

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
COMBINED AGENDA - REGULAR MEETING
February 09, 2021 – 7:30 Executive Session, 8:00 PM Open Session

The Municipal Building, 1 Collyer Ln., Basking Ridge, is open and will adhere to Executive Order #156 & #196. Indoor gatherings are limited to 25 percent of this room capacity or no more than 51 individuals. All attendees must wear face coverings and remain 6 feet apart. The meeting will be live streamed and can be found by clicking on the “Watch a Meeting Live” icon on the home page, www.bernards.org and can also be viewed live on Optimum/Cablevision TV - Channel 15 and Verizon FiOS TV - Channel 35.

Estimated
Times

A G E N D A

- 1. CALL TO ORDER** Video
- 2. FLAG SALUTE**
- 3. MAYOR’S OPENING MEETING STATEMENT**
- 4. ROLL CALL**
- 5. EXECUTIVE SESSION - Resolution #2021-0120**
- 6. PUBLIC WORK SESSION**
- 7. REPORTS**
- 8. PRESENTATION - Update from KMS Farmstead – Video Presentation**
- 9. CORRESPONDENCE**
A. 02/01/2021 Letter from KMS Farmstead requesting permission to permit serving alcohol at KMS Farmstead fundraising events
- 10. PUBLIC COMMENT**
- 11. TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS**
- 12. FIRE & RESCUE APPOINTMENT**
- 13. UNFINISHED BUSINESS**
- 14. NEW BUSINESS**
A. Consent Agenda
The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.
 - 1) Resolution #2021-0112 - Approval of the Bill List Dated 02/09/2021
 - 2) Resolution #2021-0113 - Unused Vacation Accrual Due Michael Mulligan Public Works
 - 3) Resolution #2021-0114 - Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Basking Ridge Fire Company No. 1
 - 4) Resolution #2021-0115 - Acceptance of Bernards Township Environmental Commission 2020 Annual Report
 - 5) Resolution #2021-0116 - Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Liberty Corner First Aid
 - 6) Resolution #2021-0117 - Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Liberty Corner Fire Company
 - 7) Resolution #2021-0118 - Release of Executive Session Minutes

7:30 PM

8:00 PM

8:15 PM

8:30 PM

Estimated
Times



Please call 24 hours in advance (908) 204-3001
if accommodations are required, including assistive listening devices (ALD).

- 8) Resolution #2021-0121 - Acceptance of the Friends of the Kennedy Martin-Stelle Farmstead 2020 Annual Report
 - 9) Resolution #2021-0122 - Award of Purchase Orders for Identified Vendors – Cooper Electric, Drills, Skills & Thrills LLC, Fischer and Son Company, Inc., Foley Incorporated, Office Depot, LLC., Rec Trac LLC d/b/a Vermont Systems, Reider Associates, Inc., Power Place, Richies Tire Service, Inc., Route 23 Automall, Samuels Inc., d/b/a/ Buy Wise Auto Parts, Sewer Service Company d/b/a Roto Rooter, , Research and Design Landscape, Todd Harris Co. Inc., and Warrenville Hardware.
 - 10) Resolution #2021-0123 - Authorizing Purchasing from the Somerset County Co-Op Contract #CC-0054-20 for Rock Salt (Bulk) at a Cost Not to Exceed \$150,000.00 to Atlantic Salt Inc.
 - 11) Resolution #2021-0124 – Authorizing and Approving Purchase of Computer Equipment and Installation Services for the Basking Ridge Fire Department from New Jersey State Co-Operative Contract #T0109 (A83909) to M & W Communications, Inc, 361 Quakertown Road, Flemington, NJ 08822 In the Amount Not to Exceed \$ 44,547.70
 - 12) Resolution #2021-0125 - Bernards Township Housing Rehabilitation Program Authorizing and Approving Deferred Loan Agreement to Lori Romero 3611 Balsam Way Block 9001 Lot 36.08
 - 13) Resolution #2021-0126 - Personnel Appointment Derek Venner – Groundskeeper – Department of Public Works
- B. ORDINANCE #2460 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, “Revised Land Use Ordinances”, Regarding Village Center Standards in the PUD-5 Mt. Laurel Option Zone – Introduction
- C. ORDINANCE #2461 - Accepting a Wetlands Conservation Easement on Property Located at 200 Mountain Road; Block 11501, Lot 5.01, from Giancarlo Gramaglia and Kelly Gramaglia to the Township of Bernards – Map – Introduction
- D. ORDINANCE #2462 - Accepting a Wetlands Conservation Easement on Property Located at 15 Tamarisk Court; Block 3901, Lot 70, from John B. Malcolm, III and Brynne Malcolm to the Township of Bernards – Map – Introduction
- E. ORDINANCE #2463 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, “Land Development”, Section 21-42 “Drainage” - Introduction
- F. ORDINANCE #2464 -An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards Chapter 21, “Land Development”, Section 21-23 “Drainage” - Introduction
- G. Appointment made by Township Committee:
Utility Advisory Task Force – Michael Estrin, RM, filling the unexpired 1 yr. term of Michael Conley, expiring 12/31/2021
- H. Approval of Minutes:
01/26/2021 Open Session Minutes

15. PUBLIC COMMENT

16. ADJOURNMENT

Rhonda Pisano Municipal Clerk

(Note: Copies of Resolutions and other supporting documents listed on this agenda can be found on the pages below)



Please call 24 hours in advance (908) 204-3001
if accommodations are required, including assistive listening devices (ALD).



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0120

Authorizing an Executive Session Meeting of the Bernards Township Committee

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the regular meeting of the Township Committee will reconvene.

NOW THEREFORE BE IT RESOLVED that the Township Committee will go into closed session for the following reason(s) as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Township Committee, hereby declares that the public is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session

Estimated Time of Disclosure or Upon Occurrence Of

- ☐ Any matter which by express provisions of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public
Provision relied upon .
- ☐ Any matter in which the release of information would impair a right to receive funds from the federal government.
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- ☐ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy.
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- ☐ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
- ☐ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.

- ☐ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection.
- ☐ Any investigations of violations or possible violations of the law.
- ☒ Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. *Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.*

Shared Services Agreement with Bernardsville – Fire Prevention Bureau

Upon Conclusion

- ☒ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.

Personnel – Restructure Tax Assessor Department; Restructure Public Works Department; Board Appointment

Upon Conclusion

- ☐ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk

450 KING GEORGE ROAD, PO BOX 155, BASKING RIDGE, NJ 07920

FARMSTEADARTSCENTER.ORG | CALL 908-636-7576



February 1, 2021

Pat Monaco
Township Administrator
Bernards Township
1 Collyer Lane
Basking Ridge, NJ 07920

Dear Mr. Monaco,

The Friends of the Kennedy Martin Stelle Farmstead, dba Farmstead Arts, 450 King George Road, Basking Ridge (*the "Friends"*), are asking for permission to serve alcohol at fundraising events. The Pandemic has hurt individuals, businesses and non-profits alike and we are no exception. In March of 2020 we closed down in response to the Governor's directive and pivoted to offer our patrons online art classes and services, as our typical patron is older and hesitant to return to in-person venues.

We are planning to reopen this Fall with a gala event to celebrate the 10th Anniversary of the opening of Farmstead Arts.

Specifically, our current plan is to hold a historically accurate, colonial farm-to-table fundraiser on the grounds of the Farmstead Arts on October 2, 2021. We are trying to make it as historically accurate as possible, serving period food and drink, which leads us to this request to serve alcohol. Fundraisers typically serve some type of alcohol to increase the attractiveness of the event and to command higher ticket prices. This is currently the only fundraiser being planned to include the serving of alcohol this year.

If COVID-19 (or another strain) remains in effect, this event will comply with all applicable requirements then in effect. We anticipate having around 100 people attend the event, which will be by reservation only, utilizing our newly

constructed patio for a portion of the seating. We fully understand that this will require permits and insurance coverage that will be needed to serve alcohol. We will ensure that all State requirements for securing of Catering or Social Affairs Permits are obtained and will maintain insurance as required by the Lease in a manner consistent with recommendations from the Township Risk Manager to serve alcohol.

It is our desire to be a good neighbor and we are engaged in an ongoing, open dialogue with our neighbors. We invited Tom Whitehouse to serve as an advisory Trustee to the Board and he has accepted. In our discussions with the Whitehouses it was agreed that since many of our patrons are older we would limit fundraiser attendees to those over 21 and this substantially mitigated their concerns. Another immediate neighbor, John Catapano, has voiced his support for "soft" alcohol to be served, only at fundraisers ("soft" meaning beer, wine and/or a signature drink).

The Friends seek permission to serve alcohol only at fundraisers that benefit the Farmstead and we will do everything under our control to be good neighbors.

It is relevant that the Lease with the Township requires the Friends to raise or provide all funds necessary for preservation, restoration, development, operation and maintenance of the Leased Premises. To do this we need to increase our ability to raise funds to build reserves for big maintenance items like painting and windows, as well as to continue operations. This has been a significant challenge even with all the art studios in the Farmhouse fully rented, and with most of our events, including classes, concerts, theater and other events in the barn and house, sold out to capacity, before COVID.

We are very fortunate to have added a professional fundraiser to our Board this past year, and have exciting plans for fundraising going forward, but in order to entice adults to purchase \$100+ tickets to a gala, we have to offer an exceptional experience, including wine, beer and/or a signature cocktail for those who so chose.

This is not an unprecedented request for non-profits in the Somerset Hills area. Some examples include:

- The Friends of the Ross Estate, located in Bernards Township and owned by the County, obtained a special permit from Somerset County to be able to serve alcohol at their fundraising events.

- The Center for Contemporary Art, which is owned by the Township of Bedminster and run by a nonprofit, offers many events at their facility that include alcohol such as their major fall fundraiser, "Spirits in the Night".

I would be happy to discuss and answer any questions about this request that you may have and can be reached at 908-403-3624. If this request requires an appearance at an upcoming Township Committee meeting, we request to be included on the first meeting in February 2021. We are specifically requesting that sufficient time be allocated to us to allow us to share with you a newly produced video that presents Farmstead Arts: how we came to be, where we are and where we hope to go. The video is about 10 minutes in length and was paid for by grant funds from Somerset County. We very much appreciate your consideration of this request in this timeframe so as to not negatively impact our ability to fulfill the logistical considerations of serving alcohol.

We appreciate your support and consideration of our proposal.

Thank you.

Sincerely,



Leslie Workman
President

c.c. Honorable Mayor Janice Fields
Bernards Township Committee (jfields@bernards.org)
Rhonda Pisano, Municipal Clerk (rpisano@bernards.org)



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0112 Approval of the Bill List Dated 02/09/2021

BE IT RESOLVED, that the bill list dated 02/09/2021 be audited, and if found correct, be paid.

February 9, 2021
08:24 AM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 1

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 02/09/21 to 12/31/21
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
CASH - CHECKING CURRENT CHECKING				
127540	02/09/21	90267 AMERMAN, GLEN	39.71	1563 Direct Deposit
127541	02/09/21	90529 SEVERINO, ANTHONY	210.49	1563 Direct Deposit
127542	02/09/21	90563 CARTOCCIO, KAITLIN	285.00	1563 Direct Deposit
127543	02/09/21	90664 POLIZZI, TIMOTHY	98.79	1563 Direct Deposit
127544	02/09/21	A0453 AMAZON.COM	49.95	1563 Direct Deposit
127545	02/09/21	A0611 AMERICAN WEAR, INC	865.52	1563 Direct Deposit
127546	02/09/21	B0203 DIFRANCESCO BATEMAN, PC	1,224.00	1563 Direct Deposit
127547	02/09/21	B0758 BCI TRUCK, INC	2,016.11	1563 Direct Deposit
127548	02/09/21	D0380 DRIVERS TIRE & SERVICE CENTER	762.35	1563 Direct Deposit
127549	02/09/21	D0754 DC EXPRESS	673.00	1563 Direct Deposit
127550	02/09/21	G0012 GILL ID SYSTEMS	1,930.00	1563 Direct Deposit
127551	02/09/21	G0133 GARDEN STATE LABORATORIES, INC	110.00	1563 Direct Deposit
127552	02/09/21	K0354 KANOPY INC	431.00	1563 Direct Deposit
127553	02/09/21	M0692 MUSCO SPORTS LIGHTING, LLC	900.00	1563 Direct Deposit
127554	02/09/21	N0482 NICOLETTI SNOW REMOVAL LLC	57,374.54	1563 Direct Deposit
127555	02/09/21	O0021 OFFICE DEPOT	173.50	1563 Direct Deposit
127556	02/09/21	P0706 PARTS AUTHORITY LLC	570.93	1563 Direct Deposit
127557	02/09/21	S0443 STAPLES ADVANTAGE	572.87	1563 Direct Deposit
127558	02/09/21	S1166 SUMMIT SUPPLY LLC	684.50	1563 Direct Deposit
127559	02/09/21	T0192 TURN OUT UNIFORMS INC	114.99	1563 Direct Deposit
127560	02/09/21	V0020 VILLAGE OFFICE SUPPLY	30.00	1563 Direct Deposit
127561	02/09/21	W0339 W.B. MASON	156.60	1563 Direct Deposit
127562	02/09/21	A0060 ANJEC	450.00	1564
127563	02/09/21	A0174 ALL SPORTS STADIUM, LLC	221.00	1564
127564	02/09/21	A0461 ALBRECHT, JIM	200.00	1564
127565	02/09/21	A0607 AZMO MECHANICAL, INC	921.30	1564
127566	02/09/21	A0672 ATLANTIC VISITING NURSE	4,818.00	1564
127567	02/09/21	B0001 BAKER & TAYLOR, INC.	4,497.84	1564
127568	02/09/21	B0017 BRIDGEWATER RESOURCES, INC.	1,730.48	1564
127569	02/09/21	B0025 BERNARDS TOWNSHIP CAPITAL FUND	47,401.06	1564
127570	02/09/21	B0026 BERNARDS TOWNSHIP CURRENT	4,352.27	1564
127571	02/09/21	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	534,309.34	1564
127572	02/09/21	B0098 BERNARDS TOWNSHIP (RECREATION)	159.53	1564
127573	02/09/21	B0828 BIG BEAR DESIGN	561.60	1564
127574	02/09/21	C0024 GANNETT NEW JERSEY NEWSPAPERS	45.15	1564
127575	02/09/21	C0208 NJCACOA	200.00	1564
127576	02/09/21	C0482 OPTIMUM	138.44	1564
127577	02/09/21	C0482 OPTIMUM	8.33	1564
127578	02/09/21	C0482 OPTIMUM	33.32	1564
127579	02/09/21	C0522 CHATHAM LAWNMOWER SALES & SVC	149.32	1564
127580	02/09/21	C0545 AHS HOSPITAL CORP	724.50	1564
127581	02/09/21	C0611 CHEMUNG SUPPLY CORP	6,543.60	1564
127582	02/09/21	C0692 CEUNION	55.00	1564
127583	02/09/21	C0774 COLONIAL LIFE & ACC INSURANCE	755.36	1564
127584	02/09/21	C0917 CHANG, SUNAE	105.00	1564
127585	02/09/21	D0020 DELTA DENTAL OF NJ	12,261.73	1564
127586	02/09/21	D0319 DRAEGER, INC	416.00	1564
127587	02/09/21	D0783 DFFLM, LLC	243.99	1564
127588	02/09/21	E0297 EMR POWER SYSTEMS LLC	420.00	1564
127589	02/09/21	F0148 FAIRFIELD MAINTENANCE INC	1,104.00	1564
127590	02/09/21	F0326 FX AUTOMOTIVE LLC	390.32	1564
127591	02/09/21	F0330 FIDELITY SECURITY LIFE INS	262.78	1564
127592	02/09/21	G0004 GALLS, INC.	120.69	1564
127593	02/09/21	G0066 GRAINGER INC	3,196.70	1564
127594	02/09/21	G0098 JCP&L	298.99	1564
127595	02/09/21	G0333 BEDMINSTER CAR WASH	133.50	1564
127596	02/09/21	G0515 GENESIS PROPERTY MANAGEMENT	928.50	1564
127597	02/09/21	H0004 HEALTH DEPARTMENT PETTY CASH	5.98	1564
127598	02/09/21	H0029 HUMPHREYS PEST CONTROL, INC.	1,123.80	1564
127599	02/09/21	H0297 DIRECT ENERGY BUSINESS	4,326.19	1564
127600	02/09/21	K0024 KEYSTONE PLASTICS, INC.	1,155.00	1564
127601	02/09/21	K0331 KONICA MINOLTA PREMIER FINANCE	1,166.46	1564
127602	02/09/21	K0334 KONICA MINOLTA BUSINESS	100.00	1564
127603	02/09/21	K0341 KONICA MINOLTA PREMIER FINANCE	123.54	1564
127604	02/09/21	K0341 KONICA MINOLTA PREMIER FINANCE	23.48	1564
127605	02/09/21	L0054 LORCO PETROLEUM SERVICES	189.00	1564
127606	02/09/21	L0181 LAND'S END, INC.	302.85	1564
127607	02/09/21	M0025 MARSHALL & SWIFT	656.20	1564
127608	02/09/21	M0061 MORRIS COUNTY HEALTH OFF ASSOC	50.00	1564
127609	02/09/21	M0251 MUNICIPAL CLERKS' ASSN OF NJ	250.00	1564
127610	02/09/21	M0353 MIDWEST TAPE	1,673.03	1564
127611	02/09/21	M0815 M & M PERROTTIS	283.51	1564
127612	02/09/21	N0030 NJ STATE ASSN.-CHIEFS/POLICE	275.00	1564
127613	02/09/21	N0032 NJ STATE DEPT HEALTH/SR SVCS	837.60	1564

127614	02/09/21	N0035	NEW JERSEY PLANNING OFFICIALS	363.00	1564
127615	02/09/21	N0050	NJ SHADE TREE FEDERATION	145.00	1564
127616	02/09/21	N0082	NJAPZA TREASURER	100.00	1564
127617	02/09/21	N0206	NORTHWEST JERSEY T.A.A.	100.00	1564
127618	02/09/21	N0311	NEW JERSEY EMERG PREP ASSN	280.00	1564
127619	02/09/21	N0470	NATIONWIDE	99.22	1564
127620	02/09/21	O0135	OUTHOUSE LLC	160.00	1564
127621	02/09/21	P0005	PITNEY BOWES, INC.	795.06	1564
127622	02/09/21	P0014	PUBLIC SERVICE ELEC. & GAS CO	3,612.58	1564
127623	02/09/21	P0046	RESERVE ACCOUNT	801.42	1564
127624	02/09/21	P0125	PWANJ	150.00	1564
127625	02/09/21	P0525	POWER PLACE, INC.	9.13	1564
127626	02/09/21	P0602	PRAXAIR DISTRIBUTION, INC	38.93	1564
127627	02/09/21	Q0002	CINTAS CORP. - #062	355.08	1564
127628	02/09/21	R0045	RUTGERS - THE STATE UNIVERSITY	575.00	1564
127629	02/09/21	R0050	ROTO-ROOTER	470.00	1564
127630	02/09/21	R0393	RESEARCH&DESIGN LANDSCAPE LLC	117,284.00	1564
127631	02/09/21	R0493	RIDGE BAGEL & CAFE	299.79	1564
127632	02/09/21	R0816	RUPCOE PLUMBING & HEATING CO	60.00	1564
127633	02/09/21	S0036	SOMERSET COUNTY PARK COMM.	2,100.00	1564
127634	02/09/21	S0067	SOMERSET COUNTY TREASURER	5,520,928.56	1564
127635	02/09/21	S0068	SOMERSET COUNTY TREASURER	522,196.56	1564
127636	02/09/21	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	1,045.25	1564
127637	02/09/21	S0536	SOMERSET COUNTY BUSINESS	2,125.00	1564
127638	02/09/21	S0595	SOMERSET CTY HEALTH OFFICER'S	200.00	1564
127639	02/09/21	S0875	SUNLIGHT GENERAL CAPITAL	114.71	1564
127640	02/09/21	S0997	STREET COP TRAINING LLC	796.00	1564
127641	02/09/21	S1131	STROMOSKI, RICK	250.00	1564
127642	02/09/21	T0066	CENGAGE LEARNING CREDIT SVCS	79.47	1564
127643	02/09/21	T0074	TREASURER - STATE OF N.J.	250.00	1564
127644	02/09/21	T0154	TILCON NEW YORK, INC.	1,170.20	1564
127645	02/09/21	T0372	TLO, LLC	848.90	1564
127646	02/09/21	V0037	VILLAGE SUPERMARKET, INC.	323.09	1564
127647	02/09/21	V0056	VERIZON WIRELESS	1,489.82	1564
127648	02/09/21	V0058	VERIZON	2,799.25	1564
127649	02/09/21	V0084	VERIZON	446.98	1564
127650	02/09/21	V0124	VERIZON BUSINESS FIOS	569.98	1564
127651	02/09/21	V0185	VERIZON CONNECT	534.27	1564
127652	02/09/21	W0016	WARRENVILLE TRUE VALUE	1,639.45	1564
127653	02/09/21	W0085	WARREN TOWNSHIP	250.00	1564
127654	02/09/21	W0259	VENTURA, MIESOWITZ, KEOUGH &	943.50	1564
127655	02/09/21	X0005	XTEL COMMUNICATION	1,684.46	1564

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	94	0	6,829,182.94	0.00
Direct Deposit:	22	0	69,273.85	0.00
	=====	=====	=====	=====
Total:	116	0	6,898,456.79	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
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Checks:	94	0	6,829,182.94	0.00
Direct Deposit:	22	0	69,273.85	0.00
	=====	=====	=====	=====
Total:	116	0	6,898,456.79	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total

CURRENT FUND	0-01	14,112.90	0.00	0.00	14,112.90
GOLF COURSE UTILITY	0-26	142.61	0.00	0.00	142.61
Year Total:		14,255.51	0.00	0.00	14,255.51
CURRENT FUND	1-01	6,805,389.93	0.00	0.00	6,805,389.93
DOG FUND	1-12	1,401.77	0.00	0.00	1,401.77
GOLF COURSE UTILITY	1-26	725.47	0.00	0.00	725.47
Year Total:		6,807,517.17	0.00	0.00	6,807,517.17
PUBLIC GRANTS	G-02	47,431.24	0.00	0.00	47,431.24
TRUST FUNDS	T-13	26,539.12	0.00	0.00	26,539.12
PROJECT		2,713.75	0.00	0.00	2,713.75
=====					
Total Of All Funds:		6,898,456.79	0.00	0.00	6,898,456.79

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano , Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0113

Unused Vacation Accrual Due

Michael Mulligan

Public Works

WHEREAS, the Township Committee adopted Resolution No. 2021-0066 at their regularly scheduled meeting of January 5, 2021, accepting the Personnel Policies and Procedures that outline guidelines for pay-outs when employees leave the Township's payroll; and

WHEREAS, Michael Mulligan's employment terminated on February 5, 2021; and

WHEREAS, per the requirements of the Township's Personnel Policy, Michael Mulligan is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$35.42.

	Total Hours Available	Amount Due
Vacation Accrual	24.75	\$876.65

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the unused accrued vacation payment be approved and distributed in the next available pay cycle.

Agenda and Date Voted: 02/09/2021

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, do hereby certify that there are adequate funds for this expenditure. Funds are available in the Streets and Roads S&W, Line Account #0-01-26-290-101 for an amount not to exceed \$876.65

Sean McCarthy, CFO

Date: January 28, 2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0114

Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Basking Ridge Fire Company No. 1

WHEREAS, the Basking Ridge Fire Company No. 1 requires vehicle maintenance and repair service; and

WHEREAS, Bernards Township has indicated a willingness to provide vehicle maintenance and repair service pursuant to and on the terms set forth herein; and

WHEREAS, N.J.S.A. 40:48-5 authorizes a municipality to contract with any public or private entity for the provision of any service which the municipality itself could provide directly; and

WHEREAS, N.J.S.A. 40:8A-1, et. seq. the Interlocal Services Act, provides the mechanism for making such contract between public agencies; and

WHEREAS, Bernards Township already has in place a vehicle maintenance and repair service.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the Basking Ridge Fire Company No. 1, to supply vehicle maintenance and repair service, subject to the terms and provisions set forth below.

This agreement, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the Basking Ridge Fire Company No. 1 for vehicle maintenance and repair service through February 29, 2024 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The Basking Ridge Fire Company No. 1 shall be billed and will remit to the Township of Bernards on a monthly basis, the cost of vehicle maintenance and repair on a time and material basis.

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk

Explanatory Statement

This is a continuance of the agreement to the Basking Ridge Fire Company #1 to provide vehicle maintenance services, at cost, to the Fire Company vehicles.

Pat Monaco, Township Administrator

January 28, 2021



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0115

Acceptance of Bernards Township Environmental Commission 2020 Annual Report

WHEREAS, pursuant to 2-18.5. of the Revised General Ordinances of the Township of Bernards, the Environmental Commission shall make an annual report to the Township Committee; and

WHEREAS, the Environmental Commission is submitting a report pursuant to this requirement.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the following report be accepted.

Agenda Date and Vote: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 02/09/2021

Rhonda Pisano, Municipal Clerk

The following is a summary of the 2020 activities of the Bernards Township Environmental Commission ("EC" or "Commission").

Mission Statement

The Bernards Township Environmental Commission is responsible for ensuring that environmental issues in Bernards Township NJ are given the right priority in order to protect and preserve natural resources of the Township and surrounding areas including land, water, air, and bios (flora and fauna). Note: As a result of NJDEP having oversight of the NJ Historic Preservation Office, occasionally the EC will offer historic-preservation comments in accordance with the Bernards Township Master Plan.

Goals

The Commission accomplishes its mission via:

- (a) taking proactive stances on local environmental matters, and strengthening the local planning process
- (b) coordinating rational, balanced reviews of development applications for the appropriate township bodies
- (c) increasing public awareness and understanding of local and regional environmental issues
- (d) keeping abreast of, and being involved in, environmental issues that affect our surrounding areas and communities
- (e) staying up to date on ordinances and regulations for Bernards Township with training sessions.

2020 Summary

General:

During 2020, the EC held ten meetings. As an advisory body, the EC continued to provide commentary to the Planning Board, Board of Adjustment, and Township Committee regarding environmental impacts and issues. As a result of covid19, one scheduled meeting was cancelled and seven were conducted virtually via Zoom conference call. In

addition, agendas and all meeting materials were made available on the Bernards Township website. Members are in favor of making this improvement permanent after in-person meetings resume.

During 2020, the EC reviewed 36 development applications and revisions: 28 Board of Adjustment; 8 Planning Board. In comparison, during 2019, the EC reviewed 23 Board of Adjustment and 2 Planning Board applications.

Budget:

In 2020, as a result of limited events and programs during the covid19 restrictions, the EC committee spent \$8.00.

2020 Accomplishments:

The EC accomplished its mission in 2020 through the following initiatives:

- *Development Application Reviews*

The EC reviewed and commented on environmental concerns related to property development applications. The EC comments within 2020 calendar year emphasized green infrastructure to promote storm water infiltration and suggested stormwater best management practices to protect wetlands and surface water bodies. Also, comments were made concerning disturbance of steep slopes, tree replacement species and calculations, drainage, lot coverage, pool water discharge best methods, best management practices for freshwater wetlands, stream buffers. When applicable, the EC noted that NJDEP Land Use Permits requirements be considered for development applications. The EC also commented on historic preservation concerns in connection with one application that included demolition of a 19th-century house.

- *Tree Removal Applications*

The EC works cooperatively with the Township's Shade Tree Commission and Engineering Department to assess proposed tree removal applications. The assessments focus on any safety issues associated with the tree; the health of the tree; and overall appropriateness of the removal requests. Typically, tree removals are completed in conjunction with replacement/mitigation measures. There were no Tree Removal Applications reviewed during 2020.

- *Public Comment*

A public comment period is set aside in each meeting, which allows citizens to bring environmental questions and concerns to the attention of the EC. The public comments are recorded in the meeting minutes and, as appropriate, the EC advises the citizen(s) on the question itself or directs them to the proper Township personnel. The EC was able to accommodate public comment during virtual meetings.

- *Charter Day*

The 2020 Charter Day event was cancelled.

- *Social Media Outreach*

The EC initiated a series of environmental-related posts on FaceBook. The first post was for a Halloween-themed, virtual pumpkin smashing/composting event. Additional posts related to recycling subjects.

The EC looks forward to continuing to serve Bernards Township and its residents in 2021.

Respectfully submitted on behalf of the Bernards Township Environmental Commission.



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0116

Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Liberty Corner First Aid

WHEREAS, the Liberty Corner First Aid requires vehicle maintenance and repair service; and

WHEREAS, Bernards Township has indicated a willingness to provide vehicle maintenance and repair service pursuant to and on the terms set forth herein; and

WHEREAS, N.J.S.A. 40:48-5 authorizes a municipality to contract with any public or private entity for the provision of any service which the municipality itself could provide directly; and

WHEREAS, N.J.S.A. 40:8A-1, et. seq. the Interlocal Services Act, provides the mechanism for making such contract between public agencies; and

WHEREAS, Bernards Township already has in place a vehicle maintenance and repair service.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the Liberty Corner First Aid, to supply vehicle maintenance and repair service, subject to the terms and provisions set forth below.

This agreement, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the Liberty Corner First Aid for vehicle maintenance and repair service through February 29, 2024 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The Liberty Corner First Aid shall be billed and will remit to the Township of Bernards on a monthly basis, the cost of vehicle maintenance and repair on a time and material basis.

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk

Explanatory Statement:

This is a continuance of the agreement to the Liberty Corner First Aid Squad to provide vehicle maintenance services, at cost, to the Squad vehicles.
Pat Monaco, Township Administrator January 28, 2021



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0117

Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Liberty Corner Fire Company

WHEREAS, the Liberty Corner Fire Company requires vehicle maintenance and repair service; and

WHEREAS, Bernards Township has indicated a willingness to provide vehicle maintenance and repair service pursuant to and on the terms set forth herein; and

WHEREAS, N.J.S.A. 40:48-5 authorizes a municipality to contract with any public or private entity for the provision of any service which the municipality itself could provide directly; and

WHEREAS, N.J.S.A. 40:8A-1, et. seq. the Interlocal Services Act, provides the mechanism for making such contract between public agencies; and

WHEREAS, Bernards Township already has in place a vehicle maintenance and repair service.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the Liberty Corner Fire Company, to supply vehicle maintenance and repair service, subject to the terms and provisions set forth below.

This agreement, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the Liberty Corner Fire Company for vehicle maintenance and repair service through February 29, 2024 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The Liberty Corner Fire Company shall be billed and will remit to the Township of Bernards on a monthly basis, the cost of vehicle maintenance and repair on a time and material basis.

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk

Explanatory Statement:

This is a continuance of the agreement to the Liberty Corner Fire Company to provide vehicle maintenance services, at cost, to the Fire Company vehicles.

Pat Monaco, Township Administrator January 28, 2021



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0118 Release of Executive Session Minutes

WHEREAS, the topics discussed in the minutes below no longer need to be kept private.

NOW THEREFORE BE IT RESVOLED, by the Township Committee of the Township of Bernards that the following minutes, previously approved for content, now be approved for release.

8/12/2008	Land Acquisition – Pyne Block 9601, Lots 8, 9, 11, 12, 13 & 14
12/17/2008	Land Acquisition - Pyne
11/30/2011	Land Acquisition – B9601, L8, L9, L11, L12, L13, L14 (PYNE)
3/15/2016	Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
3/29/2016	Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
4/12/2016	Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
5/10/2016	Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
5/10/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
5/24/2016	Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
5/24/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
6/3/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
6/14/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
6/23/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
6/28/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
7/12/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
7/12/2016	Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
7/12/2016	Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)
7/22/2016	Litigation, Attorney Client Privilege & Contract Negotiations on Insurance Coverage 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation)

7/26/2016	Litigation, Attorney Client Privilege & Contract Negotiations on Insurance Coverage 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
8/9/2016	Litigation, Attorney Client Privilege & Contract Negotiations on Insurance Coverage 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
8/9/2016	Contract Negotiations - Insurance Coverage Regarding ISBR/USDOJ
8/23/2016	Litigation, Attorney Client Privilege & Contract Negotiations on Insurance Coverage 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
8/23/2016	Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
9/13/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation) Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
9/27/2016	Contract Negotiations - Potential Rezoning MQI Site & MQI Settlement Agreement
10/11/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation) Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
10/25/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation) Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
11/9/2016	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
11/29/2016	Attorney Client Privilege & Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including USDOJ and Attorney General's Investigation) Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General's Investigation)
12/13/2016	Attorney Client Privilege & Contract Negotiations: Insurance Coverage regarding 3:33-AV-0001; Litigation: ISBR v. Bernards Township Litigation – 3:33-AV-0001I and USDOJ v Bernards Township – 3:16-CV-08700-MAS-LHG
12/27/2016	Litigation: ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
1/9/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
1/10/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
1/17/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
1/24/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
2/14/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508

2/28/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
3/28/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
4/11/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
5/9/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
5/10/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
5/23/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
6/13/2017	Litigation USDOJ v. BT/Compliance with Settlement Agreement/Ongoing Litigation
6/27/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
8/15/2017	Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508
3/27/2018	Litigation – Bernards Plaza Associates LLC/Crown Court Associates LLC
6/26/2018	Litigation Update – Barth vs Bernards Twp. PB and ISBR
6/26/2018	Litigation Update – Plaza vs Bernards Twp. PB and ISBR
6/26/2018	Litigation Update – Quick vs Bernards Twp.
6/26/2018	Litigation Update – CPI vs Bernards Twp.
6/26/2018	Litigation Update – Mt. Laurel settlement negotiations
7/24/2018	Litigation - Affordable Housing SOM-L-899-1
1/29/2019	Personnel - Police Department Promotion
2/12/2019	Personnel - Judge Bogosian's Compensation
2/12/2019	Attorney Client Privilege - EEOC Case #524-2019-00153EEOC - Kalynn Moore
2/26/2019	Personnel - Judge Appointment
3/12/2019	Attorney Client Privilege - EEOC Case #524-2019-00153EEOC - Moore v. Bernards Township
9/24/2019	Contract Negotiation - Shared Court
10/15/2019	Contract Negotiation - Shared Court
10/29/2019	Contract Negotiation - Shared Court
12/10/2019	Personnel - Timko Appointment
1/28/2020	Contract Negotiation - Possible Shared Service Agreement for Special Utility Counsel with Bedminster, Peapack/Gladstone, Bridgewater, Bernardsville, Far Hills as intervenors with BPU re: NJAWC rate increase
2/25/2020	Contract Negotiation - Shared Court

3/10/2020	Contract Negotiation - Possible Shared Service Agreement for Special Utility Counsel with Bedminster, Peapack/Gladstone, Bridgewater, Bernardsville, Far Hills as intervenors with BPU re: NJAWC rate increase
3/16/2020	COVID-19 Outbreak - Emergency Meeting
7/14/2020	Personnel - Performance Evaluation - Township Administrator
11/24/2020	Possible Real Land Acquisition - 99 Lord Stirling Rd; Block 3101, Lot 2
11/24/2020	Personnel - 2021 Board and Professional Appointments
12/15/2020	Personnel - 2021 Board and Professional Appointments

Agenda Date and Vote: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0121

Acceptance of the Friends of the Kennedy Martin-Stelle Farmstead
2020 Annual Report

WHEREAS, pursuant to Ordinance #1775 originally adopted by the Township Committee of the Township of Bernards on March 29, 2005, authorizing a lease agreement with the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. for a 4.397± acre tract known as Block 8401, Lot 23 (formally known as Block 85, Lot 20.03), 450 King George Road, Basking Ridge; and

WHEREAS, pursuant to said lease, and N.J.S.A. 40A:12-14(c) the Friends of the Kennedy Martin-Steele Farmstead, Inc., must submit an annual report to the Township setting out in detail the progress of the buildings preservation, restoration, renovations or operations and the progress of all fund-raising activities and grant applications, the proposed use for the buildings upon commencement of operation, the occupancy and utilization of the buildings during the preceding year, the activities of the Tenant undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value of cost, if any, of such activities in furtherance of such purpose and an affirmation of the continued tax exempt status of the Tenant pursuant to both State and federal law.

WHEREAS, the 2020 annual report and 2020 programming schedule has been submitted as require and is on file with the Township Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the 2020 Annual Report of the Friends of the Kennedy Martin-Steele Farmstead be acknowledged as submitted.

Agenda Date and Vote: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by
the Bernards Township Committee on 02/09/2021

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0122

Award of Purchase Orders for Identified Vendors – Cooper Electric, Drills, Skills & Thrills LLC, Fischer and Son Company, Inc., Foley Incorporated, Office Depot, LLC., Rec Trac LLC d/b/a Vermont Systems, Reider Associates, Inc., Power Place, Richies Tire Service, Inc., Route 23 Automall, Samuels Inc., d/b/a/ Buy Wise Auto Parts, Sewer Service Company d/b/a Roto Rooter, , Research and Design Landscape, Todd Harris Co. Inc., and Warrenville Hardware.

WHEREAS, the Township Committee of Bernards has adopted Ordinance #1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

WHEREAS, pursuant to the ordinance window contracts determined to exceed \$17,500.00 and within the bid threshold of \$44,000.00 requires governing body approval; and

WHEREAS, the purchasing agent has determined that the value of the expenditures with the vendor(s) listed below will exceed \$17,500.00 in purchases; and

Vendor	Not to Exceed	Vendor	Not to Exceed
Cooper Friedman	\$ 44,000	Richies Tire Service, Inc	\$ 44,000
Drills, Skills & Thrills LLC	\$ 44,000	Route 23 Automall	\$ 44,000
Fischer and Sons Company, Inc	\$ 44,000	Samuels Inc-t/a/ Buy Wise Auto Parts	\$ 44,000
Foley Incorporated	\$ 44,000	Sewer Service Co, d/b/a/ Roto Rooter	\$ 44,000
Office Depot, LLC	\$ 44,000	Research and Design Landscape	\$ 44,000
Power Place Inc	\$ 44,000	Todd Harris Co., Inc	\$ 44,000
Rec Trac LLC d/b/a Vermont Systems	\$ 44,000	. Warrenville Hardware	\$ 44,000
Reider Associates, Inc	\$ 44,000		\$ 44,000

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendors listed above to maintain continuity and facilitate the ordering process through December 31, 2021.

Agenda and Date Voted: 02/09/2021

EXPLANATORY STATEMENT

Pursuant to the adoption of the Bernards Township Pay to Play ordinance #1854 and P. L. 2004, Chapter 19, adoption will permit the purchases from noted vendor(s) relative to the day to day operation of the township departments.

Francis J. Decibus, QPA, RPPO Purchasing Agent

Date: January 26, 2021

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Francis J. Decibus, QPA, RPPO Purchasing Agent

Date: January 26, 2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0123

Authorizing Purchasing from the Somerset County Co-Op Contract #CC-0054-20
for Rock Salt (Bulk) at a Cost Not to Exceed \$150,000.00 to Atlantic Salt Inc.

WHEREAS, the Township of Bernards wishes to continue to purchase rock salt (bulk) from the lowest responsible bidder under the Somerset County Co-Op # CC-0054-20; and

WHEREAS, Somerset County Co-Op awarded a contract to Atlantic Salt Inc., 134 Middle Street, Suite 210., Lowell, MA 01851; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2021 Budget for \$150,000.00 and the line item appropriation to be charged is #1-01-26-291-266, the balance will be funded out of the Snow Removal Trust account #T-13-56-050-SNR; and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and 12; and

WHEREAS, it is the recommendation of the Director of Public Works and the Purchasing Agent to purchase rock salt (bulk) through the Somerset County Co-Op # CC-0054-20; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to Atlantic Salt Inc., 134 Middle Street, Suite 210, Lowell, MA 01851 through December 31, 2021.

EXPLANATORY STATEMENT

This resolution authorizes the purchase of Rock Salt (bulk) under the Somerset County Co-Op agreement, for use in DPW winter operations.

Date: 2-2-20

Jorge L. Casacuberta, Director of Public Works

CHIEF FINANCIAL OFFICERS CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be made available in the 2021 Operating budget; Snow Removal, Street and Road materials line account #1-01-26-291-266 for an amount not to exceed \$150,000.00, the balance will be funded out of the Snow Removal Trust account #T-13-56-050-SNR.

Date: February 3, 2021

Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

Adoption will permit the purchase of recurring commodities from noted vendor relative to the day to day operation of the township departments. I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: February 1, 2020

Francis J. Decibus, QPA, RPPO Purchasing Agent

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0124

Authorizing and Approving Purchase of Computer Equipment and Installation Services
for the Basking Ridge Fire Department from
New Jersey State Co-Operative Contract #T0109 (A83909) to
M & W Communications, Inc, 361 Quakertown Road, Flemington, NJ 08822
In the Amount Not to Exceed \$ 44,547.70

WHEREAS, the N.J. State Division of Purchase and Property awarded a contract to M & W Communications, Inc, 361 Quakertown Road, Flemington, NJ 08822; and

WHEREAS, the Township is authorized to make purchases through cooperative and state contracts pursuant to N.J.S.A. 40A:11-10 and 12; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account; Capital Ordinance 2446, #C-04-55-446-E05 (\$18,422.70) and C-04-55-446-F03 (\$26,125.00); and

WHEREAS, it is the recommendation of the Fire Chief and Purchasing Agent to purchase computer equipment and installation services from N. J. State Contract #T0190 (A83909).

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue a purchase order to M & W Communications, Inc, 361 Quakertown Road, Flemington, NJ 08822 in the amount not to exceed \$ 44,547.70.

EXPLANATORY STATEMENT

Upgrade of radio equipment at Basking Ridge Fire Company.

Date: February 1, 2021

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available in the budget; the line item appropriation to be charged is line account Capital Ordinance 2446, #C-04-55-446-E05 (\$18,422.70) and C-04-55-446-F03; (\$26,125.00) in the amount no to exceed \$ 44,547.70.

Date: February 3, 2021

Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: February 1, 2021

Francis J. Decibus, QPA, RPPO

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

Resolution #2021-0125

Bernards Township Housing Rehabilitation Program
Authorizing and Approving Deferred Loan Agreement to Lori Romero
3611 Balsam Way Block 9001 Lot 36.08

WHEREAS, Bernards Township (hereinafter referred to as “Township”) has authorized Central Jersey Housing Resource Center (“CJHRC”) to administer the Bernards Township Housing Rehabilitation Program; and

WHEREAS, Central Jersey Housing Resource Center (CJHRC) is a nonprofit collaboration of businesses, financial institutions, social service agencies, public officials and housing advocates who work to increase the accessibility and availability of affordable housing in Central New Jersey; and

WHEREAS, CJHRC currently operates a centralized housing resource information center in Somerset County and is a HUD certified agency specialized in the state and federal housing regulations; and

WHEREAS, the principal goal of the Bernards Township Housing Rehabilitation Program is to provide funding for affordable unit qualified owners to bring substandard units up to code; and

WHEREAS, Lori Romero whose principal address is 3611 Balsam Way Basking Ridge, County of Somerset, in the State of New Jersey 07920 (the “Property”) is an owner of an affordable housing unit; and

WHEREAS, Lori Romero has submitted an application to the Bernards Township Housing Rehabilitation Program for funds to be provided by way of a deferred loan to rehabilitate a new water heater and replace windows; and

WHEREAS, Lori Romero is eligible to receive funding for the rehabilitation of her owner-occupied unit under the program pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq.; and

WHEREAS, Lori Romero was originally granted funding on September 29, 2020 by Resolution 2020-0319 in the amount of \$4,770.00; and

WHEREAS, Lori Romero has had a change of contractor resulting in a change of the funding amount; and

WHEREAS, the funding will be provided to the Lori Romero by way of a ten-year, interest free, amortized depreciating loan in the amount of Four Thousand Two Hundred and Eighty Five Dollars (\$ 4,285.00).

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve the deferred loan agreement for the funds to be used for the rehabilitation on the property as set forth in the Deferred Loan Agreement and Rehabilitation Construction Contract; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that we do hereby authorize the Mayor and Clerk to execute the agreement and other required legal documents with Lori Romero on behalf of the Township; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that a copy of the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced loan in the not to exceed amount of \$4,285.00 Monies are available in the 2021 Affordable Housing Trust Fund line account #T-13-56-055-COA.

Date: February 3, 2021



Sean McCarthy, Chief Financial Officer

Agenda and Date Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510 www.bernards.org

Resolution #2021-0126

Personnel Appointment

Derek Venner – Groundskeeper – Department of Public Works

WHEREAS, a full time Groundskeeper position became available due to a vacancy; and

WHEREAS, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Derek Venner has applied for and is qualified to fill said position; and

WHEREAS, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Derek Venner to full time Groundskeeper.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Derek Venner be appointed full time Groundskeeper with a hire date of Tuesday, February 16, 2021 at an hourly rate of \$15.38 for a 40 hour work week. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

Agenda and Dated Voted: 02/09/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 02/09/2021.

Rhonda Pisano, Municipal Clerk

EXPLANATORY STATEMENT

A Groundskeeper position became available due to a vacancy within the Grounds division. The position was posted and advertised according to township policy. Derek Venner applied for the position and is qualified to fill said position. Mr. Venner comes to Bernards Township with experience in maintenance, construction and grounds work experience.

Carol Ackerman, HR Generalist



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

EXPLANATORY STATEMENT

This ordinance amends the zoning requirements applicable to Highlands Village Center, which is located on Allen Road in The Hills development. The primary purpose of this ordinance is to loosen two restrictions that are unique to Highlands Village Center and have hindered occupancy of existing floor area by new tenants. Recognizing that Highlands Village Center has experienced a greater demand for retail service and child care uses (as opposed to office uses), this ordinance amendment eliminates an existing requirement that limits retail uses to 75% of the total retail/office floor area of the center, and relaxes an existing requirement that limits child day care facilities to 7,500sf of floor area.

Several approvals to exceed these existing restrictions were previously granted by the Planning Board and the Board of Adjustment. By allowing more of the total floor area to be occupied by retail and child care uses, the usage restrictions applicable to Highlands Village Center will be more consistent with the restrictions applicable to the Township's other retail centers, where land use board approvals are not required to allow changes in occupancy for permitted retail and child care uses.

This ordinance amendment also adds banks to the list of permitted uses, recognizing that the existing bank building was approved by the Planning Board as a permitted use in 1998, and eliminates the first floor retail requirement set forth in §21-84.11.b.9(b), which does not apply because the center is comprised of only one-story buildings. Also, the term "day care facilities" is replaced with "child-care centers" to be consistent with the rest of the Land Development Ordinance.

David Schley, PP, AICP, Township Planner

ORDINANCE #2460

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the Code of the Township of Bernards,
Chapter 21, "Revised Land Use Ordinances", Regarding
Village Center Standards in the PUD-5 Mt. Laurel Option Zone

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, entitled "Land Development," Section 21-84, entitled "Regulations Applicable to PUD-5 Mt. Laurel Option," of the Code of the Township of Bernards shall be amended, revised and supplemented as follows:

Part I. Existing § 21-84.2, "Maximum Number of Units and Size of Nonresidential Uses Permitted in PUD-5 Zone," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

§ 21-84.2. Maximum Number of Units and Size of Nonresidential Uses Permitted in PUD-5 Zone. [Ord. #1004, § 7]

- a. The maximum number of dwelling units shall be 1,893.
- b. Total nonresidential uses are limited to 50,000 square feet of retail sales of goods and services, general offices and/or country inn uses. Post office(s) shall be limited to 5,000 square feet.
- c. A twenty-seven-hole golf course, fifty-thousand-square-foot clubhouse, ten-thousand-square-foot maintenance facility and snackbar/halfway houses up to 2,500 square feet.

- d. In addition to the uses listed in Paragraphs a, b and c above, religious facilities, ~~a seven-thousand-five-hundred-square-foot day-care center~~ child-care centers (both located within the retail center area), recreation facilities for residents and park and ride lot are permitted.

Part II. Existing § 21-84.11, "Village Center Standards," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

§ 21-84.11. Village Center Standards. [Ord. #1004, § 7; Ord. #1143]

- a. Intent and Purpose of Commercial Development. The proposed commercial development shall be based on an overall design plan submitted as part of either a general development plan or a preliminary site plan. The commercial development should provide an integrated design and arrangement of buildings, taking into consideration building scale, building massing, open space, and usage. For the commercial area (excluding the golf course area), the intent is to create a "village center." The plan submitted for Planning Board review should include the following information:
1. Proposed building architecture;
 2. Proposed building construction and materials; and
 3. Proposed landscape plan, street furniture, lighting and other aspects of the center.
- b. Standards for Review.
1. All individual lots shall have access to a public street.
 2. A landscaped buffer shall be provided on commercial property located contiguous to residential areas. Such buffer shall be a minimum of 25 feet in depth and shall be landscaped and mounded to provide a solid evergreen screen.
 3. Performance Standards. No commercial use shall create glare, heat, noise, odor, or physical vibrations, perceptible at the Village Center property line.
 4. If the commercial building is not connected by common roofline, then individual buildings must be separated by at least 20 feet or minimum BOCA requirements, whichever is more.
 5. Off-street parking and loading shall be in accordance with Section 21-22 except that parking may be provided in the front yard area if suitably screened and in accordance with overall approved plan.
 6. Permitted Uses.
 - (a) Retail sales of goods and services, liquor stores. **[Ord. #1466, 5-15-2001, amended]**
 - (b) General offices.
 - (c) Country inn.
 - (d) One dwelling within a building which also contains a business use.
 - (e) Restaurants, but not drive-in restaurants.
 - (f) Park and ride facilities.
 - (g) Health clubs.
 - (h) ~~Day-care facilities~~ Child-care centers, not exceeding ~~7,500~~ 15,500 square feet.
 - (i) Post offices, not exceeding 5,000 square feet.
 - ~~(j)~~ (k) Religious facilities, not exceeding 10,000 square feet.
 - ~~(k)~~ Banks and other financial institutions.
 7. Accessory Uses.

- (a) Accessory uses customarily incidental to the above permitted uses.

8. Bulk and Yard Requirements:

- (a) Maximum FAR: N/A.
- (b) Maximum Village Center area (tract) coverage: 75%.
- (c) Maximum height: 35 feet.
- (d) Minimum lot width: N/A.
- (e) Minimum frontage: N/A.
- (f) Minimum lot size: N/A.
- (g) Minimum building setback to residential property line: 50 feet.
- (h) Minimum parking setback to residential property line: 25 feet.
- (i) Minimum distance between building and common parking: 10 feet.
- (j) Building setback from curb: 20 feet.

9. Retail/Office/Country Inn Mix.

- (a) A maximum of 50,000 square feet of retail/general office/country inn uses shall be permitted with ~~no more than 75% of the space occupied by retail uses~~ and no less than 50% of the space occupied by retail uses.
- ~~(b) The maximum 50,000 square feet of retail/general office uses shall be contained in building(s) in which a minimum of two-thirds (2/3) of the first floor is occupied by retail uses. This restriction shall not apply to country inns.~~

10. Exceptions.

- (a) Maximum lot coverage standards shall not apply to any park and ride facility. Instead, any park and ride facility shall be designed to assure sufficient drainage on and off the site. A minimum of 10% of interior parking areas shall be landscaped.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2461

Accepting a Wetlands Conservation Easement on
Property Located at 200 Mountain Road; Block 11501, Lot 5.01, from
Giancarlo Gramaglia and Kelly Gramaglia to the Township of Bernards

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Giancarlo Gramaglia and Kelly Gramaglia, with a mailing address at 200 Mountain Road, Basking Ridge, NJ, 07920, a Wetlands Conservation Easement on Block 11501, Lot 5.01, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

EXPLANATORY STATEMENT

This easement is provided in conjunction with the property owners' request for a permit to construct a new dwelling. The purpose of the easement is to protect the wetlands and wetlands transition areas located on the property. The property owners have submitted fees to reimburse the Township for costs incurred in the processing of the easement.

Date:

David Schley, PP, AICP, Township Planner



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2462

Accepting a Wetlands Conservation Easement on
Property Located at 15 Tamarisk Court; Block 3901, Lot 70, from
John B. Malcolm, III and Brynanne Malcolm to the Township of Bernards

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from John B. Malcolm, III and Brynanne Malcolm, with a mailing address at 15 Tamarisk Court, Basking Ridge, NJ, 07920, a Wetlands Conservation Easement on Block 3901, Lot 70, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

EXPLANATORY STATEMENT

This easement is provided in conjunction with the property owners' request for a permit to construct an addition to their existing dwelling. The purpose of the easement is to protect the wetlands and wetlands transition areas located on the property. The property owners have submitted fees to reimburse the Township for costs incurred in the processing of the easement.

Date:

David Schley, PP, AICP, Township Planner



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2463

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the Revised General Ordinances of the
Township of Bernards, Chapter 21, "Land Development", Section 21-42 "Drainage"

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 21, "Land Development", Section 21-42 "Drainage" of the Revised General Ordinances of the Township of Bernards be amended, revised and supplemented as follows (new text is in double underline; deletions are ~~stricken~~):

SECTION 21-42 Drainage

§ 21-42.1. ~~General. [Ord. #585, § 613A]~~ Scope and Purpose

- ~~A. Street and off-site drainage facilities must be provided with sufficient catch basins, storm sewers, culverts, swales and/or other drainage appurtenances for the proper drainage of the area in light of existing conditions and the proposed construction of buildings and paved areas.~~
- ~~B. Lots shall be graded to secure proper drainage away from buildings and into drainage facilities. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow. To the extent possible, grading shall not divert water to flow across property lines.~~
- ~~C. To prevent water from entering basements or cellars in areas where a high water table exists or is anticipated, as determined from secondary sources, the Board shall require the applicant to provide adequate subsurface drainage facilities before any basements or cellars are approved for construction.~~
- ~~D. In addition to the above requirements, the design of the drainage system shall follow those standards found in N.J.A.C. 7:8-5 et seq. and N.J.A.C. 7:8-6 et seq. and in the New Jersey Department of Environmental Protection New Jersey Stormwater Best Management Practices Manual. The best management practices selected shall be based upon the~~

~~specific conditions of the property in question after consultation with the Township Engineer. [Ord. #1810, 9-13-2005, added]~~

~~E. Definitions. All terms in this subsection 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. [Ord. #1853, 2-28-2006, added]~~

~~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. [Ord. #1853, 2-28-2006, added]~~

~~1. Exempt Development. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this subsection.~~

~~2. Minor Development. Minor developments shall be designed to include the following stormwater management measures:~~

~~(a) 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.~~

~~(b) Rate/Volume control. Seepage pits or other infiltration measures shall be provided with a capacity of three inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be 2 1/2 inches 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 nonresidential. For the purpose of calculating stormwater management requirements for a residential subdivision, there shall be a presumption that each lot in the subdivision shall be developed with an amount of impervious surface equivalent to the maximum coverage permitted in the zone, pursuant to Subsection 21-15.1d. [Ord. #2249, 10-29-2013, amended]~~

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 21-42.2 and establish minimum stormwater management requirements and controls for "minor development," as defined below in Section 21-42.11.

C. Applicability

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

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.

§ 21-42.2 Definitions

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

“CAFRA Centers, Cores or Nodes” 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 enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development of agricultural land” 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.

“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.

“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.

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

“Exempt Development” means any development that creates less than 1,000 square feet of new impervious area and disturbs less than 2,500 square feet of land. An exempt development shall not meet the definition of "minor development."

“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 the effective date of this ordinance, whichever is earlier}; 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.”

“Minor Development” means 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. A minor development shall not meet the definition of “major development” in N.J.A.C. 7:8.

“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 21-42.4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

agency.

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

“Pollutant” includes both hazardous and nonhazardous pollutants.

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

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

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

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

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

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

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

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

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

future redevelopment and revitalization efforts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 21-42.3 Design and Performance Standards for Stormwater Management Measures

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

§ 21-42.4 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 21-42.10.

- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys 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 21-42.4.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 21-42.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 21-42.4.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 21-42.4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 21-42.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 21-42.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 21-42.4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New

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

https://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.

<u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</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>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>	<u>2^(e)</u> <u>1^(f)</u>
<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>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</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>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 to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 21-42.4.O.2;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;

- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 21-42.2 ;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 21-42.2 .

<u>Table 2</u> <u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u> <u>(or for Groundwater Recharge and/or Stormwater Runoff Quality</u> <u>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>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 to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 21-42.4.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 21-42.2 ;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 21-42.2 .

<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^(c)</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 21-42.4.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 21-42.2 ;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 21-42.2 .

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 21-42.6.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 21-42.4.O only if the measures meet the definition of green infrastructure at Section 21-42.2 . Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 21-42.4.O.2 are subject to the contributory drainage area limitation specified at Section 21-42.4.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 21-42.4.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 21-42.4.D is granted from Section 21-42.4.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 21-42.8.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 21-42.8.; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 21-42.2 may be used only under the circumstances described at Section 21-42.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 21-42.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 21-42.4.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 21-42.4.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 Somerset County Office of the County Clerk. A form of deed notice shall be submitted to the

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 21-42.4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 21-42.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof

that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 21-42.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Somerset County 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 21-42.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 21-42.4.F. and/or an alternative stormwater management measure approved in accordance with Section 21-42.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section 21-42.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an

alternative stormwater management measure approved in accordance with Section 21-42.4.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 21-42.4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 21-42.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 21-42.4.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 21-42.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 21-42.4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 21-42.5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 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 21-42.4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 21-42.5, 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.

§ 21-42.5 Calculation of Stormwater Runoff and Groundwater Recharge

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

- 1. The design engineer shall calculate runoff using 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 21-42.5.A.1.i and the Rational and Modified Rational Methods at Section 21-42.5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

<https://www.nj.gov/dep/njgs/pricelst/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.](#)

§ 21-42.6 Sources for Technical Guidance:

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

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.](#)

§ 21-42.7 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 21-42.4.F above, or alternative designs in accordance with Section 21-42.4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 21-42.7.A.2 below.

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

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

[Examples of grates subject to this standard include grates in grate inlets, the grate portion \(non-curb-opening portion\) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads \(including bridges\), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and](#)

stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

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

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

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

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

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

§ 21-42.8 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be

retrofitted to meet one or more of the safety standards in Section 21-42.8.C.1, C.2, and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 21-42.8.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 21-42.8.E for an illustration of safety ledges in a stormwater management BMP; and

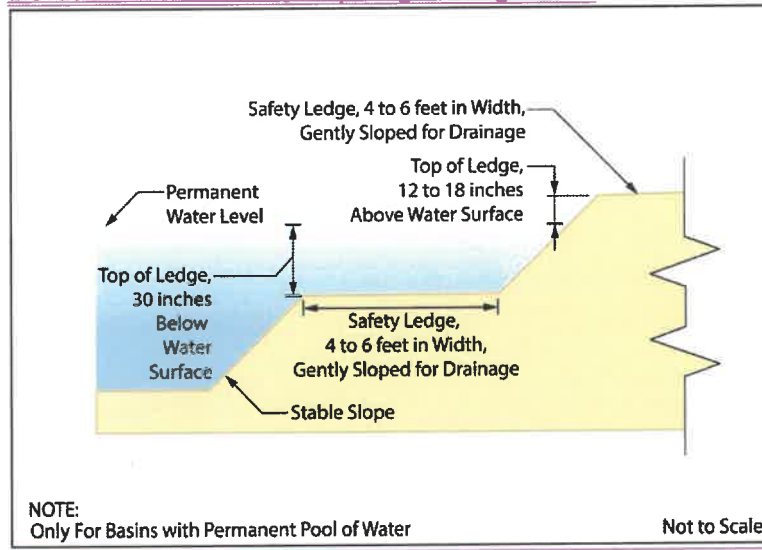
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 21-42.9 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 21-42.9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit the number of copies required by the land use board of the materials listed in the checklist for site development stormwater plans in accordance with Section 21-42.9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 21-42.3 through 21-42.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 21-42.4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 21-42.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 21-42.9.C.1 through 21-42.9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 21-42.10 Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 21-42.1.C of this ordinance shall comply with the requirements of Section 21-42.10.B and 21-42.10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design,

ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 21-42.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 21-42.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 21-42.10.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 21-42.10.B.6 and B.7 above.
8. The requirements of Section 21-42.10.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.

https://www.njstormwater.org/maintenance_guidance.htm.

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.

A.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

§ 21-42.11 Stormwater Management Requirements for Minor Development

A. Exempt Development. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this subsection.

B. Minor Development. Minor developments shall be designed to include the following stormwater management measures:

1. Rate/Volume control. Seepage pits or other infiltration measures shall be provided with a capacity of three inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be 2 1/2 inches 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.

G.— § 21-42.12 **Waivers and Exceptions.** ~~**{Ord. #1853, 2-28-2006, added}**~~

~~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 outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would substantially eliminate the noncompliance.

~~2.~~ **A. Mitigation-Waiver from the design and performance standards for stormwater management measures.** If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11. 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. The Township shall submit a written report to the County of Somerset and the Department describing the variance or exemption and the required mitigation. 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.B. 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.C. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

§ 21-42.13 Application and Review Fees.

H.A. 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. **[Ord. #1853, 2-28-2006, added]**

~~§ 21-42.2. Materials. [Ord. #585, § 613B]~~

~~Storm sewers and culverts shall be constructed of reinforced concrete pipe, corrugated metal pipe or aluminum culvert pipe as hereinafter specified.~~

- ~~a. Reinforced concrete pipe shall conform to the requirements of Standard Specifications for Reinforced Concrete Pipes, A.S.T.M. designation C-76 of the year of last revision.~~
- ~~b. Corrugated metal pipe shall conform to the requirements of current A.A.S.H.O. specifications, designation M-36, for corrugated metal culvert pipe and, in addition shall be provided with an exterior bituminous coating and a continuous smooth bituminous lining applied by a centrifugal method, extending not less than 1/8 inch beyond the rest of the corrugations forming the entire inner circumference of the pipe. After application of the lining, the internal diameter of twelve to twenty-four inch pipe shall not vary more than 1.5% from the nominal diameter. The internal diameter of larger pipe after application of the lining shall not vary more than 1% or 3/8 inch, whichever is greater, from the~~

~~nominal diameter. Material for lining shall conform to the requirements of Article 8.1.3 of the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction for 1961 as amended.~~

~~§ 21-42.3. Reserved.~~⁴

EXPLANATORY STATEMENT

A new NJDEP regulation requires the adoption of this ordinance based on a NJDEP model ordinance. The ordinance sets stormwater design standards, already established in the N.J.A.C., for Major Developments.

Date: 2/9/21

Thomas Timko, P.E., C.M.E., Township Engineer



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2464

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the Revised General Ordinances of the
Township of Bernards Chapter 21, "Land Development", Section 21-23 "Drainage"

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 21, "Land Development", Section 21-23 "Drainage" of the Revised General Ordinances of the Township of Bernards be amended, revised and supplemented as follows (new text is in double underline; deletions are ~~stricken~~):

SECTION 21-23 Drainage

§ 21-23.1. Design Regulations. [Ord. #585, § 511A; Ord. #1103, § 25]

- a. All development applications shall include drainage facilities capable of providing for stormwater as described below.
- b. No development application shall be approved which causes an increase in the rate of discharge from the property as determined for a one-hundred-year storm with a twenty-four-hour duration except as provided herein.
- c. The system shall be adequate to carry off or store the stormwater and natural drainage which originates not only within the lot or tract boundaries, but also that which originates beyond the lot or tract boundaries and traverses the site. No stormwater runoff or natural drainage shall be diverted so as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without adequate provision for off-tract improvements to accommodate the condition(s). Final disposition of stormwater shall be to an existing natural watercourse.
- ~~d. Techniques for computing stormwater runoff shall be as established by Somerset County. If alternate methods are used, they shall be submitted for review in addition to the required method.~~
- e.d. As required, approval for drainage structures shall be obtained from the appropriate municipal, county, state and federal agencies and offices, or such approval shall be a condition of preliminary approval. When required, each applicant shall make application

to the ~~State Division of Water Policy and Supply of the~~ Department of Environmental Protection, to the County Engineering Department and to the Township Engineer. Letters of approval from the appropriate governmental authorities shall be furnished to the Board Secretary, with copies to the Township Engineer.

~~f.e.~~ All sump pumps, roof leaders and foundation drains shall be connected to the drainage system, if available.

~~g.f.~~ Where a lot or a tract is traversed by a watercourse, surface or underground drainage system, channel or stream carrying water from an adjacent tract of land, there shall be provided and dedicated a drainage right-of-way easement to the Township conforming substantially with the lines of such watercourse, and such further width or construction or both as will be adequate to accommodate expected stormwater runoff in the future, based upon reasonable growth potential in the Township and, in any event, meeting the minimum widths and locations shown on an adopted Official Map or element of the Master Plan for the Township, or where not so shown, having a minimum width of 20 feet.

~~h.g.~~ Detention Facilities. In lieu of on-site detention or retention, the applicant may request to provide an off-tract improvement in accordance with Article IX of this chapter. If agreed to by the Township, contributions for off-tract improvements shall be used for the study, design and/or construction of an off-tract detention or retention facility necessary to provide for the control of stormwater runoff in the drainage basin within which the proposed development is located.

~~i.h.~~ As-built drawings of detention basins are to be certified by a New Jersey licensed professional engineer to confirm that the basin(s) have been constructed in accordance with Township standards and the approved subdivision or site plan.

§ 21-23.2. Floodplain. [Ord. #585, § 511B]

Construction within a floodplain shall be in accordance with Subsection 21-14.3.

§ 21-23.3. Design Storms. [Ord. #585, § 511C]

Storm sewers, open channels, bridges and culverts shall be designed for minimum flow capacities as follows:

	Design Capacity
Drainage system*	25 years
Drainage structures**	100 years

Open channels As determined by the Township Engineer

NOTES:

*The term "drainage system" refers to the composite of all drainage infrastructure improvements.

** The term "drainage structures" refers to particular drainage infrastructure improvements such as bridges, culverts, detention and retention facilities.

§ 21-23.4. Design Standards. [Ord. #585, § 511D]

See Section 21-42.

EXPLANATORY STATEMENT

These revisions update the ordinance with corresponding revisions to Section 21-42.

Date: 2/9/21

Thomas Timko, P.E., C.M.E., Township Engineer