

**WORKSHOP MEETING
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

February 2, 2021

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held via Zoom webinar platform on the above date. Council President, John D'Amato called the meeting to order at 7:00PM.

Council President led the **Salute to the Flag**.

Official Roll Call: (taken by the Borough Clerk)

In Attendance: Councilman John D'Amato
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilman Ray Yazdi

Municipal Clerk, Breeanna Calabro
Business Administrator, Michael Sondermeyer
Borough Attorney, Dawn Sullivan

PUBLIC NOTICE STATEMENT

Councilman D'Amato stated: *In accordance with the Open Public Meetings Act and the Emergency Remote Meeting Protocol for Local Public Bodies, adequate and electronic notice of this remote meeting have been provided by sending notice to the Herald Newspaper and The Star Ledger, posting notice on the Borough website, posting notice on the outside front door & bulletin board of Borough Hall, 101 Hamburg Turnpike, Bloomingdale, NJ 07403, and sending notice to those individuals requesting same.*

Members of the public will be kept on mute during the meeting. While muted, participants will still be able to hear business being conducted. If you would like to speak during the designated public comment portion (& Ordinance Public Hearings if applicable), press 9 on your telephone or the "raise hand" icon on the Zoom app and wait to be recognized by the host, who will unmute you to speak. When you are done commenting, you will be muted again. There is a 5-minute limit on all public comments.

EARLY PUBLIC COMMENT:

Motion was made by HUDSON to open the meeting for public comment; seconded by DELLARIPA and carried on voice vote all voting AYE.

Linda Huntley – 86 Van Dam, Bloomingdale

- Thanked DPW for their efforts during recent snowstorm

Since there was no one else who wished to speak, DELLARIPA made a motion to close public comment, second by GRAZIANO & carried on voice vote all members voting AYE, none were opposed.

REPORTS (PROFESSIONALS, DEPT HEADS, COMMITTEES, LIAISONS, MAYOR):

Councilman Graziano (EDC Liaison/Commissioner): *EDC working on a 'punch card' incentive with businesses. An inactive member will be removed from the board; a new member will be appointed. Potential new business in town – the commission will coordinate a ribbon cutting*

Councilwoman Hudson (BOH Liaison) *BOH will meet quarterly. Covid-19 testing & vaccine information will continue to be shared to the Borough's page as it is released from Passaic County*

Borough Administrator, Michael Sondermeyer:

- *Great job by the DPW during recent snowstorm, many compliments from residents.*
- *Working with the EDC on a 'Banner program' with businesses*
- *Assisting Tri-Boro with batting cages*
- *New ordinances with Ordinance Review Committee*

Municipal Clerk, Breeanna Calabro: *Great job DPW with snowstorm*

Borough Attorney, Dawn Sullivan: *nothing to report*

Council President / Acting Mayor, John D'Amato:

- *White Collar Contract negotiations*
- *Thanked Fire Department, Borough Officials & mutual aid response for recent fire during snowstorm (47 Main St)*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-2.1 – 2021-2.7)

Motion: Ray Yazdi

Second: Rich Dellariapa

Discussion: Thank you to Mike D'Amato (10 years w/ Fire Dept), & to Sara for joining BEC,

Roll Call: D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

**RESOLUTION NO. 2021-2.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
February 2, 2021 Workshop Meeting*

WHEREAS, the Borough Council of the Borough of Bloomingdale has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution, and

NOW THEREFORE BE IT RESOLVED, that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Council of the Borough of Bloomingdale.

- A. **Removal of Active Fire Department Member:** Michael D'Amato
- B. **Approval of Minutes:**
 - Reorganization Meeting – January 5, 2021
 - Regular Meeting – January 19, 2021
 - Executive Session – January 19, 2021
- C. **Resolution No. 2021-2.2:** Authorize Bidding Process (Hamilton Street Improvements)
- D. **Resolution No. 2021-2.3:** Appointment of HIF Commissioner & Alternate
- E. **Resolution No. 2021-2.4:** Declaring Emergency (Water Main break Sandra Lane)
- F. **Resolution No. 2021-2.5:** Appointment of Sara Ferraro (BEC Member)
- G. **Resolution No. 2021-2.6:** Authorizing Payment of Accrued Sick /Vacation Time (J. Dunleavy)
- H. **Resolution No. 2021-2.7:** 2021 Governing Body Liaison Appointments

Consent Agenda Resolutions:

**RESOLUTION NO. 2021-2.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH TO GO OUT FOR PUBLIC BID FOR THE
HAMILTON STREET IMPROVEMENTS PROJECT**

WHEREAS, the Borough of Bloomingdale has received funding from the New Jersey Department of Transportation’s Fiscal Year 2019 Municipal Aid Program for the Hamilton Street Improvement Project in the amount of \$300,000.00; and

WHEREAS, the Acting Mayor and Borough Administration recommends the Borough Engineer, Thomas Boorady, proceed with the bidding process of the Hamilton Street Improvement project; and

WHEREAS, the Municipal Clerk will give notice that sealed proposals will be received by the Borough at fixed date and time; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Acting Mayor, Borough Administrator, Borough Engineer and the Municipal Clerk to move forward with the public bidding process as it relates to aforementioned project;

BE IT FURTHER RESOLVED that this Resolution will take effect immediately.

**RESOLUTION NO. 2021-2.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING THE APPOINTMENT OF COMMISSIONER TO THE
NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND**

BE IT RESOLVED by the Council of the Borough of Bloomingdale in the County of Passaic in the State of New Jersey that Mike Sondermeyer is hereby appointed as the Borough’s Commissioner to the North Jersey Municipal Employee Benefits Fund.

BE IT FURTHER RESOLVED that Sherry Gallagher be and is appointed as Borough’s Alternate Fund Commissioner to the North Jersey Municipal Employee Benefits Fund effective January 1, 2021.

**RESOLUTION NO. 2021-2.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT
FOR A WATER MAIN BREAK REPAIR ON SANDRA LANE**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed on Sandra Lane for water main repairs; and

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that **N.J.S.A. 40A:11-6** authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Department of Public Works, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services; and

WHEREAS, the Governing Body further finds and declares that the Department of Public Works, has correctly recommended that the aforementioned sewer repairs be remedied through the award to the following vendors:

Bob Tuit Paving and Landscaping

WHEREAS, the emergency costs are not exceed \$2,700.00 and the CFO has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting water main repairs on Sandra Lane as soon as possible and does hereby award said project to the vendors aforementioned above.

**RESOLUTION NO. 2021-2.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments to the Environmental Commission

BE IT RESOLVED by the Borough Council of the Borough of Bloomingdale that they do provide, advice and consent to the appointment of the following to the Environmental Commission (BEC) effective February 2, 2021:

1. BEC, Alternate II Member 2 years (expiring 12/31/22) Sara Ferraro

**RESOLUTION NO. 2021-2.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY
OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE
PAYMENT OF ACCRUED VACATION AND SICK TIME FOR JON
DUNLEAVY**

WHEREAS, former Full-Time Mayor, Jonathan Dunleavy, tragically passed away on November 6, 2020; and

WHEREAS, the Finance Department indicates that Mr. Dunleavy had the following time accrued at the time of his death:

1. Retirement Bank: 74.5 days
2. Vacation Days: 12 days
3. Sick Days for 2020: 6 days

WHEREAS, the total compensation that has accrued for Mr. Dunleavy is in the amount of \$41,329.92; and

WHEREAS, N.J.S.A. 40A:9-10.2 et al, limits sick time in the amount of \$15,000 which will limit the amount of the total payout to Mr. Dunleavy unless otherwise authorized by a change in the existing law.

NOW, THEREFORE, BE IT RESOLVED by the Acting Mayor and Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey as follows:

According to the records of the Finance Department, Jon Dunleavy is legally entitled to the following:

1. Sick time limited to the amount of \$15,000.

2. Accrued vacation time in the amount of \$5,361.72.

BE IT FURTHER RESOLVED that the administration is hereby authorized to take necessary steps in accordance with this information to process payment.

**RESOLUTION NO. 2021-2.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments of Governing Body Liaisons

BE IT RESOLVED by the Borough Council of the Borough of Bloomingdale, that they do provide, advice and consent to the appointment of the following Governing Body Liaisons:

<u>Organization</u>	<u>Liaison</u>
1. Bloomingdale Board of Education	Richard Dellaripa
2. Bloomingdale Board of Health	Dawn Hudson
3. Bloomingdale Volunteer Fire Co., Inc.	John D'Amato
4. Bloomingdale/Butler Youth Club	Drew Juhlin
5. Environmental Commission	Drew Juhlin
6. Library Board of Trustees	Mike Sondermeyer
7. Local Emergency Planning Council	John D'Amato
8. Municipal Drug Alliance	Dellaripa / Graziano
9. ROSE Trust Fund Advisory Board	Drew Juhlin
10. Senior Citizens Advisory Committee	John D'Amato
11. Tri-Boro Chamber of Commerce	Breeanna Calabro
12. Tri-Boro Little League	Drew Juhlin
13. Economic Development Committee	John Graziano
14. Passaic County Film Commission	John D'Amato
15. Flood Committee Liaison	Drew Juhlin
16. Passaic Co. River Flood Basin Task Force	John Graziano
17. Recreation	Drew Juhlin
18. Bloomingdale/Butler United Soccer Club	Ray Yazdi
19. Tri-Boro First Aid Squad	John D'Amato

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 3-2021: Repeal/Add New Ch. 31A (Stormwater Control Requirements)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilwoman HUDSON moved that the Ordinance be read by title; seconded by YAZDI and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 3-2021
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO REPEAL CHAPTER 31A “STORMWATER CONTROL REQUIREMENTS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE AND REPLACE WITH A NEW CHAPTER 31A IN ACCORDANCE WITH REVISED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS

WHEREAS, the Borough Code contains a Chapter regarding stormwater control and management in accordance with regulations promulgated by the New Jersey Department of Environmental Protection (“NJDEP”); and

WHEREAS, in 2020 the NJDEP issued amendments to update the regulations pertaining to stormwater management, specifically N.J.A.C. 7:8; and

WHEREAS, the Bloomingdale Borough Engineer has reviewed the Code and recommended changes in accordance with the amendments to the stormwater management regulations; and

WHEREAS, the Borough Council has reviewed the current Code, the amendments issued by NJDEP and the recommendations of the Borough Engineer and determined that it is necessary to amend the Code to ensure that the Borough’s Code is in compliance with the NJDEP regulations; and

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Bloomingdale, Passaic County, New Jersey, that Chapter 31A entitled “Stormwater Control Requirements” of the Code of the Borough of Bloomingdale be and is hereby repealed in its entirety.

NOW THEREFORE BE IT FURTHER ORDAINED, by the Borough Council of the Borough of Bloomingdale, Passaic County, New Jersey, that a new Chapter 31A entitled “Stormwater Control Requirements” of the Code of the Borough of Bloomingdale be and is hereby adopted to read as follows:

SECTION 1. Chapter 31A Stormwater Control Requirements

§31A-1 Scope and Purpose.

§31A-1.1. Policy Statement.

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

§31A-1.1. Purpose.

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §31A-2.

§31A-1.2. Applicability.

- a. This ordinance shall be applicable to the following major developments:
 1. Non-residential major developments; and
 2. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

- b. This ordinance shall also be applicable to all major developments undertaken by the Borough of Bloomingdale

§31A-1.3. Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§31A-2 Definitions.

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

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

COMPACTION – Shall mean the increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA - Shall mean the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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

COUNTY REVIEW AGENCY – Shall mean an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- a. A county planning agency or
- b. 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 – Shall mean the Department of Environmental Protection.

DESIGNATED CENTER – Shall mean a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER – Shall mean 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 – Shall mean 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 – Shall mean 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 – Shall mean 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.

EMPOWERMENT NEIGHBORHOODS – Shall mean 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.

ENVIRONMENTALLY CONSTRAINED AREA – Shall mean 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 - Shall mean 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.

EROSION - Shall mean the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE – Shall mean a stormwater management measure that manages stormwater close to its source by:

- a. Treating stormwater runoff through infiltration into subsoil;
- b. Treating stormwater runoff through filtration by vegetation or soil; or
- c. Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 – Shall mean 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 – Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION – Shall mean the process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY – Shall mean 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 – Shall mean an individual “development,” as well as multiple developments that individually or collectively result in:

- a. The disturbance of one or more acres of land since February 2, 2004;
- b. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
- c. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 or the effective date of this ordinance, whichever is earlier; or
- d. A combination of b and c 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 a, b, c, or d 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.”

MOTOR VEHICLE – Shall mean 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 – Shall mean 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 – Shall mean any city, borough, town, township, or village.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL – Shall mean 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 §31A-4. 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 – Shall mean an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT – Shall mean a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON – Shall mean any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

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

RECHARGE – Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE – Shall mean any of the following, alone or in combination:

- a. A net increase of impervious surface;
- b. 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);
- c. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
 - d. 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 – Shall mean any of the following, alone or in combination:

- a. The total area of motor vehicle surface that is currently receiving water;
- b. The total 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, where the water quality treatment will be modified or removed.

SEDIMENT – Shall mean 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 – Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL – Shall mean all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) – Shall mean 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 – Shall be 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 – Shall mean 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 – Shall mean 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 – Shall mean 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 – Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY – Shall mean a public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA – Shall mean 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.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD – Shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES - Shall mean 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 – Shall be defined as previously developed portions of areas:

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

WATER CONTROL STRUCTURE – Shall mean 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 – Shall mean 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 – Shall mean 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.

§31A-3. General Standards.

§31A-3.1. Design and Performance Standards for Stormwater Management Measures.

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

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

b. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§31A-4. Stormwater Management Requirements for Major Development.

- a. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §31A-10.
- b. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- c. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §31A-4. p, q and r:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- d. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §31A-4. 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 §31A-4. o, p, p and r to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of §31A-4. 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 §31A-4. d. 3. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §31A-4. 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 §31A-4. 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://njstormwater.org/bmp_manual2.htm

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

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

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

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

Table 2 <u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u> <u>(or for Groundwater Recharge and/or Stormwater Runoff Quality</u> <u>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>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 below Table 3)

Table 3 <u>BMPs for Groundwater Recharge, Stormwater Runoff Quality,</u> <u>and/or Stormwater Runoff Quantity</u> <u>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	<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 to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §31A-4. 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 §31A-2.;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §31A-2.

- g. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §31A-6. b. Alternative stormwater management measures may be used to satisfy the requirements at §31A-4. o. only if the measures meet the definition of green infrastructure at §31A-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section o. 2. are subject to the contributory drainage area limitation specified at Section 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 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 §31A-4. d. is granted from §31A-4. 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 §31A-8. 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 §31A-8.; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- j. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §31A-2. may be used only under the circumstances described at §31A-4. o. 4.
- k. Any application for a new agricultural development that meets the definition of major development at §31A-2. shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §31A-4. 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 §31A-4. 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 Passaic County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §31A-4. 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 §31A-10. 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 §31A-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Passaic County Clerk's Office 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 §31A-4. p and q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §31A-4. f. and/or an alternative stormwater management measure approved in accordance with §31A-4. 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 §31A-4.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 §31A-4. 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 §31A-4. 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 §31A-4. g. may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §31A-4. 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 §31A-4. p, q and r, unless the project is granted a waiver from strict compliance in accordance with §31A-4. 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 §31A-5., either:
 - (a) 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
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4. below.

4. The following types of stormwater shall not be recharged:

- (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
- (b) 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:
 - (a) 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.
 - (b) 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

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

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

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

Where

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

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

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

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 §31A-4. 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 permeable material(s) such as gravel, dirt, and/or shells.

r. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §31A-5., complete one of the following:

- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed.
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.

§31A-5. Calculation of Stormwater Runoff and Groundwater Recharge.

- a. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - (a) 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, 220 Davison Avenue, Somerset, New Jersey 08873; or

- (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New

Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above at §31A-5. a. 1. (a) and the Rational and Modified Rational Methods at §31A-5. a. 1. (b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the *NRCS Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
 5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- b. Groundwater recharge may be calculated in accordance with the following:
1. 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.

§31A-6. Sources for Technical Guidance.

- a. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
 1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
 2. Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.
- b. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§31A-7. Solids and Floatable Materials Control Standards.

- a. Site design features identified under §31A-4. f. above, or alternative designs in accordance with §31A-4. 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 §31A-7. 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:
 - (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (c) 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:

- (a) 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;
- (b) 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;
- (c) 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:

[1] 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

[2] A bar screen having a bar spacing of 0.5 inches.

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

- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) 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.

§31A-8. Safety Standards for Stormwater Management Basins.

- a. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- b. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §31A-8. c. 1., 8. c. 2., and 8. c. 3. for trash racks, overflow grates, and escape provisions at outlet structures.

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) 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:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension
 - (c) 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:
 - (a) 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 §31A-8. c., a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See §31A-8. e. for an illustration of safety ledges in a stormwater management BMP; and
 - (c) 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

1. 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

§31A-9. Requirements for a Site Development Stormwater Plan.

§31A-9.1 Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §31A-9. c. below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with §31A-9. c. of this ordinance.

§31A-9.2 Site Development Stormwater Plan Approval

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

§31A-9.3 Submission of Site Development Stormwater Plan

The following information shall be required:

- a. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 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.
- b. Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- c. Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- d. Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §31A-3 through §31A-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- e. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 1. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

2. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- f. Calculations.
1. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §31A-4 of this ordinance.
 2. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- g. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §31A-10.
- h. Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §31A-9. a. through §31A-9. f. of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§31A-10. Maintenance and Repair.

- a. Applicability
1. Projects subject to review as in §31A-1.2 of this ordinance shall comply with the requirements of §31A-10. b. and §31A-10. c.
- b. General Maintenance
1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
 3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to

assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under §31A-10. b. 3. above is not a public agency, the maintenance plan and any future revisions based on §31A-10. b. 7. below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under §31A-10. b. 3. above shall perform all of the following requirements:
 - (a) 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;
 - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) 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 §31A-10. b. 6. and §31A-10. b. 7. above.
 - (d) Beginning on January 31, 2019, persons responsible for maintenance under Subsection b. 2. above shall make annual submissions to the municipality, by January 31, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.
8. The requirements of §31A-10. b. 3. and §31A-10. b. 4. do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- c. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§31A-11. Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: \$2,000 per violation

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE.

Adoption:

YAZDI made motion for adoption; the motion was seconded by DELLARIPA and carried per the following roll call vote: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

B. Second/Final Reading & Public Hearing:

Ordinance No. 4-2021: Amending Ch. 20 (Road Opening Permits)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilman YAZDI moved that the Ordinance be read by title; seconded by DELLARIPA and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 4-2021
OF THE GOVERNING BODY**

OF THE BOROUGH OF BLOOMINGDALE

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 20 "STREETS AND SIDEWALKS", ARTICLE II "STREETS" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth requirements and standards for road openings throughout the Borough; and

WHEREAS, the Borough Engineer and Borough Administration have reviewed the Code and recommended certain changes be made in order to clarify and update the fees related to road openings;

WHEREAS, through the course of this review, it was also determined that certain sections of the Section were erroneously removed when Ordinance 36-2020 was adopted; and

WHEREAS, the Borough Engineer has determined and recommended that those sections be reinstated; and

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

SECTION 1. Chapter 20 "Streets and Sidewalks", Article II "Streets", Section 20-11.5 "Fees" shall be amended to read as follows:

§ 20-11.5 Fees and/or Cash Bond Required.

a. The application for an excavation permit to perform excavation work under this section shall be accompanied by the following:

1. An application fee of \$50 for the permit.
2. Deposits/Cash Bonds.
 - (a) A fee shall be made to the Borough and forwarded to the Borough Treasurer as follows:
 - (1) Six dollars per square yard of surface for a roadway or street which has a bituminous-treated-surface road;
 - (2) Eight dollars per square yard of surface for a roadway or street which has a bituminous-penetrated macadam or bituminous-concrete surface, type S.M.; or
 - (3) Six dollars per square yard of surface for a roadway or street which has a dirt or gravel road surface.
 - (b) In no case under this subsection shall the fee be less than \$200, which amount is hereby fixed as the minimum deposit to accompany the application.

b. Utility companies regulated by the Board of Public Utilities of the State of New Jersey shall be exempted from the provisions of this subsection, except that they shall pay a fee of \$70 for the permit and an inspection fee in the amount of \$130 and shall file a bond with the Municipal Clerk annually in the amount of \$10,000 as a deposit.

c. (Reserved)

d. Applications for permits requiring municipal design services shall be accompanied by an escrow fee according to the following schedule:

1. Minimum fee: \$250.
2. One side street frontage not exceeding 250 lineal feet: \$350.
3. One side of street frontage for each 250 lineal feet, or part thereof: \$400.

SECTION 2. Chapter 20 “Streets and Sidewalks”, Article II “Streets”, Section 20-12 “Clear View at Intersections” shall be reinstated and shall read as follows:

§ 20-12 CLEARVIEW AT INTERSECTIONS.

§ 20-12.1 Brush, Hedges and Other Plant Life.

The owner or tenant of lands lying within the Borough shall keep all brush, hedges and other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to height of not more than 2 1/2 feet where necessary for the preservation of public safety.

§ 20-12.2 Noncompliance.

In the event that the owner or tenant refuses or neglects to cut the brush, hedges or other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways to a height of not more than 2 1/2 feet, the brush, hedges or other plant life shall be cut under the direction of the Property Maintenance Officer.

§ 20-12.3 Costs.

In all cases where brush, hedges and other plant life are cut from any lands as provided in this section by or under the direction of the Property Maintenance Officer, the cost of the cutting shall be charged to the property owner as provided in N.J.S.A. 40:48-2.27 and shall become a lien upon such lands, as provided in the statute.

§ 20-12.4 Enforcement.

The Code Enforcement Officer and the Property Maintenance Officer are hereby designated as the officers by or under whose direction this section shall be enforced.

§ 20-12.5 Violations and Penalties.

In the event that the owner or tenant shall refuse or neglect to cut the same within 10 days after notice, he shall, upon conviction, be liable for the penalty stated in Chapter 1, § 1-5.

SECTION 3. Chapter 20 “Streets and Sidewalks”, Article II “Streets”, Section 20-13 “Poplar Trees” shall be reinstated and shall read as follows:

§ 20-13 POPLAR TREES.

§ 20-13.1 Planting Near Streets.

No person shall plant a poplar, linden, willow, catalpe, silver maple or swamp maple tree within the lines of any street or within 25 feet of the lines of any street or highway in the Borough or within 25 feet of any municipal utility easement.

§ 20-13.2 Removal of Existing Trees.

All poplar, linden, willow, catalpe, silver maple or swamp maple trees now located within the lines of any street or within 25 feet of the lines of any street or highway of the Borough shall be cut down and removed by its owner within 10 days after notice from the Property Maintenance Official to remove the same.

§ 20-13.3 Interference with Pipes.

Any tree, whenever located, interfering with water pipes, drainpipes or sewer pipes or connections in any street or any street improvement, shall be cut down and removed

by its owner within 10 days after notice from the Water Department Utility Foreman to remove the same.

§ 20-13.4 Violations and Penalties.

Any person violating any of the provisions of this section or failing to cut down any trees after 10 days' notice by the Water Department Utility Foreman to remove the same, as hereinbefore provided, shall, upon conviction, be liable for the penalty stated in Chapter 1, Section 1-5.

SECTION 4. Chapter 20 "Streets and Sidewalks", Article II "Streets", Section 20-13 "Street Acceptance" shall be reinstated and shall read as follows:

§ 20-14 STREET ACCEPTANCE.

§ 20-14.1 Requirements.

No street shall be accepted by the Mayor and Council unless the following requirements are observed or modified by the Residential Site Improvement Standards (N.J.A.C. 5:21):

- a. Total width of right-of-way: at least 50 feet.
- b. Total width of portion reserved for vehicular travel: at least 34 feet.
- c. Width of sidewalk areas on each side of street: at least eight feet.
- d. Road to be graded for a width of at least 50 feet according to grades approved by the Borough Engineer.

- e. Road Surface.

1. Road surface to be paved, and all improvements including road, road surface, sidewalks, curbs and drainage system to be constructed in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, Current Edition, as amended and supplemented as shown on Typical Sections below. The pavement section may be modified with the consent of the Borough Council, provided that the relative strengths of the new section equals or exceeds a relative strength number of 3.08, based on the following assigned relative strength numbers for paving components:

Component	Relative Strength No. Per Inch Thickness
Bituminous concrete, Mix I-5 (stone mix)	0.44
Bituminous stabilized base, Mix I-2 (stone mix)	0.44
Bituminous concrete, Mix I-4 (stone mix)	0.44
Soil aggregate, Dense-Base aggregate base course (quarry-processed stone)	0.14
Stone base or subbase	0.11
Sand subbase	0.07
Poz-o-Pac	0.30

2. In no case shall the total thickness of bituminous concrete and bituminous stabilized base be less than four inches. The pavement shall be constructed on a compacted subgrade complying with the requirements of ASTM #D #1557-90% dry density.

- f. The completion, construction and installation of all underground utilities, and all appurtenances thereto, before construction of surface pavement. Where the Mayor and Council deems it impracticable to make connections with a water main or trunk sewer line, the necessity for installing water supply lines, fire hydrants and sanitary sewers may be waived.

- g. The erection of street signs of prevailing design in the Borough at each street intersection shall conform to the Uniform Manual for Traffic Control Devices in both message and physical installation.

- h. Delivery to the Mayor and Council of a duly executed deed effective conveying the right-of-way to the Borough in fee simple, free and clear of all

encumbrances, together with a policy of title insurance or certificate of title to be approved by the Borough Attorney, in addition to three plans, drawn to scale, delineating the street and indicating all necessary details, such as grades, location of monuments, location of underground utilities, dimensions, bearings, angles and all other details relating to the layout and construction to the Borough in fee simple, free and clear of all encumbrances, together with a policy of title insurance or certificate of title to be approved by the Borough of the street; and there shall also be deposited with the Municipal Clerk such sum as the Mayor and Council may determine to secure the payment of all legal, engineering and other expenses incurred by the Borough in connection with the acceptance of the right-of-way and the construction of the improvements therein.

§ 20-14.2 Supervision and Approval.

All construction work and the installation of all utilities shall be done under the supervision of and approved by the Borough Engineer, and before any street shall be accepted, the Borough Engineer shall certify that all improvements have been installed in accordance with this section and that all construction work has been performed in accordance with the specifications of the New Jersey State Department of Transportation and as shown in the Typical Sections unless the Mayor and Council waive this requirement.

§ 20-14.3 Performance and Maintenance Bond.

No plat showing a proposed new street or streets shall be approved by the Board before the installation in such proposed new street or streets of all the improvements required by this section unless the owner or owners of the property through which the new streets or roads are proposed to be laid shall furnish to the Board a performance and maintenance bond conditioned upon the construction and installation by such owner or owners of all improvements in such proposed street or streets in accordance with the requirements of this section in a good and workmanlike manner within a period to be fixed by the Board, which period may be extended by resolution of the Board, and conditioned further upon the maintenance of the improvements by such owner or owners in a good, sound, safe and substantial condition for a period of one year from the date that the proposed street or streets are accepted by the Mayor and Council. The amount of such performance and maintenance bond shall be determined by the Municipal Engineer [N.J.S.A. 40:55D-53d(1)] which shall in no event be less than the cost of making the improvements at prevailing rates and the estimated cost of maintaining the street or streets in a good, sound, safe and substantial manner for a period of one year, which bond shall be issued by a bonding or surety company satisfactory to the Borough Attorney and in which bond the bonding or surety company shall be named as surety, and such bond shall contain a provision that in the event that the required improvements shall not have been installed with the time stated therein, or extension thereof, or in the event that the improvements shall not have been maintained in a good, safe, sound and substantial manner for a period of one year from the date that the proposed street or streets are accepted by the Mayor and Council, the surety shall be liable to the Borough for all costs and expenses incurred or to be incurred for completing or maintaining the improvements. The form, sufficiency and execution of the bond shall be approved by the Borough Attorney.

§ 20-14.4 Notification.

Before any improvements shall be made in any right-of-way proposed to be offered to the Borough as a public street, the person proposing to make such improvements shall notify the Borough Engineer at least 48 hours prior to the time the work is to be commenced and under no condition shall a street be accepted by the Borough unless there has been a compliance with this provision or unless the Borough Engineer certifies to the Mayor and Council that the construction of the improvements in the right-of-way or easement is otherwise in conformity with the requirements of this section.

§ 20-14.5 Compliance.

Where any new street is involved in any application to the Board for its approval of a subdivision of land, no such application shall be approved by the Board unless the applicant shall have complied, or shall give assurances, in the manner required by this section, that such applicant will comply with the provisions hereof.

§ 20-14.6 Application of Section.

This section shall not apply to any section of a street that has been subgraded and the subbase constructed prior to the adoption of this section, nor shall this section apply to any proposed new right-of-way or street where the work to be done therein has been approved by the Mayor and Council prior to the adoption of this section; provided, however, that all such accepted streets shall be completed as required by the regulations in effect prior to the adoption of this section.

SECTION 5. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 7. This law shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE.

Adoption:

HUDSON made motion for adoption; the motion was seconded by YAZDI and carried per the following roll call vote: GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES)

NEW BUSINESS

A. Discussion: CDBG Grant Application

Councilman D'Amato provided an explanation of the grant. Prior projects approved for this grant include Ballston Street, 1st & 2nd Street water looping, Union Ave Improvements, Water Value project on Hamburg Turnpike. In the past the Borough has received \$75,000 from the fund. Council President suggested sidewalk installations on Hamburg Tpke from Delazier Place to Glenwild Ave & has reviewed with the Engineer. Discussion amongst council followed, all favored this application

B. (Adoption of Resolution No. 2021-2.8)

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call: HUDSON (NO), JUHLIN (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES)

**RESOLUTION NO. 2021-2.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey,
Authorizing the Award of a Non-Fair and Open Professional Service Contract to Code96 LLC***

(AKA SparTech Solutions) for the Borough's Managed Technical Services Agreement for Computers & Phone Services

WHEREAS, the Borough of Bloomingdale has a need to appoint a Technical Manager Service for the Borough's computers and phones as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the term of this contract for this services is one year from January 1, 2021 through December 31, 2021; and

WHEREAS, Code96 Managed Services will provide those services as sought by the Borough of Bloomingdale per the service agreement on file with the Municipal Clerk; and

WHEREAS, Code96 Managed Services completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit Code96 Managed Services from making any reportable contributions through the term of the contract; and

WHEREAS, this contract is conditioned upon the funds being approved by the Governing Body in the 2021 budget;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Council President / Acting Mayor and Municipal Clerk to enter into a contract with Code96 Managed Services of 85 Franklin Road, Dover, NJ as described herein to the satisfaction of the Council; and

BE IT FURTHER RESOLVED, that the contract, resolution and other pertinent documents shall remain on file in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Borough's legal newspaper.

Certification of Funds:

Pending Budget adoption, I certify the availability of funds, in an amount not to exceed **\$27,000 for IT support from 1-01-31-450-001-100.**

Donna M. Mollineaux, CFO

Certification of Funds:

Pending Budget adoption, I certify the availability of funds, in an amount not to exceed **\$19,000 for Phone Services from 1-01-31-440-001-076.**

Donna M. Mollineaux, CFO

C. Introduction of Ordinance No. 5-2021: Amending Ch. 92, Section 61.1 "*AH-1 Affordable Housing Overlay Zone*"

Per the Council President, this Ordinance is part of the process to acquire land from Tilcon/Finbar.

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on March 16, 2021 at 7PM & will be referred to the

planning board; the motion was seconded by YAZDI and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING CHAPTER 92, SECTION 61.1 OF THE BOROUGH CODE KNOWN AS THE “AH-1 AFFORDABLE HOUSING OVERLAY ZONE”

D. Introduction of Ordinance No. 6-2021: Special Assessment Improvement (Hamilton Sidewalks)

Council President informed all of the Hamilton Street Road, Water Main, and Sanitary Sewer Improvements project (similar to the recent Ballston Street project. Proper notice of the sidewalk assessment improvement portion will be given to residents.

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on March 2, 2021 at 7PM; the motion was seconded by HUDSON and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG HAMILTON STREET, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$140,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$133,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF

LATE PUBLIC COMMENT

GRAZIANO opened the meeting to late public comment; seconded by YAZDI and carried on voice vote, all in favor voting AYE.

Pam Pearce – 17 Vreeland Avenue, Bloomingdale

made the following inquiries:

- *CDBG Hamburg Tpke sidewalk application – asked for details, made other suggestions, concerns with safety*

(Discussion commenced between members, the grant is limited to projects that serve the public (sidewalks, water values etc) – grant application for beautification projects would be denied)

Linda Huntley – 86 Van Dam Avenue, Bloomingdale

made the following inquiries:

- *In 2009 a \$300,000 grant was received for similar project; the county should support the project as well as the NJDOT*
- *Ordinance AH-1 Overlay zone*

- *Change in number of units*
- *Purpose of the amendment*

(Per D’Amato, under this ordinance, no change in unit # – the purpose is to acquire land from Tilcon/Finbar; nothing to do with development, further changes being made based on comment from the Ordinance Review Committee)

Pam Pearce – 17 Vreeland Avenue, Bloomingdale

made the following inquiries:

- *Where did funds go if they were not used for the project in 2009 (Per D’Amato, the grant was returned)*

Since there was no one else who wished to speak HUDSON moved that it be closed; second by YAZDI and carried on voice vote all members voting (AYE).

EXECUTIVE SESSION – NONE

Final Comments:

- Normal DPW pick up schedule to resume after snowstorm
- Reminder to residents to clear Fire Hydrants

GOVERNING BODY SCHEDULE:

(Zoom Webinars until further notice)

- A. Regular Meeting – February 16, 2021 **7PM**
- B. Workshop Meeting – March 2, 2021 **7PM**
- C. Regular Meeting – March 16, 2021 **7PM**

ADJOURNMENT:

Since there was no further business to be conducted, YAZDI moved to adjourn at 7:44PM; seconded by DELLARIPA and carried on voice vote with all Council Members voting AYE.

Breeanna Calabro, RMC
Municipal Clerk