

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
February 11, 2021**

8:00 PM Open Public Meeting Minutes

On February 11, 2021 at 8:00 p.m., the Mayor and Council of Midland Park conducted an Electronic Public Meeting in lieu of its in-person Public Meeting previously advertised. Members of the public accessed the meeting by dialing this Toll Free Dial in number (United States): [1 866 899 4679](tel:18668994679) Access Code: 892-337-229

Questions, Comments or Concerns were emailed in advance to the Borough Clerk at wmartin@midlandparknj.org no later than February 11, 2021 4:00 pm.

Agenda items for the meeting were listed on the Borough website. The foregoing Electronic Public Meeting was recommended due to the current situation involving the COVID-19 Virus and directives of State and County governments.

The **Mayor** led all present in the Pledge of Allegiance.

Mayor Shortway called the meeting to order, noting the date as February 11, 2021, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

SUNSHINE LAW STATEMENT: This meeting is being held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk's Office and a copy posted on the bulletin board in the Municipal Building.

Roll Call:	Mayor Shortway	Present
	Councilman Damiano	Present
	Councilman Kruis	Present
	Councilman Sansone	Present
	Councilwoman DeLuca	Present
	Councilwoman Peet	Present
	Council President Iannone	Present

ALSO PRESENT: Borough Attorney Regan and Acting Borough Administrator/Borough Clerk Martin

PUBLIC ROLL CALL:

Acting Administrator Martin took a roll call of the public in attendance.

Miguel Garcia
Chief Powderley
Rich Formicola

APPROVAL OF MINUTES:

No minutes available for approval at this time.

OPEN TO THE PUBLIC:

The **Mayor** opened the meeting to the public for general concerns and comments.

Acting Administrator Martin asked individual members of the Public to speak at this time.

Miguel Garcia – 38 Van Blarcom Avenue – noted he sent some video footage and traffic counts to the Borough Clerk and he spoke of the increased traffic on residential streets and resulting violations. He asked if there was a procedure he could follow, to bring an idea he has to mitigate the traffic, to the Council. Acting Borough Administrator/Borough Clerk Martin stated that all the documentation Mr. Garcia had sent to her was forwarded to the **Mayor**, the Council, and the Police Department for review. She noted Chief Powderley was on the line and available to address the issue. Mr. Garcia thanked the Chief and the Police Department for their efforts in alleviating this problem. **Councilman Kruis** stated it is his understanding that the Council does not have authority over these types of issues and Borough Attorney Regan stated that the Governing Body cannot reverse or modify a decision that was made by the Planning Board. Mr. Garcia remarked he is coming at this from a traffic standpoint, separate from the Starbucks issue, and believes the Governing Body has authority over the roadways. **Councilman Sansone** asked Mr. Garcia about the idea he submitted to the Governing Body. Police Chief Powderley spoke of discussing the situation with the Borough's Senior Traffic Officer and in their discussions decided the curb/barrier recommendation suggested by Mr. Garcia is not the best solution to the problem. Mr. Garcia asked if a traffic study could be done to assess the whole area and Chief Powderley agreed that a traffic study should be done with regards to the Starbucks. He stated that there is no reference point from a time prior to the Starbucks' presence. Attorney Regan read and explained Condition 10 of the Planning Board resolution that was adopted as part of the allowance of the opening of the Starbucks. Acting Borough Administrator Martin stated this will be addressed at the 6-month mark, as stated in the resolution, and that **Mayor Shortway** and **Councilman Kruis**, who both sit on the Planning Board, will make sure the issue will be addressed. **Councilman Kruis** explained some of the reasoning behind the Planning Board's decision for the 6-month traffic study. Mr. Garcia asked about how to present his concerns to the Planning Board and Attorney Regan explained more of the process for the review.

Rich Formicola – 200 Kew Court – complimented the Department of Public Works for doing a great job with the snowstorm and the Governing Body for their work also.

At this time questions, concerns or comments emailed in advance to the Borough Clerk were addressed. No questions, concerns or comments were emailed to the Borough Clerk.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported he attended the February 9th North West Bergen County Mayors meeting; he also attended a meeting in Hackensack with the head of the Hackensack Hospital speaking about COVID-19; he and Acting Administrator Martin attended a Governor's conference call on February 11th regarding the COVID-19 vaccine lack of availability to small towns.

Councilman Sansone

**Public Works/Chamber of Commerce/Economic
Development Committee**

Councilman Sansone reported the **Department of Public Works** has experienced a trying ten days with all the snow. The Property Maintenance Official has also been out, making sure everyone is in compliance. The **Councilman** complimented the Department for doing a tremendous job.

The **Councilman** reported the **Chamber of Commerce** President hosted a Zoom meeting two weeks ago that was not well attended but she spoke of new items on Paycheck Protection Program; the **Councilman** connected her with Assemblyman DePhillips who gives her information to be shared with the Chamber members; the Chamber has waived the annual membership fee given the continuing situation with COVID-19.

Councilman Sansone reported the **Economic Development Committee** held their first meeting which the **Councilman**, the **Mayor** and Acting Administrator Martin attended: it was an organizational meeting with the selection of officers, coming up with a mission statement and selecting meeting dates. It was decided the committee would meet monthly despite having been set up for quarterly meetings and would keep the Governing Body informed of the details of the meetings. They will invite the President of the Chamber of Commerce to meet with them to get ideas how the two entities can work together.

Councilwoman Peet

Board of Health/ Board of Education/Municipal Alliance

Councilwoman Peet reported the **Board of Health's** cumulative COVID case total since the beginning of the outbreak equals 467; for January 2021, the case total equals 136 and for February 1-9, the cases totaled 15. The **Councilwoman** addressed some issues regarding the vaccine: the North West Bergen Regional Health Commission, working in conjunction with the Midland Park Board of Health, is trying to be recognized as a center for giving vaccines but has not been given any, citing the possibility that the vaccines are going to cities. She will keep the Governing Body informed. The **Councilwoman** reported the **Board of Education's** last meeting was cancelled due to the storm; the liaisons will be meeting March 23rd; the Board has nominated the inductees for the Education Hall of Fame: Margaret Bayhen; Mary Conde and Leon Vargen.

Councilwoman Peet reported progress for the **Municipal Alliance**.

Councilwoman DeLuca

Public Safety – Fire/Ambulance/Library

Councilwoman DeLuca reported she attended the February 1st Zoom meeting held by the **Ambulance Corps**: there were 43 calls for January and the Corps thanked the Department of Public Works for helping with a call by plowing a street to the house that needed assistance and for plowing the parking lot.

The **Councilwoman** reported she attended the **Fire Department's** meeting held on February 10th: they answered 12 calls in January and Jeff Allyn was recognized for 50 years of service.

Councilwoman DeLuca reported she attended the **Library Board's** virtual meeting on Jan 19th: they welcomed new trustee Charlie Parry and reappointed Annie Campbell, both to 5-year terms and the rest of the members retook their oath of office; the Bergen County Cooperative Library System is using a new cataloguing platform; the staff continues to label the children's collection and organize the craft materials; the Library Director's office is getting new shelving and a new coat of paint; Grab and Go crafts for adults continues to be successful; a virtual instructor will be teaching painting with watercolors in April; the Story Walk book has been updated; new To-Go Crafts for Kids are released each Monday; virtual music programs have been scheduled for younger kids in February and March; the Director has applied for a \$10,000 grant through National Summer Learning Association to help support summer reading program and a new cataloging platform went live earlier this month.

Councilman Damiano

Finance/Recreation/Information Technology

Councilman Damiano reported he spoke with the Certified **Finance** Officer regarding municipal finances vs private companies.

The **Councilman** reported he spoke to **Information Technology** and was introduced and updated on the Information Technology the Borough has.

Council President Iannone **Public Safety – Police/ Personnel/Ridgewood Water**
Council President Iannone reported the **Police Department** had a total of 632 calls for January. The **Council President** reported progress for **Personnel**.

Council President Iannone reported **Ridgewood Water** will be sending out a public notification statement which will include: water quality, maintenance, system upgrades, and compliance concerns. He stated that Ridgewood Water will be holding virtual Quality Open Houses, one on April 6th at 6:30 P.M. and the other on April 20th at 12 P.M. and that he will be attending the April 6th on and will report to the Governing Body afterwards.

Councilman Kruis **Planning Board/Building Dept/Fire Prevention/OEM/Property Maintenance**

Councilman Kruis reported he attended the **Planning Board** meeting last month and all went well. The **Councilman** noted he does not have a report for the **Building Department**. **Councilman Kruis** reported the **Fire Prevention Official** referenced the fire that occurred at 202 Franklin Avenue and that he was able to contact Pantheon Construction to board up the building. **The Councilman** reported the **Office of Emergency Management** Coordinator also referenced the fire at 202 Franklin and that he had to contact the Red Cross to relocate five people who were displaced by the fire. **Councilman Kruis** reported the Federal Emergency Management Agency (FEMA) submittals for March through August of 2020, totaled \$31,153 and the reimbursement for that time totaled \$10,880.96, with the total reimbursements to date equaling \$154,040. He noted the Coordinator is staying on top of getting the paperwork submitted to Coronavirus Aid, Relief, and Economic Security Act (CARES Act) program and to FEMA.

ADMINISTRATORS REPORT

Acting Borough Administrator Martin reported the purchase and installation of the surveillance cameras at the Department of Public Works and the Recycling Center is well under way; Representative Gottheimer nominated Christopher Wheaton, a student who lives in Midland Park for the United States Air Force Academy; she received many compliments regarding the Department of Public Works' handling of the storm; the North West Bergen Regional Health Commission reached out for a list of first responders who need the COVID vaccine and when vaccine available everything will be ready to go.

ORDINANCES ON FINAL:

1. ORDINANCE #01-21

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COST OF LIVING ADJUSTMENT (COLA) IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A.40A:4-45.14)”

BE IT ORDAINED, by the Borough Council of the Borough of Midland Park, in the County of Bergen, New Jersey, as follows:

WHEREAS, the Local Government Cap Law, N.J.S.A 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 1.0% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for CY 2021 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 1.0%; and,

WHEREAS, N.J.S.A 40A:4-45.15a provides that a municipality may, in any year in which the

COLA is equal to or less than 1.0% may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Midland Park, in the County of Bergen, finds it advisable and necessary to increase its CY 2021 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$293,948.78 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Midland Park, in the County of Bergen, a majority of the full authorized membership of this governing Body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Midland Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$8,692,485.53 and that the CY 2021 municipal budget for the Borough of Midland Park, be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as Introduced be filed with the Director of the Division of Local Government Services within 5 days of Introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon Adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such Adoption.

BE IT FURTHER ORDAINED, that any ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance, are hereby repealed, but only to the extent of such inconsistencies.

This ordinance shall take effect at the time and in the manner provided by law.

Introduced by: Councilwoman Peet

Seconded by: Councilwoman DeLuca

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments or concerns regarding Ordinance #01-21. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

2. ORDINANCE #02-21

“AN ORDINANCE TO ADOPT A STORMWATER CONTROL ORDINANCE TO ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS FOR MAJOR DEVELOPMENT”

BE IT ORDAINED by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

Section 1. Scope and Purpose.

A. Policy Statement.

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

B. Purpose.

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 2.

C. Applicability.

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

D. Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 2. Definitions.

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

CAFRA CENTERS, CORES or NODES - Shall mean those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

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

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

COMPACTION - Shall mean the increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA - Shall mean the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE - Shall mean a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“COUNTY REVIEW AGENCY - Shall mean an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

DEPARTMENT - Shall mean the Department of Environmental Protection.

DESIGNATED CENTER - Shall mean a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

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

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

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

DRAINAGE AREA - Shall mean a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

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

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

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

EROSION - Shall mean the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE - Shall mean a stormwater management measure that manages stormwater close to its source by:

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

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

IMPERVIOUS SURFACE – Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION - Shall mean the the process by which water seeps into the soil from precipitation.

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

MAJOR DEVELOPMENT - Shall mean 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 the effective date of this ordinance; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

MOTOR VEHICLE - Shall mean 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 - Shall mean 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 - Shall mean the Borough of Midland Park.

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

NODE - Shall mean an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT - Shall mean a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON – Shall mean any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

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

RECHARGE - Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE - Shall mean 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 - Shall mean any of the following, alone or in combination:

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

SEDIMENT - Shall mean 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 - Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL - Shall mean all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT and REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) - Shall mean an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

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

STORMWATER MANAGEMENT MEASURE - Shall mean any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF - Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY - Shall mean a public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA - Shall mean the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

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

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD - Shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

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

URBAN REDEVELOPMENT AREA - Shall be defined as previously developed portions of areas:

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

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

WATERS OF THE STATE - Shall mean the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

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

Section 3. Design and Performance Standards for Stormwater

Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.
- C. ***Stormwater management measures for any increase in “regulated impervious surface” greater than 300 square feet, but not classified as a major development, shall be designed to control the increase in the stormwater runoff volume and shall be designed for a 10-year storm with at least 60 minute duration and calculated in accordance with Section 5.A and reviewed by the Borough Engineer, Planning***

Board and Zoning Board Engineers.

Section 4. Stormwater Management Requirements For Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 4.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 4.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey

Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at:

https://njstormwater.org/bmp_manual2.htm.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation 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 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^(a) (g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)

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 Pages 11-12)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found on Page 11

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 Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	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:

- (a) subject to the applicable contributory drainage area limitation specified at Section 4.0.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 2.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 6.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 4.O only if the measures meet the definition of green infrastructure at Section 2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 2 are subject to the contributory drainage area limitation specified at Section 2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 4.D is granted from Section 4.O.

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

- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between

bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 8; and
5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section 4.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Bergen County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the

municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Bergen County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Sections 4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 4.F. and/or an alternative stormwater management measure approved in accordance with Section 4.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 Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section 4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 4.G.
 4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.P, Q and R.
 5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 4.D.
- P. Groundwater Recharge Standards
1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
 2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
 4. The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas

where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that

discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:
$$R = A + B - (A \times B) / 100,$$
Where
R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.
 6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 4.P, Q and R.
 7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- R. Stormwater Runoff Quantity Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:

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

Section 5. Calculation of Stormwater Runoff and Groundwater Recharge.

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

as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

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

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 5.A.1.(a) and the Rational and Modified Rational Methods at Section 5.A.1.(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to

accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:
- <https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>
or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section 6. Sources for Technical Guidance.

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
 2. Additional maintenance guidance is available on the Department’s website at:
https://www.njstormwater.org/maintenance_guidance.htm.
- B. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Section 7. Solids and Floatable Materials Control Standards.

A. Site design features identified under Section 4.F above, or alternative designs in accordance with Section 4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 7.A.2 below.

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

- (a) 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
 - (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - (c) 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:
 - (1) 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
 - (2) 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).
 - (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the

bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

- (e) 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 8. Safety Standards for Stormwater Management Basins.

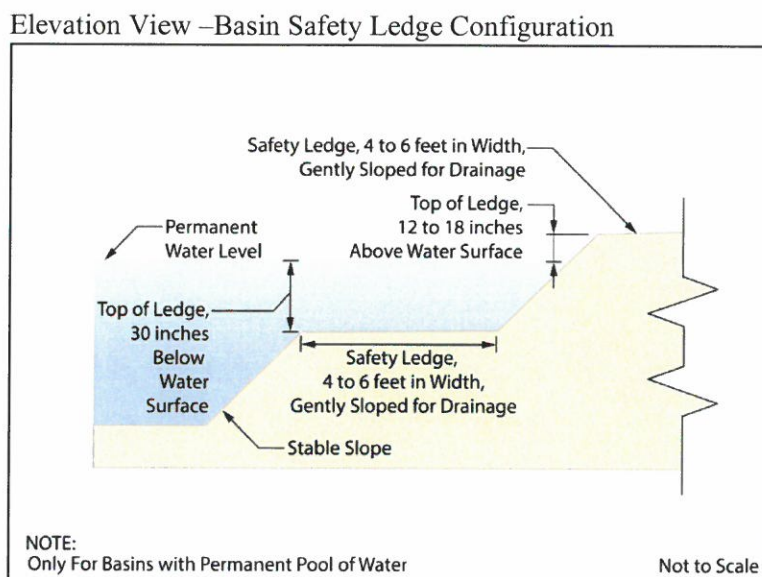
A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 8.C.1, 8.C.2, and 8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:

- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 8.C, a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.E for an illustration of safety ledges in a stormwater management BMP; and
 - (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D. Variance or Exemption from Safety Standard
A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.
- E. Safety Ledge Illustration



Section 9. Requirements for a Site Development Stormwater Plan.

- A. Submission of Site Development Stormwater Plan
 - 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the

required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit seventeen (17) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

- for proposed changes in natural conditions shall also be provided.
4. Land Use Planning and Source Control Plan
This plan shall provide a demonstration of how the goals and standards of Sections 3 through 5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
 5. Stormwater Management Facilities Map
The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (b) 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
 - (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
 - (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
 7. Maintenance and Repair Plan
The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.
 8. Waiver from Submission Requirements
The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 10. Maintenance and Repair.

- A. Applicability
Projects subject to review as in Section 1.C of this ordinance shall comply with

the requirements of Section 10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 10.B.3 above 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;
 - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 10.B.6 and B.7 above.
8. The requirements of Section 10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. If the facility is not to be dedicated to the municipality, a two (2) year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 shall be required to be posted. Maintenance and inspection guidance can be found on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.
9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section 11. Penalties.

Any person, company, firm or entity who erects, constructs, alters, repairs, converts, maintains or uses any building, structure or land in violation of this ordinance shall be subject to such fines and penalties as set forth in §1-15, General Penalty, within the discretion of the Municipal Court Judge.

Section 12. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such

judgment shall be rendered.

Section 13. Inconsistent Ordinances Repealed.

Chapter 21 of the Code of the Borough of Midland Park be and is hereby repealed in its entirety. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 14. Effective Date.

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

Introduced by: Councilman Kruis

Seconded by: Councilman Sansone

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments or concerns regarding Ordinance #02-21. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call of Council.

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

3. ORDINANCE #03-21

“AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER VII OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “TRAFFIC”

7-10 TURN PROHIBITIONS.

7-10.1 Left Turn Prohibition.

No person shall make a left turn at any of the locations described below:

LOCATION AND DIRECTION	TIMES (if limited)
From northbound on Post Street to westbound on Godwin Avenue	
From eastbound on Van Blarcom Avenue to northbound on Goffle Road	
From westbound on East Center Street to southbound on Prospect Street	Monday thru Friday 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m. when school is in session
From westbound on Godwin Avenue into the entrance driveways for the buildings at 301 and 317 Godwin Avenue	
From the exit driveways for the buildings at 301 and 317 Godwin Avenue to westbound Godwin Avenue	

From Prospect Street southbound into the entrance driveway for the building at 6 Prospect Street	
From the exit driveway for the building at 6 Prospect Street on to Prospect Street southbound	
From the Godwin Avenue exit of the Shopping Center at 80 Godwin Avenue on to Godwin Avenue eastbound	
From westbound Godwin Avenue into the westerly parking lot entrance at 612 Godwin Avenue	
From Lake Avenue eastbound into the westerly entrance into the parking lot at 136 Lake Avenue	
From the westerly Godwin Avenue parking lot exit at 612 Godwin Avenue on to Godwin Avenue eastbound	
From the Godwin Avenue exit driveway at 625 Godwin Avenue on to Godwin Avenue westbound	
From Southbound Central Avenue into the driveway at 11 Central Avenue	
From the westernmost driveway of 612 Godwin Avenue on to Godwin Avenue	
From the driveway of the strip mall at 629 Godwin Avenue on to Godwin Avenue	
No left turn from Van Blarcom Ave. eastbound to the entrance driveway of the drive-thru entrance to 129 Godwin Avenue	
No left turn from Park Avenue northbound to Godwin Avenue westbound	

Introduced by: Council President Iannone

Seconded by: Councilwoman Peet

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments or concerns regarding Ordinance #03-21. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

Roll Call:

Councilman Damiano	Aye
Councilman Kruis	Aye
Councilman Sansone	Aye
Councilwoman DeLuca	Aye
Councilwoman Peet	Aye
Council President Iannone	Aye

CONSENT AGENDA:

All matters listed below are considered by the Borough Council to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Borough Council, that item will be removed from the consent agenda and considered separately:

Resolution #047-21 Authorize Three Year Revenue Average for 2021 Budget

WHEREAS, the anticipated revenues for the 2021 budget is based on no more than actual revenue received during the 2020 budget year;

WHEREAS, DLGS in LFN #2020-24 has made new standards for anticipating COVID-19 affected revenues;

WHEREAS, Section 1 of P.L. 2020, c74 amended N.J.S.A.40A:4-26, the director authorizes use of a three-year average for calculation of affected revenues, which shall be calculated in a manner consistent with the RUT calculation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, hereby authorizes the Chief Financial Officer to use a three (3) year average of prior collected revenues for those revenues effected by COVID-19 pandemic.

Resolution #048-21 Authorizing Mayor to Sign Agreement - Well Child Care – Waldwick

BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Mayor is hereby authorized to execute an Interlocal Agreement with the Borough of Waldwick, pertaining to the provisions of Well Child Care services by the Borough of Waldwick.

2021 - \$125.00	One-time Administrative Charge
\$ 35.00	Charge per child
\$ 20.00	Charge per child for immunization only

Resolution #049-21 West Bergen Mental Healthcare Contract

WHEREAS, West Bergen Mental Healthcare provides support to the residents and employees of the Borough of Midland Park; and

WHEREAS, West Bergen Mental Healthcare does this through contributions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, that \$4,850.00 be allocated to West Bergen Mental Healthcare. In addition, the Council authorizes the Mayor and Clerk to execute an agreement with this organization.

Resolution #050-21 Escrow Refunds

WHEREAS, it was unanimously approved and recommended to return the unused escrows from the following Boards/Departments to the following parties:

WHEREAS, the Zoning Board of Adjustment, at their January 13, 2021 meeting, approved a motion to recommend the return of the following escrow:

Benanti, Donald	Acct. #T-20-256-125	\$31.76
45 Linwood Ave		
(Blk. 45, Lt. 1)		
Refund to: Vincent Benanti Architect, LLC		
25 Addicks Road		
Westwood, NJ 07675		

WHEREAS, final Engineering release has been given by Schwanewede/Hals Engineering on March 12, 2020, therefore the Construction Department is recommending the return of the following Performance escrow for Plot Plan/Soil Movement:

Triolo Residence	Acct. #T-20-300-519	\$1,076.00
132 Hill St.		
(Blk. 15, Lt. 4)		
Refund to: Allendale Design Build, LLC		

226 West Allendale Ave.
Allendale, NJ 07401

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue checks for the funds in the above stated amounts to the above stated parties.

Resolution #051-21 Authorize Award of Contract to Amazon LLC, Amazon Business Services through Omnia Partners/US Communities Cooperative Contract #Rtc-17006 for General Merchandise Equipment

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Borough of Midland Park has the need to procure certain generalized medical and office equipment in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Borough of Midland Park has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Omnia Partners/US Communities National Cooperative through Resolution 040-21 on January 14, 2021; and.

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation, and;

WHEREAS the equipment and corresponding Sourcewell National Cooperative contract number is: #RTC- 17006 for Amazon Services. LLC, Amazon Business 325 gt Avenue N. Seattle, WA 98109; and

WHEREAS the Borough is desirous of purchasing various general merchandise and medical equipment through Amazon Business through Omnia Partners/US Communities contract: # RTC- 17006.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Midland Park, County of Bergen, State of New Jersey, as follows:

1. That the Division of Purchasing be and herby is authorized to procure general merchandise and medical equipment through Amazon Business, through Omnia Partners/US Communities contract: # RTC- 17006.

Resolution #052-21 Authorizing Purchase of a Kohler Generator through Sourcewell Contract ##120617-KOH (Firehouse)

BE IT RESOLVED, by the Council of the Borough of Midland Park, Bergen County, State of New Jersey as follows:

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10), the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Borough of Midland Park has the need to procure certain service vehicles for public works operations within the Borough of Midland Park in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Borough of Midland Park has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative as Midland Park ID# 2788, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS the equipment and corresponding Sourcewell National Cooperative contract #120617-KOH for Kohler Generator through Cooper Power Systems 42 Cindy Lane, Ocean, N.J. 07712, and;

WHEREAS the quoted cost under the Sourcewell National Contract is \$ 60,794.00, and;

WHEREAS the Chief Financial Officer certifies availability of funds in the amount of \$60,794.00 from

Ordinance 02-20 Bond - Account Number - X-10-387-103

NOW THEREFORE BE IT RESOLVED THAT, the Mayor is hereby directed to effectuate the purchase of a Kohler generator for the Midland Park Firehouse through distributor Cooper Power Systems 42 Cindy Lane, Ocean, N.J. 07712 in accord with Sourcewell Cooperative Contract # #120617-KOH in the amount of \$ 60,794.00.

**Resolution #053-21 Authorizing Purchase of a Kohler Generator through Sourcewell Contract
##120617-Koh (Recreation Center)**

BE IT RESOLVED, by the Council of the Borough of Midland Park, Bergen County, State of New Jersey as follows:

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10), the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Borough of Midland Park has the need to procure certain service vehicles for public works operations within the Borough of Midland Park in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Borough of Midland Park has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative as Midland Park ID# 27885; and

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS the equipment and corresponding Sourcewell National Cooperative contract #120617-KOH for Kohler Generator through Cooper Power Systems 42 Cindy Lane, Ocean, N.J. 07712; and

WHEREAS the quoted cost under the Sourcewell National Contract is \$ 44,096.00; and

WHEREAS the Chief Financial Officer certifies availability of funds in the amount of \$44,096.00 from

Ordinance 02-20 Bond - Account Number - X-10-387-103

NOW THEREFORE BE IT RESOLVED THAT, the Mayor is hereby directed to effectuate the purchase of a Kohler generator for the Midland Park Recreation through distributor Cooper Power Systems 42 Cindy Lane, Ocean, N.J. 07712 in accord with Sourcewell Cooperative Contract # #120617-KOH in the amount of \$ 44,096.00.

Resolution #055-21 Tax Court of NJ Judgment Refund – 445 Godwin Ave, Blk 26, Lot 4.01

WHEREAS, the Borough of Midland Park has received a Judgment from the Tax Court of New Jersey, reducing the assessed value from \$8,531,600.00 to \$8,281,600.00, for the 2019 tax year for the property know as 445 Godwin Ave., Block 26 Lot 4.01, a refund to be issued to:

MARLOW PARK LLC

Minogue is qualified to fill this temporary position, on an as needed basis, for Snow Plowing Services, at the rate of \$35.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that Kevin Minogue be confirmed as Seasonal Laborer effective January 29, 2021.

Introduced by: Council President Iannone Seconded by: Councilman Sansone

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

MOTIONS:

A Motion to appoint Jayne Burke to the Midland Park Municipal Alliance Committee.

Introduced by: Councilwoman Peet Seconded by: Councilwoman DeLuca

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

A Motion to appoint **Councilwoman Peet** as the Borough's Joint Insurance Fund Commissioner.

Introduced by: Councilman Sansone Seconded by: Council President Iannone

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

OLD BUSINESS/NEW BUSINESS:

There was no Old or New Business to discuss.

PUBLIC COMMENT:

Once again, the **Mayor** opened the meeting to the public and the Council for any comments, questions, or concerns.

Miguel Garcia – 38 Van Blarcom Avenue – spoke of a traffic study that was done before the Starbucks opening, so there is a reference point with which to gauge the current traffic.

Rich Formicola – 200 Kew Court - thanked everyone for doing a great job.

MOTION:

A Motion to Go into a Second Closed Session

Introduced by: Councilwoman DeLuca

Seconded by: Councilwoman Peet

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

There being no further response and no further business to address, at 8:52 P.M., the following resolution was read by the Borough Attorney and adopted by the Council. The Borough Clerk stated if there is any action to be taken, the Governing Body will reconvene in an Open Public Session. The Council then convened into a Second Closed Session.

Members of the public were able to access Second Open Public meeting by dialing this Toll-Free Dial in number (United States): [1 866 899 4679](tel:18668994679) Access Code: 693-816-589

Resolution #056-21 Closed Session – After February 11, 2021

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park will go into closed session for the following reason (s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon): _____

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract): _____.

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

_____ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: _____). If contract negotiations the nature of the contract and interested party is _____

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact

on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

____Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N. J. 478, the employee(s) _____ and nature of discussion is: _____.

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

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

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place, and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Introduced by: Councilwoman DeLuca

Seconded by: Councilwoman Peet

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

At 9:30 P.M., the Governing Body reconvened into the Open Public Meeting.

PUBLIC ROLL CALL:

Miguel Garcia – 38 Van Blarcom Avenue

There being no response and no further business to address, at 9:31 P.M., on a Motion by **Councilman Sansone**, Seconded by **Councilwoman DeLuca** and carried, **Mayor Shortway** adjourned the meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk