

**READINGTON TOWNSHIP COMMITTEE
MEETING – February 5, 2024**

Mayor Mueller *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 A. Mueller, Deputy Mayor V. Panico, Mr. J. Albanese, Mr. J. Heller, and Mr. J. Huelsebusch

ALSO PRESENT: Administrator R. Sheola, Municipal Clerk K. Parker, Attorney C. Corsini

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:

- 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>
Finance	Personnel	Certain information at the discretion of Township Committee tonight.... other
Professional Services	Contract Negotiations.....	“ “ “
(Special Counsel) Interview		
Volunteer Policy Handbook	Contract Negotiations	“ “ “
Professional Services /	Contract Negotiations	“ “ “
Alternate Prosecutor (Robert Ballard, III)		
Request for Proposals	Contract Negotiations	“ “ “
(Tax Appeal Attorney)		
Collective Bargaining Agreement /	Contract Negotiations	“ “ “
PBA Local No. 317		
Amendment to Stream Corridor	Contract Negotiations	“ “ “
Conservation Easement (Block 51.02, Lot 38)		
Block 55, Lot 34 (James)	Contract Negotiations	“ “ “
Block 13, Lot 24 (Telleri)	Contract Negotiations	“ “ “

Block 73, Lots 25 & 23.01..... Contract Negotiations “ “ “
(formerly Beitz)

Executive Session Minutes..... Attorney-Client Privilege..... “ “ “
• January 15, 2024

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. Heller to adopt this resolution, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:30 p.m.

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

Executive Session:

Personnel / Finance

Mayor Mueller stated that this matter remains in Executive Session.

Contract Negotiations / Professional Services / Special Counsel Interview

Mayor Mueller stated that this matter remains in Executive Session.

Personnel / Police

The following resolution was offered for consideration:

#R-2024-44

TOWNSHIP OF READINGTON

HUNTERDON COUNTY, NEW JERSEY

WHEREAS, the Connor Strohm was hired as a Probationary Patrol Officer on January 17, 2023; and

WHEREAS, Connor Strohm has completed his Probationary Period as per Township Police Department Contract requirements; and

WHEREAS, James Curry, as Public Safety Director, has supplied a recommendation letter; and

BE IT RESOLVED, this Resolution shall promote Connor Strohm as permanent Patrol Officer and his salary shall be increased to the next step as specified in the Collective Bargained Agreement with PBA Unit #317 effective to January 17, 2024; and

BE IT FURTHER RESOLVED, this appointment shall take effect immediately.

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

- Mr. Albanese -Aye
- Mr. Heller - Aye
- Mr. Huelsebusch - Aye
- Mr. Panico - Aye
- Mayor Mueller - Aye

The following resolution was offered for consideration:

#R-2024-45

TOWNSHIP OF READINGTON

HUNTERDON COUNTY, NEW JERSEY

WHEREAS, the William duFosse' was promoted to Probationary Lieutenant on August 7, 2023; and

WHEREAS, William duFosse' has completed his Probationary Period as per Township Police Department Contract requirements; and

WHEREAS, James Curry, as Public Safety Director, has supplied a recommendation letter; and

BE IT RESOLVED, this Resolution shall promote William duFosse' as permanent Lieutenant and his salary shall be increased to the next step as specified in the Collective Bargained Agreement with PBA Unit #317 effective to February 7, 2024; and

BE IT FURTHER RESOLVED, this appointment shall take effect immediately.

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

Contract Negotiations/Volunteer Policy Handbook

A MOTION was made by Mr. Panico to approve the Volunteer Policy Handbook, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

Contract Negotiations / Professional Services/Alternate Prosecutor (Robert Ballard III)

The following resolution was offered for consideration:

#R-2024-46

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR MUNICIPAL PROSECUTOR SERVICES**

WHEREAS, the Township of Readington has a need to acquire Alternate Municipal Prosecutor services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44a-20.5*; and

WHEREAS, the term “non-fair and open contract,” for the purposes of the law, refers to a Professional Services Contract awarded to a contractor who has not made a political contribution as described in *N.J.S.A. 19:44A-20.5 et seq.* or in *N.J.S.A. 19:44a-8, et seq.*; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services may exceed \$17,500; and

Resolution #R-2024-46 cont'd:

WHEREAS, Robert Ballard III, Esq. (O'Connor, Parsons, Lane, and Noble LLC) has submitted a proposal indicating he will provide Municipal Prosecutor services for \$150 per hour for a total amount not to exceed the amount appropriated for this service in the approved/adopted budget.

WHEREAS, Robert Ballard III, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Ballard III, Esq. (O'Connor, Parsons, Lane and Noble LLC) has not made any reportable contributions to a political or candidate committee in the Township of Readington in the previous one (1) year, and that the contract will prohibit Robert Ballard III, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer's Certification of the availability of funds is on file – (N.J.A.C. 5:30-5.4) and will be amended to reflect the final approved funds for this purpose upon adoption/approval of the 2024 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, authorizes the Mayor to enter into a contract with Robert Ballard III, Esq. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that said contract shall expire on December 31, 2024; and

BE IT FURTHER RESOLVED, that copies of this Professional Service Contract are on file with the Municipal Clerk and are available there for public inspection; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

Contract Negotiations /Request for Proposals (Tax Appeal Attorney)

Mayor Mueller stated that this matter remains in Executive Session.

Contract Negotiations/Collective Bargaining Agreement/ PBA Local No. 317

A **MOTION** was made by Mr. Panico to approve the Collective Bargaining Agreement for PBA Local No. 317 for the contract period 2022-2026, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

Contract Negotiations/ Amendment to Stream Corridor/(Block 51.02, Lot 38)

A ***MOTION*** was made by Mr. Panico to approve the form of the agreement for the amendment to the stream corridor for Block 51.02 Lot 38, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese -Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Panico - Aye
Mayor Mueller - Aye

Contract Negotiations/ Block 55, Lot 34 (James)

A ***MOTION*** was made by Mr. Panico to approve the form of the contract for Block 55 Lot 34, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese -Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Panico - Aye
Mayor Mueller - Aye

Contract Negotiations/ Block 13, Lot 24 (Telleri)

Mayor Mueller stated that this matter remains in Executive Session.

Contract Negotiations/ Block 73, Lots 25 & 23.01(formerly Beitz)

Mayor Mueller stated that this matter remains in Executive Session.

Attorney-Client Privilege/ Executive Session Minutes/ January 15, 2024

A ***MOTION*** was made by Mr. Panico to approve the Executive Session Minutes of January 15, 2024 for content only, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

Potential Litigation/Affordable Housing

The following resolution was offered for consideration:

#R-2024-47

RESOLUTION OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHALL THE FAIR HOUSING ACT (“FHA”) IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II, wherein it created an easy standard for developers to satisfy to secure a “builder’s remedy” and also established standards to provide general guidance to the newly appointed Mount Laurel judges as to an appropriate fair share formula; and

WHEREAS, the State exploded with builder’s remedy lawsuits in the wake of Mount Laurel II seriously depriving many municipalities of their home rule power to zone and control their destiny; and

WHEREAS, in 1984, Judge Serpentelli decided the AMG case in which he established a fair share formula that generated high fair share responsibilities that were widely regarded as grossly excessive; and

Resolution #R-2024-47

WHEREAS, the combination of the avalanche of builder’s remedy lawsuits precipitated by Mount Laurel II and the grossly excessive fair share responsibilities generated by the AMG formula fueled a movement for a legislative response to the Mount Laurel doctrine; and

The Fair Housing Act of 1985

WHEREAS, a week after Judge Serpentelli issued the AMG decision, committees of the Legislature started to meet to develop affordable housing legislation; and

WHEREAS, the legislators on both sides of the aisle recognized that any legislation had to be bipartisan to work; and

WHEREAS, those efforts culminated in the adoption of the Fair Housing Act (“FHA”) by both houses early in 1985; and

WHEREAS, on July 2, 1985 -- less than a year after Judge Serpentelli decided the AMG case -- former Governor Kean signed the New Jersey Fair Housing Act (“FHA”) into law to curb the excesses caused by Mount Laurel II and to restore balance to legitimate public purposes; and

WHEREAS, more specifically, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, FSHC argued “that COAH’s enabling legislation established such a delicate balance of control, as evidenced not only by its use of the phrase “in but not of,” but also by its detailed attention to the composition of its Council. Accordingly, the Legislature could not have intended to allow the Governor to unilaterally disrupt that balance” *In re Plan for Abolition of Council on Affordable Hous.*, 424 N.J. Super. 410, 419-420(App.Div.2012) 419-420; and

WHEREAS, COAH adopted regulations for Round 1 in 1986 and for Round 2 in 1994 to implement the FHA and processed applications by municipalities for approval of their affordable housing plans in accordance with the regulations it adopted; and

WHEREAS, all acknowledged -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, the regulations COAH adopted in Round 2 made the obligations for Rounds 1 and 2 cumulative and adjusted the cumulative number downwards because the State did not grow as much as was anticipated in Round 1; and

Resolution #R-2024-47

WHEREAS, COAH’s new construction obligation for Rounds 1 and 2 **averaged 5,034.5 units per year**, or 50,345 units for every 10 years as noted in 36 N.J.R. 5748(a) (November 22, 2004), COAH’s comment regarding 5:94: Appendix A; and

WHEREAS, COAH’s Round 1 and/or 2 regulations permitted a 1-for-1 rental bonus credit for up to 25% of the obligations and provided flexible standards for adjustments predicated upon lack of adequate vacant developable land; and

WHEREAS, the same expert who calculated the Round 2 obligations provided a technical appendix in 2014 when COAH proposed regulations for Round 3; and

WHEREAS, COAH’s expert in 2014 calculated a prospective need obligation (then 2014-2024) of less than 40,000 units for the 10-year cycle, plus roughly an additional 23,000 units for the “gap” which were to be phased in between 2014-2034 due to concerns over what could be reasonably anticipated as a result of market absorption; and

WHEREAS, housing advocates attacked the regulations COAH adopted for Round 3 the first time it adopted them in 2004, the second time it adopted them in 2008 and the third time it proposed them in 2014, thereby crippling COAH’s ability to certify the plans that municipalities petitioned COAH to approve because the FHA required that COAH only certify municipalities consistent with its regulations; and

WHEREAS, COAH’s inability to certify Round 3 plans severely limited the production of affordable housing in Round 3 because COAH found itself fending off attacks instead of certifying affordable housing plans that municipalities could implement; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that one day COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, transferring the implementation of the doctrine from COAH back to the courts deprived the citizens of our State of an evenly balanced administrative body with four representatives of municipalities and four representatives of low- and moderate-income (“LMI”) households adopting regulations consistent with the FHA and processing petitions for substantive certification; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing; and

WHEREAS, even municipalities that complied voluntarily in the newly minted court process were subject to intervention from developers, who were then able to leverage the process, litigate the municipalities into the ground, and often obtain site-specific rezoning contrary to one of the overriding public purposes of the FHA; and

WHEREAS, the judicial process the Supreme Court fashioned in Mount Laurel IV required municipalities to spend municipal resources not only on their own attorneys and planners, but also on Court appointed masters in a litigation process that was much more expensive than the administrative process the legislature established in the FHA; and

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WHEREAS, as if that was not bad enough, FSHC routinely demanded that municipalities make a payment to them; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 affordable units to be produced between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that the State could only absorb less than 40,000 affordable units, in a best case scenario, and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, Round 4 is set to begin in 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking, and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, against the above backdrop, on December 19, 2023, the Housing Committee of the Assembly unveiled the Legislation (A-4) that it stated it had been working on for a long time and scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, the Housing Committee of the Assembly voted the bill out of Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the bill was not rammed through in the lame duck session and on January 16, 2024, the Legislature released a new version of the bill, Assembly Bill No. 4/Senate Bill No. 50 (hereinafter the "A4/S50" or "the Bill"); and

WHEREAS, A4/S50 Bill seeks to abolish the Council on Affordable Housing ("COAH") and purports to reform municipal responsibilities concerning the provision of affordable housing and

Resolution #R-2024-47

WHEREAS, the Bill would purportedly reduce litigation and municipal expenses; and

WHEREAS, A4/S50 details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the Bill is premised on the proposition that 40 percent of all households qualify as low or moderate; and

WHEREAS, A4/S50 calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate that number to be 84,690;

WHEREAS, A4/S50 calls for that number to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3; and

WHEREAS, the 96,780 fair share compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, A4/S50 also, systemically, calcifies the Court process and indeed makes critical changes which severely prejudice municipal interests and undercut the incentive to comply voluntarily; and

WHEREAS, in stark contrast to current laws that preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", A4/S50 creates multiple opportunities to strip municipalities of immunity and expose them to litigation; and

WHEREAS A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

Resolution #R-2024-47

WHEREAS, more specifically, while A4/S50 provides municipalities a “compliance certification” if the municipality secures approval of its affordable housing plan, that certification only protects municipalities from builder’s remedy lawsuits-not from exclusionary zoning lawsuits by FSHC or anyone else who is not seeking a builder’s remedy; and

WHEREAS, in stark contrast to the goal of A4/S50 to reduce litigation, A4/S50 dramatically proliferates litigation by providing many opportunities to sue the subject municipality and through other means; and

WHEREAS, even if a municipality, via the adoption of a resolution, accepts the Fourth Round affordable housing obligation numbers that will be promulgated by the Department of Community Affairs (the “DCA”) under the A4/S50 Bill, there is still a risk that the affordable housing obligation numbers will increase during the subsequent process required by the bill, as both housing advocates like FSHC and developers can subsequently challenge the fair share number the municipality accepts; and

WHEREAS, the A4/S50 Bill creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the A4/S50 Bill does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

WHEREAS, the A4/S50 Bill reduces, and in some cases completely eliminates affordable housing bonus credits, and creates an overcomplicated and difficult process to obtain the bonus credits that are still available under the bill; and

WHEREAS, the initial version of the A4/S50 Bill allowed for municipalities to utilize age - restricted affordable units to satisfy up to thirty-three percent (33%) of its Fourth Round obligation in recognition that roughly 33 percent of the demand for affordable housing came from this age group; however, the current version of A4/S50 unfairly and unceremoniously reduced the cap on age-restricted housing down to twenty-five (25%); and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be “onerous”; A4/S50 applies the 1,000-unit cap only to a component of the municipality’s fair share -- the prospective need – and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, the Office of Legislative Services (OLS) has not evaluated the formula required by the A4/S50 Bill for calculating a municipality’s Fourth Round or Prospective Need Obligation for its magnitude or reasonableness; and

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Township Committee of the Township of Readington, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

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

Mr. Albanese -Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Panico - Aye
Mayor Mueller - Aye

CONSENT AGENDA:

Mayor Mueller 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 the removal of *Items # 3,4 7& 8* from the Consent Agenda.

Mr. Huelsebusch requested the removal of *Item # 2* from the Consent Agenda.

1. * **APPROVAL OF MINUTES** of meetings of January 15, 2024 and January 29, 2024
2. * **Reimbursement of Soil Witness Fees / Teeling**
3. * **Resolution to Transfer to Return Currency from the Police Department to Finance**

The following resolution was offered for consideration:

#R-2024-51

**TOWNSHIP OF READINGTON
RESOLUTION**

WHEREAS, The Readington Township Police Department will occasionally receive United States currency that has been submitted as found or recovered.

WHEREAS, In accordance with New Jersey Statute 40A:14-157, all efforts have been exhausted to locate the owners or persons who submitted the currency with negative results.

WHEREAS, In accordance with New Jersey Statute 40A:14-157, the unclaimed currency shall be paid into the general municipal treasury.

NOW THEREFORE BE IT RESOLVED, The Readington Township Police Department is transferring \$2,612.00 to the Readington Township Finance Department.

4. * **Resolution Transferring the MRAP Vehicle from the Readington Police Department to the Passaic County Sheriff's Office**

The following resolution was offered for consideration:

#R-2024-52

**TOWNSHIP OF READINGTON
 RESOLUTION**

WHEREAS, The Readington Township Police Department had acquired a Mine Resistant Vehicle, IMG MAXXPRO MRAP M1224, serial number 1HTWEADR08J672739, by way of section 1033 of the Law Enforcement Support Office division of the United States Department of Defense, requisition number 2YTJ4A62252825.

NOW THEREFORE BE IT RESOLVED the MRAP has been transferred to the Passaic County Sheriff's Office, in accordance with the Law Enforcement Support Office, effective January 4, 2024.

5. * **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>
GENERAL	3-01	\$ 9,424,951.98
SEWER UTILITY OP FUND	3-02	\$ 103,617.31
GENERAL	4-01	\$ 6,212,990.91
SEWER UTILITY OP FUND	4-02	\$ 235,394.54
GENERAL	G-01	\$ 160.02
OTHER TRUST	X-03	\$ 43,206.45
PAYROLL DEDUCTIONS	X-06	\$ 646,953.60
2014 CAP IMPROVEMENTS	X-14	\$ 719.94
2021 CAP IMPROVEMENTS	X-21	\$ 7,131.96
2022-14 VARIOUS CAPITAL	X-22	\$ 3,010.80
2023 CAP IMPROVEMENTS	X-23	<u>\$ 48,871.44</u>
TOTAL OF ALL FUNDS		\$ 16,727,008.95

A MOTION was made by Mr. Albanese to approve the Consent Agenda (with the removal of items# 2,3,4,7 & 8), seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

- Mr. Albanese -Aye
- Mr. Heller - Aye
- Mr. Huelsebusch - Aye
- Mr. Panico - Aye
- Mayor Mueller - Aye

COMMENTS FROM THE PUBLIC for items listed on the agenda only

Christina Albrecht inquired about the volunteer policy handbook and the hourly rate for the alternate prosecutor contract that was voted on this evening.

Michael Jones spoke to the need for financial planning as part of the grant process.

PUBLIC HEARING

As it was after 7:45 p.m., **A MOTION** was made by Mr. Huelsebusch to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Panico with a vote of ayes all, nays none recorded.

Clerk read by Title:

***An Ordinance Amending Ordinance #29-2023 Authorizing the Acquisition of Certain Real Property
Known as a Portion of Block 13, Lot 24 in the Township of Readington - Ordinance #01-2024***

ORDINANCE #01-2024

Mayor Mueller asked if there were any comments from the governing body

Mr. Huelsebusch provided a brief explanation of the acquisition of the property.

Mayor Mueller asked if there were any comments from the public.

There were no comments.

A MOTION was made by Mr. Huelsebusch to close the Public Hearing and open the regular meeting, seconded by Mr. Panico with a vote of ayes all, nays none recorded.

Clerk read by Title:

***An Ordinance Amending Ordinance #29-2023 Authorizing the Acquisition of Certain Real Property
Known as a Portion of Block 13, Lot 24 in the Township of Readington - Ordinance #01-2024***

ORDINANCE #01-2024

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

A MOTION was made by Mr. Huelsebusch to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Panico with a vote of ayes all, nays none recorded.

Clerk read by Title:

***An Ordinance to Provide for the Acceptance of a Portion of Block 42, Lots 9 and 10,
Commonly Known as Wyckoff Road in the Township of Readington, County of Hunterdon
and State of New Jersey from Robert P. Kiever and Grace C. Kiever, for Public Roadway
Purposes - Ordinance #02-2024***

Ordinance #02-2024

Mayor Mueller asked if there were any comments from the governing body.

There were none.

Mayor Mueller asked if there were any comments from the public.

There were none.

A MOTION was made by Mr. Huelsebusch to close the Public Hearing and open the regular meeting, seconded by Mr. Panico with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance to Provide for the Acceptance of a Portion of Block 42, Lots 9 and 10, Commonly Known as Wyckoff Road in the Township of Readington, County of Hunterdon and State of New Jersey from Robert P. Kiever and Grace C. Kiever, for Public Roadway Purposes - Ordinance #02-2024

Ordinance #02-2024

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

CORRESPONDENCE / OTHER INFORMATION

1. Letter dated January 10, 2024 from Michael Martelo, Counsel for JCP&L Company in ***the Matter of Jersey Central Power & Light Company's Verified Petition to Establish a Rate for Rider Lost Revenue Adjustment Mechanism for Sales Losses Incurred During Program Year 1 Pursuant to the Energy Efficiency and Peak Demand Reduction Programs***. No action taken.
2. Letter dated January 18, 2024 from Commissioner Director Jeff Kuhl, Board of County Commissioners in County of Hunterdon in the ***Matter of Housing and Processing of Undocumented Migrants in Hunterdon County***. No action taken.

OLD BUSINESS

1. ***An Ordinance Amending Chapter 148 of the Land Use Ordinance of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Performance and Maintenance Guarantees***

The following ordinance was offered for introduction:

AN ORDINANCE AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO PERFORMANCE AND MAINTENANCE GUARANTEES

Ordinance #03-2024

WHEREAS, the Township of Readington wishes to officially amend its Land Use Ordinance to conform with Chapter 312 of the Laws of 2016, which is codified at N.J.S.A. 40:55D-53, et seq., and made significant changes to the performance and maintenance guarantee provisions of the Municipal Land Use Law ("MLUL").

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the following amendments shall be made to Chapter 148 of the Code of the Township of Readington entitled "Land Use Ordinance".

SECTION 1. Section 148-105 entitled "Guaranties" is hereby deleted in its entirety and shall be replaced with the following provisions:

Ordinance #03-2024 cont'd:

148.105 Improvement Guarantees

A. Guarantees required. Before recording a final subdivision plat or recording a minor subdivision deed or as a condition of final approval or as a condition of the issuance of a zoning permit pursuant to *N.J.S.A. 40: 55D-65d*, the Township or approving Board shall, for the purposes of assuring the installation and maintenance of certain on-and off-tract improvements require the developer to furnish a performance guarantee and provide for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection.

(1) Performance Guarantees for Certain Improvements, Landscaping, Temporary Certificates of Occupancy and Safety/Stabilization

(a) The developer shall furnish a performance guarantee in favor of the Township of Readington in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance or regulation to be dedicated to the Township or other public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in *N.J.S.A. 40:55D-53.4*, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by the "map filing law" P.L. 1960, c. 141 (*C.46:23-9.9* et seq.; repealed by section 2 of *P.L.2011, c.217*) or *N.J.S.46:26B-1* through *N.J.S. 46:26B-8*, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The Township Engineer shall prepare an itemized cost estimate of the improvements to be covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) The performance guarantee may also be required to include, at the discretion of the Township or approving board, a guarantee for the installation of privately-owned perimeter buffer landscaping within an improved phase or section of a development as a condition of approval. At the developer's option, a separate performance guarantee may be posted by the developer for the privately-owned perimeter buffer landscaping.

(c) In the event that a developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of a development, then as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to as a "temporary certificate of occupancy guarantee" in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items remaining to be completed or installed under the terms of the temporary certificate of occupancy and which must be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee", all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, Township Engineer, or other municipal official as may be designated by ordinance. The Township shall not, at any time, hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, Township Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall furnish to the Township a "safety and stabilization guarantee" in favor of the Township. At the developer's option a "safety and stabilization" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Township, solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition. The Township shall be permitted to access the guarantee when:

Ordinance #03-2024 cont'd:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not resumed within 30 days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt,

Per N.J.S.A. 40:55D-53a(1)(d), the amounts to be posted in connection with a "safety and stabilization guarantee" shall be as follows:

- for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

- for a development with bonded improvements exceeding \$100,000, such guarantee shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

The Township shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Township shall release a "safety and stabilization guarantee" upon the *Township* Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2) Maintenance Guarantees.

(a) Prior to the release of a performance guarantee required pursuant to subparagraph(a), subparagraph(b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, the developer shall post with the Township a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements; stormwater management basins, in-flow and water quality structures within the basins, and the outflow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of *P.L. 1991, c. 256 (C.40:55D-53.4)*.

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

B. Improvements owned by other entities.

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

Ordinance #03-2024 cont'd:

C. Extensions of Time for the installation of bonded improvements.

The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body of the Township by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in section 15 of P.L. 1991, c. 256 C. 40:55D-53.4) as of the time of the passage of the resolution.

D. Recourse by the Township.

If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L. 1971, c. 198 (C.40A:11-1 et seq.).

E. Reduction of Guarantees.

(a) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the developer may request of the governing body in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to section 1 (a) of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(b) The list prepared by the Township Engineer shall state, in detail, as to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each partially completed improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The Township Engineer's report shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount that the performance guarantee may be reduced relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subparagraph 1 (a) of this section.

(c) The Township Committee, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of those bonded improvements upon the establishment of cause for rejection within said resolution, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subparagraph 1 (a) of this section. This resolution shall be adopted within 45 days after receipt of the list and report prepared by the Township Engineer. Once the resolution is adopted by the governing body, the developer shall be released from all liability pursuant to its performance guarantee, with respect to the approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements remaining to be approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained by the municipality to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage that the performance guarantee is being reduced at the time of each performance guarantee reduction.

Ordinance #03-2024 cont'd:

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subparagraph 1(a) of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

(d) If the Township Engineer fails to send or provide the list and report as requested by the developer pursuant to subparagraph (6)(a) of this section within 45 days from receipt of the request, the developer may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the Township Committee fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the developer may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subparagraph (1) (a) of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(e) In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Township may retain cash equal to the remaining amount of the "safety and stabilization guarantee".

(f) If any portion of the required bonded improvements is rejected, then the approving authority may require the developer to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this subparagraph (6) shall be followed.

(g) Nothing herein, however, shall be construed to limit the right of the developer to contest by legal proceedings any determination of the Township Committee or the Township Engineer.

F. Successor Developers/Owners

If the property or any part of the property is sold or otherwise conveyed to a successor developer prior to the completion and acceptance of all improvements, an Assignment of Developer's Agreement and/or Assignment of the Developer's rights in the project and new performance, maintenance or other guarantees shall be required from the new owner or successor developer. Upon the transfer of ownership of property that is the subject of a construction permit, and prior to the beginning or continuing work authorized by the construction permit, the new owner or successor developer shall file with the Construction Code Office an application for a permit update to notify the Construction Code Office of the name and address of the new owner or successor developer and of all other changes to information previously submitted to the Township. The Construction Code Office shall not approve the application for a permit update until it receives notification from the governing body or its designee that the new owner or successor developer has furnished adequate replacement, performance, maintenance or other guarantees and Assignment of Developer's Agreement or Developer's rights in the project or property.

Ordinance #03-2024 cont'd:

G. Final Approval in Stages

In the event that final approval is to be accomplished by stages or sections of development pursuant to subsection a. of section 29 of P.L. 1975, c. 291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

SECTION 2. Section 148-107 "Inspection Fees" is deleted in its entirety and replaced with the following:

Section 148-107 Inspection Fees

(a) The developer shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements. Such fees shall not exceed the sum of the amounts set forth in subparagraphs (i) and (ii) of this paragraph. The Township may require the developer to post the inspection fees into escrow in an amount:

(i) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under Section 148.105(1) (a), (b) or both subparagraph (a) and subparagraph (b) of paragraph (1) of Section 148.105 this section; and

(ii) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under Section 148.105(1)(a) , which cost shall be determined pursuant to section 15 of P.L. 1991, c. 256 (C.40:55D-53.4).

(b) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance of the amount placed on deposit by the developer deposit drops to 10% due to inspection fees paid to the Township Engineer, the developer shall deposit the remaining 50% of the inspection fees.

(c) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the developer's option, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance of the amount placed on deposit by the developer drops to 10% due to inspection fees paid to the Township Engineer, the developer shall make additional deposits of 25% of the inspection fees.

(d) If the Township determines that the amount placed in escrow for the payment of inspection fees, as calculated pursuant to subsections (i) and (ii) of subparagraph(a) of this subsection, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds into escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer which: 1) informs the developer of the need for additional inspections; 2) details the items or undertakings that require inspection; 3) estimates the time required for those inspections; and 4) estimates the cost of performing those inspections.

(e) The Township Engineer shall not be required to perform any inspection if sufficient funds to pay for those inspections are not on deposit.

(f) In the event that final approval is by stage or sections of development, the provisions of this section shall be applied by stage or section.

SECTION 3. Section 148-108 entitled "Acceptance of Improvements" is deleted in its entirety and replaced with the following:

Ordinance #03-2024 cont'd:

Acceptance of Improvements.

(a) To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer. Prior to such acceptance, the developer and/or any successors in interest to developer shall also provide an affidavit stating that there are no liens or other legal encumbrances on any of the improvements or utilities proposed to be dedicated to the Township. Notwithstanding anything contrary within, nothing shall prohibit the Township from formally accepting such improvements via ordinance in accordance with N.J.S.A. 40A: 12-5, et seq.

(b) Prior to acceptance, if applicable, a written statement from the sewerage authority serving the development shall be obtained and submitted to the Township Committee and Township Engineer or applicable other administrative officer confirming that all public sewerage facilities have been installed in accordance with the approved plans and any amendments thereto and in accordance with any applicable Township ordinances and specifications.

SECTION 4. Section 148-103 entitled "Submission of final major subdivision plats and final major site plans" " is hereby amended to provide as follows (underlined language is new, deletions appear with strike-throughs ~~thus~~):

(c) The applicant or developer shall certify in writing to the Board that he has:

[1] Submitted a letter from his engineer stating that the final plat conforms to the preliminary plat as submitted and approved, except for minor variations as required by the Board of the Township Engineer. All changes shall be shown on the final as-built plants;

[2] Installed all improvements in accordance with the requirements of this chapter; and/or

[3] Posted a performance or other guaranty in accordance with Article XI of this chapter.

[4] Submitted a letter from his engineer indicating that the installed improvements are in conformance with the preliminary plat.

(d) A statement from the Township Engineer that all improvements installed prior to the application have been inspected as provided in Article XI of this chapter and that such improvements installed prior to application for final approval that do not meet or exceed Township standards shall be factored in the required performance or other guaranty.

SECTION 5 Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are repealed to such extent as they are so in conflict or inconsistent.

SECTION 6. 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 7. The sections, subsections and provisions of this ordinance may be renumbered as necessary or practical for codification purposes.

SECTION 8. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

The Public Hearing was scheduled for February 20, 2024.

NEW BUSINESS

1. ***An Ordinance Repealing Ordinance #33-2021 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 #33-2021 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 #04-2024

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 #33-2021 adopted on October 4, 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 July 7, 2023, 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 #04-2024 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.
3. An application required by ordinance pursuant to (C)1 above that has been submitted prior to **{adoption date of this ordinance}**, shall be subject to the stormwater management requirements in effect on { 1 day prior to the adoption date of this ordinance }.
4. An application required by ordinance for approval pursuant to (C)1 above that has been submitted on or after March 2, 2021, but prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on { 1 day prior to the adoption date of this ordinance }.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

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).

Ordinance #04-2024 cont'd:

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.

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.

Ordinance #04-2024 cont'd:

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

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

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

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

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".

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

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

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

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with 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.

Public roadway or railroad means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

Public transportation entity means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

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

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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.

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.

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

Stormwater Management Planning Agency means a public body authorized by legislation to prepare stormwater management plans.

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

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

Urban Coordinating Council Empowerment Neighborhood means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

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

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

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.

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- 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).
- 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.

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- 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

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

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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

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;

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- (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);
 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;

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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 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

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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.
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.

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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.

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.

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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.

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

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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.

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. The 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 148-65.4 C and D, respectively, of this ordinance do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

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- 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 148-65.4 C and D, respectively, of this ordinance, 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 current and projected 2-, 10- and 100-year storm events, as defined and determined in Section 148-65.4 C and D, respectively, of this ordinance, 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
 - 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:

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

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

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

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2. For the purpose of calculating curve numbers 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 “curve number” applies to both the NRCS methodology above at Section 148-65.4.A.1.i. A curve number 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 has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
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 website at:

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

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

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

3. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

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Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Hunterdon	1.02	1.05	1.13
Somerset	1.00	1.03	1.09
Warren	1.02	1.07	1.15

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (C)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Hunterdon	1.19	1.23	1.42
Somerset	1.19	1.24	1.48
Warren	1.20	1.25	1.37

148-65.5 Sources for Technical Guidance

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

<https://dep.nj.gov/stormwater/bmp-manual/>.

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 at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

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.

Ordinance #04-2024 cont'd:

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:
 - 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.

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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.
- 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.

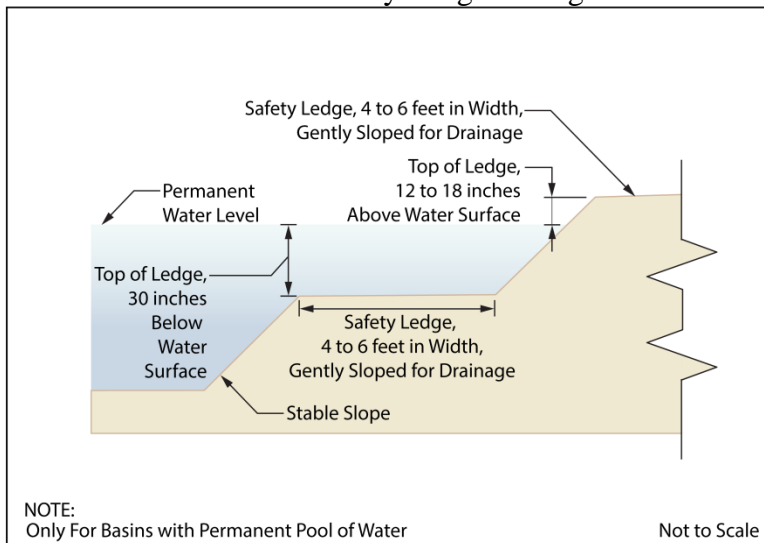
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D. Variance or Exemption from Safety Standard

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

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 5 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:

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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"=100' 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.

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.

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- 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.

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.

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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;
 - 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.

Ordinance #04-2024 cont'd:

- 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.
- 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.

Ordinance #04-2024 cont'd:

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.
- 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. Panico to introduce this ordinance, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

The Public Hearing was scheduled for March 4, 2024.

2. ***An Ordinance to Provide for the Acceptance of an Amendment to a Stream Corridor Conservation Easement Previously Dedicated on a Portion of Block 51.02, Lot 38 in the Township of Readington, County of Hunterdon and State of New Jersey***

The following ordinance was offered for introduction:

AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF AN AMENDMENT TO A STREAM CORRIDOR CONSERVATION EASEMENT PREVIOUSLY DEDICATED ON A PORTION OF BLOCK 51.02, LOT 38 IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

Ordinance #05-2024

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

Section 1. The Township of Readington does hereby accept an amendment to a Stream Corridor Conservation Easement requested by Joy Kerrie Hedrick, ("Owner") affecting property known as Block 51.02, Lot 38 on the official tax map of the Township (hereinafter "Property"). The purpose of this ordinance is to accept and record a revised map as part of the original stream corridor conservation easement in order to reflect certain encroachments into the conservation easement areas which were approved by variance granted by the Readington Township Board of Adjustment to Clarke D. Hedrick and Joy Kerrie Hedrick in a resolution approved on February 16, 2023 and memorialized on March 16, 2023, permitted by the State of New Jersey DEP by Rule 16 (deck) & 20 (fence), and subsequently consented to by the Township Committee.

Section 2. The original Stream Corridor easement was dedicated to the Township by Eleanore D. Charnecky in a easement dated May 13, 2020 and recorded on May 18, 2020 in Deed Book 2496, Page 312 in the Hunterdon County Clerk's Office. The Ordinance accepting said easement was adopted by the Township Committee at a public hearing held during a regular meeting on April 6, 2020, and recorded in the Hunterdon County Clerk's Office on November 30, 2023 in Deed Book 2505, Page 34.

Section 3. Copies of the proposed amendment with a copy of the map approved herein, and original Stream Corridor Conservation easement document are on file in the office of the Readington Township Clerk at the municipal building, 509 County Route 523, Whitehouse Station, N.J and may be inspected during regular business hours. A copy of the revised map is attached hereto is made a part of this Ordinance as Schedule A.

Section 4. All other provisions of the above-referenced Ordinance and original Conservation Easement shall remain in full force and effect.

Section 5. This easement was previously acquired pursuant to N.J.S.A. 40A:12-3, 4 and 5, et seq. If the provision of any article, section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 6. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication according to law. It shall be recorded in the Hunterdon County Clerk's Office and shall be considered part of the original Stream Corridor Conservation Easement document.

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

The Public Hearing was scheduled for February 20, 2024.

3. ***An Ordinance Authorizing the Acquisition of Certain Real Property known as Block 55, Lot 34 in the Township of Readington, Hunterdon County from James***

The following ordinance was offered for introduction:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 55, LOT 34 IN THE TOWNSHIP OF READINGTON, HUNTERDON COUNTY FROM JAMES

ORDINANCE #06-2024

WHEREAS, there exists certain real property known as Block 55, Lot 34 on the official tax map of in the Township of Readington consisting of approximately 5.68 +/- acres vacant lands owned by Anne James, Executor and Trustee, u/t/w of Helen James, deceased, which is adjacent to Holland Brook in Readington Township, and is commonly known as 95 Readington Road (“the Property”); and

WHEREAS, the Township of Readington (hereinafter the “Township”) has determined that there is a beneficial public interest in acquiring the Property for open space, conservation, passive recreation and/or other public purposes; and

WHEREAS, the Township is authorized pursuant to N.J.S.A. 40A:12-1 et seq. to acquire the Property for public purposes; and

WHEREAS, funding for this purchase is anticipated to come directly from, or as a reimbursement from, a 50% NJ DEP Green Acres Grant and a 50% Hunterdon County Open Space Trust Fund Grant; and/or from the Township’s Open Space Trust Fund; and

WHEREAS, funding from the proposed purchase and costs thereof is available from the Township's Open Space Trust Fund; and

WHEREAS, in the interest of negotiating a timely and mutually acceptable voluntary transaction between the Township and the owner of the Property, it is and has been the policy of the Township to negotiate with the owner of the Property on the basis of fair market value; and

WHEREAS, the purchase shall be made subject to and in accordance with the conditions set forth in the Contract of Sale on file with the Township Clerk’s Office, and any agreed-upon amendments thereto, for a negotiated price of \$ 30,000 per acre (estimated total price of \$170,400.00), but subject to any adjustments as a result of an accurate survey, plus closing costs of approximately \$16,000.00 for an estimated total of \$186,400.00 ; and

WHEREAS, the transaction is subject to a satisfactory deed and other conveyance documents for the Property being submitted to the Township at closing of title on the Property, County, and Green Acres’ approval.

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

Section One. For the reasons set forth above, which are incorporated herewith as if fully repeated herein, the Township Committee hereby authorizes the purchase of the property known as Block 55, Lot 34 on the official tax map of the Township of Readington (95 Readington Road) from Anne James, Executor and Trustee u/t/w of Helen James, Deceased for a purchase price of \$30,000 per acre (estimated total of \$170,400.00), plus \$16,000 in anticipated acquisition and closing costs, and conditioned upon the receipt of funding from NJDEP Green Acres and Hunterdon County Open Space Trust. Funding is also authorized from the Township's Open Space Trust Fund, as applicable or as necessary to complete the transaction. The Township is authorized to accept and record the Sellers’ deed with the Office of the Hunterdon County Clerk following the closing of title on the Property.

Ordinance #06-2024 cont'd:

Section Two. The Mayor, Deputy Mayor, Administrator, Township Clerk of the Township and designated Township Attorney are hereby authorized and directed to take all reasonable, necessary and lawful steps including execution of any and all necessary documents, toward the acquisition of said Property, in the manner and subject to the terms and conditions specified above, and are further authorized and directed to make the aforesaid payment to the owners of the Property.

Section Three. All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

Section Four. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

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

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

The Public Hearing was scheduled for February 20, 2024.

4. ***Application for Special Events Permit / Jerseyman Triathlon Racing***

A ***MOTION*** was made by Mr. Albanese to approve the special event permit, seconded by Mr. Panico with a vote of ayes all, nays none recorded.

5. ***Resolution in Opposition of Housing and Processing Undocumented Migrants at the Former Hagedorn Psychiatric Facility***

The following resolution was offered for consideration:

#R-2024-48

***TOWNSHIP OF READINGTON
RESOLUTION***

WHEREAS, the Township of Readington recently became aware of the State of New Jersey contemplating utilizing the former Hagedorn Psychiatric Hospital located in Hunterdon County, as a possible housing and processing center for undocumented migrants; and

WHEREAS, the former psychiatric hospital is situated in one of the most rural parts of Hunterdon County, located in Lebanon Township and adjacent to the Borough of Glen Gardner with no major infrastructure in the immediate vicinity; and

WHEREAS, the possible selection of this site raises numerous concerns, including the potential to overwhelm public health and human service capabilities administered by the County of Hunterdon; and

WHEREAS, further creating a detrimental impact to the local Emergency Services providers in the surrounding regions that are already strained for personnel; and

WHEREAS, with no mass transit facilities located near the Hagedorn facility, it is counterproductive to the ultimate goal of relocating the undocumented migrants and their families to a more permanent situation, whether in their country of origin or some other arrangement provided by the federal government.

Resolution #R-2024-48 cont'd:

WHEREAS, Readington Township residents, along with the Hunterdon County Taxpayers, should not be shouldering the expense or burden of a broken federal immigration system.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Readington urges Governor Murphy to take these concerns seriously and take any and all actions necessary to eliminate the former Hagedorn Psychiatric Hospital from consideration for the housing and processing of undocumented immigrants.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Murphy, Senator Andrew Zwicker, Assemblywoman Mitchell Drulis, Assemblyman Roy Freiman and Hunterdon County Board of County Commissioners and Hunterdon County municipalities.

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

Mr. Albanese	-Aye
Mr. Heller	- Nay
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

6. **Request to Hold Annual 2024 Coin Toss Fundraisers / Three Bridges Fire Company**

A **MOTION** was made by Mr. Albanese to approve the coin toss fundraiser, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

7. **Resolution to Authorize Budget Appropriation Transfers**

The following resolution was offered for consideration:

#R-2024-49

TOWNSHIP OF READINGTON

RESOLUTION TO AUTHORIZE BUDGET APPROPRIATION TRANSFERS

WHEREAS, certain transfers of funds for various 2023 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, *N.J.S.A. 40A:4-58* provides for transfer of appropriations with an excess over and above the amount deemed necessary to fulfil their purposes to those appropriations deemed to be insufficient; and

WHEREAS, the appropriations subject to fund transfers hereby are not within those restricted by *N.J.S.A. 40A:4-58* for transfer purposes.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington that the Chief Financial Officer shall and is hereby authorized to make transfers between appropriation accounts of the 2023 Municipal Budget as follows:

Resolution #R-2024-48 cont'd:

Current Fund	FROM	TO
Uniform Construction Code S&W	\$3,000.00	
Finance S&W	\$8,000.00	
Streets & Roads S&W	\$23,000.00	
Public Defender OE		\$4,000.00
Administration OE		\$3,500.00
Buildings & Grounds OE		\$5,000.00
Court OE		\$1,500.00
Legal OE		\$20,000.00
TOTAL	\$34,000.00	\$34,000.00
Sewer Utility		
Sewer S&W	5,000.00	
Sewer OE		5,000.00
TOTAL	\$5,000.00	\$5,000.00

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

- Mr. Albanese -Aye
- Mr. Heller - Aye
- Mr. Huelsebusch - Aye
- Mr. Panico - Aye
- Mayor Mueller - Aye

8. **Request to Waive Permit Fees for Food Trucks - email dated January 29, 2024 from Dr. Jonathan Hart, Readington Township Public School District**

A **MOTION** was made by Mr. Albanese to waive the permit fees for the food trucks, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

- Mr. Albanese -Aye
- Mr. Heller - Aye
- Mr. Huelsebusch - Aye
- Mr. Panico - Aye
- Mayor Mueller - Aye

9. *** Reimbursement of Soil Witness Fees / Teeling**

This matter was addressed under the Consent Agenda.

10. **Historic Preservation Grant Agreement / Bowman Stickney Porch Reconstruction**

Deputy Mayor Panico spoke to the grant received for the renovation of the porch.

A **MOTION** was made by Mr. Panico to accept the grant, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

- Mr. Albanese -Aye
- Mr. Heller - Aye
- Mr. Huelsebusch - Aye
- Mr. Panico - Aye
- Mayor Mueller - Aye

11. *Community Energy Plan Grant Application*

Mr. Heller requested more information about the grant and questioned whether the Township would be required to provide funding.

The following resolution was offered for consideration:

#R-2024-50

***RESOLUTION AUTHORIZING THE APPLICATION TO THE
NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM***

WHEREAS, a sustainable community seeks to ensure that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Readington Township strives to assure clean land, air, and water for current and future generations; and

WHEREAS, New Jersey’s Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state’s Energy Master Plan; and

WHEREAS, Readington Township is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help Readington Township to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state’s Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

THEREFORE, the Township Committee of Readington Township has determined that Readington Township should apply for the aforementioned Community Energy Planning Grant program; and

THEREFORE, Readington Township will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting.

THEREFORE, BE IT RESOLVED, that Township Committee of Readington Township, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

A MOTION was made by Mr. Panico to adopt this resolution, seconded by Mr. Mueller and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Nay
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

12. ***Complete Streets Technical Assistance Program Application***

Mr. Heller inquired whether the application was submitted since the deadline was February 2, 2024.

A MOTION was made by Mr. Mueller to table this resolution until the next meeting, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

13. **** Resolution to Transfer to Return Currency from the Police Department to Finance***

This matter was addressed under the Consent Agenda.

14. **** Resolution Transferring the MRAP Vehicle from the Readington Police Department to the Passaic County Sheriff's Office***

This matter was addressed under the Consent Agenda.

15. ***Treatment Works Approval Applications (Stanton Ridge Sewer Plant Disinfection Upgrades)***

Mr. Heller inquired as to whether the Township Engineer had reviewed the plans.

The following resolution was offered for consideration:

#R-2024-53

***Township of Readington
Resolution***

WHEREAS, Aqua NJ, the owner of the Stanton Ridge Sewer Plant, has determined the plant is in need of disinfection upgrades; and

WHEREAS, the Township of Readington has consented to the submission of an application for an NJDEP Treatment Works Approval permit for the Stanton Ridge Sewer Plant disinfection upgrades; and

WHEREAS, the Township Committee of the Township of Readington has reviewed the application documents at its regular meeting held on February 5, 2024; and

WHEREAS, it has been determined and reported by the Township Engineer that application documents are in order and may be filed.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Readington does hereby authorize the following action:

1. The Township authorizes the Administrator, Municipal Clerk or Mayor to sign for the Governing Body at appropriate locations on the NJDEP WQM003-T Statements of Consent Form for the Stanton Ridge Sewer Plant disinfection upgrades.

A MOTION was made by Mr. Albanese to adopt this resolution, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

16. ***State of New Jersey, Department of Environmental Protection, Green Acres Program
Enabling Resolution for Supplemental Funding Request***

Mr. Heller asked for the dollar amount that the Township was requesting.

The following resolution was offered for consideration:

#R-2024-54

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**

ENABLING RESOLUTION for SUPPLEMENTAL FUNDING REQUEST

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Readington has previously obtained Green Acres loans of \$3,250,000 and Green Acres grants of \$8,525,000 from the State [and an Urban Parks grant of \$0 from the State] to fund the following project(s):

#1022-96-066 Greenway Planning Incentive; and

WHEREAS, the Township of Readington desires to further the public interest by requesting an additional Green Acres loan of \$-0- and/or an additional Green Acres grant of \$1,000,000 [and an additional Urban Parks grant of \$-0- from the State] to fund the project(s); and

WHEREAS, the State shall determine if the supplemental funding request is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations, and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Juergen Huelsebusch or the successor to the office of Mayor is hereby authorized to:
 - (a) request such a loan and/or such a grant,
 - (b) provide additional information and furnish such documents as may be required, and
 - (c) act as the authorized correspondent of the above-named applicant; and
2. The applicant agrees to provide the local government/nonprofit share if a match is required.
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
4. This resolution shall take effect immediately.

A MOTION was made by Mr. Huelsebusch to adopt this resolution, seconded by Mr. Panico and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

ADMINISTRATOR’S REPORT

Administrator Sheola spoke to the request from Emergency Management to purchase a mobile command center unit, indicating that the unit will be funded through the American Rescue Plan (ARP).

A ***MOTION*** was made by Mr. Albanese to approve the purchase of the mobile command center unit, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese	-Aye
Mr. Heller	- Aye
Mr. Huelsebusch	- Aye
Mr. Panico	- Aye
Mayor Mueller	- Aye

Administrator Sheola spoke to the recent community event where the Department of Public Works brought a snowplow and other equipment for a demonstration with the second graders at Three Bridges School.

ATTORNEY’S REPORT

Attorney Corsini stated that he had nothing further to report.

ENGINEER’S REPORT

Engineer O’Brien reported that Nelson Street and Ditmar Boulevard will be accepted into the Township road system. Engineer O’Brien also reported that the PSE&G work has not started yet on Pulaski Road.

COMMITTEE REPORTS

JOHN ALBANESE

Mr. Albanese reported that he will be meeting with the Municipal Court this week.

JONATHAN HELLER

Mr. Heller spoke to the selection process and qualifications of the recently appointed members of the Environmental Commission.

JUERGEN HUELSEBUSCH

Mr. Huelsebusch reported that the Director of Public Safety is working with the County on a grant for lighting at the crosswalks on Route 523 for pedestrian safety. Mr. Huelsebusch spoke to state rule changes regarding agricultural land preservation and the upcoming open space walk on February 18th.

VINCENT PANICO

Mr. Panico reported that the Planning Board will meet next Tuesday due to the holiday, Museums will hold a special meeting on February 12th to discuss an application on filming and Recreation will be sending out spring mailers with the upcoming programs. Mr. Panico also commended the police for the response to the incident over the weekend.

ADAM MUELLER

Mayor Mueller spoke to the recent public budget meetings. Mayor Mueller reported that the Township is aware that Republic Services is not picking up the garbage cans and explained that they have put out a Google document form for residents to sign up so they can forward that information to Republic Services.

COMMENTS FROM THE PUBLIC

Christina Albrecht inquired about the work on the stream culverts in the Township.

Michael Jones spoke in favor of recording meetings for continued transparency and potential revisions needed to the Master Plan regarding zoning. Mr. Jones also inquired about the changes to the stormwater ordinance and spoke to an application for renewal of the wetlands map for Block 36, Lot 4.

Betty Ann Fort spoke to the Hunterdon County Growth Management Plan Draft and the need to revisit the tabled ordinance regarding the zoning on the Route 22 corridor. Mrs. Fort further inquired about the status of the grant money that was awarded to the Department of Public Works.

Michael Jones spoke to the specific plan that was presented for the new Department of Public Works building and questioned the delay in moving forward.

Scott Barton inquired about the monthly fee for the mobile command center and the route for the Jersey Triathlon Race. Mr. Barton stated that he was in support the resolution opposing the use of the former Hagedorn Psychiatric Hospital as a possible housing and processing center for undocumented migrants.

Stephanie Panico spoke to the misinformation regarding her appointment to the Environmental Commission.

Scott Barton spoke to the use of the committee meetings as a stage for political support.

Bill Quinn responded to comments regarding volunteers not attending meetings and stated that as a member of the Recreation Committee, he participated in all the meetings and events throughout the years.

Trevor Izzo supported the resolution opposing the use of the former Hagedorn Psychiatric Hospital as a possible housing and processing center for undocumented migrants.

Emanuel Bola commented on the need for uniformity for the recording of all of the Township boards and committee meetings.

A resident inquired about the status of the Solberg Master Plan.

COMMENTS FROM THE GOVERNING BODY

Mr. Huelsebusch spoke to his recent meeting with Unicom.

As there was no further business, ***A MOTION*** was made by Mr. Panico at 9:15 p.m. to adjourn the meeting, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

Submitted by:

Karin M Parker, *RMC*
Municipal Clerk