



BOROUGH OF WATCHUNG

15 MOUNTAIN BOULEVARD
WATCHUNG, NEW JERSEY 07069

MAYOR & COUNCIL MEETING AGENDA

MONDAY, OCTOBER 7, 2024

7:30 P.M.

MAYOR

Ronald Jubin, Ph.D.

COUNCIL

Christine B. Ead, President

Curt S. Dahl

Paul Fischer

Paolo Marano

Sonia Abi-Habib

Robert Gibbs

James J. Damato
Business Administrator

Edith G. Gil
Borough Clerk

Joseph Sordillo, Esq.
Borough Attorney

THIS MEETING AND ALL BUSINESS SHALL BE CONDUCTED IN-PERSON, INCLUDING THE ACCEPTANCE OF PUBLIC COMMENT. No public comment shall be allowed to be made virtually or accepted in writing and read into the record. All writings received shall be acknowledged and accepted by the Council as regular correspondence. The Borough may broadcast its meetings virtually for public viewing as a courtesy.

VIEWING INSTRUCTIONS: To listen to the meeting via phone, dial 1 (646) 558-8656. It will prompt you for a meeting ID. Type **99501390087#**. You do not need a participating ID, just press # | To view the meeting using a smart phone or computer, download the free **ZOOM** app. Type in the **meeting ID 99501390087** or click on <https://zoom.us/j/99501390087>. **Agenda items can also be requested by emailing egil@watchungnj.gov**

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL MEETING AGENDA**

OCTOBER 7, 2024 - 7:30 P.M.

MAYOR’S STATEMENT: This meeting is being held in compliance with the Open Public Meetings Act. Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice to the Courier News, Echoes Sentinel, the Star Ledger, posted at Borough Hall and on the Borough’s website.

**SALUTE TO THE FLAG and MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN,
SERVING HOME AND ABROAD**

ROLL CALL

PROCLAMATION

- Bullying Prevention Month

SPECIAL RESOLUTION

R1: Resolution Commending Brian Townley’s Dedication to the Watchung Police Department

REPORTS OF COUNCIL COMMITTEES

1. Administration & Finance
2. Police
3. Public Works / Buildings and Grounds
4. Public Affairs:
 - Environmental
 - Recreation
 - Historical
 - Board of Health
 - Green Team
5. Fire
6. Laws/Ordinances

REPORTS OF BOROUGH OFFICERS

7. Engineer
8. Police Chief
9. Fire Official
10. Emergency Management
11. Rescue Squad
12. Attorney
13. Finance
14. Clerk
15. Administrator
16. Planning Board
17. Municipal Alliance
18. Library Advisory Committee
19. Traffic and Beautification

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL MEETING AGENDA**

OCTOBER 7, 2024 - 7:30 P.M.

PUBLIC PORTION / AGENDA ITEMS ONLY

*A public portion is held prior to Council action **for comments of agenda items only**. Individuals commenting are limited to **3 minutes** per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

NEW BUSINESS

REPORTS & CORRESPONDENCE:

Acknowledging Receipt of the following Borough Reports:

Construction Monthly Report	September 2024
Environmental Commission Minutes	August 26, 2024
Fire Prevention Bureau Monthly Report	September 2024
Mayor and Council Executive Session Minutes	September 19, 2024
PARSA Minutes	September 5, 2024
Planning Board Executive Session Minutes	August 20, 2024
Planning Board Minutes	August 20, 2024
Recreation Commission Minutes	June 5, 2024
Rescue Squad Monthly Report	August 2024 September 2024

#21: Notice of Adopted Ordinance Amending Land Development Fees in Twp of Green Brook, recv'd 9/27/24, cc: M&C, JD, CF

#22: Notice of Adopted Ordinance Amending Storm Water Control of Land Development, Twp of Green Brook, recv'd 9/27/24, cc: M&C, JD, CF

#23: Notice of Retirement from JoAnn Estrella, Police Dept., eff. 3/1/25; recv'd 9/25/24, cc: M&C, EH

CONSENT ITEMS

The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

R2: Authorizing Raffle License #685 for the Watchung Education Foundation on October 26, 2024

R3: Authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website

NON-CONSENT ITEMS

R4: Authorizing the Appointment of Ramon F. Sosa and Elijah J. Harden as Fire Volunteers

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL MEETING AGENDA**

OCTOBER 7, 2024 - 7:30 P.M.

R5: Waiving Code 6-2.11 to Authorize a Fireworks Display for the Annual Rescue Squad Tree of Lights Celebration

INTRODUCTION OF ORDINANCE

OR 24/17: AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, OF THE BOROUGH CODE BY ESTABLISHING REGULATIONS OF TEMPORARY ACCESSORY STRUCTURES THROUGHOUT THE BOROUGH

PUBLIC PORTION - GENERAL DISCUSSION

Individuals commenting are limited to 3 minutes per person. An Attorney will be given 5 minutes to present on behalf of a group.

ADJOURNMENT

The next meeting of the Mayor and Council will be Thursday, October 17, 2024 at 7:30 P.M.

BOROUGH OF WATCHUNG



ADMINISTRATION AND FINANCE COMMITTEE

Chair: Fischer

Gibbs

Abi-Habib

The committee met with the Administrator, CFO, and Borough Clerk on October 2, 2024 to discuss the following:

- a) Personnel Matters and updates to the salary ordinance for 2025
- b) Surplus property for online auction
- c) OPRA software for the Clerk's Office
- d) Ride Wise sidewalk grants

**Township of Green Brook
County of Somerset
State of New Jersey
Ordinance No. 2024-903**

AN ORDINANCE AMENDING ARTICLE 11 “FEES AND CHARGES; TRANSCRIPTS” OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF GREEN BROOK, COUNTY OF SOMERSET, STATE OF NEW JERSEY

WHEREAS, the Township Committee of the Township of Green Brook has determined that certain application fees are insufficient to recover normal operating costs of the Township and therefore desires to amend the fees to be charged.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Green Brook, County of Somerset, State of New Jersey, that Article 11 “Fees and Charges; Transcripts” of The Land Development Ordinance of the Township of Green Brook is hereby amended as follows:

Section 1. Article 11 “Fees and Charges; Transcripts” of The Land Development Ordinance of the Township of Green Brook is hereby amended as follows: **New language is underlined thus and deletions are indicated with strikethroughs ~~thus~~.**

**Article 11
Fees and Charges; Transcripts**

1101 Fees

The Applicant or Developer shall, at the time of filing a submission to the Approving Authority shall pay the following non-refundable fees to the Township. Applications involving more than one use shall pay a fee equating the sum of the fees for the component elements of the submission. Applications requiring a combination of approvals, such as subdivision, site plan, variance, conditional use, environmental impact statement, storm water control, or the like, shall pay a fee equal to the sum of the fees for each element.

PLANNED UNIT DEVELOPMENT AND AFFORDABLE HOUSING PROJECTS. A Planned Unit Development shall be treated in the same manner as a subdivision including Site Plan for the purpose of computation of fees under this Ordinance, with each separate unit being counted as a lot pursuant to Section 1101.1, whether or not there will be separately held title to each unit, and whether or not such units will be sale or rental units, provided, however, that in any application involving Affordable Housing, the fee for any unit or lot utilized solely for a lower income housing unit shall be waived and not computed in the total fees set forth in the Ordinance.

1101.1 Subdivision

- | | |
|----------------------------------|----------------------|
| a. Concept (sketch) Plat | \$250 + \$10 per lot |
| b. Minor Subdivision | \$250 |
| c. Preliminary Major Subdivision | \$500 + \$50 per lot |
| d. Final Major Subdivision | \$250 + \$25 per lot |

- e. Minor Revision to Preliminary or Final Subdivision \$100 + 10 per lot
- f. Time Extension to Preliminary or Final Subdivision \$250
- g. Amended Preliminary Subdivision ½ of Preliminary Fee
- h. Amended Final Subdivision ½ of Final Fee

1101.2 Site Plans

- a. Concept (sketch) Plat \$250
- b. Minor Site Plan or **Technical Review Committee** \$300
- c. Preliminary Major Site Plan (Residential) \$500 + \$50 per unit
- d. Final Major Site Plan (residential) \$250 + \$25 per unit
- e. Preliminary Major Site Plan (Commercial)
 - Building Area of 10,000 s.f. or less \$750
 - Building Area of 10,001sf – 50,000 s.f. \$1,500
 - Building Area of 50,001 – 100,000 s.f. \$3,000
 - Building Area over 100,000 s.f. \$4,500
- a. Final Major Site Plan (Commercial)
 - Building Area of 10,000 s.f. or less \$375
 - Building Area of 10,001sf – 50,000 s.f. \$750
 - Building Area of 50,001 – 100,000 s.f. \$1,500
 - Building Area over 100,000 s.f. \$2,250
- g. Minor Revision to Site Plan (Residential) \$100 + 10 per unit
- h. Minor Revision to Site Plan (Commercial) \$100 + \$5 per s.f.
- i. Preliminary or Final Site Plan Time Extension \$250
- j. Amended Preliminary Site Plan ½ of Preliminary Fee
- k. Amended Final Site Plan ½ of Final Fee

1101.3 Fees under the Zoning Ordinance

- a. Board of Adjustment application for an appeal pursuant to N.J.S.A 40:55D-70a ~~\$100~~ **\$500**
- b. Board of Adjustment application for interpretation pursuant to N.J.S.A 40:55D-70b ~~\$50~~ **\$250**
- c. Application for a variance pursuant to 40:55D-70c ~~\$100 per variance~~ **\$100 each in conjunction with a site plan or subdivision application; \$250 for one variance without site plan or subdivision application, plus \$75 for each additional variance over one.**
- d. Use Variance pursuant to N.J.S.A 40:55D-70d
 - Residential ~~\$200 per dwelling unit~~ **\$750**
 - Other Uses \$250 per 10,000 square feet of lot area, or part thereof; with a minimum fee of \$250 and maximum fee of \$4,000.
- e. Zoning Permit for a Certificate of Occupancy pursuant to Section 1204.1, 1204.2, and 1204.3 of the Zoning Ordinance \$100

1101.4 Other Fees

a. Zoning Permit for Construction	\$35
<u>b. Plot or Grading Plan Review (no stormwater)</u>	\$150
<u>c. Plot or Grading Plan Review (stormwater review with less than an acre of disturbance and less than ¼ acre of new impervious coverage)</u>	\$250
<u>d. Plot or Grading Plan Review (stormwater review with more than an acre of disturbance or more than ¼ acre of new impervious coverage)</u>	\$500
e. Zoning Permit for Continuing Certificate of Occupancy where there is no change in use pursuant to Section 1204 of the Township Zoning Ordinance	\$100
f. Temporary Use Permit pursuant to Section 1204.4-1	\$250
b. Temporary Use Permit pursuant to Section 1204.4-2	\$250 for first month, \$100 per month or part thereof after the 1 st month
h. Temporary Sale Sign	\$50
i. Temporary Outdoor Sale Permit	\$100
j. Copies of Minutes, resolutions, ordinances, or other papers of an approving authority, where the Municipal Land Use Law permits a fee to be charged shall be charged at the same Rate per page established pursuant to law for copies of other Papers by the Township.	
k. Certified List of Property Owners from the current tax map Pursuant to N.J.S.A 40:55D-12	\$10
l. Fee for certificate of subdivision, pursuant to 40:55D-56, shall be computed and charged at the same rate as for tax searches pursuant to R.S. 54:5-14	
m. Fees for Special Meeting of Land Use Board:	

The decision on whether or not to hold a special meeting on an application shall rest solely with the Approving Authority. However, it must be recognized that when a special meeting of a Land Use Board is held, in addition to putting additional meetings upon the volunteer members of the Board, there are additional costs involved for professional and non-professional employees and staff. Accordingly, where an applicant requests a special meeting of the Approving Authority to consider the application, the applicant shall deposit with the Township the sum of \$1,500 in an escrow account. Said escrow funds shall be utilized to cover the additional costs incurred by reason of holding the special meeting including professional and non-professional and clerical fees and salaries incurred in connection with the review of plans, consultation, site inspections, written reports and resolutions, general preparation, meeting attendance, research, testimony, and other work as may be required due to the nature of the application and arising of and in connection with the special meeting.

In a case where the applicant has made an escrow deposit pursuant to Section 1101, no additional escrow deposit shall be required provided that the escrow account shall contain not less than \$1,500 or is replenished to at least that amount concurrent with the granting of the request for the special meeting and prior to holding thereof.

<u>n. Fee for duplicate copy of hearing – USB</u>	\$4
o. Letter for Zoning Clearance	\$35
<u>p. Floodplain Development Application</u>	\$100
q. Affordable Housing Development Fees.	

1. Purpose.

This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

2. Basic Requirements.

- a. This Ordinance shall not be effective until approved by the Court.
- b. The Township of Green Brook shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

3. Definitions.

The following terms, as used in this Ordinance, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

COAH OR THE COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

GREEN BUILDING STRATEGIES

Strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development Fees.

- a. Imposition of Fees.
 1. Within the Township of Green Brook, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential

development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

2. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

1. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Township of Green Brook, shall be exempt from the payment of development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.
3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded **or is altered**, if the expansion is not otherwise exempt from the development fee requirements. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
4. Developers of residential structures demolished and replaced in-kind as a result of a natural disaster shall be exempt from paying a development fee. Developers that demolish and replace residential structures with a structure of a more intense use, or is expanded, shall pay a fee calculated on the increase in the equalized assessed value of the improved structure.

5. Non-Residential Development Fees.

a. Imposition of Fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots. Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
2. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly

improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

- b. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.
 - 1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.
 - 2. The two and a half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
 - 3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
 - 4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.
 - 5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Green Brook as a lien against the real property of the owner.

6. Collection Procedures.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The Construction Official responsible for the issuance of a Construction Permit shall notify the Township Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.

- e. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the Township of Green Brook fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
- h. Except as provided in Section 9-4.5.a.3) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
- i. Appeal of Development Fees.
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Green Brook. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Green Brook. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund.

- a. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Township of Green Brook for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Township of Green Brook;
 - 2. Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with Green Brook's affordable housing program.
- c. In the event of a failure by the Township of Green Brook to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Green Brook, or, if not practicable, then within the County or the Housing Region.
- Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- d. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

8. Use of Funds.

- a. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Green Brook's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the Township of Green Brook for past housing activities.
- c. At least 30 percent of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide

affordability assistance to those households earning 30 percent or less of the median income for Housing Region 3, in which Green Brook is located.

1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 2. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.
 3. Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Township of Green Brook, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. The Township of Green Brook may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.
- e. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
1. In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent of collected development fees that may be expended on administration.
 2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or actions are not eligible uses of the Affordable Housing Trust Fund.

9. Monitoring.

The Township of Green Brook shall provide annual reporting of Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended.

10. Ongoing Collection of Fees.

- a. The ability for the Township of Green Brook to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Township of Green Brook has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve

and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

- b. If the Township of Green Brook is not pursuing authorization to impose and collect development fees after the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).
- c. After the expiration of the Judgment of Compliance, if the Township does not pursue or obtain continued authorization, the Township of Green Brook shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

1101.5 Escrow Deposits

In addition to the submission of application filing fees, as set forth hereinbefore, applications for development that meet the criteria established herein, shall be accompanied by a deposit of escrow funds pursuant to 40:55D-53.2. Each applicant shall agree in writing to post additional escrow funds where the required initial escrow has been depleted to twenty percent of the original amount. Escrow deposits shall be in the form of cash, certified check, or money order and shall be administered in accordance with the requirements of N.J.S.A 40:55D-53.2

a. Subdivision Concept Plan	\$2,000	
b. Site Plan Concept Plan	\$2,000	
c. Minor Subdivision or Site Plan	\$3,000	
d. Preliminary Major Subdivisions		
1-3 units	\$3,000	
4-10 units	\$5,000	
11-25 units	\$7,500	
26-50 units	\$10,000	
51 units or more		\$15,000
e. Final Major Subdivision	½ of Preliminary Escrow	
f. Preliminary Major Site Plan (Residential)		
1-3 units	\$4,000	
4-10 units	\$6,000	
11-25 units	\$8,000	
26-50 units	\$10,000	
51 -199 units or more	\$12,500	
200 units or more	\$15,000	
g. Final Major Site Plan (Residential)	½ of Preliminary Escrow	
h. Preliminary Major Site Plan (Non-Residential)		
Total Floor Plan		
5,000-10,000 square feet	\$7,500	
10,001-20,000 square feet	\$10,000	
20,001 square feet or greater	\$12,500	
i. Final Major Site Plan (Non-Residential)	½ of Preliminary Escrow	
j. Applications pursuant to 40:55D-70 a or b	\$1,500	
j. Variances pursuant to 40:55D-70c	\$1,500	
k. Variances pursuant to 40:55D-70d	\$3,500	
l. Time Extensions	\$500	

<u>m. Amended Preliminary Subdivision</u>	<u>½ of Preliminary Escrow</u>
<u>n. Amended Final Subdivision</u>	<u>½ of Final Escrow</u>
<u>o. Amended Preliminary Site Plan</u>	<u>½ of Preliminary Escrow</u>
<u>p. Amended Final Site Plan</u>	<u>½ of Final Escrow</u>
<u>q. Plot or Grading Plan Review (stormwater review with less than an acre of disturbance and less than ¼ acre of new impervious coverage)</u>	<u>\$500</u>
<u>r. Plot or Grading Plan Review (stormwater review with more than an acre of disturbance or more than ¼ acre of new impervious coverage)</u>	<u>\$1,500</u>
<u>s. Witnessing of infiltration testing</u>	<u>\$1,000</u>

1101.6 Appearance Cancellation Fee

In the event an applicant cancels or postpones a hearing before the Planning or Zoning Boards within 14 days of their scheduled hearing date, said applicant will be charged a cancellation fee of \$200 which shall be paid to the Township before any subsequent appearances for that application will be scheduled.

Section 2. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, land use and development regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

Section 3. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 4. After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 5. After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

Section 6. After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least one week prior to the scheduled hearing.

Section 7. If adopted, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

Section 8. If adopted, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

Section 9. This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**TOWNSHIP OF GREEN BROOK
COUNTY OF SOMERSET**

ORDINANCE 2024-899a

**AN ORDINANCE AMENDING ARTICLE 6 “STORM WATER CONTROL” OF THE
LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF GREEN BROOK,
COUNTY OF SOMERSET, STATE OF NEW JERSEY**

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) adopted updates to its Stormwater and Flood Hazard Area regulations as part of the Inland Flood Protection Rule; and

WHEREAS, municipalities are required to amend their stormwater regulations in accordance with the NJDEP’s updated regulations; and

WHEREAS, on April 1, 2024, the Township Committee adopted Ordinance 2024-899 amending its stormwater regulations; and

WHEREAS, the County of Somerset has since reviewed Ordinance 2024-899 and recommended minor modifications thereto which this Ordinance incorporates.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Green Brook, County of Somerset, State of New Jersey, that Article 6 “Storm Water Control” of The Land Development Ordinance of the Township of Green Brook is hereby amended as follows:

SECTION 1. Article 6 “Storm Water Control” of The Land Development Ordinance of the Township of Green Brook is hereby amended as follows: **New language is underlined thus and deletions are indicated with strikethroughs ~~thus~~.**

ARTICLE 6

STORM WATER CONTROL

Section 601. Scope and Purpose.

A. Policy Statement

The goals of the Township of Green Brook include flood control, groundwater recharge, and pollutant reduction 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) as defined in the NJ Stormwater Management Best Practices Manual may 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.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 602; minimum requirements for rate control for “minor developments” as defined in Section 602; and maintenance requirements for non-township owned stormwater facilities in accordance with Section 611.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. The quantity reduction provisions of this ordinance shall be applicable to any person, partnership, corporation, or public agency that is not defined as a “major development” and which shall by any means whatsoever increase the quantity or velocity of stormwater runoff emanating from the developed land area, hereinafter referred to as “minor development”. Excluding the development of any area from the effective date hereof by the construction or installation of any impervious surface less than 2,000 s.f.
3. This ordinance shall also be applicable to all major developments undertaken by Green Brook Township.
4. An application required by ordinance pursuant to ~~(b)1~~ **(C)1** above that has been submitted prior to the date of adoption of this Ordinance shall be subject to the stormwater management requirements in effect on the first day prior to the adoption date of this Ordinance.
5. An application required by ordinance for approval pursuant to ~~(b)1~~ **(C)1** above that has been submitted on or after March 2, 2021, but prior to the adoption date of this Ordinance shall be subject to the stormwater management requirements in effect on the first day prior to the adoption date of this Ordinance.
6. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

1. 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.

2. 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.

Section 602. 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), 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, 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 Board of County Commissioners 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:

1. The disturbance of one or more acres of land after February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” after February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” after March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

“Minor development” - means any development, not meeting the requirements of a major

development, that involves the construction or installation of impervious surfaces equal to or greater than 2,000 s.f. hereinafter the effective date of this ordinance.

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 604.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

"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 any plot, parcel, or parcels of land.

"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.

Section 603. Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance for new major development 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.

Section 604. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 611.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150 particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 604.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of pervious material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 604.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 604.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 604.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 604.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 604.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 604.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change

revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at:

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

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

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	<u>2</u> ^(e) <u>1</u> ^(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	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(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 D-14)

<p>Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)</p>
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Best Management Practice	Stormwater Runoff		Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
	Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity		
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;

- (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 607.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 604.O only if the measures meet the definition of green infrastructure at Section 602. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 604.O.2 are subject to the contributory drainage area limitation specified at Section 604.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 604.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 604.D is granted from Section 604.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum

spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 609.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 609; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 602 may be used only under the circumstances described at Section 604.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 604.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 604.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Somerset County Recorder of Deeds. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 604.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 611.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation

provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 604 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 Somerset County Recorder of Deeds and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 604.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 604.F. and/or an alternative stormwater management measure approved in accordance with Section 604.G. 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>

3. To satisfy the stormwater runoff quantity standards at Section 604.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 604.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 604.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 604.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 604.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 604.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 604.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 606.D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules,

N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one- quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. 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
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take

into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where:

- R* = total TSS Percent Load Removal from application of both BMPs,
- A* = the TSS Percent Removal Rate applicable to the first BMP
- B* = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 604.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of pervious material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

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

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 606, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 606.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 606.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section 606.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section 605. Stormwater Management Requirements for Minor Development

A. Application for Approval

1. In cases where the development of land involves the construction of a building or other facility requiring a construction permit or application to the Land Use Board, the Zoning Officer will determine whether the development involves the construction or installation of an impervious surface equal to or greater than 2,000 s.f. If the extent of work to be undertaken is

such that requires review and approval with regard to the provisions of this Article, the applicant shall proceed to submit an application and other data as outlined in 605.B to the Township Engineer. The Township Engineer will approve, tentatively disapprove, or disapprove the application within 35 calendar days after submitted to them.

2. In cases where the development does not require the construction of a building or other facility requiring a construction permit, the applicant shall submit an application and other data as outlined in Section 605.B herein, directly to the Township Engineer for review. The Township Engineer will approve, tentatively disapprove, or disapprove the application within 35 calendar days after submitted to them. If disapproved, the applicant may seek relief from the Land Use Board under Section 904 (b) of the Land Development Ordinance.

B. Data Required

Any application for minor developments must be accompanied by the following data with the payment of the appropriate fees:

1. Plot plan showing dimensions of the property, proposed buildings dimensioned from each side to the shortest lot line, driveways, patios, sidewalks, etc. The plan must include existing and proposed elevations and contour lines over the entire area of the proposed property, together with watercourses and an indication of the final disposal of the surface waters. All elevations shall be related to one (1) permanent benchmark identified on the plan. Contours shall be shown at not more than two-foot intervals. Any existing feature to be removed or relocated shall be indicated. Flood Hazard area limits and wetlands shall be shown.
2. Calculations for estimating pre and post development runoff prepared by a Professional Engineer based on the methodologies outlined in Section 606, with a design that satisfies the stormwater rate requirements of Section 603.R.

Section 606. Calculation of Stormwater Runoff and Groundwater Recharge.

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

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

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

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology above at Section 606.A.1.i. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

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

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

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

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

1. The applicant shall utilize the National Oceanographic and Atmospheric

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

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Somerset	1.00	1.03	1.09

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

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Somerset	1.19	1.24	1.48

Section 607. Sources for Technical Guidance.

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

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

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

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

Section 608. Solids and Floatable Materials Control Standards.

A. Site design features identified under Section 604.F above, or alternative designs in accordance with Section 604.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 608.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than one-half (0.5) inches across the smallest dimension.

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

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

2. The standard in A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of one-half (0.5) inches.

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

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-(1.0) inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section 609. Safety Standards for Stormwater Management Basins.

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

B. The Township may require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 609.C.1, 609.C.2, and 609.C.3 for trash racks, overflow grates, and escape provisions at outlet structures. **The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs.**

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed two and one-half (2.5) feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live-loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live-loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 609.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half (2.5) 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 609.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen

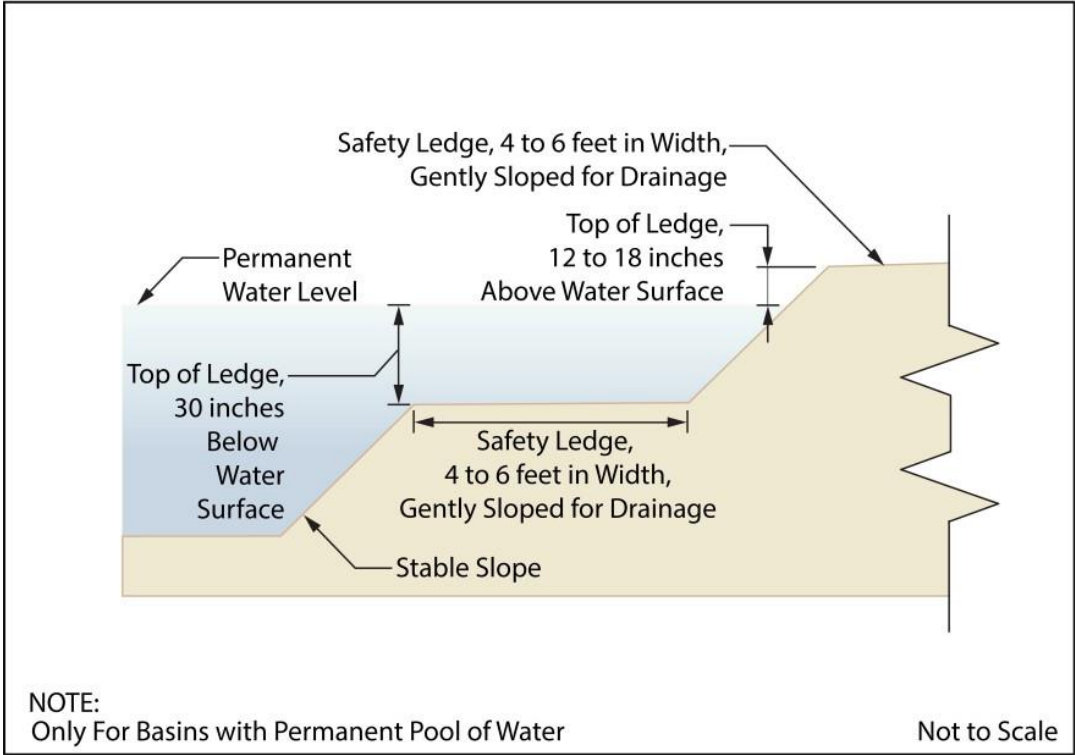
dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section 610. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a major development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan in accordance with Section 610.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) hardcopies and one (1) pdf electronic file of the materials listed in the checklist for site development stormwater plans in accordance with Section 610.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 603 through 606 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls

whenever possible.

5. Stormwater Management Facilities Map

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

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 604 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 611.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 610.C.1 through 610.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 611. Maintenance and Repair.

A. Applicability

1. Projects subject to review as in Section 601.C.1 of this ordinance shall comply with the

requirements of Section ~~610.B and 610.C~~ **611.B and 611.C.**

2. Stormwater facilities not owned or operated by the Township constructed after February 7, 1984

B. General Maintenance for Projects applicable under 611.A.1:

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 611.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 611.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow / outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

C. General Maintenance for Projects applicable under 611.A.2:

1. The property owner shall perform maintenance in accordance with the maintenance plan provided to them by the Township.
2. 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.

D. The party responsible for maintenance identified under Section 611.B.3 and 611.C.1 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. Provide a copy to the Township prior to January 1st of each calendar year, retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by ~~Section 611.D.1~~ **Section 611.B.6 & 611.D.1 above.**

7. The requirements of ~~Section 611.B.3, B.4 and B.5~~ **Section 611.B.3 and B.4** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

8. 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 their 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.

E. 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.

Section 612. Penalties.

A. 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 penalties prescribed in Article 12 of the Land Development Ordinance.

SECTION 2. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

SECTION 3. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

SECTION 4. After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Land Use Board of the Township for its review in accordance with N.J.S.A. 40:55D-26. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 5. After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: (1) the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and (2) the County Planning Board.

SECTION 6. After adoption, the Township Clerk shall forward to the Somerset County Planning Board and NJDEP a copy this Ordinance for review and approval in accordance with N.J.A.C. 7:8-4.4.

SECTION 7. Within 30 days of the effective date of this Ordinance, the Township Clerk shall place the Ordinance on the Township website and notify the NJDEP, Soil Conservation District and State Soil Conservation Committee in accordance with N.J.A.C. 7:8-4.4.

**BOROUGH OF WATCHUNG
RESOLUTON: R2**

WHEREAS, the Watchung Educational Foundation has made application to the Borough of Watchung, County of Somerset, for a Raffle License; and

WHEREAS, said application has been presented as required for Findings and Determinations; and

WHEREAS, the Borough Clerk has reported the proper fees (if applicable) have been paid and therefore recommends its approval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey that the Borough Clerk is hereby instructed to issue the Raffle License #685 as follows:

**NAME AND ADDRESS
OF ORGANIZATION**

DATE OF RAFFLE

Watchung Educational Foundation
50 Valley View Road
Watchung, NJ 07069

RL#685- On-Premise 50/50
October 26, 2024
Rain Date: October 27, 2024

Christine Ead, Council President

Ronald Jubin, Ph. D., Mayor

ADOPTED: OCTOBER 7, 2024
INDEX: LICENSES
C: C. LANGE, LGCCC

**BOROUGH OF WATCHUNG
RESOLUTION: R3**

***RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER
NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE***

WHEREAS, the Borough of Watchung and the Watchung Police Department has equipment that is no longer needed for public use; and

WHEREAS, the Borough of Watchung in the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services; and

WHEREAS, Municibid was awarded State Contract # **19-GNSV1-00696** for Internet Auctioneering Services; and

WHEREAS, the Borough of Watchung has the property listed in schedule A, and desires to sell this property online;

WHEREAS, the vendor will charge the buyer a 9% fee and additional terms and conditions of the vendor are available on the vendor's website www.municibid.com.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council that the Borough of Watchung is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Schedule A

Online auction site:	municibid.com
Length of Auction:	14 days
Account:	Watchung
Auction fees:	Nine percent (9.0%) of the winning bid
Method of Payment:	Cash, Certified Check or Money Order
Shipping:	To be picked up at the Watchung Police Department 840 Somerset Street Watchung, NJ 07069
Possession:	Upon receipt of funds
Other Terms:	Sold "As-is", with no warranty or guarantee

**BOROUGH OF WATCHUNG
RESOLUTION: R3**

Item Description:

Qty.	Manufac-turer	Model	Serial Number	Additional Details
1	Jeep	1997 Cherokee	1J4FJ68S3V1536831	84237 miles Runs
1	Chevrolet	2009 Suburban	1GNGK46K99R125412	100,000 miles Needs new engine
1	Nissan	2006 Altima	1N4AL11D26N396095	109,932 miles Battery dead. Ran when parked
1	Dodge	2017 Durango	1C4SDJFT0HC691464	161,931 miles Ran when parked
1	Ford	2017 Interceptor SUV	1FM5K8AR1HGB64884	117,222 miles Ran when parked
1	Ford	2017 Interceptor SUV	1FM5K8ARXHGB64883	135,551 miles Ran when parked
1	Dodge	2016 Durango	1C4SDJFT3GC323424	140,000 miles Ran when parked
1	Ford	2015 Interceptor SUV	1FM5K8ARXFGA89129	117,555 miles Has issues
5	Exalt			Paintball neck protectors
4	HK Army			Paintball Goggle with thermal Lens (Black)

BE IT FURTHER RESOLVED that if the auctioned items do not sell, the Borough is authorized to dispose of the items in an appropriate manner.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: OCTOBER 7, 2024
INDEX: FINANCE-MISC,
C: B. HANCE,

**BOROUGH OF WATCHUNG
RESOLUTION: R4**

WHEREAS, the Borough of Watchung greatly appreciates the many volunteers who donate their time for the good and well-being of all residents; and

WHEREAS, the Governing Body is aware that volunteerism is becoming rarer as people try to juggle many activities in their busy lives; and

WHEREAS, this is especially true when the position one is volunteering their time for is a dangerous one, where in a moments' notice their life can be put on the line for the safety of others.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the appointment of **Ramon F. Sosa and Elijah J. Harden** as Members of the Watchung Fire Department is hereby proudly approved.

BE IT FURTHER RESOLVED, that the Governing Body of Watchung hereby commends all volunteers for serving our community in this capacity.

Curt S. Dahl, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: OCTOBER 7, 2024
INDEX: FIRE COMPANY
C: FIRE DEPT., FINANCE,

BOROUGH OF WATCHUNG
RESOLUTION: R5

WHEREAS, the Annual Rescue Squad Tree of Lights Celebration will be held on December 7, 2024 with a rain date of December 8, and permission has been requested to include a Fireworks Display; and

WHEREAS, the fireworks display will be sponsored by the Watchung Rescue Squad; and

WHEREAS, the Watchung Rescue Squad has asked that the Mayor and Council waive the section of the Borough Code prohibiting the discharge of fireworks for this event, as set forth in Chapter 6-2.11 of the Code of the Borough of Watchung; and

WHEREAS, the Rescue Squad has filed a Firework Permit Application with the Borough Fire Official and upon the Fire Official's recommendation the Mayor and Council hereby authorize the waiver of the Firework Permit Fee of \$427.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the prohibition of the discharge of fireworks is hereby waived along with applicable borough fees for the Annual Tree of Lights celebration scheduled for December 7, 2024, with a rain date of December 8, 2024 in the Village Green.

Robert Gibbs, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: OCTOBER 7, 2024
INDEX: MISC.
C: POLICE, FIRE OFFICIAL,
 RESCUE SQUAD, FIRE DEPT.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 24/17**

***AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, OF
THE BOROUGH CODE BY ESTABLISHING REGULATIONS OF
TEMPORARY ACCESSORY STRUCTURES THROUGHOUT THE
BOROUGH.***

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

Section 1. Section 28-203 entitled “Definitions and Descriptions” of Article 28-200 entitled “Definitions and Descriptions” of Chapter 28 entitled “Land Development” of The Code of the Borough of Watchung is hereby amended to add new definitions to read as follows:

Chapter 28. Land Development

Article 28-200 Definitions and Descriptions

§28-203. Definitions and Descriptions.

CARPORT

A roofed structure, freestanding or attached to another structure, designed to provide covered parking for vehicles, boats, tractors, trailers and similar uses.

MEMBRANE STRUCTURE

A structure, usually consisting of an aluminum, steel or plastic frame, which is covered with a plastic, fabric, canvas or similar nonpermanent material and is used to provide storage of material, vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as “hoop houses,” canopy-covered carports, and tent garages, and can be fully or partially covered, but shall not apply to temporary tents or canopies used for special events lasting for less than 24 hours, such as parties, graduations, and weddings.

PORTABLE ON-DEMAND STORAGE STRUCTURE

Any contain, storage unit, shed-like container or other portable structure that can or is used for the temporary storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 24/17**

TEMPORARY ACCESSORY STRUTCTURE

Any structure of a temporary nature, including, but not limited to, tents, canopies, carports and membrane structures that cover an area in excess of two hundred and forty (240) square feet, including connecting areas or spaces with a common means of ingress or egress.

Section 2. Subsection Z entitled “(Reserved)” of Section 28-401 entitled “General Zoning District Regulations” of Article 28-400 entitled “Zoning District Regulations” of Chapter 28 entitled “Land Development” of The Code of the Borough of Watchung is hereby amended to read as follows:

Chapter 28. Land Development

Article 28-400 Zoning District Regulations

§28-401 General Zoning District Regulations.

F. ~~(Reserved)~~ Temporary Accessory Structures.

1. Scope: Temporary accessory structures shall be subjected to the regulations of this Section 28-401(F), except where expressly regulated, otherwise, by this Chapter.
2. Permit Required: No temporary accessory structure shall be erected prior to the issuance of a Zoning Permit. Applications for a permit for a temporary accessory structure shall be administered by the Borough Zoning Department.
 - a. Permit applications shall be made to the Borough Zoning Officer, on the forms established by the Borough Zoning Department, and shall include any and all information, documentation, surveys and/or plans as deemed necessary and required by the Zoning Department.
 - b. Permit applications for a temporary accessory structure shall include a non-refundable fee in the amount being the same as established for the filing of general zoning permits as set forth in Article 28-900.
3. Standards/Regulations of Temporary Accessory Structures.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 24/17**

- a. Temporary accessory structures are only allowed in residential zone districts; and only where otherwise would be permitted as an accessory use.
 - b. A temporary accessory structures shall not exceed two hundred and forty (240) square feet in area, and no roof overhangs shall exceed twelve (12”) inches. The total square footage of all temporary storage structures on a lot shall not exceed four (400) square feet.
 - c. Temporary accessory structures shall not exceed ten (10’) feet in height.
 - d. Temporary accessory structures shall be set back a minimum distance of fifty (50’) feet from the front lot line; a minimum distance of five (5’) feet from a side and rear lot lines; and shall comply with all other accessory building setbacks as specified in this Chapter.
 - e. ~~No temporary accessory structure shall be permitted for any period of time between December 1 and May 1~~ Temporary accessory structures shall be adequately screened from adjacent properties and from the public right-of-way. Screening is to be provided to the extent necessary to safeguard the character of the residential zone district. Screening may consist of landscaping and/or hardscaping as may be appropriate for the particular site. All screening shall be maintained in good condition at all times when the temporary accessory structure is in place.
 - f. No temporary accessory structure shall be erected for a period of longer than one hundred and eighty (180) days. The same or similar temporary accessory structure is not permitted on a property more than once in a two (2) year period.
 - g. No more than two (2) temporary accessory structures shall be erected on a single lot.
 - h. No temporary accessory structure shall be used or occupied as a dwelling except for tents utilized for temporary camping purposes.
 - i. All temporary structures shall conform to the structural strength, fire safety, and means of egress, accessibility, light and ventilation, as established in all applicable building and fire codes to ensure the public health, safety and general welfare.
 - j. All temporary accessory structures shall be in compliance with Section 22-901 and 22-801.3 of the Borough’s Floodplain Management Regulations.
4. Items Prohibited as a Temporary Accessory Structures: The following are prohibited as a temporary accessory structure:

**BOROUGH OF WATCHUNG
ORDINANCE NO. 24/17**

- a. Mobile homes, irrespective of how the home may be used including for storage purposes.
 - b. Automobiles, busses, trucks, semi-tractor trailers, storage crates or canisters designed for hauling by vehicle, and similar containers, vehicles and vehicle parts, converted or otherwise.
5. Portable On-Demand Storage Structures.
- a. Portable on-demand storage structures are permitted in all residential zone districts without the need for a zoning permit for a temporary accessory structure, subject to compliance with the standards of this Section 28-401(F)(5).
 - b. Standards/Regulations of Portable On-Demand Storage Structures.
 - 1. A portable on-demand storage structure cannot exceed the size of eight (8') feet by eight (8') feet by sixteen (16') feet.
 - 2. All portable on-demand storage structures shall be placed on driveways adjacent to the principle structure on the property. If there are no driveways on the property, the portable on-demand storage structure shall be located as close to the principle structure as possible without creating a safety hazard, such as blocking means of egress or violating any fire codes.
 - 3. A portable on-demand storage structure cannot be located on a property for longer than thirty (30) days, from time of delivery to time of removal. If a longer time is needed, then a temporary accessory structure zoning permit is required pursuant to Section 28-401(F)(2), and shall be subject to the standards and regulations of Section 28-401(F)(3).
 - 4. No portable on-demand storage structure shall contain flammable, combustible, toxic or hazardous materials.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby

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ORDINANCE NO. 24/17**

and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required); and

BE IT FURTHER ORDAINED that after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with

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either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: GIBBS

PASSED:

PUBLISHED:

ADOPTED:

INDEX:

C: ZONING, GENERAL CODE
COURTS, PD,

ATTEST:

BOROUGH OF WATCHUNG

Edith G. Gil, Borough Clerk

By: _____
Ronald Jubin, Ph.D., Mayor