**BOROUGH OF CALIFON**

**REGULAR MEETING**

**March 21, 2024**

Mayor Charles Daniel called the regular meeting to order at 7:04 p.m. with the reading of the following Sunshine Law announcement: ***“I would like to announce and have placed in the minutes that adequate notice of this regular meeting of the Califon Borough Council has been provided in accordance with the Open Public Meetings Act by publication of the annual notice in the Hunterdon Review and the Hunterdon County Democrat.”***

**FLAG SALUTE**

**ROLL CALL: PRESENT: R. Baggstrom, E. Haversang, L. Janas (via Zoom), M. Medea, J. Ruggiero, C. Smith**

**ABSENT: E. Haversang**

**Also Present: Borough Attorney M. Anderson was present via Zoom.**

**Lisa Hibbs, CEP, Commercial Utility Consultants**

**PRESENTATION—Lisa Hibbs of CUC** provided a PowerPoint presentation on the Community Energy Aggregate Program. The Borough of Califon is the lead agency in the Hunterdon Area Energy Aggregate Coop, which currently has eighteen participating towns from five counties.

The Community Energy Aggregate Program started in 1999 when the energy market was deregulated. Deregulation allowed different suppliers to provide electricity to the local electric company. Before this deregulation, there was only one supplier and one rate, and there was no competition. The only thing that changes in the Energy Aggregation Program is the suppliers. JCP& L remains the local distribution company.

The Basic Generation Service Auction (BSG) takes place every February, and the new rates will become effective in June.

The state has empowered the Government Energy Aggregation Program with an opportunity to participate in trying to get a better rate. If they are successful, they can move forward with the program; if not, the participant in the Cooperative will go back to the BSG to get the rate from the State because this will be lower.

Any resident who opts out of the cooperative program will not be re-enrolled. However, you can always ask to be enrolled back into the program.

In the past three years, the Community Energy Program has not been successful at auctions as there has not been a market.

The auction in February should have a good indicator of the new rates effective in June.

The Basic Generation Service rates have many components that impact what a supplier can offer the cooperative. One of these is the price of transmission rates, which JCP&L announced will be increasing.

Lisa also discussed that the state requires suppliers to source 29.5% of their supplies from renewable sources. This will increase to 33.5% in June 2024; by 2035, we will be 100% renewably sourced. This mandate also affects the price.

Lisa said that we are experiencing an interconnectivity issue in New Jersey and all other states. We do not have the infrastructure right now to handle the interconnections to these new renewable energy sources and get them online.

Lisa advised that participants in the Hunterdon Area Aggregate Coop can choose to have 100% of their energy sourced from renewable sources. Currently, 7% of the Government Energy Aggregate Cooperative participants choose this option, and they agree to pay an increased rate for it.

From 2018 to 2021, when the cooperative was active, Califon saved 6,683,188 in kwh and $39,414.20.

Lisa said she is cautiously optimistic that 2024 may be the year they can participate.

The program will return when the market avails itself, and they can offer savings.

Califon Borough will be notified if they go out for a bid.

**APPROVAL OF MINUTES- Meeting of March 7, 2024**

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Councilwoman Smith advised that under the Public Comments, D. Friebergs should be mentioned, advising that he would like to put up a storage shed on the Hoffman property.

Cm Smith also advised that the minutes in her committee report should note the amount of state aid that Califon Public School has been awarded, which is 2.78% and North Hunterdon /Voorhees .46%.

Motion was made by C. Smith seconded by J. Ruggiero to approve the meeting minutes of March 7, 2024.

For: R. Baggstrom, E. L. Janas, M. Medea, J. Ruggiero, C. Smith

Absent: E. Haversang

Opposed: None

**Motion Carried**

**LIST OF BILLS**

Motion was made by R. Baggstrom seconded by C. Smith to approve the list of bills for $675,148.92

For: R. Baggstrom, E. L. Janas, M. Medea, J. Ruggiero, C. Smith

Absent: E. Haversang

Opposed: None

**Motion Carried**

**CORRESPONDENCE**

**\_** email, 3-12-24-NJLM- OPRA Reform Bill Released from Committees

\_Certificate of Appreciation from Toys for Tots Program to Califon Borough

\_email, 3-12-24- Mayor Daniel to Brian Connor of Tewksbury DPW, Congratulating him on 45 years of service with the DPW.

\_ letter, 3-13-24- Hunterdon County Planning Board, Public Hearing Notice – April 4, 2024, for adopting the Growth Management Plan.

\_letter, 3-14-24- Board of County Commissioners regarding Opposition of Assembly Bill No. 4/ Senate Bill No. 50 regarding affordable housing.

\_email, 3-21-24-NJLM Update- Advising that the Governor signed the Affordable Housing Bill Package.

\_email.3.14.24- Brian Connor of the DPW advised that Storm debris was picked up in town, and basins were cleaned. Small curb damage on Limerock was repaired.

\_email, 3-21-24—Councilman Haversang forwarded an email from G. Cassa regarding Grants available from Open Space Institute and Land Trust Alliance.

**OLD BUSINESS**

1. **INTRODUCTION TO ORDINANCE 2024-02-AN ORDINANCE AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF CALIFON BY ADDING A TITLE 17, ENTITLED "STATE-MANDATED ORDINANCES", AND INCLUDING WITHIN THAT TITLE PROVISIONS FOR MANAGING PET WASTE; REGARDING WILDLIFE FEEDING; REGARDING LITTER CONTROL; REGARDING YARD WASTE COLLECTION; REGARDING PRIVATE STORM DRAIN INLET RETROFITTING; REGARDING PRIVATELY-OWNED SALT STORAGE; REGARDING CONNECTIONS TO STORM SEWERS ON COUNTY HIGHWAYS; AND TREE REMOVAL AND REPLACEMENT.**

Motion was made by R. Baggstrom seconded by J. Ruggiero to approve the introduction of Ordinance 2024-02

For: R. Baggstrom, L. Janas, M. Medea, J. Ruggiero, C.Smith

Absent: E. Haversang

Opposed: None

**MOTION CARRIED**

Public Hearing will be Held on April 18, 2024

**WHEREAS,** the State of New Jersey has mandated that all municipalities adopt certain ordinances; and

**WHEREAS,** the Borough Council of the Borough of Califon wishes to comply with those State mandates;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Califon that the Borough Code adopted August 24, 2000, and heretofore amended be further amended as follows:

**SECTION ONE:**

The Borough Code is hereby amended by the addition of a new Title 17, which shall be entitled "State-Mandated Ordinances" and shall be as follows:

**Title 17 — STATE-MANDATED ORDINANCES   
Chapter 17.01 — Purpose**

Title 17 of the Borough Code is intended as a single title for the codification of State-mandated ordinances.

**Chapter 17.02 — Pet Waste**SECTION I. Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Immediate — shall mean that the pet solid waste is removed at once, without delay.

1. Owner/Keeper — any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
2. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
4. Pet solid waste — waste matter expelled from the bowels of the pet; excrement.
5. Proper disposal — placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by some refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**SECTION III Requirement for Disposal:**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

**SECTION IV. Exemptions:**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**SECTION V. Enforcement:**

The provisions of this Chapter shall be enforced by the Board of Health for the Borough.

SECTION VI. Violations and Penalty:

Any person who is found to be in violation of the provisions of this Chapter shall be subject to a fine not to exceed $100.00.

**Chapter 17.03 — Feeding of Unconfined Wildlife   
SECTION I. Purpose:**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II.** Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Feed — to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
2. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Wildlife — all animals that are neither human nor domesticated. SECTION III. Prohibited Conduct:

a. No person shall feed, in any public park or on any other property owned or operated by the Borough any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

**SECTION IV.** Enforcement:

1. This Chapter shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.
2. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.
3. Any person who is found to be in violation of the provisions of this Chapter shall be subject to a fine not to exceed $100.00.

**Chapter 17.04 — Litter Control   
SECTION I.** Purpose:

An ordinance to establish requirements to control littering in the Borough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or

manufacturing.

1. Litter Receptacle — a container suitable for the depositing of litter.
2. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**SECTION III.** Prohibited acts and regulated activities:

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter

receptacle, or having done so, to allow such litter to remain.

1. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

**SECTION IV. Enforcement:**

This ordinance shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.

**SECTION V.** Penalties:

Any person who is found to be in violation of the provisions of this ordinance shall

be subject to a fine not to exceed $1,000.00.

**Chapter 17.05 — Yard Waste Collection Program   
SECTION I. Purpose:**

An ordinance to establish a yard waste collection and disposal program in the Borough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Containerized — means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
2. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Street — means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
4. Yard Waste — means leaves and grass clippings.   
   **SECTION III. Yard Waste Collection:**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If

such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**SECTION IV.** Enforcement:

The provisions of this ordinance shall be enforced by Borough Zoning Officer

during the course of ordinary enforcement duties.

**SECTION V. Violations and Penalties:**

Any person who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed $100.00

**Chapter 17.06 — Private Storm Drain Inlet Retrofitting.   
SECTION I. Purpose:**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough or other public body, and is designed and used for collecting and conveying stormwater.
2. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

d. Waters of the State — means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

**SECTION IV. Design Standard:**

Storm drain inlets identified in Section III above 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 Paragraph 3 below.

**1.** Design engineers shall use either 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:

1. 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 (April 1996); or
2. A different grate, if each individual clear space in that grate has an area of no more than 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 basin floors.

1. Whenever design engineers use a curb-opening inlet, 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 7.0 square inches or be no greater than 2.0 inches across the smallest dimension.
2. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause

inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

b. Where flows 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:

1. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
2. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with 1" spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.

**SECTION VI. Penalties:**

Any person who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed $100.00 for each storm drain inlet that is not retrofitted to meet the design standard.

**Chapter 17.07 — Privately-Owned Salt Storage.   
SECTION I. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes

requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent 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.

A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

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

C. "Storm drain inlet" means the point of entry into the storm sewer system.

D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**SECTION III Deicing Material Storage Requirements:**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th, but no longer than 30 days without prior written approval from the Department:

1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;

3. Materials shall be formed in a cone-shaped storage pile;

4. All storage piles shall be covered as follows:

1. The cover shall be waterproof, impermeable, and flexible;
2. The cover shall extend to the base of the pile(s);
3. The cover shall be free from holes or tears;
4. The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
5. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.

5. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 ­April 15.

C. The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly

inspections are conducted to ensure that the conditions of this ordinance are met.

**SECTION IV. Exemptions:**

This ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.

**Chapter 17.08 — Connections to Storm Sewers at County Highways.**

1. **Purpose**

A policy and procedure to prohibit illicit connections by Hunterdon County to the municipal separate storm sewer system at county highways, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. This policy and procedure does not apply to any illicit connection which emanates from an entity other than Hunterdon County.

1. **Definitions**

For the purpose of this policy and procedure, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use for the purpose of this policy and procedure 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 corresponding or related definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. County highway — any highway or other thoroughfare operated by Hunterdon County (including a maintenance facility or rest area for such a thoroughfare). For purposes of this policy and procedure, a "highway or other thoroughfare" does not include:

Any thoroughfare confined to the grounds of one or more buildings; or

2. Any thoroughfare confined to a park or recreational area operated by Hunterdon County.

1. Domestic sewage - waste and wastewater from humans or household operations.
2. Illicit connection — any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system

operated by Hunterdon County, unless that discharge is authorized under a NJPDES permit other than the Highway Agency Municipal Stormwater General Permit (NJPDES Permit Number NJ0141887). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

1. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
2. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Hunterdon County or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES permit — a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

1. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
2. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

1. Stormwater — water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.
2. **Prohibited Conduct**

Hunterdon County and its employees shall not discharge or cause to be discharged, through an illicit connection to the municipal separate storm sewer system located at county highways, any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

1. **Penalties**

Any Hunterdon County officer or employee who continues to be in violation of the provisions of this policy and procedure, after being duly notified, shall be subject to removal, suspension, demotion, or other disciplinary action.

**Chapter 17.09 — Tree Removal.**

**SECTION I. Purpose:**

An ordinance to establish requirements for tree removal and replacement in the Borough to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

1. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
2. "Critical Root Radius (CRR)" — means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
3. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.
4. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
5. Has an infectious disease or insect infestation;
6. Is dead or dying;
7. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;

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1. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
2. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE.
3. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
4. "Planting strip" means the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any

sidewalk.

1. "Resident" means an individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
2. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
3. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
4. "Tree Caliper" means the diameter of the trunk of a young tree, measured six inches from the soil line. For young trees whose caliper exceeds four inches, the measurement is taken 12 inches above the soil line.
5. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

**SECTION III. Regulated Activities:**

A. Application Process:

1. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree

Removal Application to the Borough Zoning Officer. No tree shall be removed until municipal officials have reviewed and approved the removal.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, other than a resident, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with a list adopted by the Borough Planning Board.

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
2. Be planted within 12 months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
3. Be monitored by the applicant for a period of 2 years to ensure their survival and shall be replaced as needed within 12 months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

|  |  |  |  |
| --- | --- | --- | --- |
| Category | Tree Removed  (DBH) | Tree Replacement Criteria | Application Fee |
| 1 | DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99" | Replant 1 tree with a  minimum tree caliper of 1.5" for  each tree removed | None |
| 2 | DBH of 13" to  22.99" | Replant 2 trees with  minimum tree calipers of 1.5" for | None |
| each tree removed |
| 3 | DBH of 23" to  32.99" | Replant 3 trees with  minimum tree calipers of 1.5" for  each tree removed | None |
| 4 | DBH of 33" or greater | Replant 4 trees with  minimum tree calipers of 1.5" for  each tree removed | None |

**C. Replacement Alternatives:**

**1.** If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

a. Plant replacement trees in a separate area(s) approved by the Borough.

**SECTION IV. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Borough by all persons claiming an exemption, providing proper justification by a licensed tree expert or arborist.

1. Residents who remove less than four trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category **1** are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.
2. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
4. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
5. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
6. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
7. Hazard trees may be removed with no fee or replacement requirement. **SECTION V. Enforcement:**

This Title shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.

**SECTION VI. Violations and Penalties:**

Any person who is found to be in violation of the provisions of this ordinance shall be subject to a fine of $ 100.00, but not be less than the amount of the required replacement tree(s) and cost of planting.

**SECTION TWO:**

Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

1. **INTRODUCTION TO ORDINANCE 2024-03 AN ORDINANCE AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF CALIFON BY REPLACING IN ITS ENTIRETY CHAPTER 15.16 OF TITLE 15, WHICH CHAPTER IS ENTITLED "STORMWATER CONTROL"**

**BOROUGH OF CALIFON   
COUNTY OF HUNTERDON   
ORDINANCE 2024-03**

Motion was made by J. Ruggiero seconded by M. Medea to approve the introduction of Ordinance 2024-03.

For: R. Baggstrom, L. Janas, M. Medea, J. Ruggiero, C.Smith

Absent: E. Haversang

Opposed: None

**MOTION CARRIED**

Public Hearing Will be Held on April 18, 2024

**AN ORDINANCE AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF CALIFON BY REPLACING IN ITS ENTIRETY CHAPTER 15.16 OF STATE OF NEW JERSEY**

**TITLE 15, WHICH CHAPTER IS ENTITLED "STORMWATER CONTROL"**

**BE IT ORDAINED** by the Borough Council of the Borough of Califon that the Borough Code adopted August 24, 2000 and heretofore amended be further amended as follows:

**SECTION ONE:**

The Borough Code is hereby amended by replacing in its entirety Chapter 15.16 in Title 15, which Chapter is entitled "Stormwater Control" with the following new Chapter 15.16:

**Sections:**

**15.16.010 Scope and purpose.**

1. Policy Statement. Stormwater management is the process of minimizing stormwater runoff and directing stormwater by appropriate nonstructural and structural stormwater management measures, so as to control flooding, recharge ground water, and reduce pollution of water resources. Transport of stormwater-related pollutants into local surface and ground waters can have detrimental results; the destruction of fish, wildlife, and habitats; threats to public health due to contaminated food and drinking water supplies; and losses of recreational and aesthetic values. Stormwater management shall occur with the understanding and acceptance of stormwater as a resource; low impact and non-structural measures shall be tailored to a site, and applied wherever and to the extent practicable.

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural best management practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans 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.

1. Purpose. It is the purpose of this chapter to establish minimum stormwater management requirements and controls for "major development," as defined in Section 15.16.020. This chapter guides new development in a manner that is proactive and minimizes harmful impacts to natural resources. The provisions of this chapter are intended to:
2. Minimize increased stormwater runoff and volumes;
3. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;
4. Prevent an increase in nonpoint source pollution;
5. Maintain the integrity and stability of stream channels and riparian zone for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;
6. Control and minimize soil erosion and the transport of sediment.
7. Maintain adequate baseflow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;
8. Protect all surface water resources from degradation; and
9. Protect ground water resources from degradation and diminution.

C. Applicability.

1. This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

1. Non-residential major developments; and
2. Aspects of residential major developments that are not pre-empted by the residential site improvement standards (RSIS) at N.J.A.C. 5:21.

2. This chapter shall also be applicable to all major developments undertaken by the Borough of Califon.

3. This chapter does not apply to activities of Hunterdon County, the State of New Jersey, and the government of the United States of America when those activities are specifically exempted from Borough regulation by relevant state or federal law.

4. An application required by ordinance pursuant to b above that has been submitted prior to April 18, 2024 shall be subject to the stormwater management requirements in effect on April 17, 2024.

5. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to April 18, 2024, shall be subject to the stormwater management requirements in effect on April 17, 2024.

6. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan

review process 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 chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This chapter 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 chapter 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.

(Ord. No. 2006-05, § 1, 5-1-2006; Ord. No. 2021-07 , § 1, 6-7-2021)   
**15.16.020 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage, and to give this chapter its most reasonable application. 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.

"Borough" means the Borough of Califon.

"Category one (Cl) waters" means waters of the state, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle within the same HUC-14 watershed, designated in N.J.A.C. 7:9B-1.15(c) through (h) for purposes of implementing the anti-degradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).

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

**"COMPACTION"** The increase in soil bulk density.

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

**"COUNTY REVIEW AGENCY"** An agency designated by the County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

a. A county planning agency; or

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

"Department" means the New Jersey Department of Environmental Protection.

"Designated center" means a state development and redevelopment plan center as designated by the state planning commission such as urban, regional, town, village, or hamlet

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a state permit; any activity reviewed by the county agricultural board (CAB) and the state agricultural development committee (SADC), and Borough review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

"Disturbance" means any activity including the clearing, excavating, storing, grading, filling or transportation of soil, or any activity that causes soil to be exposed to the potential of erosion.

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

"Environmentally critical areas" means an area or feature which is of significant environmental value, including, but not limited to: stream corridors; natural heritage priority sites; habitat 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, or by the department pursuant to the Highlands Act at N.J.S.A. 13:20-32k. and 13:20-34a(4).

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

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by treating stormwater runoff through infiltration into subsoil, treating stormwater runoff through filtration by vegetation or soil, or 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 fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Ground water" means a body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

"Highlands Act" means the Highlands Water Protection and Planning Act, N.J.S.A. 13:20­1 et seq. as amended.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area.

"Infiltration" is the process by which water from precipitation seeps into the soil to a level below the normal root soil of plant species.

"Karst terrain" means an area where karst topography, with its characteristic surface and subterranean features, is developed as a result of the dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include but are not limited to sinkholes, sinking streams, eaves, blind valleys, large springs and subterranean drainage. See also limestone area.

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

"Limestone area" means an area of Hunterdon County underlain by carbonate sedimentary rock consisting predominately of calcium carbonate. Limestone is commonly used as a general term for the class of rocks that consist of at least eighty (80) percent calcium or magnesium carbonate. See also karst terrain.

"Maintenance plan" means a document required for all major development projects for stormwater management maintenance. The document 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.

"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;
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."

"Maximum extent practicable" means compliance with the specific objective to the greatest extent possible taking into account equitable considerations and competing factors, including, but not limited to: environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement given site-specific environmental conditions, cost, and technical or engineering feasibility. "Mitigation" means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the Borough. Mitigation for the purposes of this chapter, includes both the mitigation plan detailing how the project's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same HUC-14 within which the subject project is proposed, or a contribution of funding toward a regional stormwater control project, or provision for equivalent treatment at an alternate location, or other equivalent water quality benefit.

"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" 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 Borough, in accordance with

paragraph 15.16.040.F 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 perfouuance standards established by this chapter.

**"NODE"** An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

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

"Nutrient load" means the total amount of a nutrient such as nitrogen or phosphorous entering the water during a given time, such as "tons of nitrogen per year," or "pounds of phosphorus per day." Nutrient may enter the water from runoff, ground water recharge, point source discharges, or the air (in the form of dry deposition or wet deposition such as rain or snow).

"Permeable" means a surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

"Person" means any individual, corporation, company, partnership, firm, association, Borough of Califon, or political subdivision of this state subject to Borough jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"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.

**"PUBLIC ROADWAY OR RAILROAD"** A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

**"PUBLIC TRANSPORTATION ENTITY"** A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

"Recharge" 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.

"Riparian zone" means a strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and the stream channel A riparian may encompass wetlands, may be contained with a floodplain or floodway, or may extend beyond a wetlands, floodplain or floodway boundary.

"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.

"Solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

"Source material" means any materials) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. 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.

**"STATE PLAN POLICY MAP"** Shall be 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 runoff' means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

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

**"STORMWATER RUNOFF"** Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Structural stormwater measure" means a stormwater management measure that involves control of concentrated stormwater runoff or infiltration such as stormwater basins, piped conveyance systems and manufactured stormwater devices, and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.

**"WATER CONTROL STRUCTURE"** A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, 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.

"Threatened and endangered species." Endangered species are those species whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the department's landscape project as approved by the department's endangered and nongame species program, or by the department pursuant to the Highlands Act at N.J.S.A. 13:20­32k. and 13:20-34a(4).

"Waters of the state" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, 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.

(Ord. No. 2006-05, § 2, 5-1-2006; Ord. No. 2021-07 , § 1, 6-7-2021)

**15.16.030 General standards.**

A. Design and Performance Standards for Stormwater Management Measures.

1. 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.

2. The standards in this chapter 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 major developments 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.

(Ord. No. 2006-05, § 3, 5-1-2006; Ord. No. 2021-07 , § 1, 6-7-2021) **15.16.040 Stormwater management requirements for major development.**

1. Maintenance Plan. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 15.16.100.
2. Threatened and Endangered Species. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the department landscape project or natural heritage database established under N.J.S.A. 13:IB-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
3. Exemptions. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of paragraphs 15.16.040.P., Q., and R.:
4. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
5. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
6. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material.

D. Waivers from Strict Compliance. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of paragraphs 15.16.040.F. and G. 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 nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of paragraphs 15.16.040.F. and G. to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of paragraphs 15.16.040.F. and G., 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 paragraph D.3. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of paragraphs 15.16.040.F. and G.,

that were not achievable on-site.

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A waiver from strict compliance with the requirements of paragraphs 15.16.040.B. and C. may be issued in those case where an applicant has demonstrated the inability or impracticality of strict compliance, other than projects addressed under paragraph 15.16.040.F.1., with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in a local ordinance which is as strict as N.J.A.C. 7:8. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the Borough's stormwater management plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical within the same HUC-14 watershed within which the subject project is proposed, or contribute funding toward a regional stormwater control project, or provide for equivalent treatment at an alternate location, or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

1. Tables 1 through 3 below summarize the ability of stormwater practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, ground water recharge, stormwater runoff quality and stormwater runoff quantity standards specified in paragraphs 15.16.040.0., P., Q. and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the department's website at: <https://dep.nj.govistormwater/bmp-manual/.>
2. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this chapter 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** | | | | |
| **Best**  **Manageme  nt Practice** | **Stormwat er Runoff Quality TSS Removal** | **Stormwat er**  **Runoff Quantity** | **Groundwat er**  **Recharge** | **Minimu** |
| **m Separati on from Seasonal High Water Table (feet)** |
| Cistern | 0 | Yes | No |  |
| Dry Well(a) | 0 | No | Yes | 2 |
| Grass  Swale | 50 or less | No | No | 2(e)  1(0 |
| Green Roof | 0 | Yes | No | — |
| Manufactur ed Treatment Device® (5) | 50 or 80 | No | No | Dependen t upon the device |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Pervious  Paving System(a) | 80 | Yes | Yes(b)  No\* | 2(b)  1(0 |
| Small-Scale Bioretentio n  Basin\* | 80 or 90 | Yes | Yes  No\* | 2\*  1\* |
| Small-Scale Infiltration  Basin(a) | 80 | Yes | Yes | 2 |
| Small-Scale  Sand Filter | 80 | Yes | Yes | 2 |
| Vegetative  Filter Strip | 60 80 | No | No |  |
|  |

Notes corresponding to annotations (a) through (g) are found on Table 3 below

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Table 2**  **Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater**  **Recharge and/or Stormwater Runoff Quality** | | | | |
| **Best**  **Manageme  nt Practice** | **Stormwat er Runoff Quality TSS Removal Rate (percent)** | **Stormwat  er Runoff  Quantity** | **Groundwat er**  **Recharge** | **Minimu** |
| **m Separati on from Seasonal High Water Table (feet)** |
| Bioretentio  n System | 80 or 90 | Yes | Yes(b)  No\* | 2(b)  1(c) |
| Infiltration  Basin | 80 | Yes | Yes | 2 |
| Sand  Filter03) | 80 | Yes | Yes | 2 |
| Standard Constructed Wetland | 90 | Yes | No | N/A |
| Wet Pond\* | 50-90 | Yes | No | N/A |
|  |

Notes corresponding to annotations (a) through (g) are found on Table 3 below

|  |
| --- |
| **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** |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Best**  **Manageme  nt Practice** | **Stormwat er Runoff Quality TSS Removal** | **Stormwat  er Runoff  Quantity** | **Groundwat er**  **Recharge** | **Minimu**  **m Separati on from Seasonal High Water Table (feet)** |
| Blue Roof | 0 | Yes | No | N/A |
| Extended  Detention  Basin | 40 60 | Yes | No | 1 |
|  |
| Manufactur ed Treatment Device) | 50 or 80 | No | No | Dependen t upon the device |
| Sand  Filter(e) | 80 | Yes | No | 1 |
| Subsurface  Gravel  Wetland | 90 | No | No | 1 |
| Wet Pond | 50-90 | Yes | No | N/A |

Notes to Tables 1, 2, and 3:

1. Subject to the applicable contributory drainage area limitation specified at paragraph 15.16.040.0.2;
2. Designed to infiltrate into the subsoil;
3. Designed with underdrains;
4. Designed to maintain at least a ten-foot-wide area of native vegetation along at least fifty (50) percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
5. Designed with a slope of less than two percent;
6. Designed with a slope of equal to or greater than two percent;
7. Manufactured treatment devices that meet the definition of green infrastructure at Section 15.16.020;
8. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 15.16.020.

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 Borough. 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 paragraph 15.16.070.B. Alternative stormwater management measures may be used to satisfy the requirements at paragraph 15.16.040.0. only if the measures meet the definition of green infrastructure at Section 15.16.020. Alternative stormwater management measures that function in a similar manner to a BMP listed at paragraph 15.16.040.0.2. are subject to the contributory drainage area limitation specified at paragraph 15.16.040.0.2. for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this paragraph that do not function in a similar manner to any BMP listed at paragraph 15.16.040.0.2. shall have a contributory drainage area less than or equal to two and one-half 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 paragraph 15.16.040.D. is granted from paragraph 15.16.040.0.

1. 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.
2. Design standards for stormwater management measures are as follows:
3. 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; the presence of solution-prone carbonate rocks (limestone area) and related karst topography;
4. 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 paragraph 15.16.080.C.;
5. 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;
6. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 15.16.080; and
7. 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.
8. Manufactured treatment devices may be used to meet the requirements paragraph 15.16.040.Q., 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 15.16.020 may be used only under the circumstances described at paragraph 15.16.040.0.4.
9. Any application for a new agricultural development that meets the definition of major development at Section 15.16.020 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at paragraphs 15.16.040.0., P., Q. and R. and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this paragraph, "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.
10. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at paragraphs 15.16.040.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.
11. Any stormwater management measure authorized under the Borough stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Hunterdon County Clerk's Office. A form of deed notice shall be submitted to the Borough 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 paragraphs 15.16.040.0., 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 paragraph 15.16.100.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Borough. 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 Borough is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the

Borough within one hundred eighty (180) calendar days of the authorization granted by the Borough.

N. A stormwater management measure approved under the Borough stormwater management plan or ordinance may be altered or replaced with the approval of the Borough, if the Borough determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 15.16.040 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 Borough for approval and subsequently recorded with the Hunterdon County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with subsection M. above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Borough in accordance with subsection M. above.

**0.** Green Infrastructure Standards.

1. Paragraph 15.16.040.0. 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 paragraphs 15.16.040.P. and Q., the design engineer shall utilize green infrastructure BMPs identified in Table 1 at paragraph 15.16.040.F. and/or an alternative stormwater management measure approved in accordance with paragraph 15.16.040.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

|  |  |
| --- | --- |
| **Best Management Practice** | **Maximum Contributory Drainage Area** |
| Dry Well | 1 acre |
| Manufactured  Treatment Device | 2.5 acres |
| 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 | 2.5 acres |
| Basin |
| Small-scale Sand Filter | 2.5 acres |

1. To satisfy the stormwater runoff quantity standards at paragraph 15.16.040.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 paragraph 15.16.040.G.
2. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with paragraph 15.16.040.D. is granted from the requirements of paragraph

15.16.040.0., then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with paragraph 15.16.040.G. may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at paragraphs 15.16.040.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 paragraph 15.16.040.0. 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 paragraph 15.16.040.0. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of paragraph 15.16.040.0. each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at paragraphs 15.16.040.P., Q. and R., unless the project is granted a waiver from strict compliance in accordance with paragraph 15.16.040.D.

P. Groundwater Recharge Standards.

1. Paragraph 15.16.040.P. 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 15.16.050, either:

1. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100) percent of the average annual pre-construction groundwater recharge volume for the site; or
2. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected two-year storm, as defined and determined by this ordinance, is infiltrated.

3. The following types of stormwater shall not be recharged:

1. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
2. Industrial stormwater exposed to "source material."

Q. Stormwater Runoff Quality Standards.

1. Paragraph 15.16.040.Q. 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:

1. Eighty (80) 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.
2. 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 one and one-quarter 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 (Minut**  **es)** | **Cumula tive Rainfall (inches)** | **Time  (Minn**  **tes)** | **Cumula tive Rainfall (inches)** | **Time  (Minn**  **tes)** | **Cumula tive 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 eighty (80) percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

R = A + B - (A x 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.

1. Stormwater management measures shall also be designed to reduce, to the maximum extent practicable, 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 practicable, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in paragraphs 15.16.040.P., Q. and R.
2. 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.
3. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish three hundred-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 three hundred-foot riparian zone without prior authorization from the department under N.J.A.C. 7:13.
4. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2)3.i, runoff from the water quality design storm that is discharged within a three hundred-foot riparian zone shall be treated in accordance with paragraph 15.16.040.Q. to reduce the post-construction load of total suspended solids by ninety-five (95) percent of the anticipated load from the developed site, expressed as an annual average.
5. 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 materials) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

1. Paragraph 15.16.040.R. 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 15.16.050, complete one of the following:
3. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.0 and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
4. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.0 and D, respectively, of this

ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area; c. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.0 and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

1. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

(Ord. No. 2006-05, § 4, 5-1-2006; Ord. No. 2021-07 , § 1, 6-7-2021)

**15.16.050 Calculation of stormwater runoff and groundwater recharge.**

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

1. The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters **7, 9, 10, 15** and **16** Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.goviviewerFS.aspx>?hid=21422

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

1. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use

type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

1. 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 preconstruction stormwater runoff rates and volumes.
2. 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. In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate twenty-four-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration.
3. In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within a drainage area.
4. Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the two-step methodology as described in the department's current Stormwater Best Management Practices Manual or the NRCS methodology

described in the current Technical Release 55 Urban Hydrology for Small Watersheds.

1. 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.
2. Groundwater recharge may be calculated in accordance with the following:

1. 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/nj gs/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.

1. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at: <https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk>—nj; and

(2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 5: Current Precipitation Adjustment Factors**

|  |  |  |  |
| --- | --- | --- | --- |
| **County** | **Current Precipitation Adjustment** | | |
| **Factors** | | |
| **2-year** | **10-year** | **100-year** |
| **Design** | **Design** | **Design** |
| **Storm** | **Storm** | **Storm** |
| Atlantic | 1.01 | 1.02 | 1.03 |
| Bergen | 1.01 | 1.03 | 1.06 |
| Burlington | 0.99 | 1.01 | 1.04 |
| Camden | 1.03 | 1.04 | 1.05 |
| Cape May | 1.03 | 1.03 | 1.04 |
| Cumberland | 1.03 | 1.03 | 1.01 |
| Essex | 1.01 | 1.03 | L06 |
| Gloucester | 1.05 | 1.06 | 1.06 |
| Hudson | 1.03 | 1.05 | 1.09 |
| Hunterdon | 1.02 | 1.05 | 1.13 |
| Mercer | 1.01 | 1.02 | 1.04 |
| Middlesex | 1.00 | 1.01 | 1.03 |
| Monmouth  41, | 1.00 | 1.01 | 1.02 |
| Morris | 1.01 | 1.03 | 1.06 |
| Ocean | 1.00 | 1.01 | 1.03 |
| Passaic | 1.00 | 1.02 | 1.05 |
| Salem | 1.02 | 1.03 | 1.03 |
| Somerset | 1.00 | 1.03 | 1.09 |
| Sussex | 1.03 | 1.04 | 1.07 |
| Union | 1.01 | 1.03 | L06 |
| Warren | L02 | L07 | 1.15 |

**D.** Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 6: Future Precipitation Change Factors**

|  |  |  |  |
| --- | --- | --- | --- |
| **County** | **Future Precipitation Change Factors** | | |
|  | | |
| **2-year** | **10-year** | **10-year** |
| **Design** | **Design** | **Design** |
|  | **Storm** | **Storm** | **Storm** |
| Atlantic | 1.22 | L24 | L39 |
| Bergen | 1.20 | 1.23 | 1.37 |
| Burlington | 1.17 | 1.18 | 1.32 |
| Camden | 1.18 | 1.22 | 1.39 |
| Cape May | 1.21 | 1.24 | 1.32 |
| Cumberland | 1.20 | 1.21 | 1.39 |
| Essex | 1.19 | 1.22 | 1.33 |
| Gloucester | 1.19 | 1.23 | 1.41 |
| Hudson | L19 | 1.19 | L23 |
| Hunterdon | 1.19 | 1.23 | 1.42 |
| Mercer | 1.16 | 1.17 | 1.36 |
| Middlesex | 1.19 | 1.21 | 1.33 |
| Monmouth | 1.19 | 1.19 | 1.26 |
| Morris | 1.23 | 1.28 | 1.46 |
| Ocean | 1.18 | 1.19 | 1.24 |
| Passaic | 1.21 | 1.27 | 1.50 |
| Salem | 1.20 | 1.23 | 1.32 |
| Somerset | 1.19 | 1.24 | 1.48 |
| Sussex | 1.24 | 1.29 | 1.50 |
| Union | L20 | 1.23 | L35 |

|  |
| --- |
| Warren 1.20 1.25 1.37 |

(Ord. No. 2006-05, § 5, 5-1-2006; Ord. No. 2021-07 , § 1, 6-7-2021) **15.16.060 Solids and floatable materials control standard.**

A. Site design features identified under paragraph 15.16.040.F. above, or alternative designs in accordance with paragraph 15.16.040.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 paragraph 15.16.060.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:

1. 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
2. A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than one-half inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curbopening 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.
3. 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 square inches, or be no greater than two inches across the smallest dimension.

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

1. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine square inches;
2. Where the Borough agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
3. 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 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 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).

1. Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
2. 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.

(Ord. No. 2021-07 , § 1, 6-7-2021)

Editor's note(s) Ord. No. 2021-07 , § 1, adopted June 7, 2021, in effect repealed § 15.16.060 and enacted a new section, as set out herein. The former section pertained to standards for structural stormwater management measures and derived from Ord. No. 2006-05, § 6, adopted May 1, 2006.

**15.16.070 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.govidep/stormwater/bmp-manual/.>

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the department's website at: <https://www.dep.nj.govistornwater/maintenace-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 501-02A, **PO** Box 420, Trenton, New Jersey 08625-0420.

**15.16.080 Safety standards for stormwater management BMPs.**

1. 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.
2. The provisions of this section are not intended to preempt more stringent Borough or county safety requirements for new or existing stormwater management BMPs. Borough 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 paragraphs 15.16.080.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 basin outlets in accordance with the following:

1. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
2. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
3. The average velocity of flow through a clean trash rack is not to exceed two and one-half 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.
4. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per feet squared.

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:

1. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
2. The overflow grate spacing shall be no greater than two inches across the smallest dimension.
3. 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 three hundred (300) pounds per feet squared.

3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. Stormwater management BMPs shall include escape provisions as follows:

1. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in paragraphs 5.16.080.C. a free-standing outlet structure may be exempted from this requirement.
2. 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. Such 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 paragraph 15.16.080.E. for an illustration of safety ledges in a stormwater management BMP.

1. 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 in accordance with N.J.A.C. 7:8-6(C)3.
2. An emergency drawdown method for detention basins is required where the permanent pool will be more than two and one-half feet deep. This drawdown method must consider downstream or offsite stability at the outfall in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
3. Variance or Exemption from Safety Standards.

1. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the appropriate reviewing agency (Borough, county or department) that the variance or exemption will not constitute a threat to public safety.

1. Illustration of Safety Ledges in a New Stormwater Management BMP.

Elevation View Basin Safety Ledge Configuration

A diagram of a safety edge

Description automatically generated(Ord. No. 2021-07 , § 1, 6-7-2021)

Safety Ledge, 4 to 6 feet in Width Gently Sloped for Drainage

Top of Ledge, — 12 to 18 inches ' Above Water Surface

/—Permanent   
Water Level

Ni?;01-004;



NOTE:

Only For Basins with Permanent Pool of Water

Not to Scale

Editor's note(s) Ord. No. 2021-07 , § 1, adopted June 7, 2021, in effect repealed § 15.16.080 and enacted a new section, as set out herein. The former section pertained to safety standards for stormwater management basins and derived from Ord. No. 2006-05, § 8, adopted May 1, 2006.

**15.16.090 Requirements for a site development stormwater plan.**

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks Borough approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at paragraph 15.16.090.C. below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this chapter.
3. The applicant shall submit the required number of copies of the materials listed in the checklist for site development stormwater plans in accordance with paragraph 15.16.090.C.
4. Site Development Stormwater Plan Approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the Borough board or official from which Borough approval is sought. That Borough board or official shall consult the engineer retained by the planning and/or zoning board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.
5. Checklist Requirements. The following information shall be required:
6. 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 two hundred (200) feet beyond the limits of the proposed development, at a scale of one inch equals two hundred (200) feet or greater, showing two-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 riparian zone, marshlands and other wetlands, pervious or vegetative surfaces, existing manmade structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
7. Environmental Site Analysis. A written and graphic description of the natural and manmade features of the site and its environs. 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.
8. Project Description and Site Plan(s). 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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
9. Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of Sections 15.16.030 through 15.16.070 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:

1. Total area to be 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.
2. 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.

1. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 15.16.040.
2. When the proposed stormwater management control measures (e g , infiltration basins) depends on the hydrologic properties of soils, 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.

The Borough shall be notified of site investigation activities and given the opportunity to have a witness, either prior to approval or as a condition of approval, as appropriate for the specific type of measure. Subsequent to approval of the major development, post-construction bulk soil density and infiltration testing shall be required for all infiltration measures that were used as justification for meeting the recharge standard, to ensure that they were properly constructed.

7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 15.16.100.

8. Waiver from Submission Requirements. The Borough official or board reviewing an application under this chapter may, in consultation with the Borough engineer, waive submission of any of the requirements in paragraphs 15.16,090.0.1. through C 6. 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.

(Ord. No. 2006-05, § 9, 5-1-2006; Ord. No. 2021-07 , § 1, 6-7-2021)

**15.16.100 Maintenance and repair.**

1. Applicability.

1. Projects subject to review as in paragraph 15.16.010.C. shall comply with the requirements of paragraphs 15.16.100.B. and C.

1. General Maintenance.
2. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
3. 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. Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual.
4. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
5. 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/tenant owns or leases the 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.
6. If the person responsible for maintenance identified under paragraph 15.16.100.B.2. is not a public agency, the maintenance plan and future revisions based on paragraph 15.16.100.B.7, shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
7. 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.
8. The person responsible for maintenance identified under paragraph 15.16.100.B.2. shall perform all of the following requirements:

a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the

development, including a record of all inspections and copies of all maintenance-related work orders;

1. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
2. 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 paragraphs 15.16.100.B.6. and B.7. above.
3. Beginning on March 2, 2020, persons responsible for maintenance under paragraph 15.16.100.8.2. above shall make annual submissions to the Borough, by March 2, containing excerpts of the detailed log of all preventative and conective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.
4. The person responsible for maintenance identified under paragraph 15.16.100.8.2. shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
5. The person responsible for maintenance identified under paragraph 15.16.100.8.2. shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and documentation required by paragraphs 15.16.100.B.6. and 7.
6. The requirements of paragraphs 15.16.100.B.3. and 4. do not apply to stormwater management facilities that are dedicated to and accepted by the Borough or another governmental agency.
7. 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 Borough 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 Borough engineer or his designee. The Borough, 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 Borough or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.
8. Nothing in this section shall preclude the Borough 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.
9. The maintenance plan shall specifically provide a specific Borough right of access for inspection of measures, and for maintenance if required under paragraph 15.16.100.B.10.

SECTION TWO:

Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Karen Mastro, RMC, CMR Charles Daniel, Mayor

Borough Clerk/Administrator

FIRST READING: March 21, 2024

PUBLICATION: March 27, 2024

PUBLIC HEARING/FINAL ADOPTION: April 18, 2024

PUBLICATION BY TITLE: April 24, 2024

**NEW BUSINESS**

1. **RESOLUTION 2024-28- RENEWAL OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF WASHINGTON AND THE BOROUGH OF CALIFON FOR THE PROVISION BY WASHINGTON TOWNSHIP OF FIRE PREVENTION OFFICER SERVICES INCLUDING SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR INSPECTIONS TO THE BOROUGH OF CALIFON. AGREEMENT FOR 04/01/24-12/31/24.**

**WHEREAS,** the Township of Washington, County of Morris and the Borough of Califon, County of Hunterdon, desire to enter into a shared services agreement for the provision by Washington Township of Fire Prevention Officer services to Califon Borough; and

**WHEREAS,** municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED,** by the Borough Council of Califon, in the County of Hunterdon and State of New Jersey, as follows:

1. That the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement between the Township of Washington, County of Morris, and the Borough of Califon, County of Hunterdon, for Fire Prevention Officer services for a term to commence April 1, 2024, and to terminate on March 31, 2024.
2. A copy of the Agreement is on file in the office of the Borough Clerk for inspection by the public.
3. A copy of this Agreement shall be filed, for informational purposes, with the Department of Community Affairs, Division of Local Government Services, pursuant to rules and regulations promulgated by the Division.
4. This resolution shall take effect immediately.

A brief discussion concerning the position of Fire Prevention Officer Services and what is required by the state took place.

Motion was made by M. Medea seconded by C. Smith to approve Resolution 2024-28 as read.

For: R. Baggstrom, L. Janas, M. Medea, C. Smith

Opposed: J. Ruggiero

Absent: E. Haversang

**MOTION CARRIED**

**B. RESOLUTION 2024-29- TRANSFER OF FUNDS**

**WHEREAS**, IT APPEARS THAT THE UNEXPENDED BALANCE IN THE FOLLOWING ACCOUNT WILL NOT BE SUFFICIENT TO PAY OUTSTANDING BILLS:

**2023 Public Health: OE**

**2023 Computerized Data Processing: OE**

**2023 Gas (Natural or Propane**)

**AND WHEREAS**, IT APPEARS THAT THERE WILL BE AN UNEXPENDED BALANCE IN THE FOLLOWING 2023 ACCOUNT**:**

**2023 Road Maintenance: OE**

**NOW, THEREFORE, BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CALIFON THAT THE FOLLOWING TRANSFERS BE AUTHORIZED AND WITHIN RESOLUTION IS THE AUTHORITY OF THE BOROUGH TREASURER TO MAKE SAID TRANSFERS:

AMOUNT FROM TO AMOUNT

$ 4,000.00 Road Maintenance o/e Public Health o/e $ 575.00

Computerized Data oe $3,365.61

Gas (Natural or Propane) $ 59.39

Motion was made by R. Baggstrom seconded by L. Janas to adopt Resolution 2024-29 as read.

For: R. Baggstrom, L. Janas, M. Medea, J. Ruggiero, C. Smith

Opposed: None

Absent: E. Haversang

**MOTION CARRIED**

**C. BRUSH PICK – UP- May 13, 2024.** This service is provided through our interlocal agreement with Tewksbury DPW. The clerk advised that residents would receive a postcard again this year advising of the required parameters.

**COMMITTEE REPORTS**

\_Councilman M. Medea reported that the Easter Egg Hunt has been moved to Sunday, March 24th. At 2:00 pm. The Easter Bunny will ride around town in the Califon Fire Truck around 1:30. M. Medea advised that the Baseball and Softball fields took a toll during the last few storms and lost a lot of clay. He advised that these fields would need repair work to become usable this year. Ken from Washington Township DPW advised that they could return the fields to where they were. This would be outside our interlocal agreement with Washington Twp and cost approximately $750.00. Open Space funds can be used for these repairs. M. Medea advised that the playground would need some additional mulch as well.

\_Councilman Janas advised that last night's Planning and Zoning meeting was cancelled due to no heat in the meeting room. He said that he had a question regarding the agenda. The Stormwater Ordinance was on the agenda for the planning board members to discuss, and he wanted to know if, since they did not meet, this would affect the Council's ability to adopt this Ordinance on April 18th.

Borough attorney, M. Anderson, advised that no. M. Anderson said he does not see the Stormwater Ordinance as a land development Ordinance. There may be different opinions on this, but he does not believe that this would be considered needing review by the Planning Board. Nothing precludes the Planning Board from reviewing this ordinance, but it is not necessary before final adoption.

L. Janas advised that the next scheduled meeting is on April 17th.

\_Councilwoman C. Smith reported that the Califon Board of Education meeting was last night. The public hearing for their budget is on April 24th. They have already submitted their preliminary budget to the County. They are anticipating no more than a 2% increase to their budget.

The incoming Kindergarten class is now 10.

\_Councilman Baggstrom advised that we await Tewksbury's final DPW shared service agreement.

\_Councilman Ruggiero reported that they want to purchase another camera for the park. J. Ruggiero reported that he has been working on creating a brochure/mailer about the Tier A Stormwater ordinances we are adopting, as well as a presentation and poster that can be used in our outreach programs.

Front Steps- Councilman Medea advised that he inspected the front steps with Clerk Mastro this afternoon, and they are in bad shape. The top step has heaved up and is now unstable. The steps and walkway must be barricaded to keep people from using them. M. Medea advised that salt was used for snow and ice years ago. This salt got into the base, and the concrete is now dissolved in many areas. The entire porch/steps will need to come down, and we will have to replace all of it. We have had it repaired twice and it is beyond repair now.

**MAYOR’S REPORT**

Mayor Daniel advised that he had nothing to report.

ADJOURNMENT

Councilwomen Smith made a motion to adjourn the meeting at 8:40 pm seconded by R. Baggstrom.

All in Favor

Meeting Adjourned

Respectfully Submitted,

Karen Mastro, RMC