

**TOWNSHIP OF HARDWICK  
TOWNSHIP COMMITTEE MEETING MINUTES  
WEDNESDAY MAY 15, 2024**

**OPENING ROLL CALL:**

The meeting was called to order by Mayor Jacksic at 7:00 pm. Present was Committeeman Lovell. Also, present were DPW Supervisor Campbell, Chief Financial Office Rolef, Township Attorney Igor Bykov, and Municipal Clerk Shippis.

Deputy Mayor Meuse was absent.

**FLAG SALUTE:**

**SUNSHINE STATEMENT:**

“Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231 setting forth the time, date, place, and purpose of this Public Meeting through a legal notice published in New Jersey Herald and The Express times following the Township’s Annual Reorganization Meeting at which time the 2024 meeting schedule was adopted.”.

**PUBLIC COMMENT:**

Tara Mezzanotte- provided an update to the committee on Route 611 in Pennsylvania with work starting during the summer resulting in the opening of one lane.

Mrs. Mezzanotte also provided an update on Route 80 Rockwall. Mrs. Mezzanotte along with Committeeman Lovell attended a meeting with NJDOT and several other entities regarding the historic properties along route 80 and the impact that this project could have on those properties.

**DEPARTMENT REPORT:**

DPW Supervisor Campbell said that clean up week was slower than previous years but there were no issues.

Bob Wolff read the Spring Forest Fire report for the fire tower.

Stillwater Fire Department Chief Dwane Banghart read the Stillwater Fire Department call outs.

Mayor Jacksic read the call outs for Blairstown Fire Department.

Mayor Jacksic read the call outs for the Animal Control officer.

**MINUTES:**

**March 20, 2024, Public Session Meeting Minutes**

Motion made by Lovell, second by Jacksic and carried to approve the March 20, 2024, meeting minutes.

**ORDINANCE:**

**Public Hearing/ Adoption**

2024-01 Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Amending and Supplementing Section 13-90A Entitled” Application Requirements” of Chapter 13- Land Development to Establish a Procedure by which a Resident can Submit a Zoning Map Change Request.

**Motion made by Lovell, second by Jacksic and carried to amend the ordinance to change the wording from a “resident to a party” Ordinance will be reintroduced at next meeting.**

### **Public Hearing/ Adoption**

2024-02 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish A Cap Bank (N.J.S.A 40A:4-45.14)

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

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

**WHEREAS**, the Township Committee of the Township of Hardwick in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$41,698.30 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Hardwick, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Hardwick shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$41,698.30 and that the CY 2024 municipal budget for the Township of Hardwick be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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

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

**Motion made by Lovell, second by Jacksic to open public hearing.**

**No public comment.**

**Motion made by Lovell, second by Jacksic to close public hearing.**

**Motion made by Lovell, second by Jacksic and approved by roll call vote: Lovell—yes, Meuse—absent, Jacksic—yes. Ordinance 2024-02.**

**Introduction:**

2024-03 An Ordinance Establishing a New Article XIV of the Code of Township of Hardwick Entitled, “Stormwater Management Control.”

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

**13-110.1 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 section is to establish minimum stormwater management requirements and controls for major development, as defined below in § 13-110.2.

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 preempted 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 Township of Hardwick.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to *{adoption date of this ordinance}*, shall be subject to the stormwater management requirements in effect on *{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 *{adoption date of this ordinance}*, shall be subject to the stormwater management requirements in effect on *{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.
6. Development of single-family residences, accessory structures, and associated uses on individual parcels as well as minor subdivisions as defined in § [13-6](#) shall be deemed compliant with the requirements of § [13-110](#) without need for engineering documentation or employment of stormwater mitigation means provided all of the following conditions are met:
  - (a) Where the parcel is less than 20 acres in area, the total impervious coverage, including both rooftop and motor vehicle surfaces, does not exceed 10% of the parcel's surface area or 1/4 acre, whichever is greater. For a parcel greater than 100 acres in area, the total impervious coverage does not exceed 5% of the parcel's surface area. For a parcel greater than 20 acres and less than 100 acres in area, the total impervious coverage does not exceed a percentage value that may be calculated as linearly decreasing from 10% to 5% as the parcel's surface area increases from 20 acres to 100 acres.

Note: The impervious coverage limit for the parcels with areas between 20 acres and 100 acres may be calculated as follows:

Impervious Coverage Limit =  $10\% - (\text{Parcel area} - 20) / 80$

- (b) Development does not occur within wetlands, wetlands transition areas, or other conservation easement areas;
  - (c) Development does not occur on steep slopes as defined in § [13-6](#). Note: Maintenance or restoration of lawns, pastures, agricultural fields, and the like, preexisting as of March 2, 2021, and whether or not located on steep slopes or within wetlands transition areas, shall not be considered disturbance or development. Removal of invasive plant species, such as, but not limited to, multiflora rose, autumn-olive, red cedar, Canadian thistle, hemp dogbane, horse nettle, etc., considered part of routine maintenance or restoration.
  - (d) Development does not entail construction of a public motor vehicle surface;
  - (e) Development and any associated disturbances does not entail meaningful risk of creating a discernible degradation of surface water or groundwater resources;
  - (f) Reasonably anticipated stormwater runoff will not create adverse impacts such as erosion and siltation either on-site or off-site.
7. Compliance with conditions in Subsection c6(a-f) immediately above creates a presumption of conformity with the provisions of this section. Under exceptional circumstances where there is credible reason for concern that proposed new development may result in outcomes contrary to the intent of this section of Hardwick Township's Code, responsible Township officials may request additional documentation to support a determination that the proposed development may appropriately be granted the presumption of conformity. Officials or bodies with primary responsibility for this determination shall include the Zoning Officer, the Township Engineer, and the Land Use Board.
- d. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the

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

### **§13-110.2 Definitions.**

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

#### **CAFRA CENTERS, CORES OR NODES**

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

### **MOTOR VEHICLE SURFACE**

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, race-tracks, 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:

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

### **REGULATED MOTOR VEHICLE SURFACE**

Any of the following, alone or in combination:

- a. The total area of motor vehicle surface that is currently receiving water;
- b. A net increase in motor vehicle surface; and/or
- c. 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:

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

#### **WATER CONTROL STRUCTURE**

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”.

### **§13-110.3 Design and Performance Standards for Stormwater Management Measures**

- a. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- b. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **§13-110.4 Stormwater Management Requirements for Major Development**

- a. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with **§13-110.10**.
- b. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- c. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 13-110.4p, q and r:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- d. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 13-110.4.o, p, q and r may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §13-110.4. o, p, q, and r to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of §13-110.4. o, p, q, and r, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §§ 13-110.4.d.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §13-110.4. o, p, q, and r that were not achievable onsite.
- e. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §13-110.4. o, p, q, and r. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative



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

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

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

<b><u>Table 1</u></b> <b><u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u></b>				
<b><u>Best Management Practice</u></b>	<b><u>Stormwater Runoff Quality TSS Removal Rate (percent)</u></b>	<b><u>Stormwater Runoff Quantity</u></b>	<b><u>Groundwater Recharge</u></b>	<b><u>Minimum Separation from Seasonal High Water Table (feet)</u></b>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	$\frac{2^{(e)}}{1^{(f)}}$
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	$\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$	$\frac{2^{(b)}}{1^{(c)}}$
Small-Scale Bioretention Device <sup>(a)</sup>	80 or 90	Yes	$\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$	$\frac{2^{(b)}}{1^{(c)}}$
Small-Scale Infiltration Device <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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

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

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

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

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 13-110.4.o.2;
  - (b) designed to infiltrate into the subsoil;
  - (c) designed with underdrains;
  - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
  - (e) designed with a slope of less than two percent;
  - (f) designed with a slope of equal to or greater than two percent;
  - (g) manufactured treatment devices that meet the definition of green infrastructure at §13-110.2;
  - (h) manufactured treatment devices that do not meet the definition of green infrastructure at §13-110.2.
- g. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §13-110.6b. Alternative stormwater management measures may be used to satisfy the requirements at § 13-110.4.o only if the measures meet the definition of green infrastructure at §13-110.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §13-110.4.o.2. are subject to the contributory drainage area limitation specified at §13-110.4.o.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §13-110.4.o.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 13-110.4.D is granted from § 13-110.4.O.
- h. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures

within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- i. Design standards for stormwater management measures are as follows:
  - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §13-110.8c;
  - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §13-110.8; and
  - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- j. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §13-110.2 may be used only under the circumstances described at §13-110.4o4.
- k. Any application for a new agricultural development that meets the definition of major development at §13-110.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §13-110.4o,p,q and r and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the

development of land for the processing or sale of food and the manufacture of agriculturally related products.

- l. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 13-110.4p, q and r shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- m. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the office of the Warren County Clerk or the registrar of deeds and mortgages of Warren County in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality. 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 § 13-110.4.o,p, q, and r and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § **13-110.10.b.5**. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- n. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §13-110.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the office of the Warren County Clerk or the registrar of deeds and mortgages, as applies, and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with subsection M above. Prior to the commencement of construction, proof that

the above required deed notice has been filed shall be submitted to the municipality in accordance with subsection M above.

o. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at §13-110.4.p and q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §13-110.4.f. and/or an alternative stormwater management measure approved in accordance with §13-110.4.g. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at § 13-110.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 13-110.4.g.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 13-110.4.d is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 13-110.4.g may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 13-110.4p, q and r.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 13-110.4p, q and r, unless the project is granted a waiver from strict compliance in accordance with § 13-110.4.d.

p. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 13-110.5, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to § 13-110.5.d of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and

areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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

q. Stormwater Runoff Quality Standards

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



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

5. Table 4 - Water Quality Design Storm Distribution

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

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

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

Where:

$R$  = total TSS Percent Load Removal from application of both BMPs.

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

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

7. 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 § 13-110.4p, q and r.
8. 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.
9. 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.
10. 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.
11. 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.

r. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §13-110.5, complete one of the following:
  - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §13-110.5.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;
  - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to §13-110.5.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;
  - (c) 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 §13-110.5.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
  - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with subsection r.2.(a), (b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

### **§13-110.5. Calculation of Stormwater Runoff and Groundwater Recharge:**

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

1. The design engineer shall calculate runoff using 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 § 13-110.5.a.1. 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/greport/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**

	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Warren	1.20	1.25	1.37

#### **§ 13-110.6 Sources for Technical Guidance:**

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

<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.

#### **§ 13-110.7. Solids and Floatable Materials Control Standards:**

- A. Site design features identified under § 13-110.4.f above, or alternative designs in accordance with § 13-110.4.g above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 13-110.7.a.2 below.
1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:



- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

2. The standard in A.1. above does not apply:

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

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

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

#### **§ 13-110.8. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 13-110.8.C.1, 8.C.2, and 8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
    - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

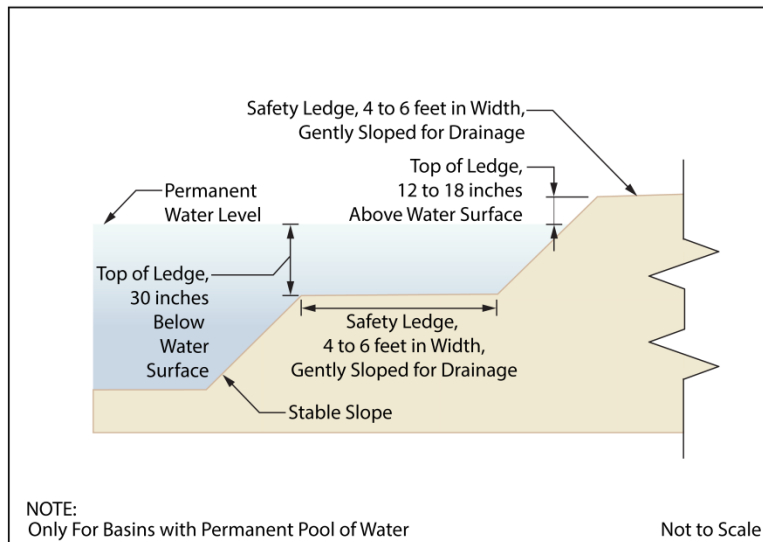
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no less greater than two inches across the smallest dimension
  - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 3. Stormwater management BMPs shall include escape provisions as follows:
  - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 8.C, a free-standing outlet structure may be exempted from this requirement;
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half 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 8.E for an illustration of safety ledges in a stormwater management BMP; and
  - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

#### D. Variance or Exemption from Safety Standard

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

#### E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



### § 13-110.9 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 § 13-110.9.c below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with § 13-110.9.C of this ordinance.

## B. Site Development Stormwater Plan Approval

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

## C. Submission of Site Development Stormwater Plan

The following information shall be required:

### 1. Topographic Base Map

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

### 2. Environmental Site Analysis

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

### 3. Project Description and Site Plans

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

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 13-110.3 through § 13-110.5 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:

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

#### 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 13-110.4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils

report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 13-110.10.

#### 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 § 13-110.9.c.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **§ 13-110.10. Maintenance and Repair:**

#### A. Applicability

Projects subject to review as in § 13-110.1c of this ordinance shall comply with the requirements of § 13-110.10b and 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 § 13-110.10.b.3 above is not a public agency, the maintenance plan and any future revisions based on § 13-110.10.b.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under § 13-110.10.b.3 above shall perform all of the following requirements:
  - (a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 13-110.10.b.6 and 7 above.



8. The requirements of § 13-110.10.b.3 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. A privately owned facility shall post a two-year maintenance guarantee upon completion of the facility in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.
  10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

#### **§ 13-110.11. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the penalties as established by this chapter and the Township Code.

#### **§ 13-110.12. Severability:**

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

**§ 13-110.13. Effective Date:**

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

**Motion made by Lovell, second by Jacksic and carried to introduce Ordinance 2024-03.**

**Public Hearing/ Adoption**

**2024 Budget**

Township Auditor Andrew Kucinski provided a summary of the budget to the committee. The township came in below the tax levy caps and below the appropriate cap of approximately \$12,000 and below the levy cap of approximately \$67,000. There is 2.5 cent per 100 dollars of assessed valuation increase this year. The average home in Hardwick is assessed at \$250,000 for the year, it will be a \$62 increase.

Motion made by Lovell, second by Jacksic and carried to open public hearing.

No public comment.

Motion made by Lovell, second by Jacksic and carried to close the public hearing.

Motion made by Lovell, second by Jacksic and approved by roll call vote: Lovell—yes, Meuse—absent, Jacksic—yes to adopt the 2024 budget.

**2023 Audit**

Township Auditor Andrew Kucinski and Amanda Garris presented the 2023 Audit to the committee.

A full audit was provided to the committee prior to the meeting as well as a two-page summary.

Mr. Kucinski went over the financials which included revenues and expenditure.

Ms. Garris went over the comments of the 2024 Audit which were acknowledged.

**CONSENT AGENDA:**

1. 2024-38- Redemption Cancelling Tax Sale Certificate (8 Mallard Pond Rd).

WHEREAS, the property of 8 Mallard Pond Road LLC, 8 Mallard Pond Road Road, known as Block 801, Lot 9 had unpaid 2022 property taxes and was sold at Tax Sale on October 10, 2023 by the Hardwick Township Tax Collector; and

WHEREAS, there were no outside bidders for the abovementioned property, the Hardwick Township Tax Collector struck off the property to the Township of Hardwick for the amount of \$23,825.44. This amount consists of unpaid 2022 property taxes, interest, and other costs, and is represented by Tax Sale Certificate 2023-003; and

WHEREAS, Richard W. Anderson paid \$55,749.22 on May 7, 2024 to the Hardwick Township Tax Collector to satisfy the outstanding Tax Sale Certificate:

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hardwick on this 15th day of May 2024 that the Mayor of the Township of Hardwick be authorized to sign Tax Sale Certificate 2023-003 as being satisfied; and

2. 2024-39- Redemption Canceling Tax Sale Certificate (41 Paulinskill Road).  
WHEREAS, the property of Richard W. Anderson, 41 Paulinskill Road, known as Block 1104, Lot 7 had unpaid 2021 property taxes and was sold at Tax Sale on October 18, 2022 by the Hardwick Township Tax Collector; and

WHEREAS, there were no outside bidders for the abovementioned property, the Hardwick Township Tax Collector struck off the property to the Township of Hardwick for the amount of \$38.11. This amount consists of unpaid 2021 property taxes, interest, and other costs, and is represented by Tax Sale Certificate 2022-002; and

WHEREAS, Richard W. Anderson paid \$83.80 on April 23, 2024 to the Hardwick Township Tax Collector to satisfy the outstanding Tax Sale Certificate:

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hardwick on this 15th day of May 2024 that the Mayor of the Township of Hardwick be authorized to sign Tax Sale Certificate 2022-002 as being satisfied; and

3. 2024-40 A Resolution in Support of Senate No. 725 Concerning Unlawful Occupancy of Dwellings and Supplementing Title of the New Jersey Statutes of the State of New Jersey.

**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, Stack 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 Hardwick 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 Township Clerk to the

Office of the Governor and Lieutenant Governor, the Township's elected Representatives in the State Legislature, and the New Jersey League of Municipalities.

4. 2024-41 Calling for the Modernization of the Open Public Records Act (OPRA) and the Seift Passage of S-2390/A-4045.

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof

permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don't want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the (*insert name of municipality*) in the County of (*insert name of County*) respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, the Governor and Lieutenant Governor, the Township's elected Representatives in the State Legislature, and the New Jersey League of Municipalities.

5. 2024-42 Award Contract Municipal Office Furniture.

**WHEREAS**, the Township of Hardwick has a need to replace furniture within the Municipal Building; and

**WHEREAS**, the Township Solicited comparable quotes from reputable vendors;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the General Capital Fund, funding through the American Rescue Plan Act of 2021.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Hardwick, County of Warren, and State of New Jersey approve the purchase of Three (3) L shaped Desks, Three (3) Hutch with door, One (1) two drawer Lateral file

and Three (3) Chairs from National Business Furniture, 770 South 70<sup>th</sup> Street, Milwaukee, WI in the amount of \$9,123.39.

6. 2024-43 Contracting for Professional Services in Accordance with the Local Public Contracts Law (N.J.S.A. 40A-11.1, ET. SEQ.) Municipal Stormwater Engineer.

**WHEREAS**, the Township of Hardwick has a need to acquire a municipal stormwater engineer as a non-fair and open contract pursuant to provisions on N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the chief financial officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one year; and

**WHEREAS**, French & Parrello Associates has agreed to provide engineering services for the rates broken out in the May 13, 2024 proposal \$50,700 , proposal attached; and

**WHEREAS**, In the event of unforeseen expenses, French & Parello shall report to the township immediately. French & Parello shall not proceed with services, until such time that an authorization is received from Hardwick and the Professional Service Agreement is amended; and

**WHEREAS**, French & Parrello Associates has completed and submitted a Business Entity Disclosure Certificate which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Hardwick in the previous year, and that the contract will prohibit French & Parrello Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned engineering services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for federal program spending or by inclusion in an appropriate bond ordinance.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hardwick, of the County of Warren, that the Mayor and Clerk are authorized to enter into a contract with French & Parrello. as described herein as Municipal Stormwater Engineer on and in behalf of the Township of Blairstown for the year 2024; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in a legally designated publication.

7. 2024-44 Approving Payment of Vouchers.

**WHEREAS** all claims as reviewed and listed on the attached bill list are approved as reasonable and proper claims against the Township of Hardwick to be paid from its current fund; and

**WHEREAS**, the CFO has certified that funds are available to pay such claims.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, County of Warren, State of New jersey that the bills on the attached bill listed are authorized to be paid.

**Motion made by Lovell, second by Jacksic and approved by roll call vote: Lovell—yes, Meuse—absent, Jacksic—yes, the May 15, 2024, consent agenda.**

**UNFINISHED BUSINESS:**

**Spring Valley Road update.**

The engineering is complete, and the award to bid should be in August.

**RAVE text update.**

Tabled.

**Cell Tower Lease**

Waiting on executed contracts.

**Tree Removal Sample Ordinance**

Draft Ordinance was provided to the committee and zoning officer for comments.

**Vass Farmstead Lease**

A meeting is scheduled with NJDEP to go over the lease.

**Altice/ Optimum Township Lease**

Tabled.

**Municipal Building Roof**

Discussed at a later time.

**NEW BUSINESS:**

**Resignation of Paul Horsey, Land Use Board Member & Deputy Office of Emergency Management.**

The committee accepted resignation.

**Housing Legislation,**

Heyer and Gruel requested to proceed with new legislation requirements under their current contract. Committee agreed.

**NJDOT State Aid.**

DPW Supervisor Campell stated that there will be no NJDOT State Aid this year.

**PAIC Mandatory Cyber Awareness Training by June 30.**

Committeeman Lovell spoke about the training that is required by June 30<sup>th</sup>.

**PAIC Loss Control Survey - Vass Farmstead.**

Committeeman Lovell stated that the survey requested that a sign be placed over all fire extinguishers. The survey also requested that the crack on the steps at the Vass Farmstead need to be addressed which Committeeman Lovell will take care of.

**Planning 2024 Hardwick Day.**

Discussion took place regarding planning for Hardwick Day. Stillwater Fire Department donated tables and chairs so they will not need to be rented. Committeeman Lovell would like to have yard signs made up this year. Hardwick Day will be held on October 13, 2024.

**CORRESPONDENCE:**

No Correspondence.

**TOWNSHIP ATTORNEY:**

No report.

**TOWNSHIP CLERK:**

Clerk Shipp reminded the residents that the June meeting will be held on June 12<sup>th</sup> and advised it will start at 6 pm.

Rabies Clinic will be held from 8:30- 10:30 on December 7, 2024, at the DPW in Blairstown.

**TOWNSHIP COMMITTEE REPORTS:**

Committeeman Lovell had no report.

Mayor Jacksic reported that Planet Network has been active in Hardwick Township and residents have been signing up.

**PUBLIC COMMENT:**

Bob Wolff said that Hardwick Day signs used to go up at every intersection two weeks before an event.

**EXECUTIVE SESSION:**

**Motion made by Lovell, second by Jacksic and carried to go into Executive Session at 8:15 pm.**

**2024-45 Resolution Authorizing Executive Session for the purpose of**

**WHEREAS**, Section 8 of the Open Public Meeting Act, Chapter 231, P. L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

**WHEREAS** this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
  - A. Personnel
  - B. Contract Negotiations



As nearly as can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

**Motion made by Lovell, second by Jacksic and carried to closed Executive Session at 8:37.**

Attorney Bykov stated that the Hardwick Township Committee met in Executive Session regarding the contract for the municipal roof repair, and personnel regarding employee increases. No official action has been taken.

**ADJOURNMENT:**

Motion made by Jacksic second by Lovell and carried to adjourn the meeting at 8:38 pm.

Respectfully submitted by:

Kristin Shipps, RMC