

**MAYOR AND COUNCIL
REGULAR MEETING
March 23, 2021
7:00 P.M**

CALL TO ORDER

SALUTE TO COLORS

Mayor Zdichocki invited all those present to stand in a salute to the colors.

MAYOR'S STATEMENT AS TO COMPLIANCE WITH P.L. 1975

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 13, 2021 and was placed on the Official Bulletin Board in the Municipal Building and on the official website of the Borough of Stanhope.

In the event the Mayor and Council have not addressed all items on this Agenda by 10:00 PM and they are of the opinion that they cannot complete the Agenda in a reasonable time period, the Mayor and Council may exercise their option to continue this meeting at an agreed to date, time and place. Please turn off all cell phones for the duration of this meeting.

ROLL CALL

Council Members:

Councilman Cipollini – absent
Councilwoman Kuncken - present
Councilman Riccardi – present

Councilman Romano - present
Councilman Thornton - present
Councilman Wronko - present

Mayor Zdichocki – present

PRESENTATION (Recognition of Arlene Fisher's Retirement)

Mayor Zdichocki stated the following in recognition of Arlene Fisher's retirement.

Arlene Fisher has had what seems like a lifetime of dedication to the Borough of Stanhope. On April 1, 1993 Arlene was hired as a part-time Code Enforcement Official. Then on January 27, 2000, in addition to the Code Enforcement Official and Borough's Zoning Officer, Arlene was appointed as the Borough's Housing Liaison to administer the Borough's affordable housing program. Arlene wears a lot of different hats, as you can see. In addition to all these appointments, on July 28, 2015, Arlene was also appointed, together with the Construction Official and Borough Administrator, as the designated public officer to enforce the Borough's authority to register, regulate and rehabilitate vacant and abandoned properties. Please join me in honoring Arlene Fisher for her dedication and 28 years of service to the Borough of Stanhope. It is with great pride and admiration that, on behalf of the Borough of Stanhope and this governing body, I present to you this beautiful gift as a small token of our appreciation, as we say thank you for all you have done and good luck in your retirement.

Ms. Fisher accepted the gift from Mayor Zdichocki and thanked her. Ms. Fisher opened the gift, a beautiful mantle clock, and thanked the governing body. Mayor Zdichocki stated she and the council truly appreciate everything Arlene has done, the amount of years she has put in and she will be missed. Ms. Fisher stated she will miss this town. She has met so many great people over the years. It has been a pleasure working here and the council has always been fair and like family. Mayor Zdichocki apologized for not being able to have refreshments this evening due to COVID restrictions and wished Arlene a happy retirement.

CITIZENS TO BE HEARD

Mayor Zdichocki opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

Seeing no one from the public wishing to speak, Mayor Zdichocki closed the public portion of the meeting.

MINUTES FOR APPROVAL

Mayor Zdichocki read aloud the list of minutes being presented for approval:

February 9, 2021	Work Session Meeting & Closed Session
February 23, 2021	Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by voice vote, the above listed minutes were approved.

CORRESPONDENCE *(List Attached)*

On motion by Councilwoman Kuncken, seconded by Councilman Wronko and unanimously carried by voice vote, the list of correspondence was accepted and ordered placed on file.

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwoman Kuncken/Councilman Thornton

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

Councilwoman Kuncken stated the Fire Department for the month of February reported 3 calls, 1 mutual aid, 2 drills, and 1 meeting for a total of 112 volunteer hours.

Councilwoman Kuncken stated the Fire Marshal report for the month of February had one complaint referred by the Fire Department regarding ongoing issues at Crunch Fitness. The complaints have been addressed with the management at Crunch and a reinspection will be conducted with the hope that the problem has been abated. The Fire Marshal has not responded to any fires or incidents in Stanhope this month. There were 11 inspections conducted with no violations other than the ongoing issue with Crunch.

Councilwoman Kuncken stated the Police Department for the month of February had a total of 201 calls. There were 69 Motor Vehicle stops for the month.

Councilwoman Kuncken stated the Ambulance Squad for the month of February reported 40 calls; 16 in Stanhope and 24 in Netcong. There were 2 out of town calls to Hopatcong and 1 to Mt. Olive. There were 34 patients and 25 hospital trips. There were 127 hours and 50 minutes of hours volunteered.

Councilwoman Kuncken stated on Monday, March 29th, there will be a Public Safety Meeting with one representative from the Fire Department and one representative from the Ambulance Squad. The Borough's Attorney, Ursula Leo, will also be attending. The hope is that this meeting will result in the finalization of the agreement with regard to the rescue equipment.

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Councilman Romano stated the tax collections for the month of February were \$862,483.46. The year to date total is \$2,918,032.47. The Borough has collected 93.89%, almost 94%, of the first quarter taxes. The overall (current) tax collections total 47.5%, which is within 1% of last year.

Councilman Romano stated the water collections for February total \$9,293.77 and the year to date total is \$34,157.29. Councilman Romano stated the current year to date collection rate compared to last year is much lower.

Councilman Romano stated the sewer collections for February total \$13,450.81 and the year to date total is \$42,765.46.

Community Development – Councilman Wronko/Councilman Riccardi

Councilman Wronko stated the St. Patrick's Day Fundraiser for the Fire Department went well and the volunteers worked hard and the event was a success.

Councilman Wronko stated the Easter Egg Hunt will be taking place on March 27th at the Valley Road School at noon.

Councilman Wronko stated the Rabies Clinic will be held on April 16th at the Valley Road School from 6pm to 8pm. The information was sent out to the residents in the last water bill.

Municipal Infrastructure – Councilman Thornton/Councilman Wronko

(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)

Councilman Thornton stated the DPW has been working hard. The weather is nice out now and they are working on cleaning up the parks and other municipal areas.

Information Technology – Councilman Riccardi/Councilman Cipollini

Councilman Riccardi stated the Environmental Commission has updated the sign-up sheets for the groups and the individuals to participate in Clean Up Day. The forms have been digitized and have been uploaded to the Borough website. The Clean Up will be held on April 25th. Councilman Thornton asked if Electronic Recycling will also be available on that day. Councilman Riccardi confirmed the Electronic Recycling will be held in the morning and Clean Up Day will take place afterward. Administrator McNeilly stated shredding will also be available that day. Mayor Zdichocki asked if the information has been posted on the website. Administrator McNeilly stated once the vendors are confirmed, the information will be posted and Nixle messages will be sent out as well.

Boards/Commissions – Councilman Cipollini/Councilman Romano

No report was given due to Councilman Cipollini's absence.

ADMINISTRATOR'S REPORT

Senate #3454 – Administrator McNeilly provided a sample resolution for Senate Bill #3454 via Google Drive. There is resolution being passed around through the municipalities regarding some of the items which are part of Senate Bill #3454, most specifically surrounding parental notification for anyone under 21 or under 18 and other issues being placed on the police officers. Administrator McNeilly asked the governing body to review the information and provide him with their feedback prior to the next scheduled meeting. If the governing body is agreeable, a resolution can be prepared for the April 13th meeting agenda. This is not speaking against what 67% of the voters in the State of NJ want to do but, it addresses the over stepping beyond what the referendum called out for regarding minors and adults over 21 which was not part of the public question.

New Recreational Cannabis Law – Administrator McNeilly stated the new recreational cannabis law has a 180-day clock running for municipalities to make decisions regarding the degree of availability they wish to have in their towns. The Borough Attorney has provided a memo outlining the different classifications and Administrator McNeilly provided information received from the MEL E-JIF to assist in the decision-making process. Administrator McNeilly suggested setting aside time at the April 13th Mayor and Council work session meeting to begin to address the issue.

Administrator McNeilly asked if this will be a Land Use Ordinance when it happens. Ursula Leo, Borough Attorney, stated it is a governing body decision as to whether or not the Borough will allow it and if so, which of the six classes will be allowed. If allowed, the Land Use Board would deal with the standards of the ordinance. Once the ordinance is drafted, the Land Use Board would review it and check for consistency with the Master Plan. The Planner would also review the ordinance to determine what districts would be suitable and why. Mayor Zdichocki asked Attorney Leo if there are any existing guidelines to follow. Attorney Leo stated there are no guidelines at this time. The Borough does have the option to not allow the use but the law allows for the Borough to change its decision if desired in the future. However, if the use is approved, the Borough cannot

change its decision for a five-year time period. Administrator McNeilly stated he has provided an informative document from the Joint Insurance Fund (JIF). The document outlines guidance for northern New Jersey. Typically, any type of growing in this area would have to take place indoors in areas such as warehouses. Light pollution is detailed along with odor issues from processing and it addresses issues with waste water. The Borough's sewer plan is for sinks and toilets only. Councilman Thornton asked Attorney Leo for her thoughts on the Senate Bill which was passed allowing the cannabis. Attorney Leo stated she is not familiar with the penalties. In her opinion, the most important thing is for the municipality to act before August. A decision should be made by June to allow time for the Land Use Board to do their review. Any zoning ordinance changes will require everyone within 200 feet of the district to receive a certified notice and a Master Plan revision would be required. The most important first step is to determine what classifications, if any, will be allowed. Attorney Leo would then draft the ordinance for review by the Engineer and Planner.

Mayor Zdichocki stated there is a Stanhope business owner who has inquired about opening this type of business. Councilman Romano stated in his opinion the fact that the governing body will be discussing this issue on April 13th should be publicized. The Borough houses the regional school which encompasses three towns. The Borough should ask the school board for their opinion as well as what the neighboring towns are planning to do with regard to the issue. Mayor Zdichocki stated in her opinion the businesses should also have the opportunity to come and speak. Mayor Zdichocki asked the governing body to review the information which has been provided by the Administrator and the Borough Attorney for future discussion. Administrator McNeilly asked if the governing body desires to have a large public input at the work session on April 13th? If that is the case, the Center for Prevention will be in attendance and groups with varying opinions while you are attempting to make your initial decision. Mayor Zdichocki stated in her opinion the governing body should discuss the issue first and at a later date the public input would be welcomed. With regard to the Center for Prevention, the governing body is not here to discuss whether or not it should be legal and that is the Center's position. The legality was determined by the voters. The discussion is to determine what is best for Stanhope's residents. Administrator McNeilly suggested the public input should take place at a future date during a business meeting. Councilwoman Kuncken agreed and stated the governing body needs to discuss the issue first. Administrator McNeilly stated towns which have denied all the classifications, cannot prevent deliveries being made to the town.

Kelly Place and Furnace Street – Administrator McNeilly stated he had provided the governing body with a copy of the Engineer's estimate for the Kelly Place and Furnace Street job. Several members of the governing body stated they did not receive the copy. Administrator McNeilly stated he just resent the document. The professional services for Kelly Place and Furnace Street break out the surveying services at \$3,500, construction documents \$9,850, and construction administration \$5,650. Administrator McNeilly stated he would like to have the Engineer move forward as soon as possible due to the fact there are driveway aprons involved, curb resets, and ADA crosswalks to work on. These costs are the responsibility of the Borough and the funds are available. There are two ADA curb ramps located on Kelly Place and Main Street, one at the parking lot and another at the Post Office. Administrator McNeilly stated the Engineer can explain in better detail but the blacktop will be better anchored at the 90-degree curve. There is a concrete slab underneath there and it causes the blacktop to pull across it. Mayor Zdichocki stated the costs total almost \$19,000 but the budgetary amount is \$15,000. Administrator McNeilly stated he is of the opinion there is a fee estimate for each category but in category 4 the narrative states the fee will be based upon the actual billing. Mayor Zdichocki stated isn't this what gets us into trouble because the cost ends up exceeding the budgeted amount and then we question why. Administrator McNeilly stated the resolution can be prepared for the next meeting and he can obtain additional information. Mr. Keller will be attending that meeting to answer any questions. Construction observation is a wild card based upon the contractor who ends up with the job. Councilman Romano stated the numbers being added together have nothing to do with section 4. The suggested budget amount for section 4 is \$15,000. Administrator McNeilly stated costs can change depending on the contractor hired for section 4. As an example, when Garcia Construction did work in the Borough, Mr. Keller had no control over the number of hours worked. The hours were based on Garcia's work performance. Administrator McNeilly stated Mr. Keller can answer any questions at the next meeting and if the governing body is not in agreement, the resolution can be pulled. Once again, the DPW will inspect and repair catch basins as needed prior to resurfacing for the road. If acceptable, a resolution will be prepared for the April 13th meeting.

American Rescue Plan Act of 2021 – Administrator McNeilly stated Stanhope is estimated to receive \$324,755.69 from the American Rescue Plan Act of 2021. There is pending guidance from the US Treasury regarding how these funds can and cannot be utilized. A fact sheet has been provided by Congresswoman Sherrill. There is a possibility the funds can be used for debt repayment or water and sewer infrastructure has been called out as one of the key items. Half of the funds will be for 2021 and the other half for 2022. Mayor Zdichocki stated she participated in a discussion with the Senators on Monday. Many people questioned what the funds can be used for. The governing body has been trying to find funds for the last mile of the water system infrastructure. These funds may be the answer.

Zoning Officer – Administrator McNeilly stated with the retirement of the Zoning Officer, a shared service agreement was looked into but was unsuccessful. The position will be advertised. It was anticipated that this would be a good part time position for a local resident. Unfortunately, the Civil Service requirements indicate the position must be filled by someone with at least three years planning and revision experience and one year of inspection experience. Additionally, the position cannot be filled by offering a candidate the position. The candidate has to be placed on the Civil Service list. Administrator McNeilly stated he has spoken with other towns who are currently in the same position. These part time jobs are no longer desirable due to the changes in the laws which make them not pensionable. The Borough does need someone in the meantime to review the incoming zoning applications in a timely fashion. Therefore, a temporary appointment must be made for 90 days. Administrator McNeilly recommended Eric Keller, Borough Engineer, to be provisionally appointed to the position. Mr. Keller would only be reviewing applications. He will not be dealing with complaints or driving through the Borough looking for violations. A resolution can be added to tonight's agenda after the Payment of Bills if the governing body agrees with this arrangement.

Councilman Thornton asked Administrator McNeilly who will be handling the complaints. Administrator McNeilly stated no one will be handling complaints after March 31st. The Police Department will be responsible for code enforcement in the absence of a zoning officer. Mayor Zdichocki asked Ursula Leo, Borough Attorney, if the Civil Service requirements apply to part time positions. Attorney Leo stated what is strange is that there is no actual licensing for the position. The only certification is provided by Rutgers. The applicant could be provisional for one year but would still have to have two years prior experience in order to meet the Civil Service job requirements for a zoning officer. The experience would include reviewing zoning board applications and plans, and familiarity with municipal land use law. There is no difference if the position is full-time or part-time. Administrator McNeilly stated originally, he planned to fill in temporarily to review the zoning applications but he does not have the experience required. There is a Code Enforcement/Zoning Officer Trainee position which basically requires a driver's license. Administrator McNeilly recommended he be appointed to that position in case the Borough runs into this issue again in the future. Mayor Zdichocki asked if the Borough can hire someone to just cover the violations portion of the job. Attorney Leo stated that is not an option because we have already taken out the Code Enforcement part. It is the Zoning Officer who makes the inspections and determinations. Code Enforcement is just that, enforcement. The police department can do this because it is enforcing the rules in the code book other than municipal land use law. Administrator McNeilly stated a Code Enforcement Official has specific requirements within Civil Service as well. Attorney Leo stated this is not just a Stanhope Borough issue, it is a problem within the county as well. Many municipalities are scrambling to find Code Enforcement Officials due to retirements and they have been unable to find applicants.

Administrator McNeilly stated this triage is not going to look like what the Borough just said good-bye to. This is going to be applications only. Some assistance will be provided by the Police Department but it is not going to be what we are used to. If Stanhope were a town like Netcong, someone could be hired off the street tomorrow. Unfortunately, the Civil Service steps are before us which must be followed. Councilman Wronko asked if Civil Service has a list available. Administrator McNeilly replied he contacted Civil Service and was told there is no active list. Much discussion took place regarding qualifications and how someone obtains the experience to be on the list. Councilman Thornton asked if Administrator McNeilly has contacted the other municipalities where Stanhope's Zoning Officer also retired from. Administrator McNeilly stated Stillwater just hired their sub-code official, who has experience, to the Zoning Official position temporarily. Lafayette has been looking since January for an official with no luck. As far as a shared service, Byram, Hopatcong and Netcong are unable to accommodate Stanhope. Administrator McNeilly stated Stanhope and the other towns looking to fill this position have

agreed to try and help each other in the event an applicant is available by letting that applicant know what other towns are also hiring. The three or four Zoning Officers in Sussex County already work for multiple municipalities. Stanhope's Zoning Officer also worked for Fredon Township and they have hired the Zoning Officer who also works for Vernon Township. Councilman Romano stated the Borough cannot do anything until there is a provisional. Administrator McNeilly stated technically the Borough Engineer will be the provisional. Administrator McNeilly stated he could then ask Civil Service for a list and the Engineer would just not put his name on the list. Attorney Leo stated the risk in that is the Borough should have whoever may be the long-term applicant sitting for the exam. Councilman Riccardi asked if Administrator McNeilly has contact other towns from Morris County or Warren County. Administrator McNeilly stated that is the next step to continue to look for a shared service or employment possibility. However, due to the fact this is the last meeting prior to March 31st, approving a temporary replacement is necessary in order to be able to review incoming zoning applications for decks, additions, etc. which must be reviewed within ten days.

Councilman Riccardi asked Administrator McNeilly if he could estimate how many applications may be submitted within the three-month time frame based on prior years. The Borough Engineer's fee is going to be more than the application fee that is charged. Administrator McNeilly stated in 2017 there were 88 zoning permits submitted for the year. In 2018, there were 59 zoning permits submitted and in 2019 there were 54 permits. Last year, 2020, the numbers increased to 72 with so many people being home. A monthly breakdown was not available but historically most work is done during the warmer months. This will be the busy season. Administrator McNeilly estimated at least eight to ten applications may be received in the next three months. The procedure for reviewing the applications will be as follows. Administrator McNeilly will date stamp the applications as they come in. Make sure payment is received. Applications will be scanned to the Borough Engineer. The Borough Engineer will review, approve or deny and then send back to the Administrator. Larger commercial applications which may get submitted would take more time but most of the applications will have a quick turnaround. Mayor Zdichocki stated last year there were several pool permits because many people were staying home. Mayor Zdichocki asked if the Construction Official could approve the applications. Administrator McNeilly stated the time constraints are the issue. In the future, if someone is not hired, other more cost-effective options will have to be looked into. Councilman Romano stated the clock has to get started. The governing body agreed. Administrator McNeilly stated the Borough Attorney has a resolution prepared.

Budget Hearing – Mayor Zdichocki asked if the budget hearing scheduled for April 13th is in order. Administrator McNeilly confirmed this.

Court Hearings – Councilman Thornton asked what court issues are still open and who will be handling those cases. Attorney Leo stated there was a conference call yesterday held with the court to discuss the Juntos case. Discovery is still being processed. Arlene Fisher, Zoning Officer, was deposed on that case. From the Borough's perspective, the discovery will be reviewed and there is nothing short term required from the Zoning Officer.

COUNCIL DISCUSSION

Environmental Commission - Councilman Riccardi asked Ursula Leo, Borough Attorney, if the Environmental Commission has the option to fund raise for specific projects. Attorney Leo stated the CFO would have to check the municipal budget and a separate municipal account would have to be designated for that purpose. Attorney Leo stated she would be hesitant to do this because of how the funds coming into the municipality would be handled. The Borough Auditor would have to be consulted. It is difficult to raise money on behalf of a municipality. Councilman Riccardi asked if it would require setting up a separate 501 c-3. Attorney Leo stated it is always better to do this through a separate entity with its own structure with no liability to the municipality. Discussion took place regarding the difference between a donation and a fund raiser.

Police Department Body Cameras – Councilman Wronko asked if there have been any updates with regard to the Police Department body cameras. Mayor Zdichocki stated that Governor Murphy may be changing his order by the end of the month. Councilwoman Kuncken will be meeting with the Police Chief to discuss the requirements and cost. The Borough may have to purchase the equipment. The new cannabis laws may facilitate the need to purchase the cameras in the near future in order for any incidents to be documented. Mayor Zdichocki stated Newton

implemented the use of body cameras last year. Mayor Zdichocki stated she suggested the Police Chief contact Newton to determine what type of equipment would be needed.

OLD BUSINESS

ORDINANCES

Mayor Zdichocki offered the following ordinance for public hearing and final adoption which was read by title.

Ordinance for Public Hearing and Final Adoption

Ordinance 2021-04

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING SECTION 133-53.A OF THE CODE OF THE BOROUGH OF STANHOPE TO AMEND THE TIMES OF GENERAL PARKING DURING CERTAIN HOURS AT BOROUGH HALL

WHEREAS, the Borough Council determined that Chapter 133, Section 53.A, Parking Restricted needs to be amended to reflect new times for general parking at Borough Hall.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey as follows:

SECTION 1.

Section 133-53,A, Parking Restricted, is hereby deleted in its entirety and amended to read as follows:

- A. The Borough Hall parking lot is reserved for use by Borough officials, employees and other members of the general public having official business to conduct on the premises. General parking, however, shall be permitted only during the following hours:

<u>Day</u>	<u>Hours</u>
Friday	6:00pm to Midnight
Saturday	12:00am to 3:00am
	6:00am to Midnight
Sunday	12:00am to 3:00am
	6:00am to Midnight
Monday	12:00am to 3:00am

SECTION 2 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing ordinance was adopted.

Roll Call:

Councilman Cipollini – absent	Councilman Romano - yes
Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko - yes

On motion by Councilman Riccardi, seconded by Councilman Wronko, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

NEW BUSINESS

ORDINANCE

Mayor Zdichocki offered the following ordinance for introduction which was read by title.

Ordinance for Introduction and First Reading [Public Hearing on April 27, 2021]

Ordinance 2021-05

AN ORDINANCE REVISING CHAPTER 100, ARTICLE XXVIII, STORMWATER CONTROL, OF THE CODE OF THE BOROUGH OF STANHOPE

WHEREAS, the Borough of Stanhope is desirous to revise Chapter 100, Article XXVII Stormwater Control, of the Borough Code to comply with the Stormwater Management Rules, N.J.A.C. 7:8-1.1, et seq.

NOW, THEREFORE, by the Borough Council of the Borough of Stanhope, hereby deletes current Article XXVIII, Stormwater Control, Sections 100-197 through 100-209, in its entirety, and adopts a new Article XXVIII, as follows:

Article XXVIII. Stormwater Control

§ 100-197. Scope and Purpose:

- (1) 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.
- (2) Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in § 100-198.
- (3) Applicability.
 - (a) This Ordinance shall be applicable to the following major developments:
 - [1] Non-residential major developments; and
 - [2] Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - (b) This ordinance shall also be applicable to all major developments undertaken by the Borough of Stanhope.
- (4) 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.

§ 100-198. 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” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

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

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(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” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

- (1) Treating stormwater runoff through infiltration into subsoil;
- (2) Treating stormwater runoff through filtration by vegetation or soil; or
- (3) Storing stormwater runoff for reuse.

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

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

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

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

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004. 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 result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of “major development”

but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 100-200(6) of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapo-transpired.

“Regulated impervious surface” means any of the following, alone or in combination:

- (1) A net increase of impervious surface;
- (2) The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- (3) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

- (4) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

- (1) The total area of motor vehicle surface that is currently receiving water;
- (2) A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

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

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

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

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

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

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

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

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

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

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

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

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

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

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

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

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

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

§ 100-199. Design and Performance Standards for Stormwater Management Measures:

- (1) 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:
 - (a) 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.
 - (b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- (2) 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.

§ 100-200. Stormwater Management Requirements for Major Development:

- (1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 100-206.
- (2) 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).
- (3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 100-200(16), (17) and (18).

- (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (c) 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.
- (4) A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 100-200(15), (16), (17) and (18) 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:
 - (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 100-200(15) (16), (17) and (18) to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of § 100-200(15) (16), (17) and (18), existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) 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 § 100-200(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 100-200(15) (16), (17) and (18) that were not achievable onsite.
- (5) 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 § 100-200(15) (16), (17) and (18). 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.
- (6) 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.

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

(Notes corresponding to annotations ^(a) through ^(g) are found on Page 14)

<u>Table 2</u> <u>Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
Bio-retention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found below)

<u>Table 3</u> <u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	0	Yes	No	N/A
<u>Extended Detention Basin</u>	40-60	Yes	No	1
<u>Manufactured Treatment Device^(h)</u>	50 or 80	No	No	Dependent upon the device
<u>Sand Filter^(c)</u>	80	Yes	No	1
<u>Subsurface Gravel Wetland</u>	90	No	No	1
<u>Wet Pond</u>	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 100-200(15)(b);
 - (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 § 100-198;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 100-198.
- (7) 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 § 100-200(6). Alternative stormwater management measures may be used to satisfy the requirements at § 100-200(15) only if the measures meet the definition of green infrastructure at § 100-198. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 100-200(15)(b) are subject to the contributory drainage area limitation specified at § 100-200(15)(b) 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 § 100-200(15)(b) 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 § 100-200(4) is granted from § 100-200(15).

- (8) 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.
- (9) Design standards for stormwater management measures are as follows:
- (a) 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);
 - (b) 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 § 100-204(3);
 - (c) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 100-204; and
 - (e) 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.
- (10) 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 § 100-198 may be used only under the circumstances described at § 100-200(15)(d).
- (11) Any application for a new agricultural development that meets the definition of major development at § 100-198 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections D (15), (16), (17) and (18) 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.
- (12) If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 100-200 (16), (17) and (18) 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.

- (13) Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Sussex County Clerk’s Office.

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 § 100-200 (15), (16), (17) and (18) 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 § 100-200(13). 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.

- (14) 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 § 100-200 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Sussex County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 100-200(13) above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

(15) Green Infrastructure Standards

- (a) 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.
- (b) To satisfy the groundwater recharge and stormwater runoff quality standards at § 100-200(16) and (17), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 100-200(6). and/or an alternative stormwater management measure approved in accordance with § 100-200(7). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

- (c) To satisfy the stormwater runoff quantity standards at § 100-200 (18), the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 100-200(7).
- (d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 100-200(4) 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 § 100-200(7) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 100-200(16), (17) and (18).

(16) Groundwater Recharge Standards

- (a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 100-201, either:
 - [1] 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
 - [2] 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.
- (c) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
- (d) The following types of stormwater shall not be recharged:
 - [1] 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
 - [2] 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.

(17) Stormwater Runoff Quality Standards

- (a) 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.

- (b) 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:
 - [1] Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - [2] 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.
- (c) 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.
- (d) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

- (e) 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.

- (f) 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 § 100-200 (16), (17) and (18).
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.

(18) Stormwater Runoff Quantity Standards

- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 100-201, complete one of the following:
 - [1] 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;
 - [2] 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;
 - [3] 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.

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

§ 100-201. Calculation of Stormwater Runoff and Groundwater Recharge:

- (1) Stormwater runoff shall be calculated in accordance with the following:
 - (a) The design engineer shall calculate runoff using one of the following methods:
 - [1] 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/stelprdb1_044171.pdf, or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - [2]. 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, P.O. Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
 - (b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at section E(1)(a)[1] and the Rational and Modified Rational Methods at section E(1)(a)[2]. 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 has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 - (c) 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.

- (d) 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.
- (e) 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.

- (2) 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/gsrreport/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.

§ 100-202. Sources for Technical Guidance:

- (1) 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.

- (a) 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.
- (b) Additional maintenance guidance is available on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.

- (2) 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.

§ 100-203. Solids and Floatable Materials Control Standards:

- (1) Site design features identified under § 100-200(6) above, or alternative designs in accordance with § 100-200(7) 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 § 100-203(1)(b) below.

- (a) 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:

[1] 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

- [2] 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.

- [3] 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.

(b) The standard in (1)(a) above does not apply:

- [1] 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;
- [2] 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;
- [3] Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

- [2] 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
- [3] 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.

§ 100-204. Safety Standards for Stormwater Management Basins:

- (1) 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.
- (2) 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 § 100-204(3)(a), H(3)(b) and H(3)(c) for trash racks, overflow grates, and escape provisions at outlet structures.

(3) Requirements for Trash Racks, Overflow Grates and Escape Provisions

(a) 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:

- [1] The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
- [2] The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
- [3] 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
- [4] 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.

(b) 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:

- [1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
- [2] The overflow grate spacing shall be no less than two inches across the smallest dimension.
- [3] 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.

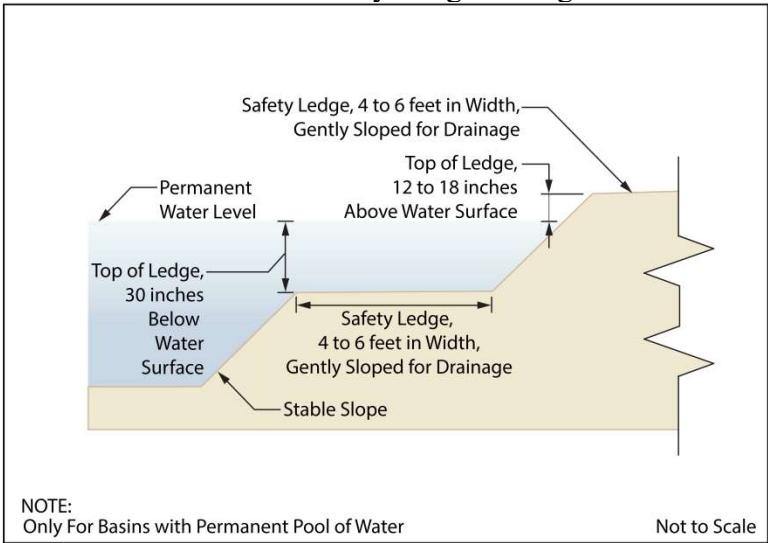
(c) Stormwater management BMPs shall include escape provisions as follows:

- [1] 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 § 100-204(3), a free-standing outlet structure may be exempted from this requirement;
- [2] 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 VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- [3] In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.

(4) Variance or Exemption from Safety Standard

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

Safety Ledge Illustration
Elevation View –Basin Safety Ledge Configuration



§ 100-205. Requirements for a Site Development Stormwater Plan:

(1) Submission of Site Development Stormwater Plan

- (a) 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 § 100-205(3) below as part of the submission of the application for approval.
- (b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (c) The applicant shall submit five (5) copies of the materials listed in the checklist for site development stormwater plans in accordance with § 100-205(3) of this ordinance.

(2) 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.

(3) Submission of Site Development Stormwater Plan

The following information shall be required:

- (a) 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 100 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.
- (b) 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.

(c) 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.

(d) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of sections C through E 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.

(e) Stormwater Management Facilities Map

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

[1] 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.

[2] 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.

(f) Calculations

[1] Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 100-200 of this ordinance.

[2] 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.

(g) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 100-206.

(h) 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 § 100-205(3)(a) through I(3)(f) 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.

§ 100-206. Maintenance and Repair:

(1) Applicability

Projects subject to review as in § 100-197(3) of this ordinance shall comply with the requirements of § 100-206(2) and J(3).

(2) General Maintenance

- (a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) If the party responsible for maintenance identified under § 100-206(2)(c) above is not a public agency, the maintenance plan and any future revisions based on § 100-206(2)(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (f) 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.
- (g) The party responsible for maintenance identified under § 100-206(2)(c) above shall perform all of the following requirements:
 - [1] 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;
 - [2] evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - [3] 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 § 100-206(2)(f) and § 100-206 (2)(g) above.

- (h) The requirements of § 100-206(2)(c) and § 100-206 (2)(d) 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.

- (i) 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.
- (j) 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

§ 100-207. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties set forth in Section 100-196 of the Borough Code.

§ 100-208. Severability and Repealer

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

§ 100-209. Effective Date:

This Ordinance shall take effect immediately after final passage and publication.

On motion by Councilman Wronko, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

Councilman Cipollini – absent	Councilman Romano - yes
Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko - yes

On motion by Councilman Romano, seconded by Councilwoman Kuncken, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

RESOLUTIONS

Resolution 070-21

RESOLUTION AUTHORIZING THE TERMS OF A NEW COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE BOROUGH OF STANHOPE AND THE OPEIU LOCAL NO. 32

WHEREAS, the Collective Negotiations Agreement between the Borough of Stanhope (“Borough”) and the OPEIU Local No. 32 (“OPEIU”) expired on December 31, 2020; and

WHEREAS, the Borough and the OPEIU have been in negotiations for a new collective agreement since that time; and

WHEREAS, representatives of the Borough and the OPEIU involved in collective negotiations have reached an agreement on terms and conditions for a new collective negotiations agreement and have recommended those terms to the full membership of the OPEIU and the governing body of the Borough of Stanhope for approval; and

WHEREAS, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written Memorandum of Agreement, for the period from January 1, 2021 through December 31, 2024, will provide a fair and reasonable level of benefits and compensation for Borough employees who are members of the OPEIU bargaining unit for the next four (4) years; now therefore

IT IS HEREBY RESOLVED this 23rd day of March, 2021, that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the OPEIU; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments necessary to effectuate these approved terms and conditions.

On motion by Councilwoman Kuncken, seconded by Councilman Thornton and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilman Cipollini – absent
Councilwoman Kuncken - yes
Councilman Riccardi - yes

Councilman Romano - yes
Councilman Thornton – yes
Councilman Wronko – yes

CONSENT AGENDA (All items listed on the Consent Agenda are considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.)

Resolution 071-21

**RESOLUTION EXTENDING THE ISSUANCE OF
TEMPORARY SPECIAL USE PERMIT APPLICATIONS
AND APPROVALS FOR RELIEF FROM BOROUGH
ORDINANCES DUE TO LIMITATIONS ON BUSINESS
OPERATIONS DURING THE COVID-19 PANDEMIC**

WHEREAS, Borough Resolution 105-20, adopted on June 9, 2020, and Borough Resolution 153-20, adopted on October 27, 2020, allowed Temporary Special Use Permits for Relief From Borough Ordinances Due to Limitations of Business Operations During the COVID-19 Pandemic, to allow certain outdoor business operations; and

WHEREAS, the Governor has issued various Executive Orders during COVID-19, including but not limited to: Executive Order No. 150, which authorized outdoor dining at food and beverage establishments effective June 15, 2020, subject to outdoor dining protocols, from the New Jersey State Department of Health, Executive Directive No. 20-014; Executive Order No. 183, which authorized a resumption of indoor dining, but at a maximum of 25 percent of capacity; and Executive Order No. 186, adopted on September 25, 2020, which continued to extend the Public Health Emergency declared on March 9, 2020 through Executive Order No. 103, previously extended on April 7, May 6, June 4, July 2, August 1, August 27, September 25, October 24, November 22, and December 21, 2020 and again in 2021 on January 19 and February 17; and

WHEREAS, in anticipation of the continuing extension of the Public Health Emergency by the Governor and continuing limitations on occupancy capacities for indoor dining, the Governing Body of the Borough of Stanhope wishes to extend, through November 1, 2021, the previously authorized temporary special use permits in the Borough of Stanhope.

WHEREAS, the consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission, therefore all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Stanhope, in the County of Sussex, in the State of New Jersey, as follows:

1. Temporary Special Use Permits shall continue to be available upon proper application to the Borough Zoning Officer. The temporary period shall be until November 1, 2021, or longer if extended by the Borough Mayor and Council.

2. If such Temporary Special Use Permit has been issued, and provided no changes have been made, such Permit shall be extended through November 1, 2021, or longer if extended by the Borough Mayor and Council.

3. All terms or Borough Resolutions 105-20 and 153-20 shall remain in effect, including compliance with all applicable Federal, State, County and Borough orders and laws regarding outdoor dining and safety requirements, including social distancing and mask requirements.

4. This Resolution shall take effect immediately. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.

Resolution 072-21

**RESOLUTION AUTHORIZING REFUND OF
REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

WHEREAS, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2018-032, representing property taxes and/or utility charges on Block 11701, Lot 13.18 C903B, known as 1903B Stonegate Lane, assessed to Alioski, Vetim, and;

WHEREAS, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	Stuart Lasher P.O. Box 83 Milltown, NJ 08850
Redemption Amount:	Tax Title Lien #2018-032 and Interest to Date of Meeting \$ 15,113.99 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 15,113.99
Total From Tax Premium Account	0.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

On motion by Councilman Riccardi, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

Roll Call:

Councilman Cipollini – absent	Councilman Romano - yes
Councilwoman Kuncken - yes	Councilman Thornton – yes
Councilman Riccardi - yes	Councilman Wronko – yes

Mayor's Acceptance of Resignation

Resolution 073-21

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF
DOREEN THISTLETON FROM THE STANHOPE BOARD
OF HEALTH WITH COUNCIL CONCURRENCE**

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of Doreen Thistleton's resignation as an appointed member on the Board of Health, effective immediately.

On motion by Councilman Romano, seconded by Councilman Wronko, and unanimously carried by voice vote, the foregoing resolution was adopted.

Resolution 074-21

**MAYOR'S ACCEPTANCE OF RESIGNATION OF JOSEPH
SALERNO FROM HIS EMPLOYMENT WITH THE
BOROUGH OF STANHOPE WITH COUNCIL
CONCURRENCE**

BE IT RESOLVED by the Council of the Borough of Stanhope they do hereby concur with the Mayor's acceptance of Joseph Salerno's resignation from all positions of employment with the Borough of Stanhope, effective March 13, 2021.

On motion by Councilwoman Kuncken, seconded by Councilman Romano, and unanimously carried by voice vote, the foregoing resolution was adopted.

PAYMENT OF BILLS

Resolution 075-21

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE AUTHORIZING PAYMENT
OF BILLS**

WHEREAS, the Chief Finance Officer has certified that funds are available in the proper account; and

WHEREAS, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the current bills list, dated March 23, 2021 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

On motion by Councilman Romano, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

Councilman Cipollini – absent
Councilwoman Kuncken - yes
Councilman Riccardi - yes

Councilman Romano - yes
Councilman Thornton – yes
Councilman Wronko – yes

Resolution 076-21

**RESOLUTION APPOINTING ERIC KELLER AS
PROVISIONAL ZONING OFFICER**

WHEREAS, Arlene Fisher resigned her position as the Code Enforcement/Zoning Officer for the Borough of Stanhope, effective March 31, 2021; and

WHEREAS, the Mayor and Council have recommended that Borough Engineer Eric Keller temporarily fill the position as the provisional Borough Zoning Officer, pending a more permanent applicant.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Stanhope in the County of Sussex and State of New Jersey confirms the provisional appointment of Eric Keller to the Borough Zoning Officer Position, subject to the following terms and conditions:

1. The provisional appointment is to be effective April 1, 2021 through June 30, 2021.
2. Mr. Keller will be paid a stipend of \$150 per hour for his services.
3. Mr. Keller will perform Zoning Officer duties as outlined in Borough Code 100-145.

BE IT FURTHER RESOLVED that his employment is subject to the usual terms and conditions as set forth in the Borough of Stanhope Personnel Policy Manual, as well as New Jersey Court Rules and Civil Service Law.

On motion by Councilman Wronko, seconded by Councilman Romano and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

Councilman Cipollini – absent
Councilwoman Kuncken - yes
Councilman Riccardi - yes

Councilman Romano - yes
Councilman Thornton – yes
Councilman Wronko – yes

ATTORNEY’S REPORT

Attorney Ursula Leo stated if any of the governing body members have any questions regarding the marijuana laws, they may contact her.

CITIZENS TO BE HEARD

Mayor Zdichocki opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

Seeing no one from the public wishing to speak, Mayor Zdichocki closed the public portion of the meeting.

ADJOURNMENT

On motion by Councilman Romano, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the meeting was adjourned at 8:10 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk