

STRATFORD BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
FEBRUARY 9, 2021  
7:00 P.M.

**CALL TO ORDER:** THE STRATFORD REGULAR COUNCIL MEETING FOR FEBRUARY 9, 2021

**PLEDGE OF ALLEGIANCE AND PRAYER:**

**STATEMENT OF ADVERTISEMENT:**

Notice of this meeting has been provided to the Courier Post and The Retrospect and is posted on the Borough Hall Bulletin Board stating the time and the place of the meeting.

**ROLL CALL:**

|                              |                                       |
|------------------------------|---------------------------------------|
| MAYOR JOSH KEENAN            | ERIC RISO, BOROUGH SOLICITOR          |
| COUNCIL PRESIDENT LINDA HALL | RON MORELLO, POLICE CHIEF             |
| COUNCILMAN STEPHEN GANDY     | MICHAELA BOSLER, ACTING BOROUGH CLERK |
| COUNCILMAN PATRICK GILLIGAN  |                                       |
| COUNCILWOMAN TINA LOMANNO    |                                       |
| COUNCILMAN MICHAEL TOLOMEO   |                                       |

**PUBLIC PORTION FOR AGENDA ITEMS ONLY:**

Motion to go to open public portion on agenda items only:

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

Motion to close public portion on agenda items:

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

**APPOINTMENTS BY MAYOR (with no Council confirmation needed):**

Library Board of Trustees Five Year Term – Unexpired Term 12/31/2021

**REPORTS:**

|                         |                             |
|-------------------------|-----------------------------|
| ORDINANCE & PROPERTY    | Councilman Stephen Gandy    |
| FINANCE & REVENUE       | Councilwoman Tina Lomanno   |
| POLICE                  | Councilman Patrick Gilligan |
| EMERGENCY SERVICES      | Councilman Stephen Gandy    |
| PUBLIC WORKS & LIGHTING | Councilman Michael Tolomeo  |
| PUBLIC EVENTS           | Councilwoman Linda Hall     |

**OLD BUSINESS:**

ORD. 2021:01 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Motion to open the public hearing on ORD. 2021:01: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

Motion to close the public hearing on ORD. 2021:01: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

Motion to adopt ORD 2021:01: \_\_\_\_\_ Second: \_\_\_\_\_ RCV: \_\_\_\_\_

STRATFORD BOROUGH COUNCIL  
 REGULAR MEETING AGENDA  
 FEBRUARY 9, 2021  
 7:00 P.M.

ORD. 2021:02            ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN, STATE OF NEW JERSEY READOPTING CHAPTER 3.16 ENTITLED, FIVE-YEAR TAX EXEMPTION AND ABATEMENT LAW

Motion to open the public hearing on ORD. 2021:02: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_  
 Motion to close the public hearing on ORD. 2021:02: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_  
 Motion to adopt ORD 2021:02: \_\_\_\_\_ Second: \_\_\_\_\_ RCV: \_\_\_\_\_

ORD. 2021:03            ORDINANCE ADOPTING AN AMENDMENT TO THE LAUREL MILLS REDEVELOPMENT PLANFOR BLOCK 116, LOTS 14 AND 14.04

Motion to open the public hearing on ORD. 2021:03: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_  
 Motion to close the public hearing on ORD. 2021:03: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_  
 Motion to adopt ORD 2021:03: \_\_\_\_\_ Second: \_\_\_\_\_ RCV: \_\_\_\_\_

**NEW BUSINESS:**

ORD. 2021:04            ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN, STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 16.30, ENTITLED “STORMWATER CONTROL ORDINANCE”

*This is the first reading and introduction, the public hearing for this ordinance will be on March 9, 2021 at 7:00 pm.*

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ RCV: \_\_\_\_\_

**RESOLUTIONS:**

RESOLUTIONS 2021:044 THROUGH 2021:045 WILL BE DONE AS A CONSENT AGENDA

Council can at this time request to remove any of the resolutions from the consent agenda and they can be voted on separately.

RES. 2021:044            APPROVING REQUEST FOR RELIEF OF MORATORIUM FEE FOR 250 WINDING WAY ROAD

RES. 2021:045            REFUND OVERPAYMENT OF TAXES – BL 71, LOT 3

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ RCV: \_\_\_\_\_

**APPROVAL OF BILLS:**

|  |  |         |  |     |
|--|--|---------|--|-----|
| Animal checks  |  | through |  |     |
| Manual checks  |  | through |  |     |
| Payroll checks   |  | through |  | and |
| Payroll checks   |  | through |  |     |
| Automated checks   |  | through |  |     |
| Various electronic transfers and potential interim payments to |  |         |  |     |

STRATFORD BOROUGH COUNCIL  
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Motion: \_\_\_\_\_ Second: \_\_\_\_\_ RCV: \_\_\_\_\_

**COUNCIL COMMENTS:**

**GOOD AND WELFARE:**

Motion to open the meeting to the public for Good and Welfare:

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

Motion to close the public portion for Good and Welfare:

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

**ADJOURN:**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Voice Vote: \_\_\_\_\_

**ORDINANCE 2021:01**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Stratford in the County of Camden, finds it advisable and necessary to increase its CY2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$177,097.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Stratford, in the County of Camden, a majority of the full authorized membership of the governing body affirmatively concurring, that, in the CY2021 budget year, the final appropriations of the Borough of Stratford shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$177,097.68 and that the CY2021 municipal budget for the Borough of Stratford be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced to be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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Josh Keenan, Mayor

**PUBLIC NOTICE**

Notice is hereby given that the foregoing ordinance was introduced and passed on the first reading at the meeting of the Governing Body held on the 12<sup>th</sup> of January 2021 and will be considered for final passage on the 9<sup>th</sup> day of February 2021 meeting at 7PM at the Stratford Justice Facility, 315 Union Avenue, Stratford, NJ or via teleconference.

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Michaela Bosler, Acting Borough Clerk

**PUBLIC NOTICE**

Notice is hereby given that the foregoing ordinance was adopted for final passage on the 9<sup>th</sup> day of February 2021 at a meeting at the Stratford Justice Facility, 315 Union Avenue, Stratford, NJ or via teleconference.

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Michaela Bosler, Acting Borough Clerk

**ORDINANCE 2021:02**

**ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN, STATE OF NEW JERSEY READOPTING CHAPTER 3.16 ENTITLED, FIVE-YEAR TAX EXEMPTION AND ABATEMENT LAW**

**WHEREAS**, N.J.S.A. 40A:21-1 entitled the, “Five-Year Exemption and Abatement Law” permits municipalities the ability to grant for periods of five years, exemptions and abatements, or both from taxation in areas in need of rehabilitation; and

**WHEREAS**, N.J.S.A. 40A:21-4 limits an Ordinance under the Five-Year Exemption and Abatement Law to a period of ten years; and

**WHEREAS**, Chapter 3.16 of the Code of the Borough of Stratford, entitled Five-Year Tax Exemption and Abatement Law, has expired; and

**WHEREAS**, N.J.S.A. 40A:21-4 permits a municipality to readopt an Ordinance under the Five-Year Exemption and Abatement Law; and

**WHEREAS**, the Mayor and Council of the Borough of Stratford have determined that it is appropriate to readopt and reestablish Chapter 3.16 of the Borough Code of the Borough of Stratford in an effort to promote the construction and rehabilitation for commercial, industrial and residential development in certain circumstances and generate economic development and job growth in the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stratford that the Code of the Borough of Stratford is hereby amended, revised and/or supplemented as follows:

**SECTION 1.** Chapter 3.16 of the Code of the Borough of Stratford is hereby readopted to provide as follows:

## **Chapter 3.16 – FIVE-YEAR TAX EMEMPTION AND ABATEMENT LAW**

### **3.16.010 – Authority.**

The tax assessor of the borough is directed to allow tax abatements throughout the entire borough, in accordance with N.J.S.A. 40A:21-1 et seq.

### **3.16.020 - Established.**

- A. In determining the value of real property for the purpose of taxation, the first twenty-five thousand dollars (\$25,000.00) in the assessor's full and true value of home improvements for each dwelling unit primarily and directly affected by a home improvement in any single or multiple dwelling property more than twenty (20) years old shall be regarded as not increasing the value of such property for a period of five (5) years, notwithstanding that the value of the dwelling to which such improvements are made is increased thereby.
- B. In no event, however, shall the assessment during that period be less than the assessment thereon existing immediately prior to such home improvements unless there shall be damage through action of the elements sufficient to warrant a reduction.
- C. The above amounts up to twenty-five thousand dollars (\$25,000.00) shall be deducted from the amount, determined by the tax assessor on October 1st of any year following the completion of the improvements to be the true value of the improvement and shall continue to be so treated for each of the five (5) years subsequent to the original determination by the tax assessor.
- D. Additional improvements, completed during a period in which the improved property is subject to previously granted exemption privileges in an amount less than the maximum deduction permissible, shall be qualified for additional deduction privileges under terms

and conditions therein specified; provided, however, that in no tax year shall the total deduction for any single property exceed twenty-five thousand dollars (\$25,000.00).

### **3.16.030 - Exemptions.**

A claimant desiring to seek the exemption to this chapter shall file a written application with the tax assessor of the borough pursuant to N.J.S.A. 40A:21-1 et seq.

#### **A. Commercial improvements.**

1. Pursuant to N.J.S.A. 40A:21-7 all improvements as defined in N.J.S.A. 40A:21-3(n), to commercial structures of fifty thousand (50,000) square feet or more of retail space; or restaurants seating more than one hundred (100) people; or newly constructed office/garage combination spaced structures of four thousand (4,000)—five thousand (5,000) square feet; or entertainment facilities such as a bowling alley, shall be exempt from local real property taxes, on the improved portion only, for a period of five (5) years, if, after proper, timely application has been made, the governing body determines that the improvement meets the intent and criteria established by this section without compromising the equity of the borough tax structure.
2. Applicants must apply for tax exemptions on improvements within thirty (30) days of completion of construction of the improvement.
3. All applications for improvements shall be filed with the tax assessor who shall deem the application complete prior to forwarding it to the governing body for approval.
4. No application will be approved for any property that has received a previous exemption.

5. Evidence that all real property taxes currently assessed against the property are paid in full and that the borough holds no outstanding tax lien or any other municipal charges against the property.
6. No applications will be approved for fit-outs to structures which were not previously fully completed and occupied.
7. No applications will be approved for changing a structure from one construction code use group to another.
8. Upon approval of an ordinance authorizing an agreement for tax exemption for a particular commercial improvement project, the governing body may enter into a written agreement with the applicant for exemption of local property taxes on the improvements.
9. In the event that a property owner subject to a tax exemption agreement ceases to operate or disposes of the property or fails to meet the conditions for qualifying for the exemption, the local property taxes due for all the prior years subject to exemption and for the current year shall be payable as if no exemption had been granted. The borough council shall notify the property owner and the tax collector of such disqualification and the tax collector shall notify the property owner within fifteen (15) days of the date of disqualification of the amount of taxes due. In the event the subject property has been transferred to a new owner and it is determined that the new owner will continue to use the property pursuant to the qualifying conditions, no tax shall be due, the exemption shall continue and the agreement shall remain in effect.



10. If approved as provided herein, the exemption shall continue for a period of five (5) years commencing on January 1 of the tax year immediately following the date that the project receives a final certificate of occupancy.

11. Any additional improvements after the approval of exemption shall not be included.

**SECTION 2.** All tax abatements granted under the provisions of the Borough of Stratford's residential tax abatement Ordinance between the expiration of the previous readoption of the Ordinance and the herein adoption of this Ordinance are hereby affirmed.

**SECTION 3.** Except as set forth in Section 1 above, the balance of the Code of the Borough of Stratford shall not be affected by this Ordinance.

**SECTION 4.** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 5.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

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Mayor Josh Keenan

### **PUBLIC NOTICE**

Notice is hereby given that the foregoing ordinance was introduced and passed on the first reading at a meeting of the Governing Body held on the 12th day of January, 2021 and will be considered for final passage on the 9<sup>th</sup> day of February, 2021 at a meeting to be held at the Stratford Justice Facility, 315 Union Avenue, Stratford, NJ or via teleconference.

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Michaela Bosler, Acting Borough Clerk

**ORDINANCE 2021:03**

**ORDINANCE ADOPTING AN AMENDMENT TO THE  
LAUREL MILLS REDEVELOPMENT PLAN  
FOR BLOCK 116, LOTS 14 AND 14.04**

**WHEREAS**, the Borough of Stratford (the "Borough"), in the County of Camden, State of New Jersey, has designated an area within the Borough, known as Block 116, Lots 14 and 14.04 (the "Laurel Mills Site") as being in need of rehabilitation pursuant to N.J.S.A. 40A:14-1 *et seq.*; and

**WHEREAS**, a redevelopment plan for the Laurel Mills site was adopted by way of Ordinance 2011:05 on August 9, 2011 and was amended by Ordinance 2014:02, adopted on February 11, 2014 and was further amended by Ordinance 2017-11 and 2018-03 ("Laurel Mills Redevelopment/Rehabilitation Plan"); and

**WHEREAS**, the Laurel Mills Redevelopment/Rehabilitation Plan provides a broad overview for the Joint Land Use, development, redevelopment and rehabilitation of the Laurel Mills Site; and

**WHEREAS**, the Borough Council has determined that amendment to the Laurel Mills Redevelopment/Rehabilitation Plan is necessary to effectuate the redevelopment of the Laurel Mills Site and to satisfy the Borough of Stratford's affordable housing obligations; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan for an "area in need of rehabilitation"; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Joint Land Use Board has reviewed the Amended Laurel Mills Rehabilitation Area Redevelopment Plan and made their determinations and recommendations; and

**WHEREAS**, the Borough Council has reviewed the recommendation of the Joint Land Use Board and has determined that it is in the best interest of the Borough to adopt the following amendment to the Laurel Mills Redevelopment/Rehabilitation Plan.

**NOW THEREFORE BE IT ORDAINED** by the Borough Council of the Borough of Stratford as follows:

**Section 1.** The Laurel Mills Redevelopment/Rehabilitation Plan is hereby amended as follows:

- I.** Section III.C.2.M shall be deleted in its entirety.
- II.** The table set forth in Section III.C.5.B.1 shall be amended as follows:

| <u>Standard</u>   | <u>Dimension</u> |
|---|------------------|
| Maximum Density <sup>1</sup>  | 14 du/acre       |
| Minimum Tract Size  | 5.7 acres        |
| Minimum Lot Size  | 1800 sq. ft.     |
| Minimum Lot Frontage  | 20 feet          |
| Minimum Front Yard Setback  | 20 feet          |
| Minimum Rear Yard Setback   | 20 feet          |
| Minimum Side Yard-Attached  | 0 feet           |
| Minimum Side Yard (End Unit)  | 10 feet          |
| Maximum Building Height <sup>2</sup>  | 35/42 feet       |
| Maximum Modules per Building  | 8                |
| Maximum Building Coverage <sup>3</sup>  | 50 % or 56%      |
| Maximum Impervious Coverage   | 67%              |
| Minimum Distance between-Buildings (side to side)   | 20 feet          |
| Minimum Distance between Buildings (rear to rear)   | 40 feet          |
| Minimum setback between dwelling unit and municipal/county/state road right-of-way  | 30 feet          |
| Common Open Space Requirement   | 5%               |
| <sup>1</sup> Maximum 80 units total (64 market rate/16 affordable)<br><sup>2</sup> Market rate modules: maximum 2-story and 35'<br>Affordable modules: maximum 2-story and 35' if adjacent to single family dwelling units, maximum 3-story and 42' if adjacent to commercial<br><sup>3</sup> 56% maximum building coverage is only permitted with the specific written approval of the Redevelopment Entity following submission to the Redevelopment Entity of a Site Plan depicting the 56% building coverage. |                  |

**III.** Section III.C.5.C.1. is hereby amended as follows:

1. The architectural style of buildings shall be designed in such a manner to 1) incorporate different building façade materials; 2) provide interesting variations to the roof lines; 3) provide decorative elements and building trim; 4) provide for staggered front building facades with a minimum townhome module offset of 4 feet ; and 5) style compatibility with surrounding uses. At a minimum, at least 2 different building façade materials shall be incorporated in each building, and a minimum of 3 building façade materials shall be used on the overall project. Any redeveloper shall obtain Borough Council approval of an architectural rendering prior to the filing of any land use application with the Joint Land Use Board.

**Section 2.** The Borough Council declares and determines that said plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Borough in the designated area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** The Laurel Mills Redevelopment Plan, as amended, shall supersede any other local development regulation and the Borough of Stratford Zoning Map is hereby amended to conform with the provisions of the Laurel Mills Redevelopment Plan.

**Section 5.** This Ordinance shall take effect after final adoption and publication according to law.

**ATTEST:**

**BOROUGH OF STRATFORD**

\_\_\_\_\_  
Michaela Bosler, Acting Borough Clerk

\_\_\_\_\_  
Josh Keenan, Mayor

**ORDINANCE 2021:04**

**ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 16.30,  
ENTITLED “STORMWATER CONTROL ORDINANCE”**

**WHEREAS**, the Borough of Stratford (the “Borough”) is a municipal corporation organized and operating under the laws of the State of New Jersey; and

**WHEREAS**, Chapter 16.30 of the Code of the Borough, entitled “Stormwater Control Ordinance,” establishes Stratford’s minimum stormwater management requirements and controls for major development; and

**WHEREAS**, N.J.A.C. 7:8 was recently amended to revise statutory minimum requirements; and

**WHEREAS**, the Mayor and Borough Council have determined that Chapter 16.30 of the Borough Code should be amended to comply with the amended minimum standards set forth in N.J.A.C. 7:8; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stratford that the Code of the Borough of Stratford is hereby amended, revised and/or supplemented as follows:

**SECTION 1.** Chapter 16.30 of the Code of the Borough of Stratford is hereby repealed and replaced with the following:

**Chapter 16.30**

**STORMWATER CONTROL**

**§ 16.30.010. Scope and purpose.**

A. Policy Statement.

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

B. Purpose.

It is the purpose of this chapter to establish minimum stormwater management requirements and controls for major development, as defined in § 16.30.020.

C. Applicability.

1. This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
  - a. Nonresidential major developments; and
  - b. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This chapter shall also be applicable to all major developments undertaken by the Borough of Stratford.

D. Compatibility with other permit and ordinance requirements.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

**§ 16.30.020. Definitions.**

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

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

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

“Community basin” means an infiltration system, sand filter designed to infiltrate,

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

“Compaction” means the increase in soil bulk density.

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

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

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

- 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” means the Department of Environmental Protection.

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

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

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

In the case of development of agricultural land, development means: any activity that

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved

by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §16.30.04.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water

or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**§ 16.30.030. 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.

**§ 16.30.040. 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 §16.30.010.
- 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 §16.30.040.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 §16.30.040.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 §16.30.040.O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of §16.30.040.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 §16.30.040.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §16.30.040.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 §16.30.040.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](https://njstormwater.org/bmp_manual2.htm).
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

**Table 1  
Green Infrastructure BMPs for Groundwater Recharge, Stormwater  
Runoff Quality, and/or Stormwater Runoff Quantity**

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

**Table 2  
Green Infrastructure BMPs for Stormwater Runoff Quantity  
(or for Groundwater Recharge and/or Stormwater Runoff Quality  
with a Waiver or Variance from N.J.A.C. 7:8-5.3)**

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



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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §16.30.040.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 §16.30.020;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §16.30.020.

- 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 §16.30.070.B. Alternative stormwater management measures may be used to satisfy the requirements at §16.30.040.O only if the measures meet the definition of green infrastructure at §16.30.020. 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 §16.30.040.D is granted from §16.30.040.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 §16.30.080.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 §16.30.080; 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 §16.30.020 may be used only under the circumstances described at §16.30.040.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at §16.30.020 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §16.30.040.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 §16.30.040.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. 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 §16.30.040.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 §16.30.010.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 §16.30.040 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk 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 §16.30.040.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §16.30.040.F. and/or an alternative stormwater management measure approved in accordance with §16.30.040.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §16.30.040.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 §16.30.040.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 §16.30.040.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 §16.30.040.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §16.30.040.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 §16.30.040.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §16.30.040.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 §16.30.050, 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**

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §16.30.040.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 §16.30.050, 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; or
  - d. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

**§ 16.30.050. 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](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/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above at §16.30.050.A.1.i and the Rational and Modified Rational Methods at §16.30.050.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

<https://www.nj.gov/dep/njgs/pricelst/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.

**§ 16.30.060. Standards for structural stormwater management measures.**

- A. Standards for structural stormwater management measures are as follows:
1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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. Structural 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 1/3 the width of the diameter of the orifice or 1/3 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 §16.30.080.
  3. Structural 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, 5:21-7.4, and 5:21-7.5 shall be deemed to meet this requirement.
  4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.
  5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at §16.30.090.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by §16.30.030 of this chapter.
- C. Manufactured treatment devices may be used to meet the requirements of §16.30.030 of this chapter provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

**§ 16.30.070 Sources for technical guidance.**

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

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

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

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

- B. Submissions required for review by the Department should be mailed to:
- C. The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

**§ 16.30.080. 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 §16.30.080.C.1, §16.30.080.C.2, and §16.30.080.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 §16.30.080.C, a free-standing outlet structure may be exempted from this requirement;

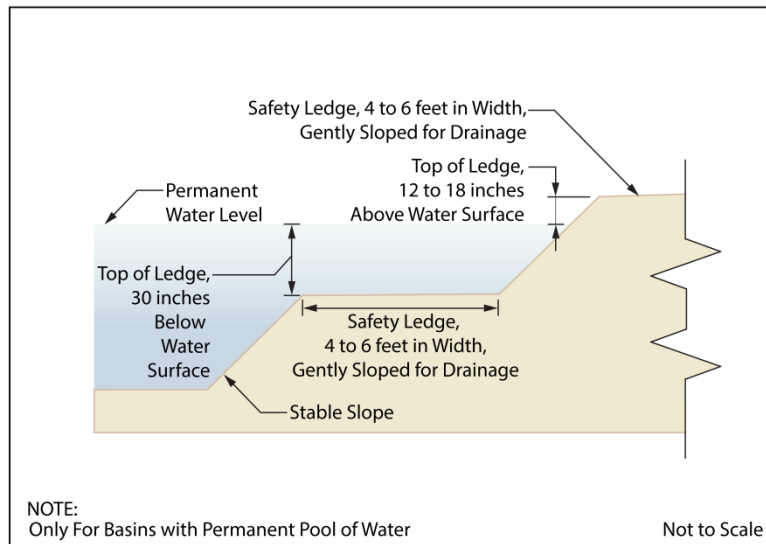
- b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and 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 §16.30.080.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

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



**§ 16.30.090. Requirements for site development stormwater plan.**

A. Submission of Site Development Stormwater Plan

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §16.30.090.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 seven copies of the materials listed in the checklist for site development stormwater plans in accordance with §16.30.090.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §16.30.030 through §16.30.050 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- a. 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.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §16.30.040 of this ordinance.
- b. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of §16.30.010.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §16.30.090.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**§ 16.30.100. Maintenance and repair.**

A. Applicability

Projects subject to review as in §16.30.010.C of this ordinance shall comply with the requirements of §16.30.010.B and §16.30.010.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 §16.30.100.B.3 above is not a public agency, the maintenance plan and any future revisions based on §16.30.100.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 §16.30.100.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 §16.30.100.B.6 and B.7 above.
8. The requirements of §16.30.100.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality



shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

#### **§ 16.30.110. Violations and penalties.**

- A. Any person who erects, constructs, alters, repairs, converts, maintains or uses any building, structure or land in violation of this chapter shall be subject to the following penalties:
  - 1. For any and every violation of any provision of this chapter, the owner, contractor or other persons listed as general agent, architect, building contractor, owner, tenant, or any other persons who commit, take part or assist in any violation of this chapter, or who maintain any building or premises in which any violation of this chapter shall exist, and who shall have refused to abate said violation(s) within five (5) days after written notice shall have been served upon him either by mail or personal service, shall for each and every violation be imprisoned in the Camden County Jail for a period not exceeding ninety (90) days or be fined not exceeding five hundred dollars (\$500.00) or both, at the discretion of the judge before whom a conviction may be had. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter and may be subject to further penalties.
- B. In addition to the powers given to the construction official as aforesaid, the owner of or any person having interest in any property in the borough may make complaint for any violation of this chapter or any provision or section thereof and upon conviction in such case, the, penalties hereinbefore provided shall be imposed.
- C. Additional remedies in addition to the remedy or remedies hereinbefore provided, any person, persons, company or corporation violating this chapter or any provision or section thereof, may be proceeded against by the Borough of Stratford or the Construction Official of the Borough of Stratford or by the owner of any property in the Borough of Stratford, or by appropriate action, or by proceeding in equity or otherwise to prevent and enjoin any threatened violation of this chapter.

#### **§ 16.30.120. Severability.**

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.

#### **§ 16.30.130. Effective date.**

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

**SECTION 2.** Except as set forth in Section 1 above, the balance of the Code of the Borough of Stratford shall not be affected by this Ordinance.

**SECTION 3.** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 4.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law as well as the additional review provisions of Chapter 16.30.130.

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Mayor Josh Keenan

### **PUBLIC NOTICE**

Notice is hereby given that the foregoing ordinance was introduced and passed on the first reading at a meeting of the Governing Body held on the \_\_\_ day of \_\_\_\_\_, 2021 and will be considered for final passage on the \_\_\_ day of \_\_\_\_\_, 2021 at a meeting to be held at the Stratford Justice Facility, 315 Union Avenue, Stratford, NJ or via telecommunication conference.

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Michaela Bosler, Acting Borough Clerk

**RESOLUTION 2021:044**  
**APPROVING REQUEST FOR RELIEF OF MORATORIUM FEE FOR 250 WINDING WAY ROAD**

**WHEREAS**, the Stratford Borough Code Chapter 12.08, entitled Excavations, Section 12.08.055 Hardship Application allows a resident of the borough who resides on a municipal roadway where a moratorium has been placed to make an application to Mayor and Council to request relief of the moratorium fee; and

**WHEREAS**, Mayor and Council has sixty (60) days to respond to this request; and

**WHEREAS**, TBL Services, LLC has been contracted to replace the lateral to the main sewer line at 250 Winding Way Road; and

**WHEREAS**, the contractor is unable to make the repairs without opening the municipal road way to replace the lateral to the main sewer line; and

**WHEREAS**, Winding Way Road is a municipal roadway with a moratorium; and

**WHEREAS**, Jorge Moro of 250 Winding Way Road has submitted an application requesting relief of the moratorium fee.

**NOW THEREFORE BE IT RESOLVED** the Mayor and Council of the Borough of Stratford hereby approve the request for relief of the moratorium fee submitted by Jorge Moro of 250 Winding Way Road.

BY: \_\_\_\_\_  
JOSH KEENAN, MAYOR

ATTEST: \_\_\_\_\_  
MICHAELA BOSLER,  
ACTING BOROUGH CLERK

I, Michaela Bosler, Acting Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on February 9, 2021

\_\_\_\_\_  
MICHAELA BOSLER,  
ACTING BOROUGH CLERK

**RESOLUTION 2021:045**  
**REFUND OVERPAYMENT OF TAXES – BL 71, LOT 3**

WHEREAS, an overpayment was received in the Tax Collector's office for Block 71, Lot 3 - 44 Pennsylvania Ave;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stratford the the amount of \$1,685.72 be disbursed to Wells Fargo Home Mortgage for the overpayment.

BY: \_\_\_\_\_  
JOSH KEENAN, MAYOR

ATTEST: \_\_\_\_\_  
MICHAELA BOSLER,  
ACTING BOROUGH CLERK

I, Michaela Bosler, Acting Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on February 9, 2021

\_\_\_\_\_  
MICHAELA BOSLER,  
ACTING BOROUGH CLERK