

MINUTES - REGULAR MEETING (Virtual)
September 23, 2020

NOTICE IS HEREBY GIVEN THAT THE BOROUGH COUNCIL MEETING SCHEDULED FOR SEPTEMBER 23, 2020 WILL BE A VIRTUAL MEETING; THE MEETING WILL COMMENCE AT 7:00 PM. PLEASE USE THE FOLLOWING INFORMATION, INCLUDING THE PASSCODE SHOWN BELOW, TO LOG IN TO THE MEETING:

Borough of Sea Girt Council Regular Meeting

Topic: Council Regular Meeting

Time: Sep 23, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81436970321>

Meeting ID: 814 3697 0321

~~Passcode: 417646~~ required

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The Virtual Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor Farrell at 7:00 PM on Wednesday, September 23, 2020. Mayor Farrell asked for a moment of silence, after which he led those participating in the Pledge of Allegiance.

The Clerk read the Compliance Statement: This meeting is called pursuant to the provisions of the Open Public Meetings Act, C.231, P.L.1975: adequate notice of this meeting has been given by posting a notice on the Borough's website and official bulletin board and by transmitting a copy of the Notice to the Borough's two official newspapers, *The Asbury Park Press* and *The Coast Star* as required by law.

5. ROLL CALL:

	Present	Absent
Mayor Farrell	X	
Councilman Clemmensen	X	
Councilman Mastrorilli	X	
Councilman Begley	X	
Council President Fetzer	X	
Councilwoman Giegerich	X	
Councilwoman Anthony	X	

- 6. CONSENT AGENDA - Resolution No. 171-2020: UPON MOTION** of Councilwoman Anthony, seconded by Council President Fetzer, carried, that the following resolutions be and the same is hereby adopted:

- **Authorizing the submission of a Recycling Tonnage Grant application**

TONNAGE GRANT APPLICATION RESOLUTION

- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and,
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,
- WHEREAS,** The New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,
- WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,
- WHEREAS,** A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,
- WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sea Girt that the Borough of Sea Girt hereby endorses the submission of the Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the Recycling Tonnage Grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purposes of recycling.

- **Conditionally approve request of The Holly Club to set up a Topiary Pop-Up in the Sea Girt Library parking lot on Thursday, November 5, 2020 from 1:00 to 3:00 PM subject to the submission of a Certificate of Insurance naming the Borough as an Additional Insured.**

WHEREAS, The Holly Club has requested permission to hold a Pop-Up Sale in the Sea Girt Library Parking Lot on Thursday, November 5, 2020 from 1:00 PM to 3:00 PM; and,

WHEREAS, said request requires the submission of a Certificate of Insurance naming the Borough of Sea Girt as an additional insured and the execution of a Hold Harmless Agreement by an official of the organization, along with compliance of social distancing requirements.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that after due consideration, the said request of The Holly Club to hold a Pop-Up Sale at the Sea Girt Library on Thursday, November 5, 2020, from 1:00 PM to 3:00 PM, is hereby *approved subject to the following conditions*:

1. The submission of the executed Hold Harmless Agreement;
2. The submission of the Certificate of Insurance naming the Borough of Sea Girt as an additional insured for this activity;
3. Social distancing will be required.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	x			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

7. **PUBLIC PARTICIPATION ON ANY CONSENT AGENDA ITEM:** There were no comments from the public present.

8. **MINUTES**

- **Resolution No. 172-2020:** Approve Minutes, September 9, 2020 Regular Meeting – Virtual

UPON MOTION of Councilman Clemmensen, seconded by Council President Fetzer, carried, that the Minutes of the Virtual Regular Meeting held September 9, 2020 be and the same are hereby approved.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

9. **OPEN DISCUSSION –**

Councilwoman Anthony commented there is election information available including a video by Christine Hanlon, County Clerk; she noted that the counting of the provisional ballots will not begin until all mail-in ballots are counted.

10. **OLD BUSINESS -**

A. Ordinance: public hearing/possible adoption:

1. **Ordinance No. 11-2020:** The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 11-2020:

AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE NO. 19-2019 ENTITLED “AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE NO. 08-2015, ORDINANCE NO. 10-2013 AND ORDINANCE NO. 11-2012 ENTITLED “AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SEA GIRT, CHAPTER 33 THEREOF ENTITLED “SALARIES AND COMPENSATIONS” TO SET REVISED SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY, NEW JERSEY

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Sea Girt in the County of Monmouth and the State of New Jersey as follows:

SECTION 1. The following officers and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Sea Girt, whose compensation shall be on an annual or hourly basis, is not to exceed:

	SALARY RANGE
CLERK-TYPIST, DPW, FULL-TIME	5,000.00 – 50,000.00
POLICE RECORDS OFFICER/CONFIDENTIAL ASSISTANT	5,000.00 – 50,000.00
MUNICIPAL COURT PROSECUTOR	10,000.00 – 25,000.00

SECTION 3. The Borough Council is further authorized and empowered to modify and/or supplement, by resolution, any of the salary ranges set forth above if this action is permitted by law.

SECTION 4. All other ordinances or parts of ordinances in conflict with this ordinance, or any parts thereof, are hereby repealed.

SECTION 5. This ordinance shall take effect retroactively to January 1, 2020, or as otherwise stated, after final passage and publication according to law.

UPON MOTION of Councilman Clemmenssen, seconded by Councilwoman Anthony, carried, that the meeting be opened to the public for comments on the said Ordinance only.

There were no comments from the public participating and **UPON MOTION** of Councilman Clemmenssen, seconded by Councilman Mastroilli, carried, the public hearing was closed.

UPON MOTION of Council President Fetzer, seconded by Councilman Clemmenssen, carried, that the said Ordinance No. 11-2020 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

2. **Ordinance No. 13-2020:** The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 13-2020
AN ORDINANCE PROVIDING FOR INFRASTRUCTURE
IMPROVEMENTS AND PROVIDING FOR THE COST THEREOF FROM
THE BEACH UTILITY CAPITAL IMPROVEMENT FUND OF THE
BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, as follows:

Section 1. The Borough Council of the Borough of Sea Girt wishes to undertake to infrastructure improvements for the Beach Utility in the Borough of Sea Girt as listed below:

DESCRIPTION OF IMPROVEMENT	TOTAL ESTIMATED COST	APPROPRIATED FROM BEACH CIF
Baltimore Outfall Stabilization	\$15,000	\$15,000

Section 2. The improvements requested as stated above are beach infrastructure improvements that the Borough may lawfully undertake and the amount appropriated therefor is \$15,000.

Section 3. No debt is to be issued for said improvements and the cost of said improvements is to be financed from the funds are presently on hand or accumulated in the Capital Improvement Fund of the Borough of Sea Girt Beach Utility.

Section 4. Repeal, Severability.

- a. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.
- b. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Effective Date

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Councilman Clemmensen, seconded by Councilwoman Giegerich, carried, that the meeting be opened to the public for comments on the said Ordinance only.

There were no comments from the public participating and **UPON MOTION** of Councilman Mastrorilli, seconded by Council President Fetzer, carried, the public hearing was closed.

UPON MOTION of Council President Fetzer, seconded by Councilwoman Giegerich, carried, that the said Ordinance No. 13-2020 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- B. **Resolution No. -2020:** Proposals were requested for the Washington Boulevard/The Plaza Lamppost Basket Project for 2020-2021; only one complete response was received from By Design Landscaping, \$6,800. The Clerk announced that this item was originally carried to the September 23rd meeting, however; the meeting with the Beautification Committee is now scheduled for September 28th; therefore, we will report on this matter at the October 14th meeting.

11. NEW BUSINESS

A. Ordinances – introduction:

1. **Ordinance No. 12-2020:** The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 12-2020

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC,
SECTION 7-14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS
IN THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT
AS FOLLOWS:**

**SECTION 1. CHAPTER VII, SECTION 7-14, PARKING PROHIBITED AT ALL TIMES ON
CERTAIN STREETS, is hereby amended and supplemented as follows:**

No person shall park a vehicle at any time upon any streets or parts thereof described, except where other parking regulations have been provided for. (Ord. No. 567 § III; Ord. No. 820 §§ 2, 3)

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Neptune Place	North	From First Avenue east to the easterly end of the street
Seaside Place	North	From First Avenue east to the easterly end of the street

SECTION 2. Conflicts with Prior Ordinances.

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed.

SECTION 3. When Effective.

Councilman Mastrorilli asked Fire Official Chris Willms to comment on the roadway width of Seaside Place and Neptune Place. Mr. Willms commented that the NJ State Fire Code mandates a minimum unobstructed width of 20 feet, exclusive of shoulders; average width existing at the location with parking is 14.5 feet; this is insufficient to permit Fire Department access. Mr. Willms recommended that the entire length of both roads from Sea Girt Avenue to the beachfront be included in the provisions of this Ordinance to meet minimum fire code standards.

Councilman Mastrorilli asked if other roads in town are lacking minimum width. Mr. Willms responded some north and south streets are generally not as wide but are not dead ends. Councilwoman Giegerich asked if parking should be restricted to one side of the street or restricted completely east of First Avenue. Mr. Willms responded he would recommend one side only with the entire length of Neptune Place and Seaside Place only; most streets are 32 feet wide, excluding parking lane 18'-22' wide.

Councilman Begley commented The Public Safety Committee suggested one side restricted parking East of First Avenue; Mr. Willms is suggesting the entire length of Neptune Place and Seaside Place. He defers to council for their input to table to solicit public opinion; he suggests notifying the residents within 200 feet of the proposed changes.

Councilman Clemmensen commented this is a matter of public safety; he thanked our Fire Commissioner, Councilman Mastrorilli for his due diligence researching the Codes and meeting with Fire Officials.

Council President Fetzer supports notifying residents of the proposed changes and recommends that action on Ordinance No. 12-2020 be carried and reintroduced at the next meeting scheduled for October 14th. **UPON MOTION** of Councilwoman Anthony, seconded by Councilman Mastrorilli, carried that the motion to carry Ordinance No. 12-2020 be and the same is hereby adopted.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

2. Ordinance No. 14-2020: The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 14-2020

AN ORDINANCE TO REVISE THE BOROUGH CODE OF SEA GIRT, CHAPTER XVII, SECTION 17-11 ET SEQ, THAT ESTABLISHED MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS FOR MAJOR DEVELOPMENT, REPLACING IT IN ITS ENTIRETY IN THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY

Due to the length of Ordinance No.14-2020 (attached to these Minutes at the end of document), the full document is also available in the Clerk's Office and on our website at www.seagirtboro.com.

Mayor Farrell provided a history of the rapid growth development in the area noting that there had been prior problems with the Stormwater Management System at the Baltimore Boulevard outfall pipe. The Borough undertook the project to remediate the flooding issues by increasing the pipe diameter; grants and low-cost funding were received for this project resulting in the elimination of the flooding problem; he further explained the Borough's efforts to control stormwater issues.

Council President Fetzer recommended that our Borough Engineer, Peter Avakian, be requested to participate in the public hearing to explain the changes required by the State.

UPON MOTION of Council President Fetzer, seconded by Councilwoman Anthony, carried, that the said Ordinance No. 14-2020 be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as October 14, 2020.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

3. Ordinance No. 15-2020: The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 15-2020

AN ORDINANCE TO AMEND CHAPTER XVII, SECTION 17-5.1 ACCESSORY BUILDINGS AND STRUCTURES IN RESIDENCE DISTRICTS OF THE BOROUGH OF SEA GIRT MUNICIPAL CODE; BOROUGH OF SEA GIRT, MONMOUTH COUNTY

Mayor Farrell explained that in his opinion, limiting the height of basements under garages to six feet to allow for storage only is reasonable, since the foundation must be located two feet above seasonal high water table.

Councilman Mastrorilli commented that in his opinion, many of items have already been covered in the impervious coverage requirements; therefore, he does not see a need for height limitation. He stated that the Borough's current codes are sufficient; he commended prior Council and Planning Board members for adopting the codes as they currently exist.

Mayor Farrell commented that issue is on the south end of town, where the elevation of the land is lower than other areas of the Borough.

Council President Fetzer stated that he is in agreement with Councilman Mastrorilli comments. He also disagreed with limiting a basement to 50% of the structure envelope and further stated that no height limitation is necessary as long as the structure is not interfering with neighbors. He stated that basements under garages and accessory structures should be allowed.

Councilwoman Giegerich commented that by allowing basements, it could lead to smaller garages being built and therefore less impervious coverage.

Councilwoman Anthony commented she is concerned that allowing full-height basements is a safety issue if the area is converted to a finished space. She also asked if the Borough can require maintenance of drywells. Mayor Farrell is in agreement and noted drywells need to be maintained.

Councilman Begley stated that he is not in favor of limitations or amending Ordinance.

Norm Hall provided a history on coverage; the intent is to prevent change from storage; he was asked to tighten Code at the request of Mayor Farrell; Mr. Hall is in agreement with discussion.

Mayor Farrell recommends tabling Ordinance No. 15-2020 for additional input from our Borough Engineer at our next Council meeting on October 14th. **UPON MOTION** of Council President Fetzer, seconded by Councilwoman Giegerich, carried that the motion to table Ordinance No. 15-2020 be and the same is hereby adopted.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

B. ABC License Renewal: Seasonal Retail Consumption License

1. Resolution No. 173-2020: Avon Hotel Corporation t/a The Parker House, License #1344-34-006-004

Mayor Farrell commented that some conditions have been removed. Councilman Begley disagreed, noting that all the conditions are being carried forward; Borough Attorney Ray Bogan noted one duplicate condition and some of the "WHEREAS" provisions were removed, but otherwise, the Special Conditions are the same.

Chief Davenport was asked if he had any comments on the proposed license renewal. He complimented The Parker House's management for their decision not to open this season due to the pandemic. He further noted that the full-complement of Special Police Officers will be assigned in 2021 assuming the COVID19 situation is resolved.

UPON MOTION of Councilman Mastrorilli, seconded by Councilwoman Giegerich, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the **AVON HOTEL CORPORATION**, holder of Seasonal Retail Consumption License No. **1344-34-006-004**, has applied to the **BOROUGH OF SEA GIRT** to renew the license for the term of September 1, 2020 through June 30, 2021, inclusive; and,

WHEREAS, the **AVON HOTEL CORPORATION** (also called the license holder in this **Resolution**) has paid the required Borough fee of \$1,875.00, submitted the required State fee of \$200.00 and received a Tax Clearance Certificate from the New Jersey Division of taxation for license renewal; and,

WHEREAS the license was renewed last year (July 1, 2019 through June 30, 2020 inclusive) with special conditions, all consented to by the license holder; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sea Girt that this license is hereby renewed for the term beginning September 1, 2020 through June 30, 2021, inclusive, subject to the following **SPECIAL CONDITIONS** that have been consented to by the license holder and are deemed necessary and proper to secure compliance by the license holder with the provisions of the Alcoholic Beverage Control Act, State Regulations that have been adopted by the Division of Alcoholic Beverage Control and Ordinances adopted by the Borough governing the sale of Alcoholic Beverages:

SPECIAL CONDITIONS on the license:

1. The license holder shall not permit overcrowding in or upon the licensed premises. Occupancy within the licensed premise shall not exceed the maximum permitted occupancy levels set by the Borough of Sea Girt's Bureau of Fire Prevention. Those levels are 334 standing persons in the Main Floor Bar Area when there is no floor space occupied by tables and chairs; 141 standing persons on the Back Porch when there is no floor space occupied by tables and chairs; 517 standing persons in the Ground floor Bar when there is no floor space occupied by tables and chairs and; 208 persons in the restaurant.
2. The license holder shall not violate any provision of the Alcoholic Beverage Control Act and shall comply with all regulations adopted by the Division of Alcoholic Beverage Control.
3. The license holder shall not violate any ordinance adopted by the Borough of Sea Girt pertaining to the sale, service and delivery of alcoholic beverages by persons licensed by the Borough to do so.
4. The license holder shall not sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person actually or apparently intoxicated, or permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises. A violation of this condition may result in revocation of the license.
5. The license holder shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. The license holder is responsible for the conduct of employees and patrons, if such
6. conduct is contrary to the public health, safety and welfare. A violation of this condition may result in revocation of the license.
7. The license holder shall require all employees who sell and/or serve alcoholic beverages to be trained in the techniques of alcohol management by the New Jersey Licensed Beverage Association, with emphasis on identifying apparently intoxicated patrons and refusing to serve alcoholic beverages to such patrons.
8. As modified in 2018 by the Director of the Division of Alcohol Beverage Control and consented to by the parties, CCTV recorders shall be placed in various locations throughout the licensed premises where alcoholic beverages are sold/served to video all areas of ingress to and egress from the premises. Such locations shall be approved by the Borough Police Department and shall record the activities of patrons within the premises when it is open for business. Those recordings shall be maintained for at least thirty (30) days and made available to the Police as requested.
9. The license holder shall remove trash within a four block radius of the licensed premises immediately after closing at night and prior to opening for the day.
10. The license holder shall post a security employee among the persons waiting to enter to reduce passing identification documents from one patron to another. The license holder shall post crowd control security employees on the exterior of the licensed premises on Fridays, Saturdays and holiday Sundays from 9:00 PM until all patrons have left the premises, so as to insure that patrons leave the premises in an orderly fashion. The licensee shall require all employees including security employees to wear shirts clearly identifying them as "Parker House Staff".
11. Patrons waiting outside the premises for admission shall be required by the license holder to wait in a single line, quietly and in an orderly fashion.

12. The license holder shall maintain plexiglass covers installed over the windows on the west side of the lower level of the licensed premises.
13. The license holder shall maintain a plexiglass, double-door enclosure system installed at the west side, lower level entry.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be supplied to:

1. The Division of Alcoholic Beverage Control
2. The Borough of Sea Girt Chief of Police
3. The Avon Hotel Corporation t/a The Parker House
4. Ray Bogan, Esq. Borough Attorney

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastroilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

C. 2019 Audit Report:

1. Audit finds that the Borough's financial condition is excellent;
2. Audit contains no comments or recommendations for improvement;
3. Note: As described in Note 5 to the financial statements, during the year ended December 31, 2015, the Borough was required to change accounting policies related to the reporting of pensions by state and governments by adopting the Statement of Government Account Standards (GASB Statement) No. 68, *Accounting and Financial Reporting for Pension – an Amendment of GASB Statement No. 27*. According to the regulatory basis of accounting, the cumulative effect of the accounting change as of the beginning of the year is not reported in the Comparative Statement of Operations and Changes in Fund Balance – Regulatory Basis. As of December 31, 2018, the total obligation per fund: PERS, \$3.45M (2018: \$3.9M); PFRS, \$3.58M; (2018: \$3.77M).
4. Governing Body Certification/Acceptance of Audit Report – governing body must certify that they are familiar with, at a minimum, the sections entitled “General Comments” and “Recommendations.”
5. **Resolution No. 174-2020:** Governing Body Certification/Acceptance of Audit Report – governing body must certify that they are familiar with, at a minimum, the sections entitled “General Comments” and “Recommendations.”

Auditor, Robert Hulsart commented that the Borough is in excellent financial position; experienced staff has delivered proven and excellent results. Council President Fetzer thanked the committee for their efforts.

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

UPON MOTION of Council President Fetzer, seconded by Councilwoman Anthony, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, *N.J.S.A.* 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to *N.J.S.A.* 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, *R.S.* 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated *N.J.A.C.* 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “General Comments” and “Recommendations”; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “General Comments” and “Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to *N.J.A.C.* 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of *R.S.* 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

UPON MOTION of Council President Fetzer, seconded by Councilwoman Anthony, carried, that the following Resolution be and the same is hereby adopted:

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastroilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- D. **Fall Tree Planting Project:** The Clerk-Administrator advised that the requirements had been changed with respect to the Crescent Parkway trees and therefore, the RFP would have to be reissued.

12. ADMINISTRATOR REPORTS

A. **Coronavirus Update:**

- a. Outdoor dining has been in effect since late June; 0 complaint(s) were received during the period September 9 through September 20, 2020;
- b. For the second round of CARES funding, I have submitted the Borough's reimbursement request in the amount of \$166,480.17 and received notice today that the full amount of our request has been approved for reimbursement.

B. **Beach:**

- a. The Beach is open full-time weekends through September 27; beach badges will be required for weekend access; lifeguards will be on duty during the week as well as on weekends.
- b. In compliance with the social distancing requirements of the Governor's Executive Orders, the sale of daily badges on weekends will be limited to 750 per day.
- c. *For their protection and the protection of our staff, beach patrons are urged to wear masks when interacting with our staff ; with other patrons; using our facilities and when on the boardwalk.*

- C. **Election Day 2020:** *November 3, 2020;* Reminder that the 2020 Election voting will primarily be through mail-in-ballots. The County Clerk advised that she expects to begin mailing these ballots to all active registered voters on or about October 5;

- There will be "drop boxes" placed at various locations in the County for those voters choosing not to return the mail-in ballot through the USPS; the two drop-box locations closest to the Borough will be the Wall Township Municipal Building, 2700 Allaire Road or the Belmar Municipal Building, 601 Main Street;
- Those choosing not to return the mail-in ballot may vote provisionally (i.e., on a paper ballot) at the Borough's polling location;
- Machine voting will be limited to those certifying a disability that prevents them from completing a paper ballot.

Information changes frequently, so for the most recent updates, please review the County Clerk's election webpage at MonmouthCountyVotes.com.

13. QPA REPORT (of activity since previous Council Meeting):

-The Borough continues to purchase necessary personal protective equipment for our employees including masks, gloves, building and equipment sanitizers and other equipment from various vendors to ensure their safety during this on-going crisis.

14. COUNCIL REPORTS

Councilman Clemmensen reported as follows:

- Hydrant flushing will take place between October 5th through October 23rd; water maybe discolored; please allow the water to run to up to 30 seconds to clear the discoloration;
- Leaves – please do not place dirt or grass clippings in with the leaves; our disposal facility can no longer accept “contaminated” loads;
- Beach – September weather has not been very good; our lifeguards participated in 15 rescues between September 8th and September 23rd and assisted Manasquan First Aid in 6 EMS responses;
- DPW staff is preparing for the winter season;
- Police – Beacon Railroad Crossing is complete; NJ Transit did a great job; he asked that residents please watch your speed on Beacon Boulevard and Sea Girt Avenues;
- COVID-19 – three new active cases; please continue to follow health guidelines;
- Continue to remove your valuables and lock your vehicles as there are bad actors from out of the area who are still attempting to steal high-end automobiles from the shore area.

Councilman Mastrorilli reported as follows:

- Registration for the Sea Girt 5K is closing October 1 with the scaled back race scheduled to run on October 17.
- Bike Path Committee is on pace to present at the next council meeting;
- NJ Transit did a great job with the Railroad Crossing; thanked the Police and Mrs. Carafa for their efforts.

Councilman Begley reported as follows:

- Finance - appreciate efforts on behalf of the Borough completing the 2019 Audit; the Borough’s finances continue to be in good shape;
- Thanked Mrs. Carafa for her efforts in submitting the second submission of CARES funding;
- Public Safety Committee – thanked all the beach staff, lifeguards and Police for keeping the beachfront safe; appreciated the completion of the NJ Transit project; and asked residents to please be aware of children walking and riding bikes.

Councilwoman Anthony reported as follows:

- Monument Committee – guidelines will be issued shortly and posted on our website on the process to nominate someone who has performed exemplary service to the Borough for inclusion on the Monument;
- Buildings and Grounds – more information will be provided prior to November 3rd referendum; the Plaza Streetscape Project has been revised to reduce the size of the new parking area near by the Library; thanked the committee members for their efforts.

Councilwoman Giegerich reported as follows:

- Library is open and doing a great job; please visit;
- Board of Education will discuss Phase II - returning to full time in person instruction soon; all going well thus far.

Council President Fetzer reported as follows:

- PBA and Borough negotiations are still ongoing;
- Water usage – there is an almost imperceptible increase in usage since March when many seasonal residents returned to the Borough early due to the pandemic; plant running well.

Mayor Farrell reported as follows:

- Thanked Beach Staff, Lifeguards, DPW, Administration; Fire Department and the Police Department for their efforts during this very difficult summer.

15. Resolution No. 175-2020: Payment of bills

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the bills be paid as appearing on the attached Bill List dated September 18, 2020 in the totals as follows:

CURRENT FUND	\$ 449,202.58
WATER/SEWER OPERATING FUND	\$ 81,563.98
BEACH OPERATING FUND	\$ 16,719.80
TRUST FUND	\$ 312.49
RECREATION TRUST FUND	\$ 354.00
GENERAL CAPITAL	\$ 25,390.03

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

16. PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 minutes)

Mark Schwartz, Beacon Boulevard, commented that while he is not familiar with the special conditions of the Parker House's ABC renewal, but if conditions are the same, they are not sufficient. He stated that Parker House management is only interested in their maximum profit from the night club. He further stated that crime in the Borough and his neighborhood was down significantly this summer and neighborhood was safe when The Parker House was closed. He asked what Council will do next year to ensure the same safety; he asked if the bar would be required to close earlier and limit patrons. He stated that in his opinion, it is critical to preserving the quality of life in the neighborhood that The Parker House comply with all ordinances; repeated nuisance; additional conditions are needed.

Robert Kregg, 515 Boston Boulevard, asked why Mrs. Carafa isn't returning in January; noting that once again there is an excellent Audit report as stated earlier. Mayor Farrell commented he is opposed to the Council's action, further noting that he was not consulted in this process. Councilwoman Giegerich commented the Personnel Committee is meeting tomorrow with Mrs. Carafa to discuss the matter. Councilwoman Anthony noted that Mayor Farrell commented at the last meeting that Mrs. Carafa was retiring at the end of the year. Councilman Begley commented this is a Personnel matter; Mrs. Carafa may make her reason public after their meeting.

Geraldine O'Keefe, 4 Seaside Place, thanked Council for working on parking prohibition; she also asked about affordable housing on Washington Boulevard. Attorney Raymond Bogan explained this is a matter of litigation and cannot comment at this time. She also suggested that the Borough close the beach at sundown.

There being no further comments, the comment period was closed. There being no further business, and **UPON MOTION** of Councilman Clemmensen, seconded by Councilman Mastroilli, carried, that the meeting be finally and immediately adjourned at 8:35 PM.

Lorraine P. Carafa

LORRAINE P. CARAFA, RMC, Municipal Clerk

September 18, 2020
01:44 PM

BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 1

P.O. Type: All

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Range: First to Last
Format: Condensed

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
20-00002	01/10/20	00045	SEA GIRT BOARD OF ED	Second half of 2020 School Tax	Open	396,637.92	0.00 B
20-00005	01/10/20	00090	SOUTH MON. REG. SEW. AUTHORITY	2020 Sewer Charges	Open	70,399.99	0.00 B
20-00009	01/10/20	01688	HORIZON BC/BS OF NJ DENTAL	2020 Dental	Open	3,030.85	0.00 B
20-00010	01/10/20	PRINCIPA	Principal Life Insurance Co	Life Ins. 2020	Open	253.81	0.00 B
20-00011	01/10/20	01142	STANDARD INSURANCE COMPANY	Short term disability Ins.	Open	286.20	0.00 B
20-00020	01/13/20	00964	A'S GARDEN & HOME CENTER	Misc	Open	42.87	0.00 B
20-00028	01/13/20	CLF01	Carton Law Firm	Prosecutor sevicees	Open	4,370.00	0.00 B
20-00033	01/13/20	00136	THE COAST STAR	Legal Advertising	Open	7.00	0.00 B
20-00035	01/13/20	CROSS01	Cross Over Networks	IT services	Open	10,499.40	0.00 B
20-00045	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Street Lights	Open	482.64	0.00 B
20-00049	01/13/20	00334	HOME DEPOT CREDIT SERVICES	Misc	Open	76.81	0.00 B
20-00052	01/13/20	01230	KEPWEL SPRING WATER CO., INC.	Bottled Water	Open	14.00	0.00 B
20-00053	01/13/20	01230	KEPWEL SPRING WATER CO., INC.	Bottled water	Open	98.40	0.00 B
20-00054	01/13/20	01230	KEPWEL SPRING WATER CO., INC.	bottled water	Open	10.00	0.00 B
20-00060	01/14/20	MAZZA	Mazza Mulch, Inc.	Brush Disposal	Open	4,680.00	0.00 B
20-00064	01/14/20	01258	NJ American Water	Water service to Hydrants	Open	92.00	0.00 B
20-00066	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service	Open	495.19	0.00 B
20-00067	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service Library	Open	34.00	0.00 B
20-00068	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service Paddle Tennis	Open	34.00	0.00 B
20-00069	01/14/20	00068	OLD TOWNE CAR WASH INC.	Car Wash Services	Open	60.00	0.00 B
20-00071	01/14/20	00614	Optimum	Beach - Internet, Phone, TV	Open	35.43	0.00 B
20-00072	01/14/20	00614	Optimum	Water & DPW - Inter, TV, Phone	Open	310.76	0.00 B
20-00076	01/14/20	00321	SEABOARD WELDING SUPPLY, INC.	Bottle Gas supplies	Open	39.50	0.00 B
20-00080	01/14/20	SBS01	Stewart Business Systems	Printer/Copier Servicing	Open	51.62	0.00 B
20-00082	01/14/20	01635	SWIFTREACH NETWORKS, LLC	Emergency notification service	Open	3,999.61	0.00 B
20-00088	01/14/20	00096	A.T. THORN & SON	plumbing Services	Open	170.56	0.00 B
20-00099	01/14/20	00602	NJ WATER SUPPLY AUTHORITY	Raw water Supply	Open	3,689.23	0.00 B
20-00102	01/14/20	00099	ASSOCIATED HUMANE SOCIETY	Animal Control services	Open	926.00	0.00 B
20-00116	01/14/20	LIGHTPAT	Cablevision Lightpath, Inc.	Phone & Internet Services	Open	784.68	0.00 B
20-00139	01/23/20	01472	RAYMOND F. HANBURY, PH.D.	Psychological Exams	Open	500.00	0.00 B
20-00236	02/21/20	01809	BOROUGH OF SEA GIRT	Water/sewer bills	Open	7,371.57	0.00 B
20-00355	04/01/20	CROSS01	Cross Over Networks	PC upgrades and replacements	Open	230.00	0.00 B
20-00356	04/01/20	ACF02	Atlantic Coast Fibers LLC	Recycling	Open	3,256.14	0.00 B
20-00358	04/01/20	00143	HULSART & CO.	Auditing	Open	8,000.00	0.00 B
20-00364	04/02/20	00053	VAN WICKLE AUTO SUPPLY	Misc parts	Open	496.05	0.00 B
20-00469	05/14/20	AT 01	Atlantic Tactical	Weapons and parts	Open	16,583.73	0.00
20-00550	06/12/20	AT 01	Atlantic Tactical	Riot control equipment	Open	5,268.52	0.00
20-00582	06/24/20	PASHMAN	Pashman Stein Walder Hayden PC	Sitar litigation	Open	1,313.50	0.00 B
20-00613	06/29/20	00733	KALDOR Emergency Light, LLC	Lights & Sirens for Acadia	Open	3,616.30	0.00
20-00615	06/30/20	SELEX ES	Selex ES, Inc.		Open	1,250.00	0.00
20-00634	07/06/20	WG01	WatchGuard, Inc.	Body Cameras	Open	3,940.00	0.00
20-00648	07/08/20	01467	SNEAKERS PLUS of Wall, Inc.	Summer Camp Tees	Open	265.00	0.00
20-00657	07/10/20	01208	SCOLES FLOOR SHINE JAN. SUPPLY	Hand sanitizer	Open	62.54	0.00
20-00693	07/22/20	01149	MOTOROLA SOLUTIONS INC	XPR 7750 E VHF Portable Radios	Open	2,132.25	0.00
20-00699	07/22/20	01149	MOTOROLA SOLUTIONS INC	Portable radios	Open	2,945.25	0.00
20-00743	07/31/20	01250	SHERWIN WILLIAMS	street paint & supplies	Open	1,474.50	0.00 B
20-00747	08/05/20	00693	ODB COMPANY	Requisition Request 20-256	Open	4,427.75	0.00
20-00761	08/07/20	00958	M & W COMMUNICATIONS, INC.	Radio Repair quote# 7407	Open	359.52	0.00
20-00762	08/07/20	00958	M & W COMMUNICATIONS, INC.	Repair Radio Quote # 7408	Open	356.00	0.00
20-00763	08/07/20	00958	M & W COMMUNICATIONS, INC.	Radio repair quote # 7409	Open	314.00	0.00

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BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
20-00766	08/10/20	01693	FOLEY INC.	Repairs to loader	Open	3,552.54	0.00
20-00784	08/14/20	01821	ACE OUTDOOR POWER EQUIPMENT	Requisition Request 20-267	Open	1,273.00	0.00
20-00791	08/18/20	AMAZON	Amazon.Com	Microwave	Open	142.68	0.00
20-00796	08/19/20	DEMCO01	Demco, Inc.	CD replacement pages	Open	49.83	0.00
20-00798	08/19/20	MACAGNON	Zachary Macagnone	Reimbursement	Open	26.00	0.00
20-00805	08/20/20	00559	GARDEN STATE HIGHWAY PRODUCTS	Signs	Open	227.00	0.00
20-00812	08/25/20	AMAZON	Amazon.Com	Requisition Request 20-285	Open	35.56	0.00
20-00828	08/27/20	01912	STAPLES ADVANTAGE	Ink cartridge	Open	104.12	0.00
20-00833	09/01/20	00641	TREASURER, STATE OF NJ	Air Quality Permit, WTP	Open	885.00	0.00
20-00840	09/02/20	01686	W.B. MASON COMPANY, INC.	Misc supplies	Open	98.26	0.00
20-00841	09/02/20	01912	STAPLES ADVANTAGE	Misc Supplies	Open	96.91	0.00
20-00847	09/03/20	CTS	Cornerstone Team Sports	Disinfectant wipes	Open	249.95	0.00
20-00851	09/08/20	STATENJ	STATE OF NEW JERSEY	Catastrophic Illness Fund	Open	376.50	0.00
20-00854	09/09/20	01659	AARON & COMPANY, Inc	Parts	Open	43.46	0.00
20-00863	09/10/20	01912	STAPLES ADVANTAGE	Office supplies	Open	65.76	0.00
20-00875	09/17/20	DREW W	William Drew	Reimbursement	Open	82.10	0.00
20-00876	09/17/20	00546	TREVOR PALMER	Reimbursement	Open	80.00	0.00
20-00877	09/17/20	01585	MICHAEL T. MCARTHUR	Reimbursement,	Open	150.00	0.00
20-00882	09/17/20	00053	VAN WICKLE AUTO SUPPLY	Misc	Open	109.12	0.00 B

Total Purchase Orders:	69	Total P.O. Line Items:	0	Total List Amount:	573,422.88	Total Void Amount:	0.00
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20-00884	NJ Motor Vehicle Commission	60.00
20-00885	NJ Motor Vehicle Commission	60.00
Total		<u>573,542.88</u>

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BOROUGH OF SEA GIRT
Bill List By P.O. Number

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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
		449,202.58					
CURRENT FUND	0-01	449,082.58	0.00	449,082.58	0.00	0.00	449,082.58
WATER OPERATING	0-05	81,563.98	0.00	81,563.98	0.00	0.00	81,563.98
BEACH OPERATING	0-09	16,719.80	0.00	16,719.80	0.00	0.00	16,719.80
TRUST OTHER	0-25	312.49	0.00	312.49	0.00	0.00	312.49
BOARD OF RECREATI	0-26	354.00	0.00	354.00	0.00	0.00	354.00
Year Total:		548,032.85	0.00	548,032.85	0.00	0.00	548,032.85
GENERAL CAPITAL	C-04	25,390.03	0.00	25,390.03	0.00	0.00	25,390.03
Total of All Funds:		573,422.88	0.00	573,422.88	0.00	0.00	573,422.88
		573,542.88					

ORDINANCE NO. 14-2020
BOROUGH OF SEA GIRT, MONMOUTH COUNTY

**AN ORDINANCE TO REVISE THE BOROUGH CODE OF SEA GIRT, CHAPTER XVII,
SECTION 17-11 ET SEQ, THAT ESTABLISHED MINIMUM STORMWATER MANAGEMENT
REQUIREMENTS AND CONTROLS FOR MAJOR DEVELOPMENT, REPLACING IT IN ITS
ENTIRETY IN THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY**

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt as follows:

Section I. Scope and Purpose:

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

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

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.

Section II. Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Municipality" means any city, borough, town, township, or village.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section III. 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.

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section IV.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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.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 amendment of the New Jersey Stormwater Best Management Practices Manual 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 Register a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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

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

(Notes corresponding to annotations ^(a) through ^(g) follow Table 3)

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

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

(Notes corresponding to annotations ^(b) through ^(d) follow Table 3)

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

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

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater

management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.

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

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - 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 or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to

process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
 7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 10. 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 Section V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

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

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover 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 and Water Survey website at:

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

Section VI. Sources for Technical Guidance:

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

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

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

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

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Section VII. Solids and Floatable Materials Control Standards:

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

Section VIII. 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 basins. This section applies to any new stormwater management basin.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.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 basins to ensure proper functioning of the basins 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 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 basins shall include escape provisions as follows:
 - i. If a stormwater management basin 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 basins. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;

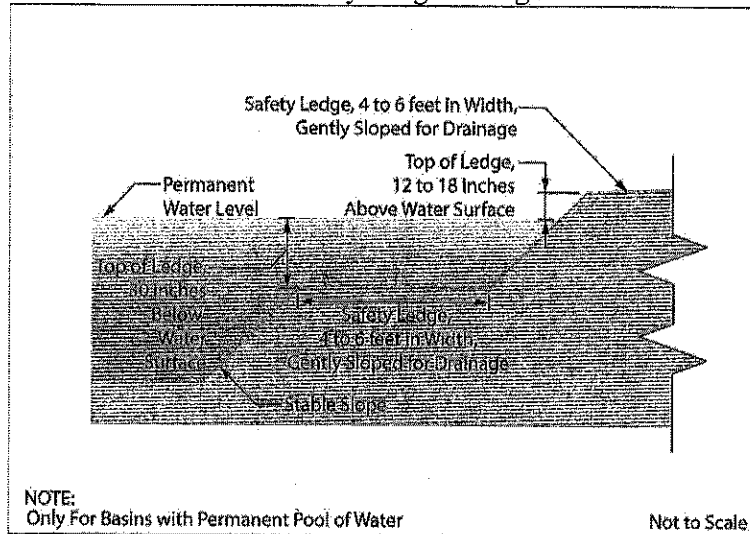
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and 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 VIII.E for an illustration of safety ledges in a stormwater management basin; and
- iii. In new stormwater management basins, 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 basins may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View --Basin Safety Ledge Configuration



Section IX. 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 Section IX.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 eight (8) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

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

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.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.

Section X. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.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 New Jersey Stormwater Best Management Practices Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.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 Section X.B.3 above shall perform all of the following requirements:

- i. 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;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
 8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section XI. Fines and Penalties:

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Ordinance shall be subject to the penalties stated in Section 15-6, Land Use Volume General Penalty.

Section XII. Severability:

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

Section XIII. Effective Date:

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

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing Ordinance No.14-2020 was introduced at the virtual Regular Meeting of the Borough Council of the Borough of Sea Girt, County of Monmouth on the 23rd day of September, 2020 and was then read for the first time. The said Ordinance will be further considered for final passage by the Borough Council on the 14th day of October, 2020 at 7:00 PM during the virtual Borough Council Meeting to be held on the Zoom platform; login <https://us02web.zoom.us/j/82329564557>; Meeting ID: 823 2956 4557; ~~Passcode:~~ 755586 required. At such time and place, or at any time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning the said Ordinance.

Lorraine P. Carafa, RMC
Municipal Clerk