

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
June 19, 2024

The regular meeting of the Township Committee was held on this date at the Washington Township Municipal Building, 211 Route 31 North, Washington, N.J. The meeting was called to order at 6:30 p.m. by Mayor Robert Klingel.

SUNSHINE LAW COMPLIANCE – Mayor Klingel noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Warren County, NJ Zoned Edition of the Express-Times and the Star Ledger, posted at the Municipal Building, and a copy is on file in the Clerk’s office. This agenda is subject to change by order of the Washington Township Committee before and/or during the scheduled meeting.

ROLL CALL

Fiore, present; Kovacs, present; Rossi, present; Willan, absent; Klingel, present

STAFF PRESENT

Ann Kilduff, Township Clerk; Michael Lavery, Township Attorney; Peter deBoer, Township Administrator; Chief Jones, WTPD; Andrew Hart, DPW Supervisor; Eileen Parks, CFO; Kevin Smith, Township Engineer

SALUTE TO THE FLAG

APPROVAL OF MINUTES

A motion was made by Kovacs, seconded by Rossi, to approve the minutes of the regular meeting of May 15, 2024.

ROLL CALL: Kovacs, yes; Rossi, yes; Fiore, yes; Klingel, yes

A motion was made by Rossi, seconded by Kovacs, to approve the Executive Session minutes of the regular meeting of May 15, 2024.

ROLL CALL: Rossi, yes; Kovacs, yes; Fiore, yes; Klingel, yes

PAYMENT OF BILLS

A motion was made by Kovacs, seconded by Fiore, to approve the payment of the bills in the amount of \$2,449,425.13.

ROLL CALL: Kovacs, yes; Fiore, yes; Rossi, yes; Klingel, yes

PRESENTATION

Mr. Corey Piasecki presented information about Highlands Plan Conformance. Mayor Klingel asked about affordable housing obligations and Mr. Smith asked about the impact on Farmland Preservation. He responded to their concerns.

ORDINANCES

A motion was made by Rossi, seconded by Kovacs, to open to the public Ordinance 24-09, Ordinance of the Township of Washington, County of Warren, State of New Jersey Amending Chapter 80 Entitled “Lead-Based Paint Inspections” to Require Lead-Based Paint Inspections in Certain Residential Dwellings as Mandated by P.L. 2021, c.182 – 2nd Reading, Public Hearing, and Adoption. All were in favor.

Seeing no one to address the Committee, a motion was made by Fiore, seconded by Rossi, to close the public portion of Ordinance 24-09. **All were in favor.**

A motion was made Kovacs, seconded by Fiore, to adopt Ordinance 24-09 on second reading.

ROLL CALL: Kovacs, yes; Fiore, yes; Rossi, yes; Klingel, yes

Regarding Ordinance 24-10, a motion was made by Fiore, seconded by Rossi, to add changes to the Redevelopment Plan as recommended by the Land Use Board Planner.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Klingel, yes

A motion was made by Kovacs, seconded by Fiore, to reintroduce to the public Ordinance 24-10, Ordinance of the Township of Washington, County of Warren, State of New Jersey Adopting the Redevelopment Plan for the Property Referred to as the Washington South Redevelopment Area, Commonly Known as Block 75, Lots 1, 1.04, and 1.05; Block 76, Lots 1, 1.01, 1.02, 1.03, and 4 on the Tax Map of the Township – Introduction (2nd Reading, Public Hearing, and Adoption at the July 17, 2024 Meeting).

ROLL CALL: Kovacs, yes; Fiore, yes; Rossi, yes; Klingel, yes

ORDINANCE 24-10

ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR THE PROPERTY REFERRED TO AS THE WASHINGTON SOUTH REDEVELOPMENT AREA, COMMONLY KNOWN AS BLOCK 75 LOTS 1, 1.04, AND 1.05; BLOCK 76,

LOTS 1, 1.01, 1.02 1.03, AND 4 ON THE TAX MAP OF THE TOWNSHIP

WHEREAS, the Township Committee of the Township of Washington, in the County of Warren, State of New Jersey (the “**Township**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, in 2022, in accordance with the criteria set forth in the Redevelopment Law, the Township identified and designated the property referred to as the Washington South Redevelopment Area, commonly known as Block 75, Lots 1, 1.04, 1.05; Block 76, Lots 1, 1.01, 1.02, 1.03 and 4 on the tax map of the Township as an “area in need of redevelopment” (the “**Redevelopment Area**”); and

WHEREAS, the Planning Board must review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Township Committee in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

WHEREAS, upon receipt of the Planning Board’s recommendations relating to the Redevelopment Plan, the Township Committee believes that the adoption of the Redevelopment Plan is in the best interest of the Township; and

WHEREAS, the Planning Board has recommended revisions to Section 9.1.A.(3) to refine whether residential and commercial uses can coexist on the second floor of a single building and, if so, to provide specific standards to protect the residential use from the effects of the commercial use; and

WHEREAS, the Township Committee has revised Section 9.1.A.(3) to incorporate those changes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Contingent upon the receipt of the Planning Board’s recommendations, the Redevelopment Plan, attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

Section 3. The zoning district map in the zoning ordinance of the Township is hereby amended to include the “Redevelopment Area” per the boundaries described in the Redevelopment Plan.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Municipal Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

A motion was made by Fiore, seconded by Rossi, to introduce to the public Ordinance 24-11, Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend and Supplement Chapter 53, "Property Maintenance" of the Code of the Township of Washington – Introduction (2nd Reading, Public Hearing, and Adoption at the July 17, 2024 meeting).

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Klingel, yes

ORDINANCE NO. 2024-11

ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 53, "PROPERTY MAINTENANCE" OF THE CODE OF THE TOWNSHIP OF WASHINGTON

WHEREAS, the Township Committee of the Township of Washington has determined that Chapter 53 entitled "Property Maintenance" should be supplemented and amended.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 53 entitled "Property Maintenance" of the Code of the Township of Washington be supplemented and amended to read as follows:

Section 1:

§ 53-9 Administrative Provisions.

D. (1)

The notice, subject to the rights of appeal provided in § **53-10** hereof, shall also state that, unless the violation is abated, removed, cured, prevented, or desisted (collectively referred to herein as "abatement") within 10 days of the date of service of such notice (exclusive of the date of service), a complaint shall be issued for such violation in the Washington Township Municipal Court. The enforcement officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the ten-day period, and, in such cases, the enforcement officer shall state such reasonably required extended period of notice, which shall then be applicable instead of the aforesaid 10 days. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said ten-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons shall be issued against the person, persons, entity, or entities so notified. Any extension beyond 30 days must be approved by the Township Committee.

Section 2:

REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

SEVERABILITY

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4:

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

A motion was made by Fiore, seconded by Kovacs, to introduce to the public Ordinance 24-12, Ordinance to Amend and Replace Chapter 64, Section 31, Stormwater Control, of the Code of the Township of Washington, County of Warren, State of New Jersey – Introduction (2nd Reading, Public Hearing, and Adoption at the July 17, 2024 meeting).

ROLL CALL: Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

ORDINANCE NO. 2024-12

**ORDINANCE TO AMEND AND REPLACE CHAPTER 64, SECTION 31,
STORMWATER CONTROL, OF THE CODE OF THE TOWNSHIP
OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY**

Replace existing Chapter 64, Sections 31 through 64-31.14, Stormwater Control in entirety as follows:

§64-31	Stormwater	Control	Scope	and	Purpose
§64-31.1	Review	and	Inspection		Fees
§64-31.2	Definitions				
§64-31.3	Design & Performance Standards for Stormwater Management Measures				
§64-31.4	Stormwater Management Requirements for Major Development				
§64-31.5	Calculation	of	Stormwater	Runoff	&
§64-31.6	Sources		for	Technical	Groundwater
§64-31.7	Solids	&	Floatable	Materials	Control
§64-31.8	Safety	Standards	for	Stormwater	Management
§64-31.9	Requirements	for	a	Site	Development
§64-31.10	Maintenance			Stormwater	Plan
§64-31.11	Penalties			&	Repair
§64-31.12	Severability				
§64-31.13	Effective Date				
§64-31.14	Reserved				
§64-31	Stormwater Control 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 II.

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 [insert name of municipality].

3. An application required by ordinance pursuant to (b)1 above that has been submitted prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.

4. An application required by ordinance for approval pursuant to (b)1 above that has been

submitted on or after March 2, 2021, but prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.

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

D. **Compatibility with Other Permit and Ordinance Requirements**

Development approvals issued 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.

§64-31.1 Review and Inspection Fees.

A. **Review and inspection fees**

(1) **Review Fees**

(a) When stormwater management plans are required to be prepared and submitted for review and approval under this ordinance, and when such plans are submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq, then no additional and separate review fee shall be required. The costs for professional review of the stormwater management plan will be deducted from the review escrow account established for the development application in accordance with the applicable provisions of the development regulation.

(b) A review fee of \$500 shall be paid to the Township whenever:

[1] A stormwater management plan is required to be prepared and submitted for review and approval under this ordinance, and such plan is not submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

[2] A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Land Use Board and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.

(2) **Inspection Fees.**

(a) When stormwater management improvements are constructed in conjunction with other site improvements associated with an approved major subdivision or site plan, then no additional and separate construction inspection escrow account shall be required.

(b) When stormwater management improvements are constructed in conjunction with a minor subdivision approval, or variance approval for which no site plan was required, then a construction inspection escrow account shall be established with the Township in the manner as provided in the development regulation and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§64-31.2 Definitions.

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

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

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

“Carbonate Rock Area” means an area where rock consisting chiefly of calcium and magnesium carbonates such as limestone and dolomite, has been identified.

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C.

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

“Compaction” means the increase in soil bulk density.

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

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the Board of County Commissioners 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.

“Current Deficit Area” means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge- enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A.

40:55D-1 *et seq.*

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

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

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands,

floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

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

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

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.

“Highlands Open Waters” means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

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

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

“Impervious surface – Highlands Preservation Area” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Karst” means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021.
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

“Maximum Extent Practicable” means designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

“Mitigation” means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with 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.

“Non-Exempt Project” means any project not eligible for an exemption from the

Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3. **“Node”** means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

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

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

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

“Preservation Area” means lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b.)

“Prime Ground Water Recharge Area” means lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

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

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

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

“Redevelopment” means land disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Regional Master Plan” means the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the 2, 10, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

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

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

§64-31.3 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.

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.

§64-31.4 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 §64-31.10.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §64-31.4.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 §64-31.4.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 §64-31.4.O, P, Q and R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of §64-31.4.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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §64-31.4.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 IV.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://dep.nj.gov/stormwater/bmp-manual/>.

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 Page D-14)

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	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed	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 D-14)

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	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table
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 corresponding to annotations ^(b) through ^(d) are found on Page D-14)

Notes to Tables 1, 2, and 3:

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

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

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 §64-31.6.B. Alternative stormwater management measures may be used to satisfy the requirements at §64-31.4.O only if the measures meet the definition of green infrastructure at §64-31.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §64-31.4.O.2 are subject to the contributory drainage area limitation specified at §64-31.4.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §64-31.4.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §64-31.4.D is granted from §64-31.4.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.

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 §64-31.8.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 VIII; 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.

I. 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 §64-31.2 may be used only under the circumstances described at §64-31.4.O.4.

J. Any application for a new agricultural development that meets the definition of major development at §64-31.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §64-31.4.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.

K. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §64-31.4.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.

L. 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 Warren 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 §64-31.4.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 § 64-31.10 .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.

M. 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 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 in the Office of the Warren 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.

N. 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 §64-31.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §64-31.4.F. and/or an alternative stormwater management measure approved in accordance with §64-31.4.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	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention	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 §64-31.4.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 §64-31.4.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 §64-31.4.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 §64-31.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §64-31.4.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 §64-31.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §64-31.4.D.

O. 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 §64-31.5, either:

i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

iii. For Non-Exempt Projects located in the Preservation Area and in a Current Deficit Area as identified in the Township’s Environmental Resource Inventory, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.

iv. For Non-Exempt Projects located in the Preservation Area and in a Prime Ground Water Recharge Area as identified in the Township’s Environmental Resource Inventory, the following standards shall apply:

a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.

b. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall

demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.

3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

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

- i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
- ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- iii. Carbonate rock areas in the Preservation Area where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater (*Note: The mere presence of carbonate bedrock does not constitute a karst feature*).

5. Non-Exempt Projects that are subject to the enhanced recharge requirements by P.2.iii. or P.2.iv above, shall apply the following standards, either:

- i. Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
- ii. In addition to complying with the recharge requirements of section IV.P, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDv), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the recharge requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

P. Stormwater Runoff Quality Standards

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

the development from a numeric effluent limitation for TSS.

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

Table 4 - Water Quality Design Storm Distribution

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

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = \frac{A + B - (A \times B)}{100}$$

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 §64-31.4.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.

Q. 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 V, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
- iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased

volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

§64-31.5 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 the following method:

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

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

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

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 §64-31.5.A.1.i and the Rational and Modified Rational Methods at §64-31.5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

<https://www.nj.gov/dep/njgs/pricelst/greport/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.

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

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

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

Table 5: Current Precipitation Adjustment Factors

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

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

each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

§64-31.6 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.

§64-31.7 Solids and Floatable Materials Control Standards.

A. Site design features identified under §64-31.4.F above, or alternative designs in accordance with §64-

31.4.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 §64-31.7.A.2 below.

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

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.
- Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - a. prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - b. A bar screen having a bar spacing of 0.5 inches. Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§64-31.8 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 §64-31.8.C.1, C.2 and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

- i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

- ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
- iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
- ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
- iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

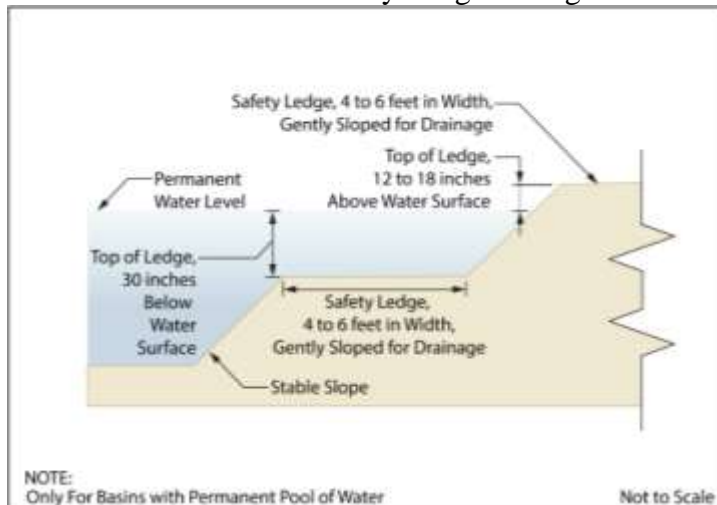
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §64-31.8.C, a free-standing outlet structure may be exempted from this requirement;
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View – Basin Safety Ledge Configuration



§64-31.9 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 §64-31.9.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 three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with §64-31.9.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 §64-31.3 through §64-31.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §64-31.4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings

or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 64-31.10.

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 §64-31.9.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.

§64-31.10 Maintenance and Repair.

A. Applicability

Projects subject to review as in §64-31.1.C of this ordinance shall comply with the requirements of §64-31.10. B and 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 §64-31.10 .B.3 above is not a public agency, the maintenance plan and any future revisions based on § 64-31.10 .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 §64-31.10.B.3 above shall perform all of the following requirements:

- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
- ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §64-31.10s.B.6 and B.7 above.

8. The requirements of § 64-31.10 .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.

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.

§ 64-31.11 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance, or do any act or thing prohibited, or refuse or fail to do any act or thing required to be done, or refuse or fail to comply with any order of the Engineer or Land Use Board made pursuant hereto, shall, upon conviction thereof, be subject for each violation to a penalty of not more than \$500 or imprisonment for not more than 90 days, or both. Whenever such person shall have been officially notified in writing by the Engineer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuation of such violation shall be deemed a separate offense.

§ 64-31.12 Severability.

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

§ 64-31.13 Effective Date.

This ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

§ 64-31.14 (Reserved).

RESOLUTIONS

A motion was made by Kovacs, seconded by Fiore, to approve Resolutions 24-140 through 24-159.

ROLL CALL: Kovacs, yes; Fiore, yes; Rossi, yes; Klingel, yes

RESOLUTION #2024-140

RESOLUTION TO RENEW THE LIQUOR LICENSE FOR HAWK POINTE, LLC

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$720.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren, and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

Hawk Pointe, LLC
License #2122-33-001-006

**RESOLUTION #2024-141
RESOLUTION TO RENEW THE LIQUOR LICENSE FOR
MOUNTAIN VALLEY FINE WINES & LIQUORS, LLC**

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$720.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

Mountain Valley Fine Wines & Liquors, LLC
License #2122-32-006-014

**RESOLUTION #2024-142
RESOLUTION TO RENEW THE LIQUOR LICENSE FOR
VETERANS OF FOREIGN WARS POHATCONG MEMORIAL POST #6701**

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$90.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

Veterans of Foreign Wars
Pohatcong Memorial Post #6701
License #2122-31-008-001

**RESOLUTION #2024-143
RESOLUTION TO RENEW THE LIQUOR LICENSE FOR
THE PERFECT POUR, LLC (ANGRY DAD DRAUGHT HOUSE)**

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$720.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

The Perfect Pour, LLC
(Angry Dad Draught House)
License #2122-33-005-005

RESOLUTION #2024-144

**RESOLUTION TO RENEW THE LIQUOR LICENSE FOR
DC 31 INVESTMENT, LLC (THE SMASHED OLIVE)**

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$720.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

DC 31 Investment, LLC
(The Smashed Olive)
License #2122-33-002-009

RESOLUTION #2024-145

**RESOLUTION TO RENEW THE LIQUOR LICENSE FOR
BR KRISHNA, LLC (TOWN AND COUNTRY LIQUORS)**

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$720.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

BR Krishna, LLC
(Town and Country Liquors)
License #2122-33-004-005

RESOLUTION #2024-146
RESOLUTION TO RENEW THE LIQUOR LICENSE FOR
OAKWOOD LANES

WHEREAS, an application has been made in compliance with the requirements and conditions relative to the issuance of a Plenary Retail Consumption License for the term effective July 1, 2024 – June 30, 2025; and

WHEREAS, a clearance certificate from the State Division of Taxation has been received by the Township Clerk; and

WHEREAS, the applicant has paid the Township fee of \$720.00 and the Division of Alcoholic Beverage Control fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren and State of New Jersey that the following license be renewed by the Township Clerk and granted to:

Oakwood Lanes A Corp
License #2122-33-003-002

RESOLUTION #2024-147
RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN
AUTHORIZING AN INTERLOCAL SHARED SERVICES AGREEMENT BETWEEN THE
OXFORD TOWNSHIP SCHOOL DISTRICT (“DISTRICT”) AND THE TOWNSHIP OF
WASHINGTON (“TOWNSHIP”) FOR A PART-TIME SCHOOL RESOURCE OFFICER

WHEREAS, it is the desire of the District to ensure the safety and welfare of its students, faculty and staff and it has become somewhat customary in the State of New Jersey for municipal corporations to provide to the schools a police officer, who is referred to as a School Resource Officer (SRO), for the school year or portions thereof, with the understanding and obligation that the school should reimburse the Township for this police officer; and

WHEREAS, the proposed Shared Services Agreement provides for the Township to supply a part-time SRO to provide law enforcement services between the first day of School (September 2024) through the last day of school (June 2029) to be paid to the Township per the Agreement; and

WHEREAS, the Agreement also provides that the SRO shall always be considered an employee of the Washington Township Police Department, and that the Township will maintain certain levels of insurance as well as the functions of the SRO within the public schools to which he is assigned.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington, County of Warren does hereby authorize an Agreement between the District and the Township for an Interlocal Shared Services Agreement involving a part-time School Resource Officer for the period of the first day of School (September 2024) through the last day of school (June 2029).

BE IT FURTHER RESOLVED that the Township Committee of the Township of Washington, County of Warren does hereby authorize the Mayor, upon review and approval of the municipal attorney, to execute any and all documents necessary, including an Interlocal Shared Services Agreement as annexed hereto, between the Oxford Township School District in the County of Warren, State of New Jersey with board offices at 17 Kent Street; Oxford, NJ 07863 and the Township of Washington, a municipal corporation in the County of Warren, State of New Jersey with offices at 211 Route 31 North; Washington, NJ 07882.

RESOLUTION #2024-148
CHAPTER 159 BUDGET AMENDMENT
NJDEP CLEAN COMMUNITIES PROGRAM FY2024

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such

item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$21,567.26 which is now available from the State of New Jersey.

BE IT FURTHER RESOLVED that a like sum of \$21,567.26 is hereby appropriated under the caption:

NJDEP CLEAN COMMUNITIES PROGRAM FY2024

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey.

BE IT FURTHER RESOLVED that the Township Clerk will forward a certified copy of this resolution to the Chief Financial Officer for electronic submission to the Director of the Division of Local Government Services.

**RESOLUTION #2024-149
CHAPTER 159 BUDGET AMENDMENT
RECYCLING TONNAGE GRANT**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$3,680.35 which is now available from the State of New Jersey.

BE IT FURTHER RESOLVED that a like sum of \$3,680.35 is hereby appropriated under the caption:

RECYCLING TONNAGE PROGRAM

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey.

BE IT FURTHER RESOLVED that the Township Clerk will forward a certified copy of this resolution to the Chief Financial Officer for electronic submission to the Director of the Division of Local Government Services.

**RESOLUTION #2024-150
RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY PLACING A LIEN ON BLOCK 15, LOT 10.07
176 LITTLE PHILADELPHIA ROAD**

WHEREAS, Chapter 50 BRUSH, WEEDS AND GRASS of the Code of the Township of Washington (the Code) provides that whenever the Health Officer of the Township of Washington shall deem it necessary and expedient for the preservation of the public health, safety or general welfare or to eliminate a fire hazard, he shall serve upon the owner and/or the tenant of lands lying within the limits of the Township of Washington, County of Warren, upon which there is brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris, a notice that said item or items must be removed or destroyed within 10 days of

service of such notice; and

WHEREAS, Chapter 50 ARTICLE I Section 2 C. provides that failure or neglect to so remove or destroy will result in removal or destruction by or under the direction of the Health Officer of the Township of Washington; and

WHEREAS, Chapter 50 ARTICLE I Section 2 C. provides that the costs of such removal or destruction shall be charged to the owner or tenant of such land and shall be payable to the Township within 30 days after the date of submission of the charges. AND unless such charges are paid within the thirty-day period, the costs aforesaid shall become a lien upon the lands and shall be collected as provided pursuant to the authority of N.J.S.A. 40:48-2.14; and

WHEREAS, the Health Officer of the Township of Washington has duly authorized the Certified Public Works Manager of the Township, per the attached work order, that the owner of the property at 176 Little Philadelphia Road, identified on the tax maps of the Township as Block 15, Lot 10.07 was in violation of the pertinent section(s) of Chapter 50 of the Code so that it was necessary for the Township to take action to apply pest controls; and

WHEREAS, the Township Administrator has certified that the Township incurred costs of \$580.00 to correct the violation.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, in the County of Warren, State of New Jersey that under the provisions of Chapter 50 Section 50-3 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$580.00 on the property at 176 Little Philadelphia Road, identified on the tax maps of the Township as Block 15, Lot 10.07.

**RESOLUTION #2024-151
RESOLUTION TO AUTHORIZE AND APPROVE
SALARIES AND WAGES FOR CERTAIN EMPLOYEES**

WHEREAS, the current annual Salary Ordinance establishes the salaries/wages and compensation for the employees of the Township of Washington, County of Warren.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that the following named employee be compensated on an annual basis effective July 1, 2024 in the amount designated below.

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Shane Zaro	Lieutenant	\$135,275.09

**RESOLUTION #2024-152
RESOLUTION TO REQUEST INTEREST BE WAIVED
BLOCK 65, LOT 2.07 – PILOT PROGRAM**

WHEREAS, the owner of this property located at 9 Sharp Shinned Court found out from a neighbor that they were having problems with their mortgage company paying PILOT. He checked with his mortgage company and found out they made some PILOT payments in 2022 but for some reason stopped. As a result, he owes PILOT payments since December 2022. He has requested in a letter to the Mayor and Township Committee that the interest be waived. The amount of interest calculated to June 19th would be \$1,349.21.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of June that the Mayor and Township Committee of the Township of Washington approves the owner's request to waive the \$1,349.21 due for interest for the past due payments of the 2022, 2023, and 2024 PILOT bills if the payment is made in full by July 19th otherwise no interest due will be waived.

**RESOLUTION #2024-153
RESOLUTION TO REQUEST INTEREST BE WAIVED
BLOCK 65, LOT 5.30 – PILOT PROGRAM**

WHEREAS, the owner of this property located at 17 Harris Hawk Road found out that the mortgage company did not make any PILOT payments since the first one which was due December 1, 2023. The owner has a mortgage with an escrow account and assumed the PILOT payments were being made. After contacting the mortgage company, the owner found out the mortgage had been sold to another company. The owner contacted the new company who made the payment for the past due PILOT bills but did not include any interest which totals \$481.78. The owner, in a letter, is requesting that due to the circumstances the Township waive the interest due.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of June that the Mayor and Township Committee of the Township of Washington approves the request to waive the \$481.78 charged for the past due payments of the 2023 and 2024 PILOT bills.

RESOLUTION #2024-154
RESOLUTION TO REQUEST INTEREST BE WAIVED
BLOCK 65, LOT 51

WHEREAS, the owners of this property located at 28 Merlin Drive had their bank send a check for the May taxes to the Township in early May. As of this date, the check has not been received by the Township or returned to the homeowner. The owner on June 11th left a replacement check in the drop box which did not include interest. They requested the Tax Collector waive the interest due to the check being lost in the mail or in the process of being returned by the Post Office as not deliverable. The Tax Collector advised that he is not allowed to waive interest but must collect it as required by a resolution adopted by the Township Committee in January.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of June that the Mayor and Township Committee of the Township of Washington approve the request to waive the \$54.15 charged for the past due payment of the May 1st taxes. The \$54.15 will be applied to the balance due for the May taxes.

RESOLUTION #2024-155
RESOLUTION TO REQUEST INTEREST BE WAIVED
BLOCK 65.04, LOT 3

WHEREAS, the owners of this property located at 1 Merlin Drive had their bank send a check for the May taxes to the Township in early May. As of June 5th, the owner received an alert from her bank that the check was returned to the bank due to a bad address for this building. They requested the Tax Collector waive the interest due to a bad address the Township is using. She was advised that many letters are received at this address with no issue. The owner will drop off a replacement check without including any interest. The Tax Collector advised that he is not allowed to waive interest but will collect it to the date the payment is received as required by a resolution adopted by the Township Committee in January.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of June that the Mayor and Township Committee of the Township of Washington approve the request to waive the \$74.25 that will be charged for the past due payment of the May 1st taxes. The \$74.25 will be applied to the balance due for the May taxes.

RESOLUTION #2024-156
RESOLUTION TO REQUEST INTEREST BE WAIVED
BLOCK 71, LOT 2

WHEREAS, the owners of the property located at 221 Cemetery Hill Road advised in early April they had their bank send a check to make payments on delinquent taxes. The owner called and came in late April and questioned why their check was not cashed. They were advised the tax office did not receive the check. It was discovered the check was addressed to the Tax Assessor's office. The Tax Collector checked, and no other office had received the check which sometime occurs when people send checks addressed to Washington Township. The owner came in on June 5th and confirmed the Township did not receive or misplace their check.

The check was dated April 8th. The envelope was cancelled on April 13th and again on April 16th. On May 29th, the Post Office determined it was not deliverable as addressed and returned it to the owner on June 5th. The owner requested the Township waive the interest charged since it was not the owner's fault the check was not received. They realize it was not the Township's fault the check was not deposited since it was not received by the Township. The Tax Collector advised that he is not allowed to waive interest but must collect it as of June 5th as required by a resolution adopted by the Township Committee in January. The Tax Collector suggested the interest for the period of April 19th which is the date the Township would have received it if the Post Office delivered it the second time, they cancelled it to June 5th when the owner brought the check in could be waived if the Township Committee desires.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of June that the Mayor and Township Committee of the Township of Washington approve the request to waive the \$224.35 charged for the past due taxes from April 19th to June 5th. The \$224.35 will be applied to the balance due for the delinquent taxes.

**RESOLUTION #2024-157
REDEMPTION RESOLUTION
BLOCK 38, LOT 22 C0062**

WHEREAS, this property located at 62 Congressional Blvd was included in the tax sale held on December 1, 2021. Tax Sale Certificate 2021-015 was sold to Bala Partners LLC. The Tax Collector was paid \$3,361.34 which is the amount necessary for the redemption of Certificate 2021-015. The redemption is being made by the owner of the property.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of June by the Mayor and Township Committee of the Township of Washington that since Bala Partners LLC's identification number is already on file it will not be necessary to make provision for back up withholding; therefore, the Chief Financial Officer is hereby authorized and directed to prepare a check made payable to Bala Partners, LLC in the amount of \$4,861.34 (redemption amount of \$3,361.34 + \$1500 premium held by the Township in trust since the sale). The check (account 101530 for Outside Liens and account 105525 Reserve for Tax Sale Premiums) is to be returned to the Tax Collector who will mail it once the certificate endorsed for cancellation is received.

BE IT FURTHER RESOLVED that the Tax Collector is authorized to cancel this lien on Block 38, Lot 22 C0062 from the Tax Office records.

**RESOLUTION #2024-158
RESOLUTION TO AUTHORIZE AND APPROVE
SALARIES AND WAGES FOR CERTAIN EMPLOYEES**

WHEREAS, the current annual Salary Ordinance establishes the salaries/wages and compensation for the employees of the Township of Washington, County of Warren.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that the following named employee be compensated on an annual basis effective August 15, 2024 in the amount designated below conditional upon a negative drug screening and passing both psychological and physical examinations.

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Joshua Ramos	Police Recruit	\$40,000.00

**RESOLUTION #2024-159
RESOLUTION URGING TO SUPPORT ONLINE LEGAL NOTICES**

WHEREAS, a resolution urging state leaders to pass legislation that will authorize counties, municipalities, school districts, and all local governments to electronically publish legal notices in a newspaper's website or digital publication.

WHEREAS, current law requires purchasing officials, clerks of the boards, planning departments, improvement authorities, sheriffs, and other local government professionals to publish printed legal notices in local newspaper publications; and

WHEREAS, such legal notices typically include contract awards, contract addendums, public meeting notices, RFP and RFQ advertisements, election announcements, sheriff sales, and much more; and

WHEREAS, local government officials have long decried that publishing these voluminous documents in print media is costly, time consuming, and outdated; and

WHEREAS, local government officials have found it increasingly difficult to comply with the notice requirements under current law as the newspaper industry has evolved into an online platform and struggled to retain staff, resources, and publications; and

WHEREAS, legislation to authorize the online publishing of legal notices will streamline the antiquated process and save valuable time, resources, and property taxpayer dollars; and

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Association of Counties does in fact, hereby urge state leaders to pass legislation that will authorize counties, municipalities, school districts, and all local governments to electronically publish legal notices in a newspaper's website or digital publication.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, Senator Douglas Steinhardt, Senator Parker Space, Assemblyman John DiMaio, Assemblyman Erik Peterson, and the Warren County Board of County Commissioners.

PUBLIC QUESTIONS AND CONCERNS

Mayor Klingel opened the meeting to the public. Sueann Harnden, 18 Coopers Hawk Court, asked the Committee whether or not a traffic study would be performed in the area of redevelopment and when that might occur. Mayor Klingel confirmed that a study would take place but did not know when.

Michael Heon, 157 Clubhouse Drive, addressed the Committee concerning stormwater issues. Mayor Klingel responded.

Linda Kosensky, 20 Harrier Lane, commented that she as HOA President has had a lack of communication from Ryan Homes. She also shared her concerns with the Committee regarding traffic, the locked gate on Clubhouse Drive, and a tank near Sparrow Hawk. Mr. Smith responded. Ms. Kosensky also questioned the fee for a Certificate of Occupancy. She was directed to inquire with the Construction Official. Lastly, she asked about a deadline for grass seeding. Once again, Mr. Smith responded.

Laura Heydt, 9 Coopers Hawk Court, had questions about remediating stormwater issues. Mr. Smith responded.

Seeing no one else to address the Committee, a motion was made by Rossi, seconded by Fiore, to close the public portion of the meeting.

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

STAFF REPORTS

Chief Jones commented on Det. Lt. Koch's recent retirement. He stated that he attended a virtual meeting Warren County Connect regarding traffic studies. All of the planters have been installed in the front of the building. He shared statistics of a recent study on Clubhouse Drive which dealt with speeding. Chief went on to mention officers' participation in the Torch Run, cleaning in the storage building, and the hiring of a new officer. Mr. Fiore asked about a helicopter landing near the school. Chief Jones explained that it was part of the Junior Police Academy.

Mr. Hart briefed the Committee on the construction of a new convenience center wall. He also commented on a new truck, the installation of the Griffith sign at the Meadow Breeze Park concession stand, planned fencing installation, and the removal of some dead ash trees from the trails. Mr. Fiore thanked Mr. Hart for the good work on the log cabin restroom.

Mrs. Parks updated the Committee on the recent sorting by Accuscan. She thanked some of the staff for their assistance.

Mr. deBoer previously submitted a report and also commented on the recent Accuscan activity.

Mr. Kevin Smith remarked on affordable housing and briefly commented on a conversation with Finelli Engineering regarding an emergency access road.

UNFINISHED BUSINESS

The Committee and Attorney Lavery discussed the recent list of foreclosures. Mr. Lavery stated that most of the properties would need to be offered to adjacent property owners as the lots are all undersized. A motion was made by Rossi, seconded by Fiore, to authorize letters to be sent to the adjacent property owners.

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Klingel, yes

NEW BUSINESS

A discussion ensued regarding a proposed residential concept plan. Mr. deBoer was asked to set up a meeting to include himself, Mr. Witmond of Woodmont Properties, Deputy Mayor Rossi, Committeeman Fiore, and the Township Engineer.

Next, in response to correspondence received from Warren County, the Committee discussed the extension of the Warren Highlands Trail into Washington Township. A motion was made by Kovacs, seconded by Rossi, to approve the connection of the Warren Highlands Trail to the Dick Flint Trail.

ROLL CALL: Kovacs, yes; Rossi, yes; Fiore, yes; Klingel, yes

The Committee and CFO briefly discussed a tax collection software proposal. A motion was made by Fiore, seconded by Rossi, to approve Resolution 24-161.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Klingel, yes

RESOLUTION #2024-161 RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR TAX COLLECTION SOFTWARE

WHEREAS, the Township of Washington previously entered into a Software Services Agreement for a Cloud Tax Collection (PILOT Abatement) software & conversion with H & L Systems, Inc.; and

WHEREAS, H & L Systems has partnered with BRT Technologies which offers a Tax Collection Plus (Tax Collection Module) software; and

WHEREAS, BRT Technologies, LLC has submitted a proposal which offers this software product as well as conversion of the historical data thus providing an alternative municipal solution to our current system which, by the end of the year, will no longer be supported by the existing supplier; and

WHEREAS, for the purposes of maintenance efficiency related to the responsibilities of Tax Collection and PILOT payments, the Chief Finance Officer and Township Administrator recommends contracting with BRT Technologies, LLC for this acquisition and conversion to these services; and

WHEREAS, the Chief Finance Officer has certified the availability of funds for this contract and that the line items 10502215, 10503211 & 10519209 have been appropriated equally for this purpose in the Annual Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren hereby authorizes the CFO/QPA to execute any and all documents necessary for the purchase of a Tax Collection Module and related deliverables from BRT Technologies, LLC; 22 Birchwood Lane; Mantua, NJ 08051 as per the attached proposal price of \$6,000.00.

Lastly, the Committee agreed to arrange a meeting with Brightspeed to discuss the expansion of their fiber network. Mayor Klingel, Deputy Mayor Rossi, and Mr. deBoer plan to attend.

ECONOMIC DEVELOPMENT

There was nothing to discuss at this meeting.

REPORTS FROM OFFICIALS

Mr. Fiore commented on correspondence to the Recreation Committee from a Girl Scout requesting to make walking bridges on a trail. Mayor Klingel asked for more information once the Recreation Committee meets with the young lady.

Mayor Klingel appointed Mr. William Maxwell to the Historic Preservation Commission.

EXECUTIVE SESSION

A motion was made by Kovacs, seconded by Fiore, to approve Resolution 24-160, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance with the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 8:00 p.m. Attorney Lavery stated that the Committee would be discussing (3) personnel matters dealing with a temporary DPW position, the Deputy Clerk position, and administrative staff; (3) attorney/client privilege matters dealing with a letter from resident T. Gordon, well monitoring, and a property with an ordinance violation; and (2) contractual matters dealing with a shared service with Washington Borough and lead-based paint inspections. **All were in favor.**

RESOLUTION 2024-160

RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Governing Body of the Township of Washington, County of Warren, will be going in Executive Session; and

WHEREAS, the meeting is not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington will give a brief summary of the meeting upon coming out of Executive Session.

A motion was made by Kovacs, seconded by Fiore, to come out of Executive Session at 8:47 p.m. **All were in favor.** Attorney Lavery stated that the Committee discussed (3) personnel matters dealing with a temporary DPW position, the Deputy Clerk position, and administrative staff; (3) attorney/client privilege matters dealing with a letter from resident T. Gordon, well monitoring, and a property with an ordinance violation; and (2) contractual matters dealing with a shared service with Washington Borough and lead-based paint inspections. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

A motion was made by Kovacs, seconded by Fiore, to approve Resolution 24-162.

ROLL CALL: Kovacs, yes; Fiore, yes; Rossi, yes; Klingel, yes

RESOLUTION #2024-162
RESOLUTION TO AUTHORIZE AND APPROVE
SALARIES AND WAGES FOR CERTAIN EMPLOYEES

WHEREAS, the current annual Salary Ordinance establishes the salaries/wages and compensation for the employees of the Township of Washington, County of Warren.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that the following named employee be compensated on an annual basis effective July 1, 2024 in the amount designated below.

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Raina Fox	Deputy Clerk	\$50,000

A motion was made by Rossi, seconded by Fiore, to authorize the execution of the well monitoring agreement.
ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Klingel, yes

A motion was made by Fiore, seconded by Kovacs, to approve Resolution 24-163.
ROLL CALL: Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

RESOLUTION #2024-163
RESOLUTION AUTHORIZING AN AGREEMENT
FOR LEAD-BASED PAINT INSPECTION SERVICES

WHEREAS, the Township of Washington, County of Warren (“Township”) has a need for services to provide lead-based paint inspections; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., specifically N.J.S.A. 40A:11-5, permits the award of professional services without public advertisement as defined in N.J.S.A. 19:44A-20.7 or competitive bidding, pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Township Committee now desires to appoint Heartland Home Inspections to provide services for the aforementioned services and to enter into an Agreement for Professional Services (“Agreement”) in accordance with the terms of that Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren as follows:

1. The Township Committee hereby authorize the execution of a Professional Services Agreement, a copy of which is annexed hereto, with Heartland Home Inspections to provide lead-based paint inspection services in accordance with the terms set forth attached hereto.
2. This Agreement is awarded without competitive bidding as a “professional service” under the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, which permits such work to be performed without advertising for bids.

BE IT FURTHER RESOLVED that the Township Committee is hereby authorized to execute this resolution and advertise the same according to law.

ADJOURNMENT

Hearing no further business to come before the Committee, a motion was made by Fiore, seconded by Rossi, to adjourn the meeting at 8:50 p.m. **All were in favor.**

Respectfully submitted,

Ann Kilduff, RMC
Township Clerk