor Albanese - Aye

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

CORRESPONDENCE / OTHER INFORMATION

1. Information Public Hearing Notice from NJ Transit regarding *Programs Developed Pursuant to the Senior Citizen & Disabled Residents Transportation Assistance Program Act*. No action taken.
2. Public Notice from Konkus Corporation, Applicant, Branchburg Township Planning Board, regarding *Preliminary and Final Major Site Plan Approval for the Construction of a 9,750 SF Industrial Building in the I-1 Zone, along with a Parking Lot, and Related Drainage and Other Improvements*.

Mr. Heller requested Municipal Clerk Parker to get a copy of the site plans from the Branchburg Planning Office so they may be reviewed.

NEW BUSINESS

1. *An Ordinance Repealing Ordinance #02-2021 Amending Chapter 148 of the Land Use Ordinance of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Stormwater Management and Adopting a Replacement Ordinance*

The following ordinance was offered for introduction:

AN ORDINANCE REPEALING ORDINANCE #02-2021 AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO STORMWATER MANAGEMENT AND ADOPTING A REPLACEMENT ORDINANCE

Ordinance #33-2021

BE IT ORDAINED by the Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey as follows:

SECTION I. Ordinance #02-2021 adopted on March 15, 2021, amending certain sections of Chapter 148 of the Land Use Ordinance of the Township of Readington pertaining to stormwater management is hereby repealed in its entirety.

SECTION II. In accordance with amendments adopted on March 2, 2020, by the State of New Jersey to its Stormwater Management Rules found at N.J.A.C. 7:8, et seq. the following amendments shall be made to Chapter 148 of the Land Use Ordinance of the Township of Readington pertaining to stormwater management.

Subsections 148-65 Stormwater through 148-65.4 Continued maintenance, repair and safety shall be deleted in their entirety and replaced as follows:

148-65. Stormwater

A. 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 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.

Ordinance #33-2021 cont'd

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development, minor development and redevelopment,” as defined below in Section 148-65.1

C. Applicability

1. This ordinance shall be applicable to the following major and minor developments:

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

2. This ordinance shall also be applicable to all major and minor developments undertaken by Readington Township.

D. 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.

148-65.1 Definitions

For the purposes of this chapter, the following definitions are created and shall apply. They 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 means 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 means 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 means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:84.2(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 means the increase in soil bulk density.

Contributory Drainage Area means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

Ordinance #33-2021 cont'd

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

County Review Agency means 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:

1. A county planning agency or
2. 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 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.

Ordinance #33-2021 cont'd

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

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. 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:

1. The disturbance of one half or more acres of land after the effective date of this ordinance.
2. The creation of 5,000 square feet or more of “regulated impervious surface” after the effective date of this ordinance.
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” after the effective date of this ordinance.
4. 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.”

Minor Development, for the purposes of the stormwater management provisions of this ordinance, means an individual development or redevelopment that creates more than 500 square feet of impervious surface and does not meet the requirements of a “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.

Ordinance #33-2021 cont'd

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 Section 148-65.3.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.

Redevelopment For the purposes of the stormwater management provisions of this ordinance, means an activity that results in the creation, addition, or replacement of impervious surface area on an already developed site. Redevelopment includes but is not limited to: the expansion of a building footprint; addition or replacement of a structure or a portion of a structure regardless of footprint; and replacement of impervious surface area that is not part of a maintenance activity. If a project is considered to be a redevelopment project, all new impervious cover, whether created by adding to or replacing impervious cover that was in existence before the redevelopment occurs, shall be considered in calculating the requirements for stormwater management. However, any such new impervious cover that will drain into an existing stormwater best management practice that is to remain after the redevelopment and that meets current stormwater management requirements shall be deducted from the total amount of impervious surface that must be treated by new stormwater best management practices. In the case of a redevelopment project, the pre-developed land cover shall be considered to be wooded.

Regulated Impervious Surface means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. 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);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

Ordinance #33-2021 cont'd

Regulated Motor Vehicle Surface means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. 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.

Ordinance #33-2021 cont'd

Urban Redevelopment Area is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. 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.

148-65.2 Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for developments shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. 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.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major or minor development or redevelopment 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.

148-65.3 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 148-65.9.
- B. 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 muhlnebergi* (bog turtle).

Ordinance #33-2021 cont'd

- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 148-65.3.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. 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.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 148-65.3.O, 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:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 148-65.3.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 148-65.3.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 148-65.3.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 148-65.3.O, P, Q and R that were not achievable on site.
- E. 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 Section 148-65.3.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.
- F. 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

Ordinance #33-2021 cont'd

**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) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 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	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Table 3

Ordinance #33-2021 cont'd

**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

(Notes corresponding to annotations ^(b) through ^(d) are found on Table 3.

**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 Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
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

Ordinance #33-2021 cont'd

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 148-65.3.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 Section 148-65.1;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 148-65.1.

- G. 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 Section 148-65.5.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 148-65.3.O only if the measures meet the definition of green infrastructure at Section 148-65.1. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 148-65.3.O.2 are subject to the contributory drainage area limitation specified at Section 148-65.3.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 Section 148-65.3.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 Section 148-65.3.D is granted from Section 148-65.3.O.
- H. 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.
- I. Design standards for stormwater management measures are as follows:
- 1. 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);

Ordinance #33-2021 cont'd

2. 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 Section 148-65.7.C;
 3. 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;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 148-65.7; and
 5. 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.
- J. 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 Section 148-65.1 may be used only under the circumstances described at Section 148-65.3.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 148-65.1 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 148-65.3.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.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 148-65.3.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.
- M. 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 County Clerk, Hunterdon County. 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 Section 148-65.3.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 Section 148-65.9.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

Ordinance #33-2021 cont'd

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.

N. 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 Section 148-65.3 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 County Clerk, Hunterdon County 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.

O. Green Infrastructure Standards

1. 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.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 148-65.3.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 148-65.3.F. and/or an alternative stormwater management measure approved in accordance with Section 148-65.3.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

3. To satisfy the stormwater runoff quantity standards at Section 148-65.3.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 Section 148-65.3.G.

Ordinance #33-2021 cont'd

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 148-65.3.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 Section 148-65.3.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 148-65.3.P, Q and R.
5. 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 Section 148-65.3.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 148-65.3.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 148-65.4, either:
 - i. 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
 - ii. 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.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. 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
 - ii. 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.

Ordinance #33-2021 cont'd

Q. Stormwater Runoff Quality Standards

1. 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.
2. 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:
 - i. Ninety 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.
 - ii. 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.
3. 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.
4. 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.

Ordinance #33-2021 cont'd

Table 4 - Water Quality Design Storm Distribution

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
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. 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.

Ordinance #33-2021 cont'd

6. 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 Section 148-65.3.P, Q and R. Total phosphorus (TP) and total nitrogen (TN) should be removed as low as practically possible.
7. 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.
8. 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.
9. 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.
10. 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.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 148-65.4, complete one of the following:
 - i. 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;
 - ii. 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;
 - iii. 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

Ordinance #33-2021 cont'd

- iv. 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.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.
4. For minor developments for each square foot of new impervious surface, 2 gallons of stormwater will be managed on site using green infrastructure practices. Of the volume 0.78 gallons (equivalent to the water quality design storm of 1.25 inches) must be retained on site while the remainder may be discharged offsite from the stormwater management measure. The green infrastructure practices such as grass swale, green roof, pervious paving systems, small scale bioretention basins, rain gardens, small scale infiltration basins, small scale sand filter, vegetative strip, cistern, and drywell shall be designed and implemented as required. The use of cisterns and drywells is allowed only where the other listed methods cannot meet the requirements of this subsection

148-65.4 Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
 - i. 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 or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873.
 - ii. 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.
2. 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 Section 148-65.4.A.1.i and the Rational and Modified Rational Methods at Section 148-65.4.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

Ordinance #33-2021 cont'd

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).

3. 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.
4. 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.
5. 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.

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

148-65.5 Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed below:

1. 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.
2. Additional maintenance guidance is available on the Department's website.

B. 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.

148-65.6 Solids and Floatable Materials Controls Standards

A. Site design features identified under Section 148-65.3.F above, or alternative designs in accordance with Section 148-65.3.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 Section 148-65.6.A.2 below.

1. 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:

Ordinance #33-2021 cont'd

- i. 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
- ii. 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.

- iii. 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.

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

- i. 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;
- ii. 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;
- iii. 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. 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
 - b. 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).

- iv. 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
- v. 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.

148-65.7 Safety Standards for Stormwater Management Basins

- A. 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.
- B. 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 Section 148-65.7.C.1, 148-65.7.C.2, and 148-65.7.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

Ordinance #33-2021 cont'd

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. 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:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. 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
 - iv. 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.
2. 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:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. 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.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. 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 Section 148-65.7.C, a free-standing outlet structure may be exempted from this requirement
 - ii. 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 Section 148-65.7.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. 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.

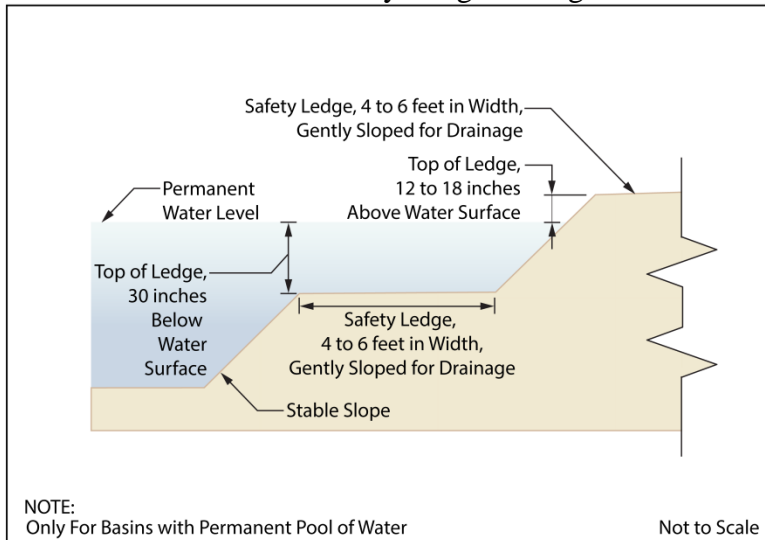
D. Variance or Exemption from Safety Standard

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.

E. Safety Ledge Illustration

Ordinance #33-2021 cont'd

Elevation View –Basin Safety Ledge Configuration



148-65.8 Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. 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 Section 148-65.8.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 148-65.8.C of this ordinance.

B. 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.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. 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.

Ordinance #33-2021 cont'd

2. 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.

3. 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.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 148-65.2 through 148-65.4 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.

5. Stormwater Management Facilities Map

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

- i. 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.
- ii. 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.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 148-65.3 of this ordinance.
- ii. 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.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 148-65.9.

Ordinance #33-2021 cont'd

8. 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 Section 148-65.8.C.1 through 148-65.8.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.

148-65.9 Maintenance and Repair

A. Applicability

Projects subject to review as in Section 148-65.C of this ordinance shall comply with the requirements of Section 148-65.9.B and Section 148-65.9.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. 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.
3. 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.
4. 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.
5. If the party responsible for maintenance identified under Section 148-65.9.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 148-65.9.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.
6. 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.
7. The party responsible for maintenance identified under Section 148-65.9.B.3 above shall perform all of the following requirements:
 - i. 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;

Ordinance #33-2021 cont'd

- ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. 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 Section 148-65.9.B.6 and B.7 above.
8. The requirements of Section 148-65.9.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.
9. 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.
- C. 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

148-65.10 Drainage of Streets

All streets shall be provided with manholes, catch basins, pipes, or other conveyance systems where the same may be necessary for proper drainage. Designers should focus on the incorporation of properly designed and distributed open, vegetated swales wherever practicable. These systems provide a green infrastructure solution for stormwater control and conveyance, providing both runoff volume and rate control along with water quality benefits. These systems also provide a more distributed, decentralized approach to managing stormwater at its source consistent with the definition of green infrastructure.

- A. The system shall include the natural drainage basin area or areas and shall be adequate to carry off the stormwater and natural drainage water which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in their current state of development. The system shall be extended along the full length of any road improvement. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems to create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- B. All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with current specifications of NJDOT for Road and Bridge Construction, as prepared by the New Jersey Department of Transportation and any supplements, addenda and modifications thereto unless otherwise specified by Readington Township. Modifications or changes of these specifications may be requested by the applicant but may be implemented only with the knowledge and written consent of the Township following input received by the Township's professionals.
- C. Pipe sizes shall be determined by acceptable drainage design procedures, provided that the pipe size in a surface water drainage system shall in no instance be less than 15 inches in diameter.

Ordinance #33-2021 cont'd

- D. Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 300 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum four-hundred-foot intervals throughout the system and at pipe junctions where there are no drainage inlets.
- E. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create ponding in paved areas. Gutters or paved swales shall be used whenever, in the judgment of the Township Engineer, they are necessary to avoid erosion.
- F. Lots shall be graded away from the building(s) at a minimum two-percent grade in order to secure proper drainage. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow and water shall not flow across adjacent property lines at greater than predevelopment rates.
- G. Approval of drainage structures shall be obtained from the appropriate municipal, county, state and federal agencies and office. Where required, each applicant shall make application to NJDEP, the Hunterdon County Engineering Department and the Township Engineer. Final approval shall not be effective until letters of approval from the proper governmental authorities shall be furnished to the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, with a copy of each letter forwarded to the Township Engineer.
- H. When required by the Township and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Township where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel, or stream. Said easement and right-of-way shall include provisions assuring the following: preservation of the channel of the watercourse; prohibition of alteration of the contour, topography or composition of the land within the easement and right-of-way; prohibition of construction within the boundaries of the easement and right-of-way which will obstruct or interfere with the natural flow of the watercourse; and reservation to the (Public Works Department) Township of a right of entry (but not the obligation) for the purpose of maintaining the natural flow or drainage of the watercourse, of maintaining any and all structures related to the exercise of the easement and right-of-way and of installing and maintaining a storm or sanitary sewer system or other public utility. The drainage right-of-way easement shall conform substantially with the thread of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map or Master Plan but not less than 25 feet in width. Such easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Land Development Ordinance of Readington Township."
- I. Surface drainage of each lot will be reviewed to assure that stormwater flows will not cascade from one lot to another in a manner that would be detrimental to the use of an adjoining lot. This may require surface water controls such as swales, surface drainage inlets and appropriate easements, using best management practices and green infrastructure.

148-65.11 Penalties

- A. Should there be a failure to provide the appropriate level of maintenance, or should an emergency arise owing to inadequate maintenance or the potential or realized failure of the BMP, the Township, including Township designated agents or professionals, reserves the right of entry to conduct inspections and/or maintenance. In those cases where the maintenance of the BMP has not been conducted appropriately to ensure the BMP's function, performance, and safety or where the public health and welfare of the residents of Readington Township may be compromised, the owner will be levied a fee for said maintenance conducted by the Township or the Township's agents or professionals.

Ordinance #33-2021 cont'd

- B. Any responsible person who violates any portion of §§ 148-65 through 148-65.10 of this chapter shall be subject to penalties and, upon conviction, shall be liable to a fine not exceeding \$5,000, imprisonment for a term not exceeding 120 days and/or a period of community service not exceeding 120 days. Each and every day such violation continues shall be deemed to be a separate violation.
- C. Injunctive Relief. In addition to the foregoing, the Township may institute and maintain a civil action for injunctive relief.

SECTION III. All other ordinances and resolutions or parts or sections thereof which are inconsistent with this Ordinance are repealed.

SECTION IV. The sections, subsections and provisions of this ordinance may be renumbered as necessary or practical for codification purposes.

SECTION V. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

SECTION VI. If the provision of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair, or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION VII. This ordinance shall take effect immediately upon final passage and publication in accordance with law and the approval of the reviewing agency for Hunterdon County, or sixty (60) days from receipt of the Ordinance by the County's reviewing agency if said agency should fail to act, and upon filing with the Hunterdon County Planning Board.

A ***MOTION*** was made by Mr. Heller to introduce this ordinance, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

The Public Hearing was scheduled for October 4, 2021.

2. 2020 Capital Request / Pickell Park and Summer Road Park

Gabrielle Bolarakis, Director of Recreation, presented the 2020 Capital Requests for improvements to the recreation parks. Director Bolarakis presented the following highlights of the proposed improvements:

Pickell Park:

Pickell Park is the only basketball court in the Township with lights and is in continuous use. The proposed improvement is to replace the existing asphalt on the basketball court, currently in much need of repair due to large open cracks, with post-tension concrete with a 20 year guarantee for cracking. It is also suggested that the existing sidewalk to the basketball court from the parking lot and the sidewalk from the basketball court to the tennis court be replaced with concrete. The total estimated cost of the project is \$196,000 and \$53,000 has already been reserved for the project in the 2020 capital budget.

Summer Road:

The Summer Road hockey rink, currently over 20 years old is in disrepair at a high cost and also based on a 2019 resident survey, there is lack of resident interest in participation in the sport.

The proposed improvement to Summer Road Park is to remove the existing hockey rink and install a 30 x 60 pavilion with 14 picnic tables, 4 pickleball courts, a 24' octagonal gazebo and solar path lighting for a total estimated project cost of \$287,877.

The Committee discussed the possibility cost of using the same post-tension concrete on the pickell ball courts and requested Director Bolarakis to find out the cost increase. The Committee concurred moving forward with improvements and discussed the funding options.

3. ***Special Event Permit Application / East Whitehouse Fire Department Fundraiser / October 9, 2021***

A ***MOTION*** was made by Mr. Heller to approve the special event permit application for East Whitehouse Fire Department, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

4. ***Resolution in Recognition of Tyler Daniel O'Brien Attaining Eagle Scout***

The following resolution was offered for consideration:

#R-2021-147

***TOWNSHIP OF READINGTON
RESOLUTION***

WHEREAS, Tyler Daniel O'Brien a valued member of his Boy Scout Troop 186, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS, Eagle Scout Candidate Tyler Daniel O'Brien's Eagle Project involved making "Thank You Care Packages" for Readington First Responders to show thanks for all that they do for the community every day in Readington, especially during the COVID Pandemic; and

WHEREAS, Tyler reached out to churches, businesses, family, friends and fellow scouts providing a list of ideas to donate items to fill the care packages and organized drop off locations to collect the items; and

WHEREAS, Tyler then led a group of volunteers to sort and unbox the donations and coordinated an assembly line to fill all the bags; and

WHEREAS, in total Tyler and his team of volunteers filled 233 bags with over 15,000 donated items and delivered them to the Whitehouse Rescue Squad, Readington Police Department, Whitehouse Fire Company No. 1, East Whitehouse Fire Department, Readington Fire and Three Bridges Fire Company in appreciation of their service and dedication.

WHEREAS, the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS, on October 17, 2021, Tyler Daniel O'Brien will be presented with the coveted Eagle Scout Award and is well deserving of this recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington hereby commends Eagle Scout Tyler Daniel O'Brien for his diligence, determination, and dedication in pursuing the highest honor awarded by the Boy Scouts of America and congratulates him on attaining the rank of Eagle Scout.

A **MOTION** was made by Mr. Heller to adopt this resolution, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

5. ***Resolution Authorizing the Purchase of Two Police Vehicle through Educational Services Commission of New Jersey Cooperative***

Deputy Mayor Heller stated that he wanted to see the vehicles have non darkened windows and clear police markings on the vehicles to allow better visibility for the residents. Administrator Sheola offered that, as the Appropriate Authority, he would discuss the options on the vehicles with the Chief.

The following resolution was offered for consideration:

#R-2021-148

RESOLUTION AUTHORIZING PURCHASE OF POLICE VEHICLES

WHEREAS, the Readington Township is a member of the Educational Services Commission of New Jersey Cooperative Price Council (ESCNJCPC or Co-op) and;

WHEREAS, the Township Police Department is in need of replacement police vehicles; and

WHEREAS, Beyer of Morristown was awarded the contract by the Co-op for Dodge Charger All Wheel Drive Police Vehicles; and

WHEREAS, the estimated cost for two (2) vehicles is \$59,163.92; and

WHEREAS, the Police Chief and Township Administrator/QPA recommend this purchase; and

WHEREAS, the Governing Body budgeted for replacement police vehicles in the 2021 Operating Budget line 0-*01-201-297; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Readington Township authorize the appropriate municipal officials to implement the necessary steps and sign the corresponding purchase orders to effectuate the purchase of said vehicles; and

BE IT FURTHER RESOLVED that the Chief Financial Officer Certifies that funds are available for this purchase in the budget line listed above.

A **MOTION** was made by Mrs. Fort to adopt this resolution, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

A **MOTION** was made by Mr. Heller to allow the Appropriate Authority to have the final say on the options that will be available for the police vehicles that are purchased, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort	- Aye
Mr. Heller	-Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Albanese	- Aye

6. * *Special Items of Revenue and Appropriations in the 2021 Budget Pursuant to N.J.S.A. 40A:4-87*

This matter was addressed under the Consent Agenda.

7. * *Resolution Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to Chapter 99 of the Public Laws of 1997*

This matter was addressed under the Consent Agenda.

8. * *Resolution Ratifying and Confirming the Action of the Readington Township Committee Authorizing the Construction Department to Waive Construction Permit Fees Related to Hurricane Ida Repairs*

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Sheola reported that Farah Landscape Design has offered to replant and maintain the boulevard island at Hedgerow Estates, at no cost to the Township. Administrator Sheola stated that he would consult with the Environmental Commission Chair regarding the species of plantings to be used.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

COMMITTEE REPORTS

BETTY ANN FORT

Mrs. Fort reported that the Historic Preservation Commission had requested a reorganization of two of their members.

A MOTION was made by Mrs. Fort to move Dana Maurer from a regular member to 2nd alternate, for a term to expire 12/31/21, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

A MOTION was made by Mrs. Fort to move Steve Nees from 2nd alternate member to a regular member, for a term to expire 12/31/22, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

JONATHAN HELLER

Mr. Heller recommended that the Readington Waterwatch Advisory Committee weigh in on the Township reporting of the waterway obstructions as a result of the recent storms to the County.

A MOTION was made by Mrs. Fort to start active pursuit of finding the appropriate place to install flood gates in the Township, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

JUERGEN HUELSEBUSCH

Mr. Huelsebusch stated that she had nothing further to report.

BENJAMIN SMITH

Mr. Smith stated that he had nothing further to report.

JOHN ALBANESE

Mayor Albanese reported that the Planning Board has engaged the Township Planners to look at the size of accessory structures that are currently permitted by ordinance.

COMMENTS FROM THE PUBLIC

Neil Hendrickson, Chair of the Environmental Commission, stated that he has been doing some research since the storm specifically regarding bamboo, and came across some invasive species sample ordinances that he will share with the Committee to review.

COMMENTS FROM THE GOVERNING BODY

There were none.

As there was no further business, **A MOTION** was made by Mr. Smith at 9:05 p.m. to adjourn the meeting, seconded by Mr. Huelsebusch with vote of ayes all, nays none recorded.

Respectfully Submitted:

Karin M Parker, *RMC*
Municipal Clerk