

Township of Lopatcong  
Regular Session Minutes  
6:30 pm

December 2, 2020

The Regular Meeting of the Lopatcong Township Council was called to order by Mayor Mengucci. The meeting took place at the Municipal Building Court Room located at 232 S. Third Street, Phillipsburg, NJ.

Everyone was wearing masks and social distancing during the meeting. This meeting was also available on Zoom.

A Prayer was offered followed by the Oath of Allegiance

Mayor Mengucci stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci. Also present were Attorney Campbell and Engineer Sterbenz.

Attorney Campbell reported that an Executive Session was approximately one hour and ten minutes and the topics of discussion were as stated on the agenda – items one thru seven. A second Executive Session will take place at the end of the meeting to discuss No. 6.

**Public Comments**- No comments

**Old Business:**

**Minutes** – Approve Executive and Regular Session Minutes for November 4, 2020. Council President Pryor had a correction - discussion on ROM Zone should read 15 sites. Motion by Council President Pryor, seconded by Councilman Wright to approve. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.  
NAYS: None

**Ordinance No. 20-12** – Tabled till December 28 meeting. Council President Pryor noted at the November 4<sup>th</sup> meeting Council introduced and passed the first reading of an ordinance to remove warehouses and distribution centers as permitted uses in the ROM and PD Zones. At the time, a second reading was to be held tonight but it turns out administratively, the administrative requirements were quite burdensome. There is a noticing requirement; everyone within 200-feet of the zones being changed had to receive notices and that is quite a few properties; it is a lot of work and also a structured resolution of approval in a certain way. Have to justify why this is begin done. This is underway. This is expected to be heard on the 28<sup>th</sup>. Prior to the Board voting, there will be a public hearing and everybody who wants to can be heard. Mayor Mengucci noted the meeting is December 28<sup>th</sup>, a Monday night.

**New Business:**

**Ordinance 20-13** – First reading to Amend, Revise and Supplement Chapter 203 entitled “Streets and Sidewalks” to Update the Fee Requirements for Street Opening Permits in Section 203-14. An increase in the fees is warranted as the current fees are outdated.

**ORDINANCE NO. 2020-13**

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 203 "STREETS AND SIDEWALKS" TO UPDATE THE FEE REQUIREMENTS FOR**

**STREET OPENING PERMITS IN SECTION 203-14**

WHEREAS, applicants for street opening permits must follow the provisions in Section 203-14 of the Code entitled “Procedures for Obtaining Street Opening Permits; and

WHEREAS, applicants for street opening permits are required to furnish application and inspection fees in accordance with Section 203-14D of the Code; and

WHEREAS, the fee requirements in Section 203-14D have not been updated in some time by the Township; and

WHEREAS, there is a need to update the fee requirements to reflect current costs associated with the street opening permit review and inspection process; and

WHEREAS, the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, desires to update the requirements for street opening permits in Section 203-14D of the Code;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 203 of the Code of the Township of Lopatcong be supplemented as follows:

**Section One**

Section 203-14D of the code shall be replaced in its entirety as follows:

D. Application and Inspection Fees.

(1) Application Fees

- (a) 0 to 50 sf. \$50.00
- (b) 51 to 300 sf. \$300.00
- (c) Over 300 sf. \$500.00

(2) Inspection Fees

- (a) 0 to 50 sf. \$750.00 per day (\$375.00 per half day)
- (b) 51 to 300 sf. \$750.00 per day (\$375.00 per half day)
- (c) Over 300 sf. \$750.00 per day (\$375.00 per half day)

Separate checks shall be required for application and escrow fees.

**SECTION 2**

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 3**

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**SECTION 4**

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

## NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on December 2, 2020 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 28, 2020 at 7:00 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion by Councilman Wright seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.

NAYS: None

**Ordinance 20-14** – First reading to Amend, Revise and Supplement Chapter 227 entitled Vehicles and Traffic”, Section 38, “Control for the Movement and the Parking of Traffic on Public and Private Property”, Subsection B, of the Code of the Township of Lopatcong to Add Section B(7) to Regulate the Movement and Parking of Traffic through Title 39 Enforcement on a Private Roadway known as Rand Boulevard Providing Access to Lot 1 in Block 101. Regulations of parking, stopping and standing and speed limits on this section of roadway.

### ORDINANCE NO. 2020-14

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 227 "VEHICLES AND TRAFFIC", SECTION 38, "CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY", SUBSECTION B, OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ADD SECTION B(7) TO REGULATE THE MOVEMENT AND PARKING OF TRAFFIC THROUGH TITLE 39 ENFORCEMENT ON A PRIVATE ROADWAY KNOWN AS RAND BOULEVARD PROVIDING ACCESS TO LOT 1 IN BLOCK 101**

WHEREAS, Lot 1 in Block 101 was developed as part of the I-78 Logistics Park; and

WHEREAS, access to the I-78 Logistics Park development is being provided from a new collector road known as Rand Boulevard; and

WHEREAS, Rand Boulevard begins at US Route 22 and extends south and west across the municipal boundary between the Township of Lopatcong and Town of Phillipsburg; and

WHEREAS, the Rand Boulevard right-of-way is known as Lot 1.04 in Block 101 and has been dedicated to the I-78 Logistics Park Owners Association pursuant to Final Plat Number 20-007, which was recorded in the Warren County Clerk’s Office on July 31, 2020; and

WHEREAS, the Township of Lopatcong, is not the owner of Lot 1.04 in Block 101 and shall not be responsible for the maintenance of the Rand Boulevard right-of-way based upon the approvals granted by the Township of Lopatcong for the project and the recorded final plat; and

WHEREAS, notwithstanding the fact that the Township of Lopatcong does not own Lot 1.04 in Block 101 and is not responsible for the maintenance of Rand Boulevard, I-78 Logistics Park Urban Renewal LLC (“I-78”) is seeking the Township of Lopatcong to establish and enforce traffic regulations on Rand Boulevard; and

WHEREAS, I-78 submitted a letter through its attorney Susan Rubright, Esq., dated September 20, 2018, consenting to Title 39 Enforcement by the Township of Lopatcong; and

WHEREAS, the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, desires to supplement and amend Chapter 227 of the Code of the Township of Lopatcong in order to add Section 38B(7) to regulate the movement of traffic and the parking of vehicles through Title 39 Enforcement on Rand Boulevard situated on lot 1.04 in Block 101;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 227 of the Code of the Township of Lopatcong be supplemented as follows:

**SECTION 1**

§227-38B

(7). Rand Boulevard Right-of-Way situated within Lot 1.04 in Block 101.

a. General Parking.

1. No parking is permitted on the access road.
2. No person shall stop or stand a vehicle on the access road.

b. Speed Limits.

1. The speed limit on the access road shall be 25 miles per hour.
2. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits.

c. Stop Intersections.

1. The following streets or parts of streets are hereby designated as stop intersections. Stop signs shall be installed as provided thereon.

<u>Intersection</u>	<u>Stop Sign</u>
Rand Boulevard and Lock Street	Lock Street
Rand Boulevard and Driveway for Lot 1.01 in Block 101	Driveway for Lot 1.01 in Block 101

d. Tow-Away Zones.

Any vehicles parked or standing so as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicles at the owner's or operator's expense.

**SECTION 2**

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 3**

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

#### **SECTION 4**

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

#### **NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on December 2, 2020 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 28, 2020 at 7:00 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion by Mayor Mengucci, seconded by Council President Pryor. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.

NAYS: None

**Ordinance No. 20-15** – First reading to amend Chapter 199 of the Code of the Township of Lopatcong entitled “Stormwater Management” to Reflect Amendments to The New Jersey Stormwater Management Rules at N.J.A.C. 7:8, Adopted March 2, 2020.

#### Ordinance No. 2020 - 15

Ordinance to Amend Chapter 199 of the Code of the Township of Lopatcong  
Entitled “Stormwater Management” To Reflect Amendments to The  
New Jersey Stormwater Management Rules at N.J.A.C. 7:8, Adopted March 2, 2020

WHEREAS, the Township of Lopatcong has a Stormwater Management Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Control Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021;

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY THAT CHAPTER 199 OF THE CODE OF THE TOWNSHIP OF LOPATCONG, ENTITLED “STORMWATER MANAGEMENT”, IS AMENDED AS FOLLOWS:

**Section One** - Chapter 199 of the Code of the Township of Lopatcong entitled “Stormwater Management” shall be replaced in its entirety as follows:

## **Chapter 199 - Stormwater Management**

### **§199-1. Scope and Purpose.**

#### **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 the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

## B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §199-2.

## C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments as defined in § 199-2 that require preliminary or final site plan or subdivision review:
  - a. Non-residential major 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 developments undertaken by the Township of Lopatcong and other governmental entities.

## 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.

## **§199-2. Definitions.**

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

## **CAFRA CENTERS, CORES OR NODES**

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

**CAFRA PLANNING MAP**

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

**CARBONATE ROCK AREA**

An area where rock consisting chiefly of calcium and magnesium carbonates, such as limestone and dolomite has been identified.

**COMMUNITY BASIN**

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

**COMPACTION**

The increase in soil bulk density.

**CONTRIBUTORY DRAINAGE AREA**

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

**CORE**

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

**COUNTY REVIEW AGENCY**

An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency or a county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

**CURRENT DEFICIT AREA**

Any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative net water availability, meaning that existing consumptive and depletive water uses exceed the capacity of the groundwater supply to sustain.

**DEPARTMENT**

The New Jersey Department of Environmental Protection.

**DESIGNATED CENTER**

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

**DESIGN ENGINEER**

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**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

#### **DISTURBANCE**

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, or the redevelopment of previously developed sites. Milling and repaving is not considered disturbance for the purposes of this definition.

#### **DRAINAGE AREA**

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**

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

#### **ENVIRONMENTALLY CRITICAL AREA**

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**

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**

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

#### **GREEN INFRASTRUCTURE**

A stormwater management measure that manages stormwater close to its source by treating stormwater runoff through infiltration into subsoil, treating stormwater runoff through filtration by vegetation or soil; or storing stormwater runoff for reuse.

#### **HIGHLANDS OPEN WATERS**

All springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

#### **HUC 14 or HYDROLOGIC UNIT CODE 14**

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**

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

#### **INFILTRATION**

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

#### **KARST**

A distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

#### **LEAD PLANNING AGENCY**

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**

An individual “development,” as well as multiple “developments” that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since January 1, 2021; or
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.”

#### **MAXIMUM EXTENT PRACTICABLE**

Designing stormwater management systems so that all reasonable opportunities for using nonstructural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

#### **MITIGATION**

An action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

#### **MOTOR VEHICLE**

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**

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**

Any city, borough, town, township, or village. For the purposes of this ordinance, the Township of Lopatcong.

#### **MUNICIPALLY IMPORTANT GROUNDWATER RECHARGE AREA**

Preserved or constrained lands that cannot be developed or built upon under current regulations. These areas have recharge rates above the median recharge rate for the subwatershed in which they are located; meaning they provide 40% or greater total recharge volume for the subwatershed. Constrained lands are comprised of undeveloped lands within the Highlands open water buffer as well as moderately and

severely constrained steep slopes. Preserved lands are those that are permanently preserved by local, county, state, federal or nonprofit entities.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Lopatcong or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

**NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL**

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 IV.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**

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

**NONEXEMPT PROJECT**

Any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

**NUTRIENT**

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

**PERSON**

Any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.

**POLLUTANT**

Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy

Act of 1954, as amended (42 U.S.C. § 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

#### **RECHARGE**

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

#### **REDEVELOPMENT**

Land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not limited to, the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

#### **REGIONAL MASTER PLAN**

The Highlands Regional Master Plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. 13:20-8.

#### **REGULATED IMPERVIOUS SURFACE**

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**

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**

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**

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

**SOIL**

All unconsolidated mineral and organic material of any origin.

**STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)**

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**

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

**STORM DRAIN INLET**

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**STORMWATER**

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**

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**

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

**STORMWATER RUNOFF**

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

**STORMWATER MANAGEMENT PLANNING AGENCY**

A public body authorized by legislation to prepare stormwater management plans.

**STORMWATER MANAGEMENT PLANNING AREA**

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**

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**

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

**URBAN ENTERPRISE ZONES**

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**

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**

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**

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**

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.

### **§199-3. Design and Performance Standards for Stormwater Management Measures.**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **§199-4. 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 §199-10.
- 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 §199-4P, 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 §199-4O, 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 § 199-4O, P, Q and R to the maximum extent practicable;



3. The applicant demonstrates that, in order to meet the requirements of § 199-4O, 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 § 199-4D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 199-4O, P, Q and R that were not achievable on-site.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 199-4O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at: [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).
- 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**

Best Management Practice	Stormwater Runoff Quality		Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table
	TSS Removal Rate				
Cistern	0		Yes	No	
Dry Well <sup>(a)</sup>	0		No	Yes	2 2 <sup>(e)</sup>
Grass Swale	50 or less		No	No	1 <sup>(f)</sup>
Green Roof	0		Yes	No	--
Manufactured Treatment Device <sup>(a) (g)</sup>					Dependent upon the device
Pervious Paving System <sup>(a)</sup>				Yes <sup>(b)</sup>	2 <sup>(b)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>				Yes <sup>(b)</sup>	2 <sup>(b)</sup>

Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page 15)

**Table 2**  
**Green Infrastructure BMPs for Stormwater Runoff Quantity**  
**(or for Groundwater Recharge and/or Stormwater Runoff Quality)**

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page 15)

**Table 3**  
**BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity**

Best Management Practice	only with a Waiver or Variance from N.J.A.C. 7-8-5.3		Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
	Stormwater Runoff Quality TSS Removal	Stormwater Runoff		
Blue Roof	90	Yes	No	N/A

Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>				Dependent upon the device
Sand Filter <sup>(c)</sup>	50 or 80 80	No Yes	No No	
Subsurface Gravel Wetland				
Wet Pond	90 50-90	No Yes	No No	1 N/A

Notes to Tables 1, 2, and 3:

- a. subject to the applicable contributory drainage area limitation specified at § 199-4O(2);
- b. designed to infiltrate into the subsoil;
- c. designed with underdrains;
- d. designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- e. designed with a slope of less than two percent;
- f. designed with a slope of equal to or greater than two percent;
- g. manufactured treatment devices that meet the definition of green infrastructure at § 199-2;
- h. manufactured treatment devices that do not meet the definition of green infrastructure at § 199-2.

- 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 § 199-6B. Alternative stormwater management measures may be used to satisfy the requirements at § 199-4O only if the measures meet the definition of green infrastructure at § 199-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 199-4O(2) are subject to the contributory drainage area limitation specified at § 199-4O(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 § 199-4O(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 § 199-4D is granted from § 199-4O.
- 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 § 199-8C;
  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 § 199-8; 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 II may be used only under the circumstances described at § 199-4O(4).

- K. Any application for a new agricultural development that meets the definition of major development at § 199-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 199-4O, 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 § 199-4P, 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 Warren County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality. 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 § 199-4O, 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 § 199-10B(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 § 199-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Warren Office of the County Clerk or the registrar of deeds and mortgages, as applies and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 199-4M 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 § 199-4M 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 § 199-4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 199-4F and/or an alternative stormwater management measure approved in accordance with § 199-4G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<b>Best Management Practice</b>	<b>Maximum Contributory Drainage Area</b>
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 § 199-4R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 199-4G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 199-4D 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 § 199-4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 199-4P, 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 § 199-4P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 199-4D.

**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 § 199-5, 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.
  - iii. Nonexempt projects located in a current deficit area. Where the project is located in a current deficit area as identified in Exhibit A, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in Subsection P(2)(v) below.

- iv. Nonexempt projects located in a municipally important groundwater recharge area. Where the project is located in a municipally important groundwater recharge area as identified in Exhibit B, the following standards shall apply:
    - a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the municipally important groundwater recharge area on the site and shall preferentially be sited on that portion of municipally important groundwater recharge area that has the lowest groundwater recharge rates.
    - b. Where disturbance to the municipally important groundwater recharge area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in Subsection P(2)(v) below.
  - v. Enhanced recharge standards. Nonexempt projects that are subject to the enhanced recharge requirements by Subsection P(2)(iv)[a] or [b] above, shall apply the following standards, either:
    - a. Recharge 125% of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
    - b. In addition to complying with the infiltration requirements of § 199-4P, retain on-site with no discharge the stormwater quality design volume (SWQDv), defined as the runoff from the 1.25-inch, two-hour rainfall event. Where meeting the infiltration requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site reuse of rainfall.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to § 199-4P(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.
    - iii. Carbonate rock areas, where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater. (Note: The mere presence of carbonate bedrock does not constitute a karst feature.)



5. 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 and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.
6. Mitigation required for nonexempt projects.
  - i. In lieu of on-site recharge, the applicant shall be responsible for providing mitigation of the groundwater recharge volume in the required amount. The applicant should provide mitigation within the following areas, in order of priority:
    - a. The same development site where feasible;
    - b. The same HUC14 subwatershed; or
    - c. An interrelated HUC14 subwatershed where no feasible option exists in the same HUC14 subwatershed.
  - ii. If none of the above options are feasible or achievable, then the applicant shall comply with the mitigation requirements set forth in Subsection S.

#### 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. Eighty (80%) percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

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

**Table 4 - Water Quality Design Storm Distribution**

<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

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

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

Where

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

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

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

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 § 199-4P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 199-5, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of

- stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - 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.

S. Mitigation required for nonexempt projects. A waiver from strict compliance with the requirements of the Municipal Stormwater Ordinance shall be approved by the municipality only in those cases where an applicant has demonstrated the inability to strictly comply with any standard of the Municipal Stormwater Ordinance. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality's stormwater management plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical, within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

#### **§ 199-5. Calculation of Stormwater Runoff and Groundwater Recharge.**

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

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

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at § 199-5A(1)[i] and the Rational and Modified Rational Methods at § 199-5A(1)[ii]. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
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/greport/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.

#### **§ 199-6. 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:

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

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://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

- 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.

#### **§ 199-7. Solids and Floatable Materials Control Standards.**

- A. Site design features identified under § 199-4F above, or alternative designs in accordance with § 199-4G 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 § 199-7A(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.

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.

#### **§ 199-8. 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 § 199-8C(1), § 199-8C(2) and § 199-8C(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 § 199-8C, 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 § 199-8E for an illustration of safety ledges in a stormwater management BMP; and
  - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

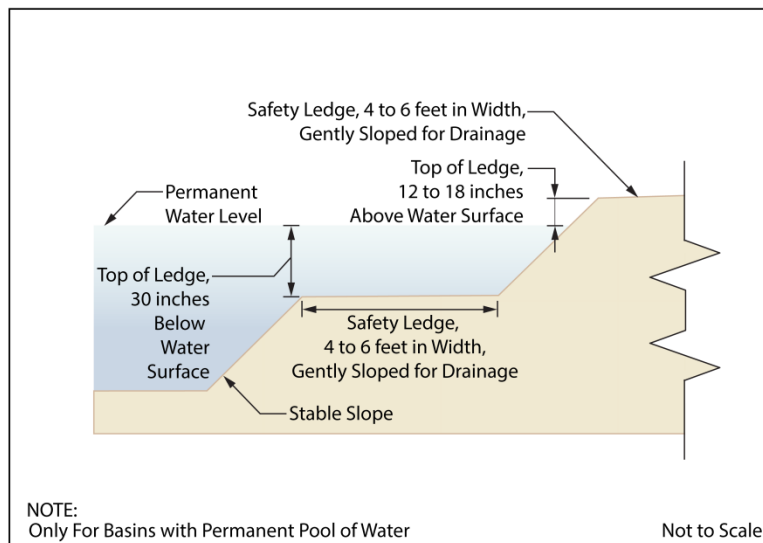
### D. Variance or Exemption from Safety Standard

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



## E. Safety Ledge Illustration

### Elevation View –Basin Safety Ledge Configuration



## § 199-9. 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 § 199-9C 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 five (5) copies of the materials listed in the checklist for site development stormwater plans in accordance with § 199-9C of this ordinance.

### B. Site Development Stormwater Plan Approval

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

### C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be

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

## 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 § 199-3 through § 199-5 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 § 199-4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

## 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 199-10.

## 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 § 199-9C(1) through § 199-9C(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.

### **§ 199-10. Maintenance and Repair.**

#### A. Applicability

Projects subject to review as in § 199-1C of this ordinance shall comply with the requirements of § 199-10B and § 199-10C.

#### 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. Maintenance Plans:
  - a. 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.

b. Stormwater facilities shall be constantly maintained by the owner or association to assure continual functioning of the system at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. Maintenance responsibilities, inspection schedules and tasks will be clearly shown in the proposed plan. In no case shall water be allowed to remain in any facility long enough to trigger a mosquito breeding disease or cause any other type of health problem. The maintenance plan must include inspection routines to reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts, including inspection checklists. Inspection checklists may address such items as:

- (1) Obstruction of inlet devices by trash and debris;
- (2) Evidence of erosion, sedimentation or instability;
- (3) Malfunctioning of valves, gates, locks, access hatches or equipment;
- (4) Deteriorated conduit outlet or seepage around outlet;
- (5) Cracks or other deterioration of inlets, outlets, pipes, and conduits;
- (6) Inadequate draining, clearing or clogging of control devices;
- (7) Trimming, cutting or mowing of vegetation as required;
- (8) Erosion and debris in emergency spillways and/or filter strips;
- (9) Deterioration of downstream channels/conduits;
- (10) Invasive or noxious weeds out of character with those specified;
- (11) Saturated conditions or standing water;
- (12) Animal burrowing; and
- (13) Vandalism or other non-specified occurrences.

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 § 199-10B(3) above is not a public agency, the maintenance plan and any future revisions based on § 199-10B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under § 199-10B(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;
  - 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 § 199-10B(3) and § 199-10B(7); and,
  - iv. Beginning on January 31, 2019, make annual submissions to the municipality, no later than January 31<sup>st</sup>, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.
8. The requirements of § 199-10B(3) and §199-10B(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.

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

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.

### **§ 199-11. Private storm drain inlet retrofitting requirements.**

#### **A. Purpose.**

This chapter requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Lopatcong so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **B. Prohibited conduct.**

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in § 199-11C below prior to the completion of the project.

C. Design standard.

Storm drain inlets identified in § 199-11B above 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 § 199-11C(3) below.

1. Design engineers shall use either 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:

- a. 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 (April 1996); or

- b. A different grate, if each individual clear space in that grate has an area of no more than seven square inches or is no greater than 0.5 inch 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 basin floors.

2. Whenever design engineers use a curb-opening inlet, 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 square inches, or be no greater than two inches across the smallest dimension.

3. This standard does not apply:

- a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- b. Where flows 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:

- i. A rectangular space  $4 \frac{5}{8}$  inches long and  $1 \frac{1}{2}$  inches wide (this option does not apply for outfall netting facilities); or

- ii. A bar screen having a bar spacing of 0.5 inch.

- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or

- d. 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.

E. Enforcement.

This chapter section shall be enforced by the municipal engineer of the Township of Lopatcong.

F. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed \$100 for each storm drain inlet that is not retrofitted to meet the design standard.

**§ 199-12. Violations and penalties.**

A. Fines.

- (1) Any violation of any provision of this chapter shall be punishable by a fine not to exceed \$2,500 for each offense and/or imprisonment for a term not exceeding 90 days. The following individuals shall be subject to potential punishment:
  - (a) The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and
  - (b) Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.
- (2) Each day that a violation continues shall constitute a separate and distinct offense.
- (3) The imposition of penalties herein shall not preclude the municipality or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

B. Injunctive relief. In addition to the foregoing, the municipality may institute an action for injunctive relief.

**§ 199-13. When effective.**

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

**Section Two** - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section Three** - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

**CERTIFICATION**

I, Margaret B. Dilts, CMC Municipal Clerk of the Township of Lopatcong, Warren County, State of New Jersey, do certify that the forgoing is a true and correct copy of a was duly adopted at a Regular Meeting of the Township Council held on December 28, 2020.

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Margaret B. Dilts, CMC

Motion by Councilman Wright, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.

NAYS: None

**Consent Agenda:**

Motion to adopt Consent Agenda by Councilman Palitto, seconded by Councilman Wright. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.

NAYS: None

**Resolution No. 20-148** – Authorizing cancellation of certain Current Fund Appropriations that are no longer necessary regarding the USDA Loan Interest and Principal.

R 20-148

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CERTAIN CURRENT  
FUND APPROPRIATIONS THAT ARE NO LONGER NECESSARY

WHEREAS, certain Sewer Fund Appropriation ordinances have funding that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said balances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following unexpended balances be cancelled:

USDA Loan Interest Amount - \$3.57                      Cancel To: Fund Balance

USDA Loan Principal Amount - \$228.43              Cancel TO: Fund Balance



CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-149** – Authorize Transfer of Appropriations of the 2020 Lopatcong Township Municipal Budget during the last two months of the year in the amount of \$22,000.00.

R 20-149

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CERTAIN CURRENT FUND APPROPRIATION THAT ARE NO LONGER NECESSARY

WHEREAS, certain Current Fund appropriation ordinances have funding that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said balances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following unexpended balances be cancelled:

Note Interest Amount - \$501.27      Cancel To: Fund Balance

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-150** – Authorize transfer of appropriations of the 2020 Lopatcong Township Municipal Budget during the last two months of the year as per N.J.S.A. 40A:4-58.

R 20-150

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF APPROPRIATIONS OF THE 2020 LOPATCONG TOWNSHIP MUNICIPAL BUDGET DURING THE LAST TWO MONTHS OF THE YEAR AS PER N.J.S.A. 40A:4-58

WHEREAS, it has become necessary to expend an amount in excess of the respective items appropriated in 2020 Lopatcong Township Municipal Budget during the last two months of the year as per N.J.S.A. 40A:4-58.

NOW, THEREFORE, BE IT RESOVLED, as per N.J.S.A. 4-58 that the Mayor and Council of the Township of Lopatcong authorize the Chief Financial Officer to make the following appropriation transfers:

CURRENT FUND:

From:

To:

Tax Assessor S&W	\$600.00	Mayor/Council S&W	\$600.00
Gasoline	\$11,400.00	Telephone OE	\$6,000.00
		PERS	\$5,400.00
Legal OE	\$10,000.00	Mayor/Council OE	\$10,000.00

Total \$22,000.00

Total

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-151** – Authorize to cancel Current Fund Operation Budget Appropriations in the amount of \$126,000.00.

R 20-151

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO CANCEL CURRENT FUND OPERATING BUDGET APPROPRIATIONS

WHEREAS, there is \$126,000.00 within the Pool Department budgets within the 2020 Current Fund Budget Appropriations that are no longer needed; and

WHEREAS, these balances can be cancelled to the Current Fund fund balance.

NOW, THEREFORE, BE IT RESOLVED that \$126,000.00 located within the Pool Department budgets within the Current Fund Budget Appropriations is hereby cancelled:

<u>Description</u>	<u>Original Amount</u>	<u>Reduction</u>	<u>Final Budget</u>
Pool OE	\$125,100.00	\$116,000.00	\$9100.00
Pool S&W	\$15,500.00	\$10,000.00	\$5,500.00
Total	\$140,600.00	\$126,000.00	\$14,600.00

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Tilcon Invoice/Roadwork Grandview Ave.** – Authorize payment to Tilcon for road work completed on Grandview Avenue in the amount of \$18,203.00.

**Resolution No. 20-152** – Refund tax overpayment for Block 95, Lot 37 in the amount of \$20,664.36.

R 20-152

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 95, LOT 37

WHEREAS, Block 95, Lot 37 filed for tax exemption and was granted tax exemption for 2020 on the medical office portion of the building; and

WHEREAS, the Tax Assessor has confirmed that the only taxable portion of the property is for the portion of the property currently known as Gara's Pizza; and

WHEREAS, the property owner had paid the 1<sup>st</sup> quarter 2020 property tax resulting in an overpayment of 2020 property taxes; and

WHEREAS, Tax Collector has adjusted the tax account to cancel taxes for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter of 2020; and

WHEREAS, the property owner made a tax overpayment in the amount of \$20,664.36 on April 16, 2020; and

WHEREAS, the property owner is requesting that the overpayment be refunded.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorize a refund in the amount of \$20,664.36 to: St. Luke's 5 Real Estate Department, 801 Ostrum Street, Bethlehem, PA 18015.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-153** – Authorize refund of Tax Overpayment for Block 11, Lot 8 in the amount of \$1,436.57.

R 20-153

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NE WJERSEY AUTHORIZING TO REFUND TAX OVERPAYMENT MADE BY THE TITLE COMPANY FOR 2020 TAXES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the title company listed below in the designated amounts representing tax payments as follows for the tax year 2020 on escrow account.

<u>Block and Lot</u>	<u>Name of Payee/Mortgage</u>	<u>Amount</u>
11/8	Title on Demand of NJ, Inc. 54 Woodport Road Sparta, NJ 07871	\$1,436.57

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the refunds rather than applying these payments to the 2020 future taxes due.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Phillipsburg Properties Group, LP** – Authorize release of Performance Bond and Cash Portion as approved by Engineer Sterbenz.

**Resolution No. 20-154** – Reimburse Uniform Allowance to qualified Firemen.

R 20-154

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY ESTABLISHING A CLOTHING ALLOWANCE FOR  
QUALIFIED ACTIVE MEMBERS FOR THE YEAR 2020

WHEREAS, the Mayor and Council created Ordinance 2014-14 to establish yearly a clothing allowance for qualified active members of the Township's Fire Departments; and

WHEREAS, the amount shall be fixed from time to time a clothing allowance for damage and loss sustained in the line of fire duty provided the member attended and answered at least 40% of the fire duty during the preceding 12 months; and

Joe Bayer, Joseph Bichler, Jim Fox, Dave Jiorle, John Hopkins, Stephan Hopkins, Louis LaFord, Jr., Terry Lawler, James Marinelli, Braden Moore, Martin Olsson, Jr., Kyle Suruda, Tim Weiss, Sr.

WHEREAS, Mayor and Council decided the amount for the 2020 Budget would be \$175.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall fix a dollar amount of \$175.00 for the 2020 Budget to be paid to every qualified active member of the Fire Department.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a Meeting held on Wednesday, December 2, 2020.

Margaret B. Dilts, CMC

**Announcement** – Year End Council Meeting is Monday, December 28, 2020 at 7:30 pm.

Engineer Sterbenz – Report4d that the NJDOT announced 2021 aid grants and the Township has received \$170,000 for Belview Road between County Route 646 and Strykers Road. Both Red School Lane and Baltimore Street Intersection Project was completed and an invoice from Zuccaro has been received and will be processed on the 28<sup>th</sup> meeting. Laboratory results are expected for Tilcon's work and there will be an invoice forthcoming as well. Additional grant monies will be received once these projects are closed out. Safe Routes to School Sidewalk Project plans are finished and they will be submitted in the next few days. The other grant project has 15/16 signoffs for temporary disturbances on properties. Another round of letters will go out for the remainder of residents. Mr. Budd spoke at the last meeting regarding the alleyway. This was constructed outside of the right-of-way. A survey was provided by Mr. Budd and the survey markers are accurately placed. The easiest thing would get them to provide an access easement to basically cover the area that's paved. It does not make sense to reconstruct the alley within the right-of-way because it will create a lot of havoc in that area and disturbance on adjacent resident's property. That would be the easiest thing. Mr. Budd has already granted a 5-foot easement; just need another five feet.

Police Chief Garcia – Report that there is activity going on in the evening hours regarding vehicle burglaries. He said lock your vehicles when not in use. All surrounding communities are being subject to this.

**Department Reports** – Motion to approve by Council President Pryor, seconded by Councilman Palitto. All in favor.

**Payment of Bills** – Motion to pay bills by Council President Pryor, seconded by Mayor Mengucci. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.

NAYS: None

**Council Reports:**

Councilman Belcaro – No report.

Councilman Palitto – LAA – Winter sports on hold. After January the availability for schools. Next meeting is scheduled for December 8<sup>th</sup> and will be by Zoom. The also asked about the Council's opinion about the town taking back the LAA again.

Councilman Wright – Spoke to Chief about 1639 Belvidere Road due to a problem with a hunter going up to the State property behind Belvidere Road. The Police Contract has been worked out for five years and Council had a few edits. Once that has been updated, he asked that the Mayor sign it. Attorney Campbell noted that Council can make a motion to approve the contract authorizing the Mayor to sign once the PBA has signed it. Motion by Councilman Wright, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.

NAYS: None

Council President Pryor – No report.

Mayor Mengucci – He indicated that tonight is the last normal meeting of the year and also the end of his first term. He said the first term has been great and found it great working with the Council and a lot of work had been done. Also, indicated due diligence relating to the tax rate and especially wanted to note that Council President Pryor worked very hard on the reduction of the sewer rate. There was a two cent increase this year and when the pandemic hit, Councilman Belcaro stepped up to say we should not have an increase this year. Everyone has worked hard on Council and proud to work with them. Will begin another term of three years in January. Kudos to the employees who have continued to work and stay safe.

Questions from the public on-line –

Doug Batchelder – asked if there are any new applications that would be affected by the zone change. Council President Pryor – said no. The developer behind Overlook has made informal presentations before Council on two occasions but this has not gone forward to the Planning Board. Mr. Batchelder asked if an application comes in between, how would that affect that application. Attorney Campbell said the application would have to come in and be deemed complete in order to fall under the old rules before anything would be changed. Council President Pryor noted that can't happen by the 28<sup>th</sup>. Attorney Campbell stated the Planning Board does not have another meeting scheduled in December.

Patty Segeda – Can you explain, you say the use is in the ROM and the PD – can you tell me what that means. What are those zones? Council President Pryor said every zone has a designation and the ROM is the bulk of our Industrial Zone along Strykers Road and ROM is Research, Office, Manufacturing and each zone has its own permitted uses and right now warehousing is a permitted use in the ROM Zone and the proposed ordinance would remove that as a permitted use. She asked if that is also where the zones currently are? Council President Pryor said yes and that there are more than two parcels but that is the bulk of it.

Resident of Avenue A – Spoke to Council regarding their situation. Mayor Mengucci said Mr. Budd was present earlier and based on Engineer Sterbenz recommendation, this is being addressed and will get resolved as quickly as it can.

Motion to adjourn the meeting by Councilman Belcaro, seconded by Councilman Wright. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor