

**NOTICE OF SPECIAL TELECONFERENCE MEETING OF THE MAYOR AND  
COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN.**

**Please be advised that a special teleconference meeting of the Mayor and Common Council of the Town of Hackettstown will be held on December 10, 2020 at 7:00pm.**

**While this is a teleconference meeting of the Governing Body, the public will be able to hear and participate and provide public comments during said regular meeting.**

**To listen, and participate in said meeting the public will be able to access the meeting as follows:**

**Join Zoom Meeting Online from your computer:**

**-[www.zoom.com](http://www.zoom.com), enter meeting ID 889 9882 9830, Passcode 820604**

**-From Your Phone, dial 1-929-205-6099. When prompted enter meeting ID 889 9882 9830, when prompted enter Passcode 820604**

**You will now be connected to the meeting and will be able to hear said meeting discussion.**

**When public comment or questions are appropriate during said meeting, the public communication will be opened.**

**The Council Agenda to the extent known and all accompanying documents shall be posted on the Hackettstown website, [www.Hackettstown.net](http://www.Hackettstown.net).**

**Said meeting telecommunication will be initiated from the Hackettstown Municipal Building, 215 West Stiger Street, Hackettstown, NJ.**

**William Kuster**

**Town Clerk/Administrator**

# TOWN OF HACKETTSTOWN

## MUNICIPAL BUILDING

215 STIGER STREET • HACKETTSTOWN • NEW JERSEY 07840

TEL: 908-852-3130 • FAX: 908-852-5728

## AGENDA

### TELECONFERENCE MEETING

DECEMBER 10, 2020

Flag salute.

Mayors opening statement as required by the Open Public Meetings Act.

Roll call.

#### FOR CONSIDERATION:

- Motion to approve the minutes of the November 23, 2020 regular session.
  - Public hearing and final adoption, Ordinance 2020-08, BID 2021 budget.
  - Public hearing and final adoption, Ordinance 2020-09, Stormwater Control Amendment to the LDO.
  - Resolution authorizing budget transfers within 2020 appropriations.
  - Resolution, Chapter 159, insertion of a special item of revenue, Statewide Insurance Fund risk control grant of \$3,000.
  - Resolution, refund of tax overpayments to Blocks: 55, Lot 3, Block 72, Lot 1, Block 82, Lot7, Block 109, Lot 13, Block 119, Lot 1.49, Block 119, Lot 95.01 and Block 125, Lot 5
  - Resolutions (4), tax appeal settlements for:  
Block: 40 Lot: 4.02, Block: 79 Lot: 11, Block: 40 Lot: 2, and Block: 40 Lot: 4.01.
  - Resolution to cancel stale dated checks.
  - Motion to approve check register #2020-22.
  - Motion to amend the PILOT analysis contract with 4ward Planning, Inc relative to the Moudro project.
  - Motion to approve a 3-year contract for the Chief of Police.
  - Motion to award DPW supply and service contracts for 2021.
  - Motion to award a tree service contract for 2021 to Peterson & Sons Tree Service.
  - Motion to hire a DPW Laborer.
  - Motion to approve Raffle License RL:1237.
  - Motion to approve a Special Event for the BID.
- Discussion by citizens.
- Any other matters that may be brought by the Mayor and Council for action.
- Committee reports.
- Mayors report.
- Possible executive session.
- Adjournment.

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The Mayor and Common Council convened in open session via teleconference in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on November 23, 2020. The special meeting opened with a salute to the Flag.

Mayor DiMaio announced that adequate notice of the time, place and manner of this remote public Council meeting, being conducted via teleconference, including the means by which the public may observe and participate, has been provided in accordance with the Open Public Meetings Act by:

- (1) Posting said notice on the municipal building bulletin board and front window of the Municipal Building;
- (2) Emailing said notice to the press and all others who have requested it;
- (3) Posting on the official Town website; and
- (4) Transmission to residents via nixel notification.

Roll Call Vote: Present – Mayor DiMaio, Councilpersons Engelau, Kunz, Lambo and Sheldon

Absent – Councilperson Tynan

The Oath of Office was administered by Mayor Jerry DiMaio to Councilperson Jody Becker for a term expiring December 31, 2021.

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular meeting held on November 12, 2020 as submitted.

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

Abstain – Becker

#### Resolution

WHEREAS, the Town of Hackettstown (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in NJSA 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

WHERE, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Town of Hackettstown (Local Unit) hereby appoints Randall W. May its Risk Management Consultant.
2. The Mayor (authorized representative of the public entity) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2021 in the form attached hereto.

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

Abstain – Becker

Motion was made (Sheldon) and seconded (Engelau) to adopt the following resolution:

Resolution:

WHEREAS, the Town of Hackettstown (hereinafter "Local Unit") is a member of the statewide Insurance Fund (hereinafter "Fund"), a joint insurance funds as defined in NJSA 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Hackettstown that Eric Tynan, Councilperson, is hereby appointed as the Fund Commissioner of the Local Unit of the Fund Year 2021; and

BE IT FURTHER RESOLVED that William Kuster, Town Clerk/ Administrator, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2021; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

Abstain – Becker

Motion was made (Sheldon) and seconded (Lambo) to approve the Risk Management Consultant Agreement for 2021.

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

Abstain – Becker

Motion was made (Engelau) and seconded (Kunz) to adopt the following resolution:

Resolution

WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2020 budget to pay, and

WHEREAS, NJSA 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW, THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

Transfer From:		Transfer To:	
COAH S/W	\$6,085.00	PFRS O/E	\$8,002.00
ECONOMIC COMM O/E	\$5,000.00	PERS O/E	\$1,583.00
		AUDIT O/E	\$1,500.00

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

Abstain – Becker

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2020-21 in the amount of \$323,863.03.

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

**Abstain – Becker**

Robert Goldsmith, Esquire and other associates of Jade Associates spoke regarding the Bergen Tool Phase II proposed project and their request to the Town for consideration of a PILOT.

Motion was made (Sheldon) and seconded (Lambo) to approve the Social Permit application for Apple Food Service of Hackettstown, LLC for a COVID-19 expansion of premises permit and the Social Permit application for Mamas Pizza, Inc. for a COVID-19 expansion of premises permit.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to waive the outside dining tents/membranes fees the the Town between December 1, 2020 and March 31, 2021.

Roll Call Vote: Yes – Becker Engleau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve raffle license #1236 for the Hackettstown Rotary Foundation to hold a calendar raffle.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Mayor DiMaio asked if anyone from the public would like to speak at this time.

No one wished to speak at this time.

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 7:35 PM.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

This is to certify that the ordinances and resolutions contained herein have been approved by me in accordance with law.

\_\_\_\_\_  
Gerald DiMaio, Jr., Mayor

This is to certify that all proper notices, postings and filings required by the Open Public Meetings Act (Chapter 231, P.L. 1975) were provided for this meeting.

\_\_\_\_\_  
William Kuster, Jr., Town Clerk

**ORD 2020-08**

**AN ORDINANCE TO APPROVE AND ADOPT THE 2021 BUDGET FOR THE  
HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC.**

**WHEREAS**, the Hackettstown Business Improvement District, Inc., has submitted the attached budget for the year 2021; and

**WHEREAS**, N.J.S.A. 40:56-84 requires the approval of the special improvement district by the Town governing body; and

**WHEREAS**, the ordinance creating the special improvement district requires, in paragraph 6, the approval of the annual budget by the Town governing body.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Hackettstown, in the County of Warren and State of New Jersey, as follows:

**Section One:** The attached 2021 budget of \$320,972.50 of the Hackettstown Business Improvement District is approved.

**Section Two:** The Ordinance of the Town of Hackettstown entitled "An Ordinance to Approve and Adopt the 2021 Budget for the Hackettstown Business Improvement District, Inc." is supplemented and amended to approve the attached tier system for the district. All Tier I properties will be charged at .152 of the assessed value of records as of August 1, 2020, all Tier II properties will be charged at .1198 of the assessed value of records as of August 1, 2020, all Tier III properties will be charged \$4,575.00 annually and all Tier IV properties will be charged \$8,668.00 annually.

**Section Three:** The Town Clerk is directed to post a copy of this Ordinance on the bulletin board of the Municipal Building.

**Section Four:** A copy of the line by line Budget is available in the office of the Town Clerk on weekdays from 9:00 A.M. to 5:00 P.M.

**Section Five:** Adoption of this Ordinance shall require approval by a majority of the full membership of the governing body.

**Section Six:** This Ordinance shall take effect upon the publication of notice of final adoption as provided by law.

**NOTICE**

Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Common Council of the Town of Hackettstown, New Jersey, held on November 12, 2020, and that at a regular meeting of the same, to be held remotely (access information available on Town website: <https://www.hackettstown.net/>) as a consequence of the Covid-19 emergency, on December 10, 2020 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, at the hour of 7:00 p.m., the said Common Council will conduct a public hearing and will consider the final passage of said ordinance.

WILLIAM W. KUSTER, JR. Town  
Clerk/Administrator

**ORD 2020-08**

**AN ORDINANCE TO APPROVE AND ADOPT THE 2021 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC.** was the subject of a public hearing and was duly considered at a meeting of the Common Council of the Town of Hackettstown held on December 10, 2020 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, and said Ordinance was thereupon adopted upon final passage.

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**WILLIAM W. KUSTER, JR.**  
Town Clerk/Administrator

The above Ordinance is approved this  
10<sup>th</sup> day of December, 2020

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Gerald DiMaio, Jr., Mayor

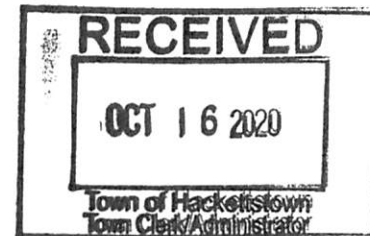


# **HIDOWN** uncover the many layers of **Hackettstown**

Town of Hackettstown  
Mayor & Town Council  
215 Stiger Street  
Hackettstown, NJ 07840

October 15, 2020

Dear Mayor and Council,



On behalf of the Board of Directors of the Hackettstown Business Improvement District, we respectfully submit this proposed 2021 budget. The preparation of this budget follows the town's preferred budget format.

We are submitting a budget that mirror's the 2020 budget, although we have decreased several line items and have added some new events. We also have reduced the budget from last years, while reflecting no increase to the BID Assessments.

The year 2020 has certainly been a challenging year for us all, to include our community and the BID businesses. Since many of our regular events had been cancelled due to the pandemic, the BID focused strongly on how best to support our businesses while keeping the community engaged in a safe way. Although it is difficult to predict what 2021 will bring, we are hopeful that we will be able to plan and execute all of the amazing BID events that our town and community have grown to love.

Noteworthy highlights from 2020 include:

- The installation of the Outdoor Dining Tent in the Municipal Parking lot was to help support those businesses during the pandemic who did not have outdoor dining options. It was erected at the end of June and will remain available for all to use through October. This was a great partnership and collaboration with the Town of Hackettstown, the Parking Authority, DPW, Hackettstown Recreation and the BID.
- The BID welcomed two new businesses to town: 6 Daughter Soap Boutique and Canna Campus! A great testament to Hackettstown, proving that businesses want to be a part of our great town...even during a pandemic!
- Late Night Thursdays were re-introduced being offered EVERY Thursday along with 12 weeks of a FREE LNT Summer Concert Series under the Outdoor Dining Tent. Businesses offered events such as specials, Paint and Sip events and more!
- The BID partnered with the Hackettstown Recreation Department to host two summer lawn movies bringing over 200 participants to each event with social distancing. The community was so thankful for an opportunity to partake in a family-friendly outing that was in a safe, outdoor environment.
- A Feasibility Study was completed for a possible Public Market/Food Hall, compiled by Hoffman Strategies. The Study showed that Hackettstown is ready and feasible for a Public Market. A Steering Committee has been established and they are researching the next steps in this project.

# **HIKEDOWN** uncover the many layers of **Hackettstown**

As we move into 2021, we will continue to assist the businesses of the BID area in new and innovative ways through lectures, training, new events and more. We will also focusing on how to include the Mountain Avenue businesses as well as others who are seeking our assistance.

Additionally, we would like to ask you to consider adding a few properties to our BID district. Since our inception in 2004, several properties have transitioned from commercial to residential and vice versa. We would respectfully request that you review the current use of these properties listed below to assess that they meet the criteria for being within the BID district.

105 Maple Avenue  
200 Valentine Street  
400 Valentine Street  
223 Stiger Street  
300 Stiger Street

Grand Rental Station  
Hackettstown CrossFit, Hollie Studios, Aqua Tech  
North Jersey Civic Youth Ballet  
Office Building with several tenants  
Large commercial building with tenants such as  
Giant Gymnastics

The board and staff of the Hackettstown BID recognize that we are truly fortunate to have the support and dedication of a core group of volunteers and a wonderful partnership with the town's leadership and town's departments. We are very excited as we look forward to further strengthening these relationships and working with a shared vision to promote - with pride - the "many layers of Hackettstown" as a shopping, dining, entertainment and tourist destination.

Thank you for your consideration of this proposed budget, as well as, the review of the listed properties as members of the BID district.

Sincerely,

*Laurie L. Rapisardi*

*Joe Fisher*

Laurie Rapisardi, Executive Director  
Hackettstown Business Improvement District

Joe Fisher, Treasurer  
Hackettstown BID Board

## Assessment Rate Calculations

### 2021 Budget Rate Calculations

	# of Properti	Gross RE Value	Rate	* Flat fee	Assessment amount
Tier 1	88	\$43,882,200.00	0.00152		\$66,700.94
Tier II	159	\$86,134,350.00	0.001198		\$103,188.95
Tier III	7	\$38,084,900.00		\$ 4,575.00	\$32,025.00
Tier IV	1	\$25,000,000.00		\$ 8,668.00	\$8,668.00
		<u>\$193,101,450.00</u>			
			Gross Revenue		<u>\$210,582.90</u>
			Uncollected		<u>\$5,070.21</u>
			Net Revenue		<u>\$205,512.69</u>

Savings account      9/30/2019    \$ 5,037.63

Real Estate Values as per Tax Assessor Report dated 10/1/20

### 2020 Budget Rate Calculations

	# of Properti	Gross RE Value	Rate	* Flat fee	Assessment amount
Tier 1	88	\$43,780,800.00	0.00152		\$66,546.82
Tier II	160	\$85,835,050.00	0.001198		\$102,830.39
Tier III	7	\$38,084,900.00		\$ 4,575.00	\$32,025.00
Tier IV	1	\$25,000,000.00		\$ 8,668.00	\$8,668.00
		<u>\$192,700,750.00</u>			
			Gross Revenue		<u>\$210,070.21</u>
			Uncollected		<u>\$5,070.21</u>
			Net Revenue		<u>\$205,000.00</u>

Savings account      10/4/2020    \$ 5,040.80

Real Estate Values as per Tax Assessor Report dated 8/13/2019

### 2019 Budget Rate Calculations

	# of Properti	Gross RE Value	Rate	* Flat fee	Assessment amount
Tier 1	88	\$43,949,800.00	0.00149		\$65,485.20
Tier II	160	\$86,573,250.00	0.00117		\$101,290.70
Tier III	6	\$35,861,971.90		\$ 4,488.00	\$26,928.00
Tier IV	1	\$25,000,000.00		\$ 8,568.00	\$8,568.00
		<u>\$191,385,021.90</u>			
			Gross Revenue		<u>\$202,271.90</u>
			Uncollected		<u>\$4,595.90</u>
			Net Revenue		<u>\$197,676.00</u>

Savings account      8/31/2018    \$ 5,032.36

Real Estate Values as per Tax Assessor Report dated 8/1/2018

# Hackettstown Business Improvement District 2021 Budget Proposal

15-Oct-20

Income	2020	2020	2021	2019
	JAN-SEPT	Budget	Proposal	Actual
4003 — Checking Acct Interest	7.66	20.00	20.00	20.19
4004 — Savings Interest		0.00	2.50	
4213 — Oktoberfest	0.00	10,000.00	7,500.00	4,736.72
4212 — Malfest	0.00	5,000.00	5,000.00	772.72
4211 — Refunds	0.00	200.00	200.00	0.00
4002 — Prior Years Uncollected	3,344.82	5,000.00	4,000.00	1,763.30
4105 — Autumn Lamplight Dinner	0.00	9,500.00	9,000.00	12,763.00
4001 — Payroll Tax Refund	0.00	0.00	0.00	109.64
4300 — Donation	28,177.00	130.00	500.00	400.00
4209 — Spring Festival Carnival				
42095 — Sponsorship Income	1,000.00	12,000.00	10,000.00	10,934.42
42094 — Rides and Amusement Income		23,000.00	20,000.00	19,280.00
42093 — Exhibitor Fee	1,375.00	12,000.00	10,000.00	9,546.51
42092 — Food Vendor Deposit	100.00	0.00	0.00	100.00
42091 — Food Vendor Fee	600.00	3,000.00	3,000.00	750.00
Total 4209 — Spring Festival Carnival	3,075.00	50,000.00	43,000.00	40,610.93
4207 Misc. Events	250.00		1,000.00	
4205 — Street Fair	700.00	4,000.00	3,000.00	3,000.00
4204 — Concert Series Sponsorships		0.00	0.00	
4203 — St Patricks Day Parade				
42035 — St Patricks Celebrity Bartender		2,000.00	1,500.00	1,402.72
42034 — St Pats Vendors	450.00	500.00		
42033 — St Pats Merchandise Sales		600.00		
42032 — St Pats Reception	2,880.00	5,000.00	5,000.00	7,885.79
42031 — St Pats Sponsorship	3,000.00	15,000.00	12,000.00	10,684.42
Total 4203 — St Patricks Day Parade	6,330.00	23,100.00	18,500.00	19,972.93
4202 — Hometown Holiday	1,000.00	6,500.00	5,000.00	2,804.72
4201 Decorative Throws & Misc.Sales				2,318.24
4104 — BID Bucks	160.00	250.00	250.00	650.00
4103 — Advertising		4,000.00	0.00	750.00
4102 Maintenance Clean Communities		3,500.00	3,500.00	3,500.00
4000 — Assessments (Net)	152,217.80	205,000.00	205,000.00	193,652.40
7213 Summer Lawn Movie			1,500.00	
4400 GRANTS	1,000.00		5,000.00	
7212-Summer Concert Series			4,000.00	
Winterfest 2021			5,000.00	
<b>Total Income</b>	<b>196,262.28</b>	<b>326,200.00</b>	<b>320,972.50</b>	<b>287,824.79</b>

## Expense

Consultant-Professional Fees	25,987.55		0.00	1,690.00
Bank-Finance Charges	94.03			1,387.27
8000- Depreciation				
5008 — Business Recruitment	28.52	4,000.00	6,500.00	67.62
6000 — Payroll Expenses				10,481.25
60003 — Flower Program	1,075.25	5,000.00	5,000.00	407.01
60002 — Maintenance Labor	2,830.32	10,000.00	10,000.00	10,026.99
60001 — Administrative Assistant	5,967.41	28,000.00	20,000.00	27,054.99
60004 — Executive Director	42,518.49	75,000.00	75,000.00	82,357.74
Gral Ledger Audited Adjust.				
Add - GRANT WRITER	3,195.00		8,000.00	
ADD -Social Media	2,728.41		8,000.00	

6000 — Payroll Expenses - Health Care

Total 6000 — Payroll Expenses

6008 — Payroll Fees

5011 — Website Management

7211 — Malfest EXP

7210 — Oktoberfest EXP

5106 — Postage

7100 — Autumn Lamplight Dinner Exp

5105 — Misc Office Exp

7209 — Spring Festival Carnival Exp

7208 — Decorations Holiday EXP

7207 — Misc Events Exp

7205 — Street Fair Exp

7204 — Concert Series Exp

7203 — St Patricks Day Parade Exp

72034 — St Pats Day Parade Bands

72033 — St Pats Day Parade Merchandise

72032 — St Pats Day Parade Reception

72031 — St Pats Day Sponsorship

7203 St. Pats Exp.Other

Total 7203 — St Patricks Day Parade Exp

7202 — Hometown Holiday Exp

6500- Sub contractor

6011 — NJ State Filing Fees

6010 — Education- Seminars

6009 — Phone

60093 — Office Phone

60092 — Cell Phone

60091 — Internet

Total 6009 — Phone

6007 — Office Rent

6006 — Office Utilities

6005 — Accountant

6004 — Travel Expenses

6003 — Association Dues

6002 — Insurance

60023 — INS. D & O

60022 — INS. Commercial Pkg.

60021 — INS. Workers Com

Total 6002 — Insurance

6001 — Payroll Taxes BID

5104 — Misc - Maintanence

5103- Clean & Safe

5101 — Planter Program

51012 — Hanging baskets

51011 — Flower Pots

Total 5101 — Planter Program

5100 — VIP Grant

5009 — Marketing - Misc

5007 — BID BUCK

5000 — Advertising/ Marketing

5001 — Digital-on-line

5002 — Radio- Show

5003 — Radio

5005 — Print

	2,499.96		5,000.00	
Total 6000 — Payroll Expenses	60,814.84	118,000.00	131,000.00	130,327.98
6008 — Payroll Fees	5,289.32	1,700.00	2,000.00	1,814.83
5011 — Website Management	497.69	467.00	500.00	1,017.68
7211 — Malfest EXP		5,000.00	5,000.00	6,424.50
7210 — Oktoberfest EXP		10,000.00	10,000.00	6,160.00
5106 — Postage	93.75	350.00	350.00	221.21
7100 — Autumn Lamplight Dinner Exp		7,000.00	7,000.00	9,263.27
5105 — Misc Office Exp	2,864.80	2,000.00	2,500.00	3,456.81
7209 — Spring Festival Carnival Exp	525.00	26,000.00	28,000.00	23,548.05
7208 — Decorations Holiday EXP	5,025.00	6,000.00	6,000.00	5,480.00
7207 — Misc Events Exp	3,801.77	2,000.00	1,000.00	719.52
7205 — Street Fair Exp		3,000.00	3,000.00	3,327.92
7204 — Concert Series Exp		3,000.00	0.00	4,137.00
7203 — St Patricks Day Parade Exp				6,986.35
72034 — St Pats Day Parade Bands	1,910.85	12,000.00	12,000.00	11,575.00
72033 — St Pats Day Parade Merchandise		300.00	300.00	
72032 — St Pats Day Parade Reception	4,295.90	4,500.00	4,500.00	4,142.00
72031 — St Pats Day Sponsorship		2,000.00	2,000.00	
7203 St. Pats Exp.Other	2,069.43		2,500.00	
Total 7203 — St Patricks Day Parade Exp	8,276.18	18,800.00	21,300.00	22,703.35
7202 — Hometown Holiday Exp	200.00	7,000.00	6,500.00	5,680.10
6500- Sub contractor				4,143.75
6011 — NJ State Filing Fees	55.68	170.00	170.00	295.58
6010 — Education- Seminars		100.00	100.00	374.91
6009 — Phone				
60093 — Office Phone	473.56	400.00	400.00	534.59
60092 — Cell Phone	400.00	600.00	600.00	600.00
60091 — Internet	730.13	1,000.00	1,000.00	937.27
Total 6009 — Phone	1,603.69	2,000.00	2,000.00	2,071.86
6007 — Office Rent	12,000.00	14,400.00	14,400.00	14,400.00
6006 — Office Utilities	1,472.27	1,600.00	1,600.00	1,675.81
6005 — Accountant	4,250.00	3,500.00	9,000.00	4,100.00
6004 — Travel Expenses		750.00	500.00	229.68
6003 — Association Dues	425.00	2,500.00	2,500.00	1,846.55
6002 — Insurance				
60023 — INS. D & O	1,003.60	1,200.00	1,380.00	1,486.96
60022 — INS. Commercial Pkg.	5,024.58	4,800.00	5,520.00	4,923.00
60021 — INS. Workers Com	896.00	1,200.00	1,380.00	1,281.00
Total 6002 — Insurance	6,924.18	7,200.00	8,280.00	7,690.96
6001 — Payroll Taxes BID	17,002.62	12,000.00	12,000.00	10,573.23
5104 — Misc - Maintanence	540.05	1,000.00	1,000.00	989.60
5103- Clean & Safe				
5101 — Planter Program				
51012 — Hanging baskets	2,764.00	2,000.00	3,000.00	1,617.92
51011 — Flower Pots		2,000.00	3,500.00	2,845.86
Total 5101 — Planter Program	2,764.00	4,000.00	6,500.00	4,463.78
5100 — VIP Grant		3,000.00	3,000.00	
5009 — Marketing - Misc		0.00	0.00	1,837.21
5007 — BID BUCK	397.00	500.00	500.00	855.00
5000 — Advertising/ Marketing	900.00			2,700.00
5001 — Digital-on-line	2,003.00	16,000.00	5,000.00	6,927.28
5002 — Radio- Show		4,800.00	0.00	1,500.00
5003 — Radio	1,300.00	12,000.00	10,000.00	18,680.00
5005 — Print	1,100.00	5,000.00	3,272.50	6,743.54

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**Total 5000 — Advertising/ Marketing**  
**Outdoor Dining Tent ?**  
**Lawn Movie (2 in summer)**  
**Late Night Thursday Concert Series**  
**Winterfest 2021**  
**Total Expense**

<b>5,303.00</b>	<b>37,800.00</b>	<b>18,272.50</b>	<b>36,550.82</b>
<b>1,688.85</b>			
<b>1,213.99</b>		<b>1,500.00</b>	
<b>3,891.34</b>		<b>4,000.00</b>	
		<b>5,000.00</b>	
<b>173,030.12</b>	<b>304,837.00</b>	<b>320,972.50</b>	<b>319,525.85</b>

**Ordinance No. 2020 -  
Ordinance To Amend Section 525 Of The Land Development Ordinance  
Entitled "Stormwater Control" To Reflect Amendments To The  
New Jersey Stormwater Management Rules At N.J.A.C. 7:8, Adopted March 2, 2020**

WHEREAS, the Town of Hackettstown has a Stormwater Control Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Control Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021;

**NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY THAT SECTION 525 OF THE LAND DEVELOPMENT ORDINANCE, ENTITLED "STORMWATER CONTROL", IS AMENDED AS FOLLOWS:**

**Section One - Section 525 of the Land Development Ordinance entitled "Stormwater Control" shall be replaced in its entirety as follows:**

**525 - Stormwater Control**

**Section 1. Scope and Purpose:**

**A. Policy Statement**

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

## B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 525-2.

## C. Applicability

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

## D. Compatibility with Other Permit and Ordinance Requirements

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

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

## **Section 2. Definitions:**

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

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



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

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

**“Compaction”** means the increase in soil bulk density.

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

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

**“County review agency”** means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

**“Department”** means the Department of Environmental Protection.

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

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

**“Development”** means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for

which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

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.

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

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

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

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

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

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

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

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

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

"Municipality" means any city, borough, town, township, or village.

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

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

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

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

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

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

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

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately

prior to its construction or an existing system for which a new discharge location is created);

3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

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

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

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

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

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

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

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

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

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

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or

to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

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

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

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

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

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

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

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

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

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

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

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

### **Section 3. Design and Performance Standards for Stormwater Management Measures**

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

### **Section 4. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 525-10.
- 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 Sections 525-4P, 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 Sections



525-4O, 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 Sections 525-4O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Sections 525-4O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 525-4D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 525-4O, 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 Sections 525-4O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0	Yes	No	
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a) (g)</sup>	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

*(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page 13)*

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

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page 13)*

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b> <b>Stormwater Runoff Quantity</b> <b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(b)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	80	Yes	No	
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- a. subject to the applicable contributory drainage area limitation specified at Section 525-40(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 525-2;
- h. manufactured treatment devices that do not meet the definition of green infrastructure at Section 525-2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 525-6B. Alternative stormwater management measures may be used to satisfy the requirements at Section 525-4O only if the measures meet the definition of green infrastructure at Section 525-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 525-4O(2) are subject to the contributory drainage area limitation specified at Section 525-4O(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 525-4O(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 525-4D is granted from Section 525-4O.**
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.**
- I. Design standards for stormwater management measures are as follows:**
- 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);**
  - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the**

width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 525-8C;

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 525-8; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section 525-4O(4).
- K. Any application for a new agricultural development that meets the definition of major development at Section 525-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 525-4O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 525-4P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Warren County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 525-4O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State

Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 525-10B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 525-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Warren Office of the County Clerk or the registrar of deeds and mortgages, as applies and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Section 525-4M 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 Section 525-4M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Sections 525-4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 525-4F and/or an alternative stormwater management measure approved in accordance with Section 525-4G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section 525-4R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 525-4G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 525-4D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 525-4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 525-4P, 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 Sections 525-4P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 525-4D.

**P. Groundwater Recharge Standards**

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 525-5, either:



- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to Section 525-4P(4) below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

**Q. Stormwater Runoff Quality Standards**

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty (80%) percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

- 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**

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

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

$$R = A + B - (A \times B) / 100,$$

Where

*R* = total TSS Percent Load Removal from application of both BMPs, and

*A* = the TSS Percent Removal Rate applicable to the first BMP

*B* = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Sections 525-4P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 525-5, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

#### **Section 5. Calculation of Stormwater Runoff and Groundwater Recharge:**

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

1. The design engineer shall calculate runoff using one of the following methods:
  - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as

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

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 525-5A(1)[i] and the Rational and Modified Rational Methods at Section 525-5A(1)[ii]. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

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

**Section 6. Sources for Technical Guidance:**

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

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](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](https://www.njstormwater.org/maintenance_guidance.htm).

- B. Submissions required for review by the Department should be mailed to:**

The Division of Water Quality, New Jersey Department of Environmental Protection,  
Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

**Section 7. Solids and Floatable Materials Control Standards:**

A. Site design features identified under Section 525-4F above, or alternative designs in accordance with Section 525-4G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 525-7A(2) below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
  - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;



- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii.

Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

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.

#### **Section 8. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Sections 525-8C(1), 525-8C(2) and 525-8C(3) for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
  - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
  - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
  - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 525-8C, a free-standing outlet structure may be exempted from this requirement;
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 525-8E for an illustration of safety ledges in a stormwater management BMP; and

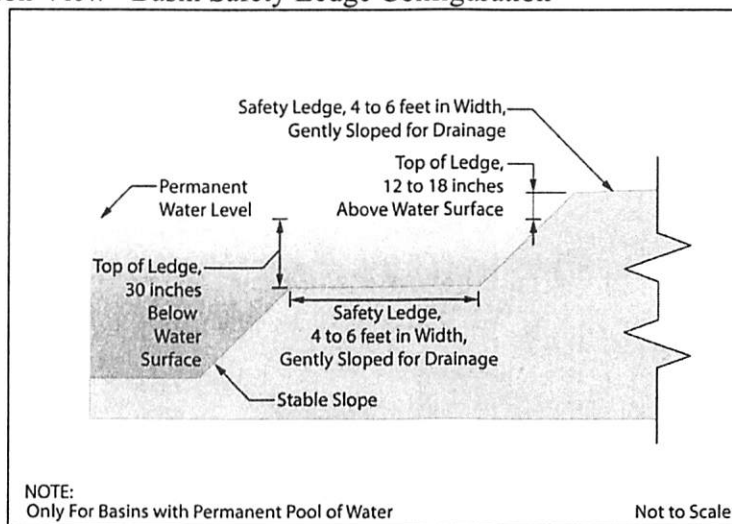
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

#### 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



### Section 9. Requirements for a Site Development Stormwater Plan:

#### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 525-9C 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 five (5) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 525-9C of this ordinance.

#### B. Site Development Stormwater Plan Approval

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

### **C. Submission of Site Development Stormwater Plan**

The following information shall be required:

#### **1. Topographic Base Map**

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

#### **2. Environmental Site Analysis**

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

#### **3. Project Description and Site Plans**

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

#### **4. Land Use Planning and Source Control Plan**

This plan shall provide a demonstration of how the goals and standards of Sections 525-3 through 525-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### **5. Stormwater Management Facilities Map**

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

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

#### **6. Calculations**

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 525-4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### **7. Maintenance and Repair Plan**

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 525-10.

#### **8. Waiver from Submission Requirements**

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 525-9C(1) through 525-9C(6) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it

would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## **Section 10. Maintenance and Repair:**

### **A. Applicability**

Projects subject to review as in Section 525-1C of this ordinance shall comply with the requirements of Sections 525-10B and 525-10C.

### **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. Maintenance Plans:**

a. 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.

b. Stormwater facilities shall be constantly maintained by the owner or association to assure continual functioning of the system at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. Maintenance responsibilities, inspection schedules and tasks will be clearly shown in the proposed plan. In no case shall water be allowed to remain in any facility long enough to trigger a mosquito breeding disease or cause any other type of health problem. The maintenance plan must include inspection routines to reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts, including inspection checklists. Inspection checklists may address such items as:

- (1) Obstruction of inlet devices by trash and debris;
- (2) Evidence of erosion, sedimentation or instability;
- (3) Malfunctioning of valves, gates, locks, access hatches or equipment;
- (4) Deteriorated conduit outlet or seepage around outlet;
- (5) Cracks or other deterioration of inlets, outlets, pipes, and conduits;
- (6) Inadequate draining, clearing or clogging of control devices;
- (7) Trimming, cutting or mowing of vegetation as required;
- (8) Erosion and debris in emergency spillways and/or filter strips;
- (9) Deterioration of downstream channels/conduits;

- (10) Invasive or noxious weeds out of character with those specified;
  - (11) Saturated conditions or standing water;
  - (12) Animal burrowing; and
  - (13) Vandalism or other non-specified occurrences.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 525-10B(3) above is not a public agency, the maintenance plan and any future revisions based on Section 525-10B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 525-10B(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 Sections 525-10B(3) and 525-10B(7).

iv. Beginning on January 31, 2019, make annual submissions to the municipality, no later than January 31<sup>st</sup>, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.

8. The requirements of Sections 525-10B(3) and 525-10B(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

## **Section 11. Private Drain Retrofitting**

### **A. Purpose.**

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

### **B. 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.

- a. **Municipal separate storm sewer system (MS4)**– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Town of Hackettstown or other public body, and is designed and used for collecting and conveying stormwater.
- b. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. **Storm drain inlet**- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. **Waters of the State** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

#### **B. Prohibited Conduct.**

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

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

#### **C. Design Standard.**

Storm drain inlets identified in Section B above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see C-3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

2. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
3. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
4. This standard does not apply:
  - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - ii. A bar screen having a bar spacing of 0.5 inches.
  - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
  - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### D. Enforcement.

This ordinance shall be enforced by the Superintendent of the Department of Public Works of the Town of Hackettstown or the Town Engineer.

#### Section 12.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties.

- A. A Fine up to Two Thousand Dollars. Each day a violation continues shall constitute a separate offense.

**Section Two** - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section Three** - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

NOTICE

Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Common Council of the Town of Hackettstown, New Jersey, held on November 12, 2020 and that at a regular meeting of the same to be held on December 10, 2020 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, at the hour of 7:00 p.m., the said Common Council will consider the final passage of said ordinance.

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William W. Kuster, Jr.  
Town Clerk/Administrator

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