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March 9, 2021 – COMBINED AGENDA/REGULAR MEETING

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CALL TO ORDER

The mayor called the meeting to order at 8:00 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Baldassare, Jr., Bannan, Esposito, Grochala, Fields

Absent:

Also Present: Administrator Monaco, Attorney Belardo, Engineer Timko, and Municipal Clerk Pisano

EXECUTIVE SESSION

None.

PUBLIC WORK SESSION

None.

REPORTS

None.

PRESENTATION

The mayor addressed the Eagle Scouts in attendance with their parents and congratulated them.

[Resolution #2021-0146](#) - Commendation on Attaining Eagle Scout Designation - Kenneth J. Detlet and Brendan R. Kleinle of Troop 555 of Patriots' Path Council

Motion by Baldassare, second by Bannan, and unanimously agreed that Resolution #2021-0146 be approved.

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Kenneth J. Detlet and Brendan R. Kleinle, in reaching the rank of Eagle Scout; and

WHEREAS, Kenneth and Brendan, are members of Troop 555 of Patriots' Path Council, Boy Scouts of America, demonstrating outstanding leadership within the Troop, contributing many service hours to their community during their years in scouting; and

WHEREAS, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which they will carry as a badge of honor.

NOW THEREFORE BE IT RESOLVED, that the Township Committee offers its best wishes to Kenneth J. Detlet and Brendan R. Kleinle for their continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout their life.

Signed and sealed on behalf of the Township Committee on this 9th Day of March, Two Thousand and Twenty-One.

[Resolution #2021-0147](#) - Commendation on Attaining Eagle Scout Designation - Brandon Mark, Joseph Doherty, Cameron Mays, Michael Barth, Andrew Schwed, and Vincenzo Taylor of Troop 54 of Liberty Corner

Motion by Baldassare, second by Bannan, and unanimously agreed that Resolution #2021-0147 be approved.

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Brandon Mark, Joseph Doherty, Cameron Mays, Michael Barth, Andrew Schwed, and Vincenzo Taylor, in reaching the rank of Eagle Scout; and

WHEREAS, Brandon, Joseph, Cameron, Michael, Andrew, and Vincenzo, are members of Troop 54 of Liberty Corner, Boy Scouts of America, demonstrating outstanding leadership within the Troop, contributing many service hours to their community during their years in scouting; and

WHEREAS, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which they will carry as a badge of honor.

NOW THEREFORE BE IT RESOLVED, that the Township Committee offers its best wishes to Brandon Mark, Joseph Doherty, Cameron Mays, Michael Barth, Andrew Schwed, and Vincenzo Taylor for their continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout their life.

Signed and sealed on behalf of the Township Committee on this 9th Day of March, Two Thousand and Twenty-One.

CORRESPONDENCE

None.

PUBLIC COMMENT

The Mayor opened public comment and the following individuals commented:

Kathleen Piedici, 73 Sycamore Ct. – commented on the Bernards Township Library’s new contactless check-out system.

Todd Edelstein, 72 Riverside Dr. – commented on the Diversity & Inclusion Committee’s and their zoom meeting link posting.

The Mayor closed public comment.

TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS

Committee members reported on their appointed boards and activities.

FIRE & RESCUE APPOINTMENT

None.

UNFINISHED BUSINESS

[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 – Planning Board Report – Public Hearing*

Davis Schley, Township Planner, was in attendance for comments and/or questions on this Ordinance.

The clerk read the ordinance by title, the committee acknowledged the Planning Board’s Report finding that the ordinance was not inconsistent with the Master Plan, and the mayor opened the public hearing. There were no comments, and the hearing was closed.

Motion by Baldassare, second by Bannon, that Ordinance #2460 be adopted and advertised as required by law.

Roll Call:

Aye: Baldassare, Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

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) Religious facilities, not exceeding 10,000 square feet.
 - ~~(j)(k)~~ (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 #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" - Planning Board Report - Public Hearing

The clerk read the ordinance by title. Mr. Belardo stated that the Planning Board's Report recommends technical corrections be included in the Ordinance and that he deems these changes to not be substantive and that the public hearing could take place. The clerk also reported that the Planning Board report finds that the Ordinance was not inconsistent with the Master Plan.

Baldassare motioned, second by Bannon, that Ordinance #2463 be amended to include the technical corrections as outlined in David Banish's memo date 02/26/2021. The mayor opened the public hearing. There were no comments, and the hearing was closed.

Roll Call:

Aye: Baldassare, Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

The mayor opened the public hearing on Amended Ordinance #2463. There were no comments, and the hearing was closed. Baldassare motioned, second by Bannon, that Amended Ordinance #2463 be adopted and advertised as required by law.

Roll Call:

Aye: Baldassare, Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

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 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."~~
 - ~~a. 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.~~

~~b. 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 21-42.2[A1].

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 section[A2], 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 Commissioners[A3] 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.
 3. For[A4] 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.
- 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.

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

<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e) 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) No^(c)</u>	<u>2^(b) 1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b) No^(c)</u>	<u>2^(b) 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 .

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

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

Notes 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 .

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

<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[A5].

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>

Pervious Pavement Systems

Area of additional inflow cannot
exceed three times the area
occupied by the BMP

Small-scale Bioretention Systems

2.5 acres

Small-scale Infiltration Basin

2.5 acres

Small-scale Sand Filter

2.5 acres

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/gsreport/gsr32.pdf>

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

§ 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:

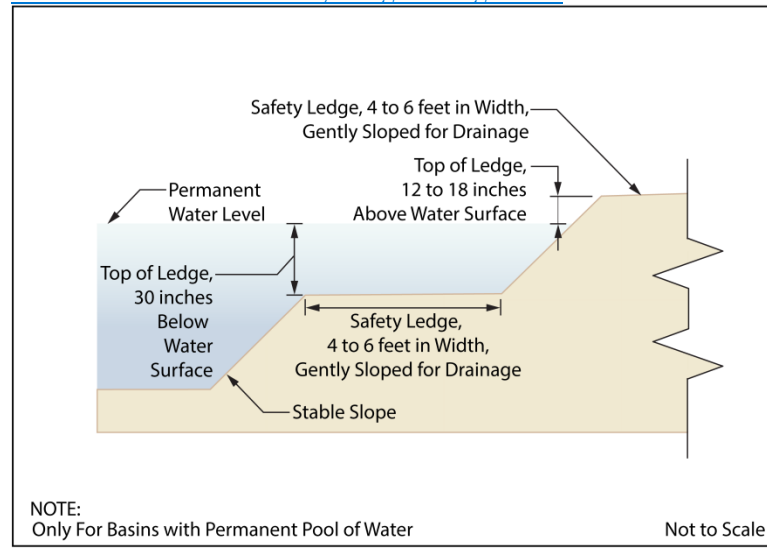
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. 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.
 - 2[A6]. 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. — § 21-42.12 Waivers and Exceptions. ~~{Ord. #1853, 2-28-2006, added}~~

a- 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.

- b-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.

~~e.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.

~~d.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.

~~e.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.¹

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" – Planning Board Report - Public Hearing

The clerk read the ordinance by title, the committee acknowledged the Planning Board's Report finding that the ordinance was not inconsistent with the Master Plan and that certain technical corrections as outlined in David Banisch's memo dated 02/26/2021 be included which were deemed non-substantive by Mr. Belardo.

Motion by Baldassare, second by Bannon, that the Ordinance #2464 be amended to include technical corrections as outlined in David Banisch's memo dated 02/26/2021.

Roll Call:

Aye: Baldassare, Jr., Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

The mayor opened the public hearing for Amended Ordinance #2464. No comments were heard, and the public hearing was closed.

Motion by Baldassare, second by Bannon, that Amended Ordinance #2464 be adopted and advertised as required by law.

Roll Call:

Aye: Baldassare, Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

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):

SECTION 21-23

Drainage

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

- All development applications shall include drainage facilities capable of providing for stormwater as described below.
- 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.
- 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.
- 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 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.
- All sump pumps, roof leaders and foundation drains shall be connected to the drainage system, if available.
- 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.
- 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.
- 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.

ORDINANCE #2465 - An Ordinance of the Township of Bernards Appropriating \$1,325,000.00 for Various Capital Improvements-- Public Hearing

The clerk read the ordinance by title and the mayor opened the public hearing.

Todd Edelstein, 172 Riverside Dr. inquired if there were specifics on the capital improvements covered by this Ordinance. Mr. Monaco explained that this is to allow the Engineering and DPW departments to start preliminary work on projects outlined in the upcoming budget prior to the budget approval.

There were no other comments, and the hearing was closed.

Motion by Baldassare, second by Bannon, that Ordinance #2465 be adopted and advertised as required by law.

Roll Call:

Aye: Baldassare, Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

BE IT ORDAINED by the Township Committee of the Township of Bernards in the County of Somerset, New Jersey that the sum of \$1,325,000.00 is hereby appropriated from the Capital Improvement Fund for the following purposes:

A	1,300,000.00	Engineering Projects including, but not limited to Spring Valley Blvd Sections 1 & 2 Road Resurfacing Plan; Drainage Repairs and Improvements; Pedestrian Safety; Sidewalk/Bikeway Repairs and Improvements
B	\$25,000.00	Purchase of Motor Vehicle Fleet Replacements including, but not limited to DPW Equipment Vehicles, Passenger Vehicles and Trailers

Any grant moneys received for the purposes described above hereof shall be applied to direct payment of the cost of the improvements and shall reduce the amount authorized from the capital improvement fund to the extent that such funds are so used.

The period of usefulness is five years or more. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the

Director, Division of Local Government Services is on file with the Township Clerk and are available for public inspection.

BE IT FURTHER ORDAINED, this ordinance shall take effect immediately upon final passage and publication in accordance with law.

EXPLANATORY STATEMENT:

This ordinance funds a portion of the 2021 capital items contained in the proposed 2021 Capital Budget that require initiation in order to receive the most competitive bids and to allow the Township to begin necessary repairs and improvements. The remaining Capital requests for Street & Roads, Buildings, Fleet, Fire, First Aid, Engineering, Grounds, Police, Systems Administration, and Parks and Recreation, will be requested after the Budget is adopted.

Date: 02/16/2021

Sean McCarthy, CFO

NEW BUSINESS

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.

Motion by Baldassare, second by Esposito, that the Consent Agenda be approved.

Roll Call:

Aye: Baldassare, Bannan, Esposito, Grochala, Fields

Nay:

Abstain:

Motion carried.

****Begin Consent Agenda****

Resolution #2021-0144 - Approval of the Bill List Dated 03/09/2021

BE IT RESOLVED, that the bill list dated 03/09/2021 be audited, and if found correct, be paid.

Check #	Check Date	Vendor	Amount	Paid	Reconciled/Void	Ref	Num
127799	03/09/21	90026 DEPOORTERE, PAT		27.00		1567	Direct Deposit
127800	03/09/21	90038 FORGIONE, LUCY A.		60.00		1567	Direct Deposit
127801	03/09/21	90071 KRUKOWSKI, RICHARD		26.64		1567	Direct Deposit
127802	03/09/21	90343 WORTHINGTON, COURTNEY		26.55		1567	Direct Deposit
127803	03/09/21	90368 COLE, STEVEN P		21.91		1567	Direct Deposit
127804	03/09/21	90395 NERI, MARK		117.97		1567	Direct Deposit
127805	03/09/21	90400 ALBANESE, CHRISTOPHER		139.92		1567	Direct Deposit
127806	03/09/21	90549 NICOLETTI, TJ		27.00		1567	Direct Deposit
127807	03/09/21	90556 VAIAS, KAREN		49.00		1567	Direct Deposit
127808	03/09/21	90558 DAVENPORT, DOUGLAS		24.61		1567	Direct Deposit
127809	03/09/21	90562 LAKATOS, MICHAEL		25.63		1567	Direct Deposit
127810	03/09/21	90563 CARTOCCIO, KAITLIN		60.00		1567	Direct Deposit
127811	03/09/21	90570 BERCARI, ANDREW		12.14		1567	Direct Deposit
127812	03/09/21	90597 WALLACE, RYAN		27.00		1567	Direct Deposit
127813	03/09/21	90607 SANT'ANGELO, STEPHEN		27.00		1567	Direct Deposit
127814	03/09/21	90608 UNTAMO, TRAVIS MILLER		25.39		1567	Direct Deposit
127815	03/09/21	90637 VANDERHOOF, ROGER		200.00		1567	Direct Deposit
127816	03/09/21	90667 LOPEZ, DUSTIN		197.70		1567	Direct Deposit
127817	03/09/21	90671 DOWD, NANCY		230.00		1567	Direct Deposit
127818	03/09/21	90676 WOLLNY, CHRISTOPHER		27.00		1567	Direct Deposit
127819	03/09/21	90677 BEGRAFT, GERALYN		59.98		1567	Direct Deposit
127820	03/09/21	A0150 ATLANTIC SALT, INC.	38,139.46			1567	Direct Deposit
127821	03/09/21	A0453 AMAZON.COM	1,092.65			1567	Direct Deposit
127822	03/09/21	A0611 AMERICAN WEAR, INC	876.32			1567	Direct Deposit
127823	03/09/21	B0203 DIFRANCESCO BATEMAN, PC	4,177.42			1567	Direct Deposit
127824	03/09/21	B0581 BUY WISE AUTO PARTS	758.11			1567	Direct Deposit
127825	03/09/21	B0758 BCI TRUCK, INC	1,328.49			1567	Direct Deposit
127826	03/09/21	C0083 CDW GOVERNMENT, INC.	188.52			1567	Direct Deposit
127827	03/09/21	C0434 CENTRAL JERSEY CONSTRUCTION	11,897.06			1567	Direct Deposit
127828	03/09/21	D0033 DEMCO, INC	300.74			1567	Direct Deposit
127829	03/09/21	D0380 DRIVERS TIRE & SERVICE CENTER	1,176.03			1567	Direct Deposit
127830	03/09/21	D0754 DC EXPRESS	573.00			1567	Direct Deposit
127831	03/09/21	D0848 DOMINICK'S LIBERTY CORNER LLC	1,245.75			1567	Direct Deposit
127832	03/09/21	F0384 FLEMINGTON CHEVROLET BUICK	1,819.06			1567	Direct Deposit
127833	03/09/21	K0354 KANOPY INC	495.00			1567	Direct Deposit
127834	03/09/21	N0482 NICOLETTI SNOW REMOVAL LLC	32,584.68			1567	Direct Deposit
127835	03/09/21	O0021 OFFICE DEPOT	153.47			1567	Direct Deposit
127836	03/09/21	S0443 STAPLES ADVANTAGE	105.03			1567	Direct Deposit
127837	03/09/21	U0001 UNITEMP INC.	2,373.50			1567	Direct Deposit
127838	03/09/21	V0020 VILLAGE OFFICE SUPPLY	43.65			1567	Direct Deposit
127839	03/09/21	W0339 W.B. MASON	423.93			1567	Direct Deposit
127840	03/09/21	A0168 ALLIED OIL COMPANY, LLC	9,496.50			1568	
127841	03/09/21	A0398 STERLING TALENT SOLUTIONS	114.93			1568	
127842	03/09/21	A0707 AMERICAN LIBRARY ASSOCIATION	199.00			1568	
127843	03/09/21	A0710 ABBIATICI, RAY	185.00			1568	
127844	03/09/21	B0001 BAKER & TAYLOR, INC.	5,999.13			1568	
127845	03/09/21	B0017 BRIDGEWATER RESOURCES, INC.	1,417.89			1568	
127846	03/09/21	B0026 BERNARDS TOWNSHIP CURRENT	6,004.74			1568	

127847	03/09/21	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	562,217.66	1568
127848	03/09/21	B0388	BLACKSTONE AUDIO BOOKS	197.77	1568
127849	03/09/21	B0518	BERNARDSVILLE HARDWARE	10.27	1568
127850	03/09/21	C0008	SCHOLASTIC LIBRARY PUBLISHING	319.79	1568
127851	03/09/21	C0024	GANNETT NEW JERSEY NEWSPAPERS	133.73	1568
127852	03/09/21	C0482	OPTIMUM	138.44	1568
127853	03/09/21	C0482	OPTIMUM	8.33	1568
127854	03/09/21	C0482	OPTIMUM	33.32	1568
127855	03/09/21	C0522	CHATHAM LAWNMOWER SALES & SVC	206.26	1568
127856	03/09/21	C0597	CLIFFSIDE BODY CORPORATION	679.34	1568
127857	03/09/21	C0613	CIGNA GROUP INSURANCE	1,565.66	1568
127858	03/09/21	C0697	BB&T/CPS	77.11	1568
127859	03/09/21	C0774	COLONIAL LIFE & ACC INSURANCE	755.36	1568
127860	03/09/21	C0857	CANTILLO, CAROLINA	95.00	1568
127861	03/09/21	C0887	CREATIVE WISDOM WELLNESS	150.00	1568
127862	03/09/21	C0919	CENTRAL JERSEY TRAILER & HITCH	4,109.99	1568
127863	03/09/21	D0020	DELTA DENTAL OF NJ	12,155.41	1568
127864	03/09/21	D0740	DOVER BRAKE & CLUTCH	183.20	1568
127865	03/09/21	D0783	DFFLM, LLC	698.51	1568
127866	03/09/21	D0785	JOHN DEERE COMPANY	22,825.89	1568
127867	03/09/21	D0849	DOLAN CONSULTING GROUP LLC	195.00	1568
127868	03/09/21	E0224	EXCELLENT BUILDING SERVICES	2,795.00	1568
127869	03/09/21	E0231	EKA ASSOCIATES, P.A.	978.75	1568
127870	03/09/21	E0280	EASTERN CONTRACTOR SERVICES	2,100.00	1568
127871	03/09/21	F0001	FEDEX	45.99	1568
127872	03/09/21	F0003	FOLEY, INCORPORATED	1,574.05	1568
127873	03/09/21	F0007	FIRE FIGHTERS EQUIPMENT CO	145.50	1568
127874	03/09/21	F0171	FIRST CHOICE AUTO PARTS &	582.60	1568
127875	03/09/21	F0273	FLOWERS ON THE RIDGE	59.00	1568
127876	03/09/21	F0324	FLAGSHIP DENTAL PLANS	644.27	1568
127877	03/09/21	G0066	GRAINGER INC	465.71	1568
127878	03/09/21	G0098	JCP&L	184.32	1568
127879	03/09/21	G0201	GENERAL CODE LLC	865.00	1568
127880	03/09/21	G0333	BEDMINSTER CAR WASH	115.00	1568
127881	03/09/21	G0670	GLOBAL SOLUTIONS GROUP INC	18,259.94	1568
127882	03/09/21	H0178	HOSE SHOP, INC.	216.77	1568
127883	03/09/21	H0246	HOME DEPOT CREDIT SERVICES	1,107.19	1568
127884	03/09/21	H0297	DIRECT ENERGY BUSINESS	5,636.85	1568
127885	03/09/21	H0386	HOROWITZ & SONS CONSTRUCTION	45.00	1568
127886	03/09/21	H0473	HONG, VICTOR	165.00	1568
127887	03/09/21	J0015	JESCO, INC.	229.94	1568
127888	03/09/21	K0033	KEY-TECH	3,206.59	1568
127889	03/09/21	K0259	KONICA MINOLTA PREMIER FINANCE	247.08	1568
127890	03/09/21	K0331	KONICA MINOLTA PREMIER FINANCE	326.31	1568
127891	03/09/21	L0389	LEVIN, CAROL SIMON	200.00	1568
127892	03/09/21	M0055	MCASC	80.00	1568
127893	03/09/21	M0353	MIDWEST TAPE	1,544.40	1568
127894	03/09/21	M0493	MCELROY, DEUTSCH, MULVANEY &	5,325.42	1568
127895	03/09/21	M0511	MOTOROLA SOLUTIONS, INC.	543.61	1568
127896	03/09/21	M0837	MORRIS CO CODE OFFICIALS ASSOC	25.00	1568
127897	03/09/21	M0947	MORANO, DANIELA	95.00	1568
127898	03/09/21	N0016	NJSOPHE MEMBERSHIP	130.00	1568
127899	03/09/21	N0017	NJ STATE LEAGUE OF MUNICIPAL.	1,971.00	1568
127900	03/09/21	N0030	NJ STATE ASSN.-CHIEFS/POLICE	299.00	1568
127901	03/09/21	N0032	NJ STATE DEPT HEALTH/SR SVCS	775.20	1568
127902	03/09/21	N0285	NJPMA	145.00	1568
127903	03/09/21	N0415	NATIONAL FUEL OIL INC	8,356.62	1568
127904	03/09/21	O0135	OUTHOUSE LLC	160.00	1568
127905	03/09/21	P0014	PUBLIC SERVICE ELEC. & GAS CO	3,977.99	1568
127906	03/09/21	P0046	RESERVE ACCOUNT	825.91	1568
127907	03/09/21	P0525	POWER PLACE, INC.	37.40	1568
127908	03/09/21	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	26.93	1568
127909	03/09/21	P0602	PRAXAIR DISTRIBUTION, INC	39.25	1568
127910	03/09/21	Q0002	CINTAS CORP. - #062	347.08	1568
127911	03/09/21	R0005	RECORDER PUBLISHING CO., INC	110.67	1568
127912	03/09/21	R0005	RECORDER PUBLISHING CO., INC	124.44	1568
127913	03/09/21	R0005	RECORDER PUBLISHING CO., INC	93.33	1568
127914	03/09/21	R0005	RECORDER PUBLISHING CO., INC	58.14	1568
127915	03/09/21	R0005	RECORDER PUBLISHING CO., INC	76.50	1568
127916	03/09/21	R0005	RECORDER PUBLISHING CO., INC	67.32	1568
127917	03/09/21	R0005	RECORDER PUBLISHING CO., INC	103.53	1568
127918	03/09/21	R0023	RICHIES TIRE SERVICE, INC.	510.50	1568
127919	03/09/21	R0025	RIDGE RESTAURANT	193.85	1568
127920	03/09/21	R0393	RESEARCH&DESIGN LANDSCAPE LLC	28,175.00	1568
127921	03/09/21	R0493	RIDGE BAGEL & CAFE	314.72	1568
127922	03/09/21	S0081	SOCIETY FOR PUBLIC HEALTH ED	195.00	1568
127923	03/09/21	S0101	STICKEL,KOENIG,SULLIVAN&DRILL	4,056.50	1568
127924	03/09/21	S0135	CJHRC-CENTRAL JERSEY HOUSING	84.00	1568
127925	03/09/21	S0278	STATE TREASURER OF NEW JERSEY	50.00	1568
127926	03/09/21	S0628	STATE OF NEW JERSEY-HB	188,179.38	1568
127927	03/09/21	S0691	SUPERIOR DISTRIBUTORS	1,465.68	1568
127928	03/09/21	S0770	SKYLANDS AREA FIRE EQUIPMENT &	9,384.84	1568
127929	03/09/21	S0847	SHI INTERNATIONAL	858.57	1568
127930	03/09/21	T0066	CENGAGE LEARNING CREDIT SVCS	50.98	1568
127931	03/09/21	T0372	TLO, LLC	802.80	1568
127932	03/09/21	T0494	TRYSTONE CAPITAL ASSETS LLC	3,083.38	1568
127933	03/09/21	V0056	VERIZON WIRELESS	685.02	1568
127934	03/09/21	V0058	VERIZON	39.17	1568
127935	03/09/21	V0058	VERIZON	169.26	1568
127936	03/09/21	V0058	VERIZON	80.84	1568
127937	03/09/21	V0058	VERIZON	2,010.84	1568
127938	03/09/21	V0058	VERIZON	83.38	1568
127939	03/09/21	V0058	VERIZON	39.17	1568
127940	03/09/21	V0058	VERIZON	83.38	1568
127941	03/09/21	V0058	VERIZON	71.48	1568
127942	03/09/21	V0084	VERIZON	156.99	1568
127943	03/09/21	V0084	VERIZON	159.98	1568
127944	03/09/21	V0084	VERIZON	8.32	1568
127945	03/09/21	V0094	V. ROCHE & SON, LLC	1,725.00	1568
127946	03/09/21	V0124	VERIZON BUSINESS FIOS	204.99	1568

TOWNSHIP COMMITTEE MINUTES

03/09/2021

127947	03/09/21	V0124	VERIZON BUSINESS FIOS	729.98	1568
127948	03/09/21	V0140	VANTAGEPOINT TRANSFER AGENTS	1,004.25	1568
127949	03/09/21	V0177	VERIZON	543.94	1568
127950	03/09/21	V0185	VERIZON CONNECT	534.27	1568
127951	03/09/21	W0016	WARRENVILLE TRUE VALUE	2,778.80	1568
127952	03/09/21	W0056	WELDON CONCRETE CO.	635.41	1568
127953	03/09/21	W0259	VENTURA, MIESOWITZ, KEOUGH &	6,956.00	1568
127954	03/09/21	W0287	WOYCE, KEVIN	100.00	1568
127955	03/09/21	W0404	WOODS MACHINERY	295.38	1568
127956	03/09/21	X0005	XTEL COMMUNICATION	480.83	1568
127957	03/09/21	X0005	XTEL COMMUNICATION	1,681.34	1568
127958	03/09/21	Z0059	ZUFALL HEALTH CENTER, INC	1,007.00	1568

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	119	0	955,378.05	0.00
Direct Deposit:	41	0	101,164.31	0.00
Total:	160	0	1,056,542.36	0.00

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
Fund Description					
CURRENT FUND	0-01	14,974.04	0.00	0.00	14,974.04
CURRENT FUND	1-01	935,520.36	0.00	0.00	935,520.36
DOG FUND	1-12	940.40	0.00	0.00	940.40
GOLF COURSE UTILITY	1-26	208.65	0.00	0.00	208.65
Year Total:		936,669.41	0.00	0.00	936,669.41
CAPITAL FUND	C-04	55,777.26	0.00	0.00	55,777.26
TRUST FUNDS	T-13	35,037.75	0.00	0.00	35,037.75
PROJECT		14,083.90	0.00	0.00	14,083.90
Total Of All Funds:		1,056,542.36	0.00	0.00	1,056,542.36

Resolution #2021-0145 - Acknowledgement of the 2020 Historical Society Annual Report

WHEREAS, pursuant to Ordinance #994, on January 12, 1990 the Township of Bernards and the Historical Society of Somerset Hills entered into a 50 year lease agreement for lease of the township-owned Brick Academy located at 15 West Oak Street, Block 73, Lot 10, Basking Ridge; and

WHEREAS, pursuant to said agreement and N.J.S.A. 40A:12-14c, the Historical Society of Somerset Hills must submit an annual report to the Township setting out the use to which the building was put during the preceding year, the activities of the Society undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax exempt status of the Society pursuant to both State and Federal law; and

WHEREAS, the 2020 annual report has been submitted as required and placed on file with the Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the 2020 Annual Report of the Historical Society of Somerset Hills be acknowledged as submitted.

Resolution #2021-0148 - Tax Collector's Report

WHEREAS, N.J.S.A.54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following Collector's Annual Report of Receipts for the Year Ending December 31, 2020, be hereby acknowledged and accepted as submitted.

TAX COLLECTION OFFICE FOR THE YEAR ENDING DECEMBER 31, 2020

Ridge Oak-In Lieu of Taxes	\$ 419,160.85
Return Check Fee	280.00
Interest	174,973.51
2021 Taxes Prepaid	1,084,519.41
2020 Taxes	139,284,509.67
2019 Taxes	569,740.85
Duplicate Bills/Copies	225.00
Cost of Advertising	1,509.69
Outside Liens Redeemed	149,865.07
Premium Collected from Tax Sale	314,900.00
6% Penalty	13,940.31
Total	\$ 142,013,624.36

Resolution #2021-0149 - Authorizing the Issuance of a Clothing Bin License to Turnkey Enterprises, LLC for Placement at Fellowship Village

WHEREAS, Turnkey Enterprises, LLC, has applied for a license to place one recycling clothing bin on Fellowship Village property located at 8000 Fellowship Road; and

WHEREAS, Turnkey Enterprises, LLC, has submitted an application for licensing of this recycling clothing bin, which is in compliance with Chapter 4, Section 13 of the Revised General Ordinances of the Township of Bernards; and

WHEREAS, the Municipal Clerk and Zoning Officer, have reviewed said application and find it complete.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a license be issued to Turnkey Enterprises, LLC, for one recycling clothing bin at the location described above for a one-year term to expire 01/31/2022.

Resolution #2021-0150 – Authorization for Tax Refund

WHEREAS, the following tax overpayment exists due to approval of veteran exemption; and

WHEREAS, the homeowner's representative is requesting a refund; and

WHEREAS, the tax collector recommends a refund be issued.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards, approves and authorizes the following:

Block & Lot	Quarter & Year	Amount	Issue Refund To
8604/29/CONDO	1Q2021	\$1,272.95	Wells Fargo Real Estate Tax Service ATTN: Refunds/Financial Support F2302-04D 1 Home Campus Des Moines IA 50328

Resolution #2021-0151 – Authorization for Tax Refund

WHEREAS, an erroneous payment exists because the property owner referenced the wrong account number on their payment; and

WHEREAS, the tax collector has suggested that a refund be issued to the correct account with the sewerage authority in order to clear the account.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby approve and authorize the following refund.

Block & Lot	Quarter & Year	Amount	Issue Refund To
7903/9	1Q2021	\$250.00	Bernards Township Sewerage Authority for Account #3689-0 1 Collyer Ln Basking Ridge, NJ 07920

Resolution #2021-0152 – Personnel Appointment, Ryan Wallace – Assistant Superintendent of Public Works – Public Works Department

WHEREAS, the full-time position of the Assistant Superintendent of Public Works is currently vacant; and

WHEREAS, Ryan Wallace is currently serving as the Public Works Supervisor and has been assigned new duties which warrant promotion to Assistant Superintendent of Public Works; and

WHEREAS, the job functions within the Public Work's Department have been reviewed, analyzed, and restructured as a key component to the succession planning of the Department; and

WHEREAS, Ryan Wallace meets the qualifications for Assistant Superintendent of Public Works; and

WHEREAS, the Township Administrator and Human Resources Manager recommend appointment of Ryan Wallace to the position of full time Assistant Superintendent of Public Works.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Ryan Wallace be appointed full time Assistant Superintendent of Public Works with an appointment date of 04/01/2021 at an annual salary of \$95,000.00 for a 40-hour work week.

[Resolution #2021-0153](#) - *Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Oscar Peterson to Use Space Solely as an artist's studio*

WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formally known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the "Property"); and

WHEREAS, the Property contains an "English Barn," "Farmhouse," Wagon House," "Cow Shed," and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. ("Friends") entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the "Lease"), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

WHEREAS, by email dated March 1, 2021 the Friends requested approval to permit a lease agreement with Oscar Peterson for use of space solely as an artist studio; and

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Oscar Peterson, 16 Norwood Terrace, Millburn, New Jersey 07041, from April 1, 2021 through April 1, 2022.

BE IT FURTHER RESOLVED, that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

[Resolution #2021-0154](#) – *Personnel Appointment, Katherine Ferratti – Administrative Associate – Tax Collector/Finance*

WHEREAS, a full time Administrative Associate position became available due to a retirement; and

WHEREAS, the Township Administrator, Chief Financial Officer, Tax Collector and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Katherine Ferratti has applied for and is qualified to fill said position; and

WHEREAS, the Township Administrator, Chief Financial Officer, Tax Collector and Human Resources Manager recommend the appointment of Katherine Ferratti to full time Administrative Associate.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Katherine Ferratti be appointed full-time Administrative Associate effective Wednesday, March 10, 2021 at an hourly rate of \$20.28 for a 40-hour work week.

****End Consent Agenda****

Approval of Minutes:

02/23/2021 Open Session Minutes

Motion by Bannon, second by Baldassare, and unanimously agreed that the 02/23/2021 minutes be approved for content and release.

PUBLIC COMMENT

The mayor opened public comment. No comments were heard, and the mayor closed public comment.

ADJOURNMENT

Motion by Baldassare, second by Bannon, and unanimously agreed to adjourn the meeting at 8:35 PM.

Respectfully submitted,

Rhonda Pisano
Municipal Clerk

Janice M. Fields,
Mayor

Approved: 03/23/2021