

**APRIL 24, 2024  
WORK MEETING**

The Work Meeting of the Hope Township Committee convened at 4:00 P.M. at the Hope Township Municipal Building with the following members present: Mayor Timothy McDonough, Deputy Mayor Christopher John Kruk, and Committeeman Terry Urfer. Also present was Municipal Clerk, Robin Keggan, RMC

**FLAG SALUTE AND SUNSHINE STATEMENT**

Under the provisions of the “Open Public Meetings Act”, adequate notice of this meeting has been provided by publishing notice in the New Jersey Herald and Express Times New Jersey Edition and by posting notices in the Hope Post Office and on the Township Web and Bulletin Boards.

**Roll call: Mr. Urfer- present**

**Mr. Kruk – present**

**Mayor McDonough- present**

**Public Session:**

Pat Koeniges – requested help with moving and breaking down boxes used by the Moravian Lantern Tour volunteers from the Community Center in order to accommodate the upcoming Green Fair. The Committee asked the Clerk to request the DPW department personnel to arrange to have this accomplished by 2 pm on Friday, April 26, 2024. Mrs. Koeniges also spoke about purchasing “Rubbermaid” containers for the storage of their Moravian Lantern Tour materials. The Committee authorized up to \$250 to be spent on the purchase of such totes. Mrs. Koeniges will take a trip to the Home Depot to determine which size works best.

Ann Rhinesmith – spoke about the placement of the second kiosk that the Creative Team is receiving grant funding for. The Committee determined that the second kiosk should be placed out by the Chamber of Commerce sign on 521.

**Environmental Commission** – Mrs. Sobon spoke about last minute details pertaining to the Green Fair being held on April 27, 2024. She requested assistance in marking out parking areas for the E-waste truck. Mr. Urfer stated he would provide cones and mark out the space as she requested.

**Lacey DiTondo** – thanked everyone for allowing the Spring Valley Hounds dogs and horses to be a part of the Opening Day Parade. Also noted that the birdhouses will be ready for Swayze Mill Park soon. Also was able to re-enable the Hope Township Christmas Craft Market website and will be working on the Hope Events page.

**Mayor Tim McDonough:** Spoke about the upcoming Hope Forum being held at the Community Center on May 4, 2024 from 9 – 11 am. Reminded everyone about the upcoming performances of “Matilda” by Kaleidoscope Productions and thanked everyone involved, especially Chris Beatty and Patti Whitmore, for the fantastic Opening Day Parade which took place on April 20.

**John Kruk:** Also spoke about the parade and the enthusiasm of all involved, children as well as parents.

**Terry Urfer:** Discussed a potential addition (spike ball) to the Recreation Grant that Mr. Kruk is working with the Township Engineer on.

**RESOLUTIONS:**

**HOPE TOWNSHIP, WARREN COUNTY, NEW JERSEY  
A RESOLUTION IN SUPPORT OF SENATE NO. 725  
CONCERNING UNLAWFUL OCCUPANCY OF  
DWELLINGS AND SUPPLEMENTING TITLE 2C  
OF THE NEW JERSEY STATUTES  
OF THE STATE OF NEW JERSEY  
RESOLUTION NO. 2024-32**

**WHEREAS**, the occupancy of a dwelling without the permission of the property owner, also known as "squatting" is an increasing occurrence throughout the State of New Jersey and the Country; and,

**WHEREAS**, persons engaging in squatting often do so with the express intention of depriving the lawful property owners of the use and possession of their own property for as long as possible, with the express knowledge that squatting is not a criminal offense, thus requiring a property owner to undertake expensive, time-consuming civil litigation to recover their property, which said litigation can be subject to delay tactics including, but not limited to, bankruptcy applications, resulting in squatters successfully depriving lawful owners of the use and benefit of their own property for extended periods of time; and,

**WHEREAS**, Senators Steinhardt, Testa and Polistina have introduced and are sponsoring Senate No. 725, which said legislation would establish squatting in various contexts as criminal offenses and crimes of the fourth degree, thus permitting property owners to avail themselves of filing criminal complaints with local law enforcement that can be duly investigated, and, when appropriate, permit police officers to arrest and remove persons found to be engaged in said criminal squatting activities.

**NOW, THEREFORE, BE IT RESOLVED** by the Hope Township Committee that it hereby adopts this Resolution to memorialize its support for Senate No. 725 and certified copies of this Resolution shall be forwarded by the Town Clerk to the Office of the Governor and Lieutenant Governor, the Town's elected Representatives in the State Legislature, and the New Jersey League of Municipalities.

Motion: Mr. Urfer      Seconded: Mr. Kruk      All in favor by voice vote

**CERTIFICATION**

I, Robin L. Keggan, Municipal Clerk, Township of Hope, Warren County, New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Hope Township Committee at a public meeting held on April 24, 2024.

Motion to introduce: Mr. Urfer  
Second: Mr. Kruk

Roll Call:  
Committeeman Kruk: Yes      Committeeman Urfer: Yes      Mayor McDonough: Yes

**TOWNSHIP OF HOPE, COUNTY OF WARREN  
STATE OF NEW JERSEY  
LATE BUDGET INTRODUCTION  
RESOLUTION-#2024-33**

**WHEREAS**, under provisions of N.J.S.A.250A:25-5, a municipality shall introduce the Local Municipal Budget no later than March 29 of the fiscal year; and,

**WHEREAS**, the Township of Hope has delayed the introduction of the 2024 Municipal Budget past the statutory deadline; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hope, Warren County, New Jersey, that the Township of Hope hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2024 Hope Township Municipal Budget; and,

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Motion: Mr. Urfer

Second: Mr. Kruk

Committee Polled: Mr. Kruk – yes

Mr. Urfer – yes

Mayor McDonough - yes

Date: April 24, 2024

I, Robin Keggan, Clerk of the Township of Hope, County of Warren do hereby certify foregoing to be a true and accurate copy of a Resolution adopted by the Hope Township Committee at a meeting of said Township Committee held on April 24, 2024.

**TOWNSHIP OF HOPE, COUNTY OF WARREN  
STATE OF NEW JERSEY  
SPECIAL ITEMS OF GENERAL REVENUE ANTICIPATED WITH PRIOR WRITTEN  
CONSENT OF DIRECTOR OF LOCAL GOVERNMENT SERVICES – PUBLIC AND PRIVATE  
REVENUES OFFSET WITH APPROPRIATIONS  
RESOLUTION #2024-34**

**WHEREAS**, the 2024 Local Municipal Budget was introduced on the 24<sup>th</sup> day of April, 2024; and,

**WHEREAS**, during the fiscal year 2024 the Township of Hope is anticipating fees for various programs in the amount of \$20,000.

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2024 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:**"

<b>Cell tower Fees</b>	<b><u>\$ 20,000.00</u></b>
<b>Total</b>	<b><u>\$ 20,000.00</u></b>

Motion: Mr. Urfer

Second: Mr. Kruk

Committee Polled: Mr. Kruk – yes

Mr. Urfer – yes

Mayor McDonough - yes

Date: April 24, 2024

I, Robin Keggan, Municipal Clerk of the Township of Hope, hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hope Township Committee at the business meeting held on April 24, 2024.

**TOWNSHIP OF HOPE, COUNTY OF WARREN**

**STATE OF NEW JERSEY**

**SPECIAL ITEMS OF GENERAL REVENUE ANTICIPATED WITH PRIOR WRITTEN  
CONSENT OF DIRECTOR OF LOCAL GOVERNMENT SERVICES – PUBLIC AND PRIVATE  
REVENUES OFFSET WITH APPROPRIATIONS  
RESOLUTION #2024-35**

**WHEREAS**, the 2024 Local Municipal Budget was introduced on the 24<sup>th</sup> day of April, 2024; and,

**WHEREAS**, during the fiscal year 2024 the Township of Hope has been allocated a state grant for various programs in the amount of \$188,080.

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2024 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:**"

<b>Drunk Driving Enforcement-PY Unapprop.</b>	<b>\$ 1,298.00</b>
<b>Stormwater Grant</b>	<b>50,000.00</b>
<b>NJDOT Grant – Kostenbader Road</b>	<b><u>136,782.00</u></b>
	<b><u>\$ 188,080.00</u></b>

Motion: Mr. Urfer

Second: Mr. Kruk

Committee Polled: Mr. Kruk – yes

Mr. Urfer – yes

Mayor McDonough - yes

Date: April 24, 2024

I, Robin Keggan, Municipal Clerk of the Township of Hope, hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hope Township Committee at the business meeting held on April 24, 2024.

**TOWNSHIP OF HOPE, COUNTY OF WARREN**

**STATE OF NEW JERSEY**

**2024 HOPE TOWNSHIP MUNICIPAL BUDGET  
RESOLUTION-#2024-36**

**WHEREAS**, the Township of Hope is holding a meeting on April 24, 2024, for the purpose of introducing the 2024 Municipal Budget and conducting other matters; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hope, Warren County, New Jersey, that the Township of Hope hereby petitions the Director of the Division of Local Government Services that the 2024 Local Municipal Budget be introduced and approved on April 24, 2024.

**2024 HOPE TOWNSHIP MUNICIPAL BUDGET**

Surplus anticipated general revenues	\$ 281,862.00
Total Miscellaneous revenue	511,584.00
Receipts from Delinquent Taxes	25,000.00
Local Property Taxes	<u>857,971.00</u>
Total General Revenues	<u>\$1,676,417.00</u>
Salaries and Wages	\$ 580,048.00
Total Operations	732,877.00
Capital Improvements	206,782.00
Reserve for Delinquent Taxes	<u>156,710.00</u>
Total 2024 Municipal Budget	<u>\$1,676,417.00</u>
Municipal Tax Rate	(Estimated)
\$0.39162	

Motion: Mr. Urfer  
 Second: Mr. Kruk  
 Committee Polled: Mr. Kruk – yes      Mr. Urfer – yes      Mayor McDonough - yes

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Hope at a regular meeting held April 24, 2024, at the Municipal Building, Hope, New Jersey.

**RESOLUTION 2024-37  
 TOWNSHIP OF HOPE  
 COUNTY OF WARREN, STATE OF NEW JERSEY  
 RESOLUTION AWARDING A CONTRACT FOR FERTILIZING  
 AND WEED SPRAYING OF SWAYZE MILL AND WESTBROOK PARK**

**WHEREAS**, Hope Township requires fertilization and weed spraying services to support the DPW in maintaining Township owned properties, particularly the Swayze Mill park ballfields and the Westbook Park (Hope Elementary School) ball field, for the Spring, Summer and Fall months of 2024.

**WHEREAS**, two (2) quotes were solicited (Yellowstone and Drake’s Landscaping, LLC); and

**WHEREAS**, the award was made to Drake’s Landscaping as itemized below for the 2024 season:

Fertilization Services (per visit) – Swayze Mill	\$550.00
Weed Spraying Services (per visit) – Swayze Mill	\$900.00
Fertilization Services (per visit) – Westbrook Park	\$350.00
Weed Spraying Services (per visit) – Westbrook Park	\$450.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hope that the contract for the above-referenced services of Township owned properties, particularly the Swayze

Mill park and Westbrook Part ball fields, **BE** and is hereby **AWARDED** to Drake’s Landscaping for its lowest responsible, responsive quotation.

Motion: Mr. Urfer

Second: Mr. Kruk

Committee Polled: Mr. Kruk – yes Mr. Urfer – yes Mayor McDonough – yes

#### CERTIFICATION

I, Robin L. Keggan, Deputy Municipal Clerk of the Township of Hope in the County of Warren, New Jersey, hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hope Township Committee on April 24, 2024.

#### **ORDINANCES FOR INTRODUCTION/FIRST READING BY TITLE ONLY:**

**TOWNSHIP OF HOPE, WARREN COUNTY, NEW JERSEY**  
**ORDINANCE NO. 2024-07**  
**AN ORDINANCE ESTABLISHING A NEW CHAPTER 20-20 OF THE CODE OF THE**  
**TOWNSHIP OF HOPE ENTITLED, “STORMWATER ORDINANCES”**

**BE IT RESOLVED**, by the Township Committee of the Township of Hope, County of Warren, State of New Jersey that there is established a new Section 20-20 entitled, “Stormwater Management” with the following provisions.

#### **§ 20-20.1. Scope and Purpose:**

##### A. Policy Statement

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

##### B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in § 20-20.1.e.

##### C. Applicability

1. This ordinance shall be applicable to the following major developments:

- a. Non-residential major developments; and
- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the *Township of Hope*.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to the adoption date of this ordinance, shall be subject to the stormwater management requirements in effect one (1) day prior to the adoption date of this ordinance.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to the adoption date of this ordinance, shall be subject to the stormwater management requirements in effect one (1) day prior to the adoption date of this ordinance.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

#### D. Compatibility with Other Permit and Ordinance Requirements

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 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.

#### E. Definitions

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

**CAFRA CENTERS, CORES OR NODES**

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

**CAFRA PLANNING MAP**

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

**COMMUNITY BASIN**

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

**COMPACTION**

The increase in soil bulk density.

**CONTRIBUTORY DRAINAGE AREA**

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

**CORE**

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

**COUNTY REVIEW AGENCY**

An agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

**DEPARTMENT**

The Department of Environmental Protection.

**DESIGNATED CENTER**

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

**DESIGN ENGINEER**

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

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the



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

### **DISTURBANCE**

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

### **DRAINAGE AREA**

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

### **ENVIRONMENTALLY CONSTRAINED AREA**

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**

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

### **EMPOWERMENT NEIGHBORHOODS**

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

### **EROSION**

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

### **GREEN INFRASTRUCTURE**

A stormwater management measure that manages stormwater close to its source by:

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

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

An area within which water drains to a particular receiving surface water body, also known as a sub-watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

### **IMPERVIOUS SURFACE**

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

### **INFILTRATION**

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

### **LEAD PLANNING AGENCY**

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

## **MAJOR DEVELOPMENT**

- a. 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 1/4 acre or more of "regulated impervious surface" since February 2, 2004;
  3. The creation of 1/4 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 1/4 acre or more.
- b. 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**

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

## **MOTOR VEHICLE SURFACE**

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

## **MUNICIPALITY**

Any city, borough, town, township, or village.

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

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 13-110.4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

## **NODE**

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

**NUTRIENT**

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

**PERSON**

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

**POLLUTANT**

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

**PUBLIC ROADWAY OR RAILROAD**

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

**PUBLIC TRANSPORTATION ENTITY**

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

**RECHARGE**

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

**REGULATED IMPERVIOUS SURFACE**

Any of the following, alone or in combination:

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

**REGULATED MOTOR VEHICLE SURFACE**

Any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;

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

**SEDIMENT**

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

**SITE**

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

**SOIL**

All unconsolidated mineral and organic material of any origin.

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

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

**STATE PLAN POLICY MAP**

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

**STORMWATER**

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

**STORMWATER MANAGEMENT BMP**

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

**STORMWATER MANAGEMENT MEASURE**

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

**STORMWATER RUNOFF**

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

**STORMWATER MANAGEMENT PLANNING AGENCY**

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

**STORMWATER MANAGEMENT PLANNING AREA**

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

**TIDAL FLOOD HAZARD AREA**

A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding

generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

#### **URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD**

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

#### **URBAN ENTERPRISE ZONES**

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

#### **URBAN REDEVELOPMENT AREA**

Previously developed portions of areas:

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

#### **WATER CONTROL STRUCTURE**

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

#### **WATERS OF THE STATE**

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

#### **WETLANDS OR WETLAND**

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

### **§20-20.2 General Standards**

#### **a. Design and Performance Standards for Stormwater Management Measures**

1. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

(a) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

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

2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge.

The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

**b. Stormwater Management Requirements for Major Development**

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 20-20.8.
2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 20-20.2b16, 17, and 18:
  - (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - (c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
4. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 20-20.2b15, 16, 17, and 18 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
  - (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 20-20.2b15, 16, 17, and 18 to the maximum extent practicable;
  - (c) The applicant demonstrates that, in order to meet the requirements of § 20-20.2b15, 16, 17, and 18, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 20-20.2b15, 16, 17 and 18 that were not achievable onsite.

5. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 20-20.2b15, 16, 17 and 18. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at:

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

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

<b>Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</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>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(e)</sup> 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> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>

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

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found below Table 3)

<b>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>				
<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> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found below Table 3)

<b>Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3</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 corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found below Table 3)*

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §20-20.2b.15(b);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot-wide area of native vegetation along at least 50% 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 2%;
- (f) designed with a slope of equal to or greater than 2%;
- (g) manufactured treatment devices that meet the definition of “green infrastructure” at §20-20.1e;
- (h) manufactured treatment devices that do not meet the definition of “green infrastructure” at §20-20.1e.

7. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §20-20.4.B. Alternative stormwater management measures may be used to satisfy the requirements at §20-20.2.b.15 only if the measures meet the definition of green infrastructure at §20-20.1.E. Alternative stormwater management measures that function in a similar manner to a BMP listed at §20-20.2.b.15 are subject to the contributory drainage area limitation specified at §20-20.2.b.15 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 §20-20.2.b.15 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 §20-20.2b.4. is granted from §20-20.2b.15.

8. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or

seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

**9. Design standards for stormwater management measures are as follows:**

- (a) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
- (b) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §20-20.5.c.;
- (c) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
- (d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §20-20.5; and
- (e) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2-1/2 inches diameter.

10. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 20-20.1e may be used only under the circumstances described at § 20-20.2b15(d).

11. Any application for a new agricultural development that meets the definition of major development at § 20-20.1e shall

be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §20-20.2b15, 16, 17, 18 and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 20-20.2b16, 17, and 18 shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of Warren 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 § 20-20.2b15, 16, 17 and 18, and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §20-20.8b5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

14. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §20-20.2.b of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an

alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Warren County Clerk's office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with b.13 above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with b.13 above.

15. Green Infrastructure Standards

- (a) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (b) To satisfy the groundwater recharge and stormwater runoff quality standards at §20-20.2b16 and 17, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §20-20.2.b.6. and/or an alternative stormwater management measure approved in accordance with § 20-20.2b.7. 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	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area
Small-scale Bioretention	2.5 acres
Small-scale Infiltration	2.5 acres
Small-scale Sand Filter	2.5 acres

- (c) To satisfy the stormwater runoff quantity standards at § 20-20.2b.18, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 20-20.2.b.7.
- (d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 20-20.2b.4. is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §20-20.2b.7.may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 20-20.2b.16, 17, and 18.

- (e) 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 § 20-20.2b.16, 17, 18, unless the project is granted a waiver from strict compliance in accordance with § 20-20.2b.4.

#### 16. Groundwater Recharge Standards

- (a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §20-20.3, either:
  - (1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - (2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm is infiltrated.
- (c) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to Subsection b.16.(d) below.
- (d) The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent

with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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

#### 17. Stormwater Runoff Quality Standards

- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (b) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - (1) 80% TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - (2) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (c) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules,

N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with Subsection b17(b) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

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

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

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

<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150

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

<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

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

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

Where:

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

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

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

(f) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 20-20.2b.16, 17, and 18.

(g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.



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

#### 18. Stormwater Runoff Quantity Standards

- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 20-20.3, complete one of the following:
  - (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land

uses assuming full development under existing zoning and land use ordinances in the drainage area;

- (3) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §20-20.3 c and d, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection b.18(b)(1), (2) and (3) 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.
- (c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

### **20-20.3. Calculation of Stormwater Runoff and Groundwater Recharge:**

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

1. The design engineer shall calculate runoff using the following method:

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://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

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

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at

§ 20-20.3a1(a). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 - Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

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

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in

accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 5: Current Precipitation Adjustment Factors**

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Warren	1.02	1.07	1.15

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

**Table 6: Future Precipitation Change Factors**

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Warren	1.20	1.25	1.37

**§ 20-20.4. Sources for Technical Guidance:**

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

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

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

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

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

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

**§ 20-20.5. Solids and Floatable Materials Control Standards:**

- A. Site design features identified under § 20-20.2b.6 above, or alternative designs in accordance with § 20-20.2b.7 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 20-20.5a.2. below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

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

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

2. The standard in Subsection a.1. above does not apply:

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

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

- (d) Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### **§ 20-20.6. 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 § 20-20.6.C.1, 20-20.6.C.2, 20-20.6.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 greater 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 § 20-20.6c, 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

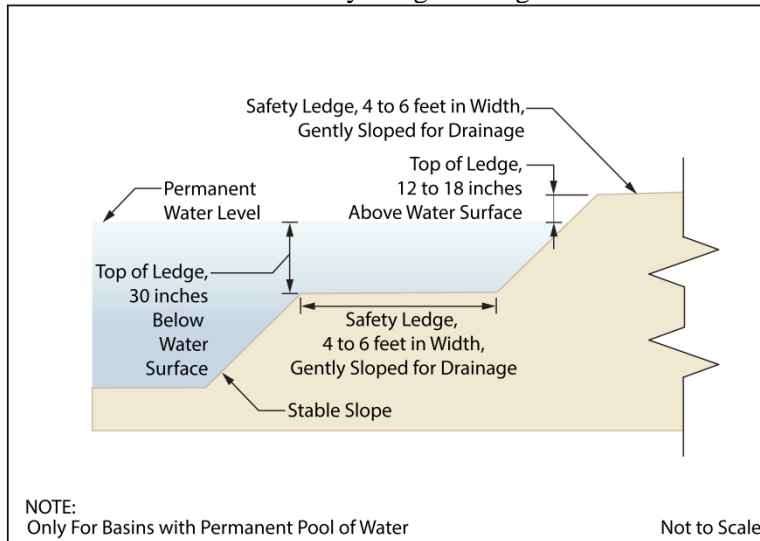
approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 20-20.6e for an illustration of safety ledges in a stormwater management BMP; and

(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



### §20-20.7. Requirements for a Site Development Stormwater Plan:

a. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 20-20.7c below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 20-20.7c 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 § 20-20.3 through § 20-20.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- (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 § 20-20.4 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 § 20-20.8.

## 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 § 20-20.7c.1 through § 20-20.7c.7 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.

## **20-20.8. Maintenance and Repair:**

### A. Applicability

Projects subject to review as in § 20-20.1.c of this ordinance shall comply with the requirements of § 20-20.8.b and § 20-20.8.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 § 20-20.8b3 above is not a public agency, the maintenance plan and any future revisions based on § 20-20.8b7 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 § 20-20.8b3 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 § 20-20.8b6 and 7 above.
  8. The requirements of § 20-20.8.B.3 and B. § 20-20.8b3 and 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 a 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.

**§ 20-20.9. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to penalties as set forth in §19-8 of the Land Development Ordinance for the Township of Hope (Ord. #06-08)

**§ 20-20.10. 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.

**§ 20-20.11. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Motion to Introduce: Mr. Urfer                      Seconded: Mr. Kruk  
Committee Polled: Mr. Kruk – yes              Mr. Urfer – yes                      Mayor McDonough - yes

**NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced for first reading at a regular meeting of the Township Committee of the Township of Hope held on April 24, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on May 22, 2024 or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 407 Hope-Great Meadows Road, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

**ORDINANCE 2024-08  
CALENDAR YEAR 2024**

**AN ORDINANCE OF THE TOWNSHIP OF HOPE PROVIDING FOR THE APPROPRIATION OF \$8,350.00 FOR ‘REPLACEMENT OF COURT SIDE DOORS’ FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND**

**BE IT ORDAINED** by the Township Committee of the Township of Hope, County of Warren, State of New Jersey, as follows:

- 1. The sum of **\$8,350.00** shall be appropriated for the following item from the Capital Improvements Budget for the year 2024:

**TWO NEW COURT SIDE DOORS – MATERIALS AND LABOR**

- 2. The sum of \$8,350.00 is available in the Capital Improvement Fund
- 3. The appropriation herewith does not authorize any debt of the Township of Hope.
- 4. This Ordinance shall take effect immediately on final passage and publication as provided by law.

Motion to introduce: Mr. Urfer  
Second: Mr. Kruk  
Roll Call:  
Committeeman Kruk: Yes    Committeeman Urfer: Yes    Mayor McDonough: Yes

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced for first reading at a regular meeting of the Township Committee of the Township of Hope held on April 24, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on May 9, 2024 or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 407 Hope-Great Meadows Road, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

**ORDINANCES FOR PUBLIC SESSION AND ADOPTION:**

**ORDINANCE 2024-04  
CALENDAR YEAR 2024**

**AN ORDINANCE OF THE TOWNSHIP OF HOPE PROVIDING FOR THE APPROPRIATION OF \$43,000.00 FOR ‘REPAIR WORK TO HONEY RUN ROAD – FEMA RELATED’ FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND**

**BE IT ORDAINED** by the Township Committee of the Township of Hope, County of Warren, State of New Jersey, as follows:

1. The sum of **\$43,000.00** shall be appropriated for the following item from the Capital Improvements Budget for the year 2024:

**HONEY RUN ROAD REPAIR WORK – FEMA RELATED**

5. The sum of \$43,000.00 is available in the Capital Improvement Fund
6. The appropriation herewith does not authorize any debt of the Township of Hope.
7. This Ordinance shall take effect immediately on final passage and publication as provided by law.

Motion to Open to Public: Mr. Urfer Second: Mr. Kruk All in favor by voice vote  
No Public Comment was heard.

Motion to Close to Public: Mr. Urfer Second: Mr. Kruk All in favor by voice vote

Motion to adopt: Mr. Urfer Second: Mr. Kruk

Roll Call:

Committeeman Kruk: yes Committeeman Urfer: yes Mayor McDonough: yes

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced for first reading at a regular meeting of the Township Committee of the Township of Hope held on April 10, 2024 and ordered published in accordance with the law. Said Ordinance was opened up to public session and finally adopted at a meeting of the Township Committee held on April 24, 2024 at 4:00P.M.

**ORDINANCE 2024-05  
CALENDAR YEAR 2024**

**AN ORDINANCE OF THE TOWNSHIP OF HOPE PROVIDING FOR THE APPROPRIATION OF \$30,000.00 FOR ‘SERVER, CLOUD-BASED BACK UP AND MSI SOFTWARE LICENSING’ FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND**

**BE IT ORDAINED** by the Township Committee of the Township of Hope, County of Warren, State of New Jersey, as follows:

1. The sum of **\$30,000.00** shall be appropriated for the following item from the Capital Improvements Budget for the year 2024:

**SERVER, CLOUD-BASED BACK UP AND MSI SOFTWARE LICENSING**

8. The sum of \$30,000.00 is available in the Capital Improvement Fund
9. The appropriation herewith does not authorize any debt of the Township of Hope.
10. This Ordinance shall take effect immediately on final passage and publication as provided by law.

Motion to Open to Public: Mr. Urfer Second: Mr. Kruk All in favor by voice vote  
No Public Comment was heard.

Motion to Close to Public: Mr. Urfer Second: Mr. Kruk All in favor by voice vote  
Motion to adopt: Mr. Urfer Second: Mr. Kruk

Roll Call:

Committeeman Kruk: yes    Committeeman Urfer: yes    Mayor McDonough: yes

**NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced for first reading at a regular meeting of the Township Committee of the Township of Hope held on April 10, 2024 and ordered published in accordance with the law. Said Ordinance was opened up to public session and finally adopted at a meeting of the Township Committee held on April 24, 2024 at 4:00P.M.

**HOPE TOWNSHIP, WARREN COUNTY, NEW JERSEY  
TREE REMOVAL/REPLACEMENT ORDINANCE  
ORDINANCE NO. 2024-06**

**SECTION I. Purpose:**

An ordinance to establish requirements for tree removal and replacement in the Township of Hope to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

**SECTION II. 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 ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.
- C. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
1. Has an infectious disease or insect infestation; or,
  2. Is dead or dying; or,
  3. Obstructs the view of traffic signs, sightline or the free passage of pedestrians or vehicles, where pruning attempts have not been effective; or,
  4. May cause damage to structures (such as building foundations, sidewalks, etc.); or,
  5. Any trees whose angle or growth makes them a hazard to a structure of human life; or,
  6. Is determined to be a threat to public health, safety, and/or welfare.
- E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- I. “Tree” means a woody plant having one erect perennial stem (trunk) that can support itself, at least three (3) inches in diameter at a point 4 ½ feet above the ground, a definitely formed crown of foliage and a mature height of at least 13 feet.

- J. “Tree Caliper” means the diameter of the trunk of a young tree, measured 4 ½ feet above the ground.
- K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

**SECTION III. Regulated Activities:**

**A. Tree Replacement Requirements**

1. Any person who removes greater than one per acre, as defined as tree removal, with a DBH of 6” or more, unless exempt under Section IV, and as part of a Land Use Board application, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person who removes one or more tree(s), as defined as tree removal, within 300 feet of a designated C-1 stream, and/or within 300 feet of a wetlands classified as “high value” by NJDEP.
3. Any residential use lots, clearing an acre or more of land, unless exempt by Section IV. Clearing area shall not include buildings, accessory structures, driveways, stormwater facilities, septic systems and other ancillary structures.

The species type and diversity of replacement trees shall be in accordance with Appendix A. Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below; and,
2. Be planted within eighteen (18) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality; and,
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and,
4. Any non-residential uses or major site plan application shall post a performance guarantee, as regulated in Section 19-2.3, for a minimum of two years for any street tree planted to ensure their survival and shall be replaced as needed within twelve (12) months; and,
5. Shall be planted in the ground. Potted and contained trees will not be considered replacements.

**Tree Replacement Requirements Table:**

<b>Category</b>	<b>Tree Removed (DBH)</b>	<b>Tree Replacement Criteria (See Appendix A)</b>
1	DBH of 3” (for street trees) or 6” (for non-street trees) to 13.99”	Replant 1 tree with a minimum tree caliper of 1.5” or tree height of 3-4 feet for each tree removed
2	DBH of 14” to 22.99”	Replant 2 trees with minimum tree calipers of 1.5” or



		tree height of 3-4 feet for each tree removed
3	DBH of 23” to 47.99”	Replant 3 trees with minimum tree calipers of 1.5” or tree height of 3-4 feet for each tree removed
4	DBH of 48” or greater	Replant 4 trees with minimum tree calipers of 1.5” or tree height of 3-4 feet for each tree removed

**B. Replacement Alternatives:**

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
  - a. Plant replacement trees in a separate area(s) approved by the municipality.
  - b. Pay a fee of \$200 per nonexempt tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

**SECTION IV. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption:

- A. Farms in active operation.
- B. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.
- C. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- D. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- F. Hazard trees may be removed with no fee or replacement requirement.
- G. Removal of invasive trees.
- H. Any tree which is part of cemetery.
- I. A tree directed to be removed by municipal, County, State or Federal authority pursuant to law.
- J. Pruning or removal of trees within the right-of-way by utility companies for the maintenance of utility wires or pipelines.

- K. Trees removed in conjunction with farmland greater than five (5) acres in size that will be actively devoted primarily to agricultural uses. Where the owner desires to remove any trees for the purpose of expanding farmlands.
- L. Fallen trees due to exceptionally high winds, a snowstorm, a hurricane or any other kind of natural disaster.
- M. Trees planted in a decorative planter.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Zoning Officer, Department of Public Works and Township Engineer during the course of ordinary enforcement duties.

**SECTION VI. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$200.

**SECTION VIII. Severability:**

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

**SECTION VIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Open to Public: Mr. Urfer Second: Mr. Kruk All in favor by voice vote  
 No Public Comment was heard.  
 Motion to Close to Public: Mr. Urfer Second: Mr. Kruk All in favor by voice vote  
 Motion to adopt: Mr. Urfer Second: Mr. Kruk

Roll Call:

Committeeman Kruk: yes    Committeeman Urfer: yes    Mayor McDonough: yes

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced for first reading at a regular meeting of the Township Committee of the Township of Hope held on April 10, 2024 and ordered published in accordance with the law. Said Ordinance was opened up to public session and finally adopted at a meeting of the Township Committee held on April 24, 2024 at 4:00P.M.

Robin L. Keggan, RMC

**Appendix A**

Recommended Replacement Tree Species and Planting for Hope Township

Tree Species	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc)
<u>American Basswood</u>	<u>Spring</u>	
<u>American Elm</u>	<u>Spring</u>	
American Witch-Hazel	Spring or Fall	
American Hornbeam	Spring	
American Beech	Spring	
<u>Bald Cypress</u>	<u>Spring or Fall</u>	
<u>Black Locust</u>	<u>Spring or Fall</u>	
Black Gum, Black Tupelo	Spring	
<u>Common Alder</u>	<u>Spring or Fall</u>	
<u>Common Hackberry</u>	Spring	
Dogwood	Spring	
Eastern Red Cedar	Spring or Fall	
Eastern Redbud	Spring	
Ginkgo	Spring	
Pink Oak	Spring	
Red Maple	Spring	
Red Oak	Spring	
River Birch	Spring	
Swamp White Oak	Spring	
Sweetgum	Spring	
Scarlet Oak	Spring	
Sassafras	Spring or Fall	
Shadbush, Serviceberry	Spring or Fall	
Sugar Maple	Spring	
Sweetbay Magnolia	Spring	
White Pine	Spring or Fall	

**Unfinished Business:**

Salt Shed – Mr. Urfer suggested that this be discussed at the June meeting when the Township attorney is present so that the bid process can be more thoroughly discussed. Mr. Urfer requested that a meeting with himself, Donald Whitmore and the Clerk be set up to discuss before the June meeting.

**New Business:**

Interviews were held to hire a new Animal Control Officer. Mr. Urfer made a motion to employ Mr. James DeLorenzo on a probationary basis beginning June 1, 2024 and ending December 31, 2024. The motion was seconded by Mr. Kruk and roll called: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes. Mayor McDonough was authorized to reach out to Mr. DeLorenzo to negotiate terms and conditions of employment.

**Public Participation:**

No public comment was heard.

Seeing there was no other business for tonight, this meeting of the Hope Township Committee was adjourned at 4:56 p.m. on a motion made by Mr. Urfer; seconded by Mr. Kruk. Motion carried.

Robin L. Keggan, RMC  
Municipal Clerk