

## **ORDINANCE #1853**

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,  
to Amend the Revised General Ordinances of the Township of Bernards, and More Specifically  
to Amend Chapter XXI, Entitled “Land Development” to Further Incorporate Stormwater  
Management and Stormwater Best Management Practices

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Bernards as follows:

### Section I – Intent

It is the intent of this ordinance to require the design of developments to incorporate Stormwater best management practices.

### Section II

Section 21-42 entitled “Drainage”, subsection 21-42.1 entitled “General”, shall be amended and supplemented to add a new paragraphs “e, f, g and h” as follows:

- e. **Definitions.** All terms in this ordinance shall be defined in the NJDEP Stormwater Rule (N.J.A.C. 7:8, *et seq.*). The following additional terms are defined for this chapter only.
  - 1. Exempt Development. Any development that creates less than 1,000 square feet of new impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of “minor development.”
  - 2. Minor Development. Any development that results in the creation of 1,000 square feet or more of new impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of “major development” in N.J.A.C. 7:8.
  
- f. **Design Standards.**
  - 1. Exempt Development. Any project meeting the definition of “exempt development” shall be exempt from the provisions of this ordinance.
  - 2. Minor Development. Minor developments shall be designed to include the following stormwater management measures:
    - i. Water quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
    - ii. Rate/Volume control. Seepage pits or other infiltration measures shall be provided with a capacity of 3” of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be 2 ½” clean stone and design void ratio of

33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.

3. Major Developments. All major developments shall have their stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) and the NJDEP Stormwater Rule (N.J.A.C. 7:8). These standards shall apply to all projects, residential and non-residential.

g. **Waivers and Exceptions.**

1. Standards for Relief. Waivers from strict compliance with the design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would substantially outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the non-compliance.
2. Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan or another project identified by the applicant. All mitigation projects are subject to the approval of the Township Engineer. A monetary contribution to the Township may be made in lieu of the work identified in the mitigation plan, subject to the approval of the reviewing agency.
3. Reviewing Agency. All applications subject to the review of the Planning Board or Board of Adjustment shall be reviewed by those Boards concurrently with subdivision or site plan review. Applications not subject to Planning Board or Board of Adjustment review shall be reviewed by the Township Engineer.
4. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

- h. **Application and Review Fees.** There shall be no additional fees for stormwater review for applications to the Planning Board or Board of Adjustment. Applications to the Township Engineer shall be accompanied by a review fee in the amount of Two Hundred and Fifty (\$250.00) Dollars. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

Section III

If the provision of any article, subsection, paragraph, subdivision or clause of this Chapter shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not effect or invalidate the remainder of any such article, section, subsection, paragraph or clause, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section IV

All other provisions of the said ordinance shall remain in full force and effect.

Section V

This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing with the Somerset County Planning Board.

**TOWNSHIP OF BERNARDS  
PUBLIC NOTICE**

**Ordinance #1853** was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 1/24/06 and then ordered to be published according to law/ It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 2/28/06, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee  
Denise Szabo, Municipal Clerk

**TOWNSHIP OF BERNARDS  
Public Notice**

Notice is hereby given that Bernards Township Ordinance #1853, was introduced and passed on first reading at a meeting of the Township Committee, on 1/24/06, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 2/28/06.

Denise Szabo  
Municipal Clerk

**EXPLANATORY STATEMENT**

The ordinance expands those applications subject to the NJDEP storm water rules and to Bernards design standards to now include projects in excess of 1,000 square feet or more of new impervious surface instead of only those in excess of one quarter acre or more, and it now includes projects that disturb in excess of 2,500 square feet of land instead of only those ultimately disturbing more than one or more acres of land. These standards shall apply to all projects, residential and non-residential .

John Belardo  
Township Attorney

Date: 1/19/06