LEBANON BOROUGH COMMON COUNCIL
Wednesday, September 16, 2020

The Regular Meeting of the Lebanon Borough Common Council was called to order by Mayor James J Pittinger at 7:30 pm.

The meeting was convened in compliance with the Open Public Meeting Act of 1975; notice was sent to three local newspapers and posted on the bulletin board at Borough Hall.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mayor Pittinger.

MOMENT OF SILENCE:

As of today, a total 8499 of American Service Members have given their lives for our Country in the war against terrorism, New Jersey total remains at 130. Mayor Pittinger requested a moment of silence in remembrance of all the service men and women who have paid the ultimate sacrifice. On behalf of a grateful nation, they are truly heroes.

ROLL CALL:

Present: Mayor Pittinger, Councilwoman Saharic Council President Burton, Councilman Berger, Councilman Junge, and Councilwoman Baldinger
Absent: Councilwoman Harris
Also, Present: Administrator /Clerk Karen M Romano RMC
and Attorney Judith Novak Esq.

RESOLUTION #103-2020:
Council President Burton made a motion to approve Resolution 103-2020 the Consent Agenda. With a second by Councilman Berger.

COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 103-2020
CONSENT AGENDA

All matters listed under the Consent Agenda are routine by the Governing Body of Lebanon Borough and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired that item may be removed from the Consent Agenda and considered separately.

1. Fire Marshall Report
2. Finance Report
3. Tax Assessor Report
4. Animal Control Report

Introduced and adopted: September 16, 2020
Ayes: Saharic, Burton, Berger, Junge, Baldinger
Nays:
Abstain:
Absent: Harris

LEBANON BOROUGH COUNCIL

_____
Richard J. Burton, Council President

ATTEST:_____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the September 16, 2020 force and effect as of the date I have subscribed my signature.

Date: September 16, 2020

_____
Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

APPROVAL OF MINUTES:

Council President Burton made a motion to approve the August 2020 regular meeting minutes. With a second by Councilman Junge.

The Motion was passed by the following vote:
YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

OPEN PUBLIC SESSION:

Council President Burton made a motion to open the public session. Councilman Berger seconded the motion with the unanimous approval of Council the floor was opened.

Trooper Tim Sanderson reported in the Heights of Lebanon an adult was charge with serving a mirror. The Car brakes ins on Brunswick Ave consisted of four cars. The brakes happens around 4 am. Trooper Sanderson suggest people lock there doors, especially during the summer months. The investigation will include going through home camera footage and he reminded everyone of the forms to register your cameras is on the website.

Ben Valliere of Brunswick Ave stated the Lantern looks great. Ben also stated he believes the Borough Hall parking lock should be equipped with camaras for he believed that is where the burglars parked.

There being no further public comment Councilman Berger made a motion to close the public session. Councilman Junge seconded the motion with the unanimous approval of Council the floor was closed.

Attorney Novak explained Ordinance 2020-08 the New Multi-Family Zoning Ordinance.

ORDINANCE 2020-08 Re-INTRODUCED:
Council President Burton made a motion to adopt Ordinance 2020-08 with a second by Councilman Berger.

BOROUGH OF LEBANON

COUNTY OF HUNTERDON
STATE OF NEW JERSEY

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, AMENDING AND SUPPLEMENTING CHAPTER 295, ENTITLED "ZONING", TO CHANGE THE BOROUGH ZONING MAP AND TO ESTABLISH A NEW R-MF-12, MULTIFAMILY RESIDENCE 12 DISTRICT, AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Borough of Lebanon has a constitutionally mandated obligation to provide through its zoning ordinance a realistic opportunity for the creation of its fair share of the region's need for affordable housing; and

WHEREAS, the Borough Council has created the realistic opportunity for the creation of affordable housing and desires to create additional opportunities for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands known as 400 and 500 Corporate Drive, identified as Block 4, Lots 1.03 and 1.04, respectively, are suitable for inclusionary development: and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Lebanon that a new multi-family residence district shall be established and designated as R-MF-12, Multi-Family Residence 12 District, with the zoning map to be changed to reflect the new district, and to set forth standards and criteria in the district as follows:

SECTION 1.

Chapter 295 entitled "Zoning", Subsection 295-5 is revised to modify and include the following definitions:

MAXIMUM BUILDING COVERAGE – The maximum area of a lot permitted to be covered by buildings or structures, principal and accessory.

MAXIMUM LOT COVERAGE – The maximum area of the lot permitted to be covered by any buildings and structures as defined in "maximum building coverage" and other impervious surfaces.

STREET, PUBLIC – A thoroughfare, however designated, which is open to travel, public or private, and designated by the Borough Council or other governmental entity as a publicly-owned street.

STREET, PRIVATE – A street that has not been dedicated or accepted by the Borough or other governmental entity as a public street.

SECTION 2.

Chapter 295 entitled "Zoning", Subsection 295-101 is revised to add the new zone district of Multifamily Residence 12:

§295-101. Zone Districts.

A. Designation of zoning districts. For the purposes of this Chapter, the Borough of Lebanon is hereby divided into the following districts or zones, which terms may be used interchangedly, to be designated as follows:

One-Family Residence (20,000 square feet)	R-1-20
One-Family Residence (15,000 square feet)	R-1-15
One-Family Residence (professional)	R-1-15P
Multifamily Residence	R-MF
Multifamily / Affordable Housing Element	R-MF/AH
Local Business	C-LB
Research-Office-Manufacturing	ROM-100,000
Research-Office-Manufacturing/Commercial	ROM-C-200,000
Research-Office-Manufacturing/Commercial	ROM-C-100,000
Multifamily Residence 10	R-MF-10
Multifamily Residence 12	R-MF-12

SECTION 3.

Chapter 295 entitled "Zoning", Subsection 295-115 is hereby deleted in its entirety and replaced as follows:

§ 295-115. Multifamily Residence 12, R-MF-12 District

A. Definitions. The following definition shall apply only to the Multifamily Residence 12 District:

TRACT – The area encompassed by Block 4, Lots 1.03 and 1.04. The MF -12 District shall have access from Corporate Drive, a private road.

B. Permitted Principal Uses.

(1) Multi-family dwellings.

C. Permitted Accessory Uses.

(1) Public or private recreation facilities, including pools and decks.

(2) Fences and walls.

(3) Off-street parking.

(4) Parking garages and/or deck incorporated into the building design.

(5) Trash enclosures.

(6) Signs.

(7) Public and private utilities.

(8) Leasing and management office, mail room, lounges, game rooms, and similar interior tenant amenities.

(9) Storage spaces unattached to the units, but used by occupants of units, which are incorporated into, and located within, the multi-family residential building. Storage spaces shall be a minimum of 300 cubic feet per unit.

(10) Dog spa or pet grooming facility, not including boarding or veterinarian services, intended only for the residents of the multi-family development and located within the principal structure.

(11) Electric vehicle charging stations.

(12) Emergency generators.

D. Area, Bulk and Yard Requirements.

(1) Minimum tract area – 22 acres, inclusive of Corporate Drive.

(2) The standards in subsection (3) through (10) below shall apply to the entire tract.

(3) Minimum building setbacks:

(a) Front yard setback (measured from the Corporate Drive right-of-way and/or easement) – 20 feet.

(b) Rear yard setback (Route 78) – 30 feet.

(c) Side yard – 40 feet.

(4) Density – 12.7 units per acre, up to a maximum of 280 units.

(5) Minimum distance between buildings – 22 feet.

(6) Maximum building length of any facade – 350 feet.

(7) Maximum building coverage - 15%.

(8) Maximum lot coverage - 60%.

(9) Maximum building height – 4 stories and 55 feet, which is measured to the midpoint of a pitched roof.

(10) Maximum number of principal buildings – two per lot, four per zone.

E. Affordable Housing Requirements.

(1) Fifty-six (56) units shall be reserved for, and affordable to, very-low, low- and moderate-income households regardless of tenure. The affordable units shall be family rental units.

(2) The income distribution of the affordable units shall be: twenty-eight (28) units reserved for moderate-income households, twenty (20) units shall be reserved for low-income households, and eight (8) units shall be reserved for very-low income households.

(3) The affordable units shall have at least a thirty- (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.

(4) The bedroom distribution shall be: twelve (12) three-bedroom units, thirty-three (33) two-bedroom units, and eleven (11) one-bedroom units. Each income distribution of the affordable units shall be proportionally distributed across each bedroom category.

(5) The developer shall be responsible for retaining the Borough's Administrative Agent, or an approved equivalent as permitted by the Borough, at the developer's sole cost and expense.

(6) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.

(7) The affordable units shall be dispersed throughout the site and provided in accordance with the phasing schedule in N.J.A.C. 5:93-5.6(d).

F. Lighting.

(1) LED lights of the warm white category, 2,700K color temperature, shall be used in parking areas.

(2) Parking lot lighting shall be no more than twenty (20) feet in height.

(3) A minimum of one-fifth (0.2) footcandle and an average of one (1) footcandle shall be maintained within parking areas. A minimum average of 0.3 footcandle shall be maintained over all pedestrian walkways.

(4) Parking lot fixtures shall be full cut off, with no light emitted above 90 degrees.

(5) Footcandles at the tract boundary shall not exceed one (1) footcandle, except where there are entrance/exit driveways and common access drives.

(6) The entire outdoor lighting design shall be analyzed using industry standard lighting software.

G. Parking Requirements.

(1) All parking spaces shall measure no less than nine (9) feet in width by eighteen (18) feet in length, except ADA accessible parking designed in accord with ADA standards.

(2) Off-street parking shall be provided in accordance with RSIS.

(3) There shall be no parking of recreational vehicles, trailers, or boats.

(4) Hairpin striping shall be utilized to delineate parking spaces.

(5) Off-street parking shall be designed to prohibit vehicles from backing up into any access driveway within fifty (50) feet of the curbline of an intersecting street.

(6) Up to four (4%) percent of the parking may be compact spaces, which shall measure no less than eight and one-half (8.5) feet by sixteen (16) feet. If compact spaces are utilized, they shall be clearly marked as such.

(7) Handicapped parking shall be located and detailed as per State regulations.

H. Pedestrian Circulation.

(1) Walkways and/or sidewalks shall link all buildings within each section of the development. Said walkways/sidewalks shall be a minimum of four (4) feet wide.

(2) Where walkways and/or sidewalks traverse streets, driveways, and/or access aisles, crosswalks shall be delineated by striping of a contrasting color or material.

(3) Benches shall be located throughout the site along the pedestrian network. Benches shall be installed, at a minimum of one (1) for every six hundred (600) linear feet of walkway.

I. Recreation and open space.

(1) A minimum of five (5%) percent of the tract shall be open space for the use of residents. This may be linear walking paths, passive spaces, active recreation areas or the like.

(2) Due to the zone's location, on the opposite side of Route 22 as the Borough's park, an active recreation area shall be provided for children living within the development. This recreation area shall include, at a minimum, three pieces of equipment. Examples include, but are not limited to swings, slide, nets, and climbers.

J. Building Design.

(1) There shall be no market-rate units containing more than two bedrooms. Any market-rate units proposed to include a den shall include a lease restriction prohibiting the use of the den as a bedroom.

(2) In order to avoid long, monotonous, uninterrupted walls or roof planes, building wall offsets, including projections and recesses, shall be provided in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.

(3) The maximum spacing between such offsets shall be sixty (60) feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1) foot.

(4) Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in façade materials, canopies, and balconies.

(5) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors, and details.

(6) Roofline offsets, such as dormers and gables, shall be provided along any roof measuring more than ninety (90) feet in length to relieve the visual effect of a single long roof. The maximum spacing between such offsets shall be forty-five (45) feet.

(7) Building façades visible from any public or private street shall consist of durable, long-lasting materials such as brick, stone, cast stone, vinyl, HardiePlank or other high-quality material.

(8) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.

(9) Windows shall be vertically proportioned.

(10) All building entrances shall be clearly articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.

(11) Heating, ventilating and air-conditioning systems, utility meters and regulators, emergency generators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

K. Landscaping.

(1) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.

(2) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. Plant selection shall consider susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, and maintenance requirements.

(3) Parking lot landscaping.

(a) One (1) landscaped area of at least 162 square feet, shall be provided for every twenty (20) surface parking spaces. Said landscaping may be located around the perimeter of the parking area, within five feet of the curb, instead of within the parking area.

(b) The landscaped area shall contain one (1) tree with a caliper of at least three (3) inches or three (3) shrubs planted at a height of at least two and a half (2.5) feet.

(c) Parking areas visible from Corporate Drive shall be screened by landscaping at least four (4) feet in height at the time of planting, except within sight triangle easements.

(4) Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.

(5) Street trees.

(a) Street trees shall be provided along Corporate Drive, planted at an average of fifty (50) feet on center.

(b) Existing trees may be counted in meeting the requirement if they are within fifteen (15) feet of the cartway.

(c) Street trees shall be a minimum three (3) inch caliper.

L. Signs. The following types of signs shall be permitted:

(1) Monument sign.

(a) A maximum of three monument signs shall be permitted.

(b) The maximum sign area for each sign (excluding the base) shall be forty (40) square feet per side.

(c) The maximum sign height shall be five (5) feet, including based/ pedestal.

(d) Monument signs shall be setback a minimum of ten (10) feet from any driveway, accessway, and/or public or private street right of way.

(e) Monument signs may be internally illuminated.

M. Refuse.

(1) Trash and recycling receptacles shall not be visible from any public or private street and shall be located in the rear or side yard.

(2) All trash and recycling receptacles shall be screened by a solid fence or decorative masonry wall on three sides and a heavy-duty gate on the fourth.

(3) Trash and/or recycling may be stored inside the buildings.

N. Utilities. All utilities shall be underground.

O. Fences and walls.

(1) Fences and walls between the building façade and Corporate Drive shall be a maximum of four (4) feet in height.

(2) Retaining walls located elsewhere on the site shall be a maximum of thirteen (13) feet in height. Fall protection shall be provided in accordance with State law.

(3) Fences and/or walls around trash and/or recyclable containers may be a maximum of eight (8) feet in height.

(4) Where a fence is installed on top of a retaining wall and located within six feet of the face of the wall, the height of the fence shall include the height of the retaining wall. Safety fences four (4) feet or less in height shall be excluded from this provision.

(5) The use of barbed wire, razor wire, or similar is prohibited, unless the use of such fence is required by state or federal statute or regulation.

P. Site Improvement Standards. Streets, curbs, gutters, sidewalks, pavements, street signs, parking lots, water supply system, fire hydrants, and sanitary sewer system shall be designed in accordance with the Residential Site Improvement Standards.

Q. Stormwater management. Stormwater management and control shall comply with Chapter 252 entitled “Highlands Region Stormwater Management Program and Stormwater Control”.

R. Off-site improvements.

(1) In order to assess the design and circulation patterns on-site and off-site, including vehicular and pedestrian circulation, a traffic report shall be submitted with any application within the R-MF-12 Zone.

(2) This analysis shall include any necessary vehicular and pedestrian improvements at the intersection of Corporate Drive and Route 22, Corporate Drive and Cokesbury Road, and Route 22 and Cokesbury Road.

SECTION 4.

Whereas, upon adoption of this Ordinance, the Borough Engineer is directed to amend the official Zoning Map of the Borough of Lebanon to illustrate the location of the Multifamily Residence 12 (R-MF-12) District on Block 4, Lots 1.03 and 1.04.

SECTION 5. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 6. Repealer.

Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

SECTION 7. Effective Date.

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST BOROUGH OF LEBANON

Karen Romano, Administrator/Clerk Richard Burton, Council President

Vote after public hearing and upon final adoption:

Berger _____

Burton _____

Ordinance approved by the Governing Body and presented

Junge _____ To the Mayor on _____, 2020

Saharic _____

Harris _____

Baldinger _____

Veto in Whole or Part:

James P. Pittinger, Mayor
Date:

Approved:

James P. Pittinger, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2020.

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on September 16, 2020 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on October 21, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC, CMR
Administrator/Borough Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic
Council President Burton, Councilman Berger Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

Mayor Pittinger open the floor to the public hearing of Ordinance 2020-09

Council President Burton made a motion to open the public session. Councilman Berger seconded the motion with the unanimous approval of Council the floor was opened.

There being no further public comment Councilman Berger made a motion to close the public session. Councilman Junge seconded the motion with the unanimous approval of Council the floor was closed.

ORDINANCE 2020-09 ADOPTED:
Council President Burton made a motion to adopt ADOPTES 2020-09 with a second by Councilman Berger.

BOROUGH OF LEBANON
HUNTERDON COUNTY
STATE OF NEW JERSEY

ORDINANCE NO. 2020-09

AN ORDNANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, DELETING CHAPTER 252 "STORMWATER REGULATIONS" IN ITS ENTIRTY AND REPLACING IT WITH CHAPTER 252 "HIGHLANDS REGION STORMWATER MANAGEMENT PROGRAM AND STORMWATER CONTROL" ORDINANCE

WHEREAS, the Borough of Lebanon has received a grant from the New Jersey Highlands to prepare and adopt a new Highlands Regional Stormwater Management Program and Stormwater Control Ordinance; and

WHEREAS, the Highlands Council provided a template document that the Borough Engineer modified to reflect the conditions within the Borough; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Lebanon that a Chapter 252 is deleted in its entirety and replaced with the following text:

SECTION 1.

CHAPTER 252

HIGHLANDS REGIONAL STORMWATER MANAGEMENT PROGRAM AND STORMWATER CONTROL ORDINANCE

The following exhibits are hereby attached to Chapter 252 and are attached to this Ordinance for incorporation into the code.

Exhibit A: Net Water Availability

Exhibit B: Lebanon Groundwater Recharge Areas

Chapter 252 entitled "Highlands Region Stormwater Management Program and Stormwater Control" is hereby created with the following standards:

§252-1. SCOPE AND PURPOSE

A. POLICY STATEMENT

The Stormwater Management rules, N.J.A.C. 7:8, establish design and performance standards for management of stormwater that address water quality, water quantity and recharge. 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 chapter is to establish minimum stormwater management requirements and controls on all development within the Borough, as defined below in **§252-2.**, unless otherwise exempted therefrom under this chapter.

C. APPLICABILTY

1. This chapter shall be applicable to the following developments.

    a. Non-residential major developments.
    b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.; and
    c. Minor developments, pursuant to **§252-3.** B.

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

D. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Development approvals issued pursuant to this chapter 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 chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

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

§252-2. DEFINITIONS

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

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

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

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

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

Compaction means the increase in soil bulk density.

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

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

County review agency means an agency designated by the 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 ordinance

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

Department means the Department of Environmental Protection.

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

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

Development means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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. Disturbance for the purpose of this rule is as defined below.

Development, Exempt means an individual development, as well as multiple developments that individually or collectively create less than one thousand (1,000) square feet of new impervious area in total and disturbs less than two thousand five hundred (2,500) square feet of land. Any project meeting the definition of exempt development shall be exempt from the provisions of this chapter.

Development, Minor means an individual development, as well as multiple developments that individually or collectively does not meet the definition of "exempt development" as defined herein or the definition of “major development” as defined herein.

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

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

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

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 or the redevelopment of previously developed sites. 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.

Highlands Designated Center means an area within a Highlands conforming municipality, within the Planning Area, for which the Highlands Council has approved a petition for Highlands Center Designation, in accordance with the Highlands Council center designation procedures as found at https://www.nj.gov/njhighlands/planconformance/guidelines/centers.html . A Highlands Designated Center is developed through a planning process that addresses development/redevelopment needs, while maintaining consistency with the Regional Master Plan with regard to resource protection standards.

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

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

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

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

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

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

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

treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

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

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

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

Municipally Important Ground Water Recharge Area means preserved or constrained lands that cannot be developed or built upon under current regulations. These areas have recharge rates above the median recharge rate for the subwatershed in which they are located; meaning they provide 40% or greater total recharge volume for the subwatershed. Constrained lands are comprised of undeveloped lands within the Highlands Open Water buffer as well as moderately and severely constrained steep slopes. Preserved lands are those that are permanently preserved by local, county, state, federal or non-profit entities.

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 chapter 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.

Non-Exempt Project means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

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.

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not

limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

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

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

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

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

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

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

Site means the lot or lots upon which a 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.

§252-3. DESIGN AND PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT MEASURES

A. Exempt Developments: Any project meeting the definition of exempt development shall be exempt from the provisions of this section.

B. Minor Developments: Minor developments shall be designed to include the following stormwater management measures:

(1) Water Quality Measures: Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

(2) Runoff Quantity Control: Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious

area. Stone used in the infiltration devices shall be two and one-half (2-1/2") inch clean stone and a design void ratio of thirty-three (33%) percent shall be used. Infiltration devices shall be placed on a minimum 12-inch thick bed of clean stone. The 12-inch thick stone bed shall be excluded from the storage volume calculations. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices or other stormwater management control structures.

C. Major Developments: Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control and stormwater runoff quality treatment as follows:

(1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

(2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to 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.

§252-4. 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 **§252-10**.

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. 13:1B15.147 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 **§252-4.** subsections P, Q and R:

(1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity requirements of **§252-4.** subsections O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of **§252-4.** subsections O, P, Q and R to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements of **§252-4.** subsections O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under **§252-4.** D.(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of **§252-4.** subsections O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§252-4.** subsections O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed

below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Register a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

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

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

(Notes corresponding to annotations (a) through (h) are found at the end of Table 3

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

(Notes corresponding to annotations (a) through (h) are found on at the end of Table 3

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

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device[(h)]	50 or 80	No	No	Dependent upon the device
Sand Filter[(c)]	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

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

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with **§252-6.** B. Alternative stormwater management measures may be used to satisfy the requirements at Section 4.O only if the measures meet the definition of green infrastructure at Section 2. Alternative stormwater management measures that function in a similar manner to a BMP listed at **§252-4.** O.2 are subject to the contributory drainage area limitation specified at **§252-4.** O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at **§252-4.** O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§252-4.** D is granted from **§252-4.** O.

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

I. Design standards for stormwater management measures are as follows:

(1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

(2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater

than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of **§252-8.** C;

(3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

(4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 8; and

(5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at **§252-2** may be used only under the circumstances described at **§252-4**. O.(4).

K. Any application for a new agricultural development that meets the definition of major development at **§252-2.** shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at **§252-4**. subsections O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§252-4**. subsections P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Hunterdon County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§252-4**. subsections O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and

Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to **§252-10**. B.(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

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

O. Green Infrastructure Standards.

(1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

(2) To satisfy the groundwater recharge and stormwater runoff quality standards at **§252-4**. P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at **§252-4**. F. and/or an alternative stormwater management measure approved in accordance with **§252-4**. G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

(3) To satisfy the stormwater runoff quantity standards at **§252-4**. R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with **§252-4**. G.

(4) If a waiver/exception in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§252-4**. D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with **§252-4**.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§252-4**. subsections P, Q and R.

(5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at **§252-4**. subsections P, Q and R, unless the project is granted a waiver from strict compliance in accordance with **§252-4**.D.

P. Groundwater Recharge Standards.

(1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:

(2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at **§252-5**., either:

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

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

Additional standards set forth below may apply as required.

(c) Non-Exempt Projects located in a Current Deficit Area (see Exhibit A): Where the project is located in a Current Deficit Area, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in paragraph (4) below.

(3) Non-Exempt Projects located in a Municipally Important Ground Water Recharge Area (see Exhibit B): Where the project is located in a Municipally Important Ground Water Recharge Area, the following standards shall apply:

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

(b) Where disturbance to the Municipally Important Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in paragraph (4) below.

(4) Enhanced Recharge Standards: Non-Exempt Projects that are subject to the enhanced recharge requirements by **§252-4**. P.(2), or (3) above, shall apply the following standards, either:

(a) Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or

(b) In addition to complying with the infiltration requirements of **§252-4**. P(2)(b), retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDV), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the infiltration requirement will not result in retention of the full SWQDV, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

(5) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to paragraph (6) below.

(6) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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

(c) Carbonate Rock Areas, where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater. (Note: the mere presence of carbonate bedrock does not constitute a karst feature).

(7) Mitigation Required for Non-Exempt Projects: In lieu of onsite recharge, the applicant shall be responsible for providing mitigation of the groundwater recharge volume in the required amount. The applicant should provide mitigation within the following areas, in order of priority:

(a) the same development site where feasible;
(b) the same HUC14 subwatershed, or

(c) an interrelated HUC14 subwatershed where no feasible option exists in the same HUC14 subwatershed.

If none of the above options are feasible or achievable, then the applicant shall comply with the mitigation requirements set forth in paragraph (8) below:

(8) Mitigation Required for Non-Exempt Projects: A waiver from strict compliance with the requirements of the Municipal Stormwater ordinance shall be approved by the municipality only in those cases where an applicant has demonstrated the inability to strictly comply with any standard of the municipal stormwater ordinance. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical, within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

Q. Stormwater Runoff Quality Standard.

(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 postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

(a) 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.

(b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall

maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

(3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

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

Table 4 - Water Quality Design Storm Distribution

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

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

$$R = A + B – (A \times B) / 100,$$

Where

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

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

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

(6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in **§252-4**. subsections P, Q and R.

(7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

(9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the postconstruction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

(10) These stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

(1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100- year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with paragraphs (2)(a), (b), and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

§252-5. CALCULATION OF STORMWATER RUNOFF AND GROUNDWATER RECHARGE

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

(1) The design engineer shall calculate runoff using one of the following methods:

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

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

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

(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:
https://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 **§252-5**. A.(1)(b) and the Rational and Modified Rational Methods at **§252-5**. A.(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(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.

§252-6. Sources for Technical Guidance:

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

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

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

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

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

§252-7. Solids and Floatable Materials Control Standards:

A. Site design features identified under **§252-4**. F above, or alternative designs in accordance with **§252-4**. G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see **§252-7**. A.(2) below.

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

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

(c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(2) The standard in **§252-7**. A.(1) above does not apply:

(a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

(b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

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

[1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

(d) Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

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

§252-8. 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 **§252-8.** C.(1), C.(2), and C.(3) for trash racks, overflow grates, and escape provisions at outlet structures.

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

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

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

(d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

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

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) Stormwater management BMPs shall include escape provisions as follows:

(a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to **§252-8.** C, a free-standing outlet structure may be exempted from this requirement;

(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent

water surface. See **§252-8.** E for an illustration of safety ledges in a stormwater management BMP; and.

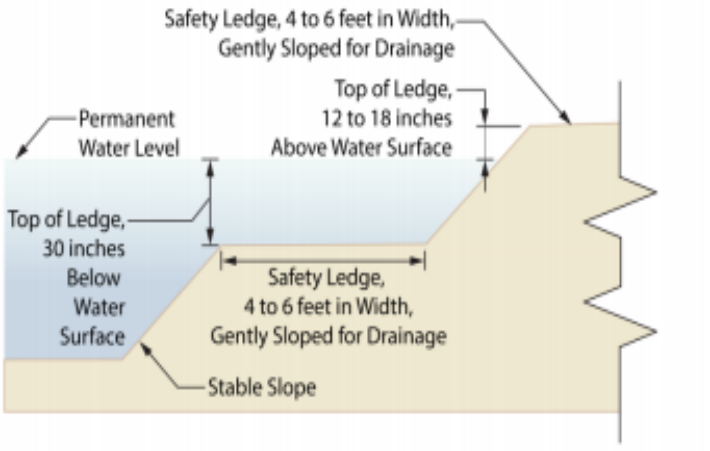
(c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three-horizontal to one-vertical (3:1).

D. Exemption from Safety Standard

An 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



NOTE:
Only For Basins with Permanent Pool of Water Not to Scale

§252-9. 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 chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at **§252-9.** C below as part of the submission of the application for approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.

(3) The applicant shall submit a PDF and 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with **§252-9.** C of this chapter.

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 chapter.

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 **§252-3.** through **5.** are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map: The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

(b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations:

(a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in **§252-4.** of this chapter.

(b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan: The design and planning of the stormwater management facility shall meet the maintenance requirements of **§252-10.**

(8) Waiver from Submission Requirements: The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in **§252-9.** C.(1) through C.(6) of this chapter 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.

§252-10. Maintenance and Repair:

A. Applicability: Projects subject to review as in **§252-1.** C of this chapter shall comply with the requirements of **§252-10.** B and C.

B. General Maintenance

(1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual

agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

(5) If the party responsible for maintenance identified under **§252-10.** B.(3) above is not a public agency, the maintenance plan and any future revisions based on **§252-10.** B.(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.).of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The party responsible for maintenance identified under **§252-10.** B.(3) above shall perform all of the following requirements:

(a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

(b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

(c) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by **§252-10.** B.(6) and B.(7) above.

(8) A two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53, shall be posted. Maintenance and inspection guidance can be found on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm

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

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

§252-11. Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to a fine of no less than $100 nor more than $1,000 for each day the violation exists.

§252-12. Application and Review Fees

A. There shall be no additional fees for stormwater management review for applications that proceed through the Planning Board or the Board of Adjustment.

B. Stormwater Management Review Applications to the Borough Engineer shall be accompanied by a review fee in the amount of $300.00 for minor developments and $1,500.00 for major developments. If a development project reviewed pursuant to this section is approved, an inspection escrow deposit shall be made in an amount determined by the Borough Engineer in accordance with the Borough of Lebanon Zoning Ordinance.

SECTION 2. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3. Repealer.

Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4. Effective Date.

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST

Karen Romano,
Administrator/Clerk

BOROUGH OF LEBANON

Richard Burton, Council President

Vote after public hearing and upon final adoption:

Berger	1
Burton	1
Junge	1
Saharic	1
Harris	0
Baldinger	1

Ordinance approved by the Governing Body and presented To the Mayor on _____, 2020

Veto in Whole or Part:

James P. Pittinger, Mayor
Date:

Approved:

James P. Pittinger, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2020.

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on August 19, 2020 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on September 16, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC, CMR
Administrator/Borough Clerk

September, 2020 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Administrator/ Clerk

INTRODUCED: August 19, 2020
ADOPTED: September 16, 2020

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

ORDINANCE NO. 2020-09

AN ORDNANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, DELETING CHAPTER 252 "STORMWATER REGULATIONS" IN ITS ENTIRTY AND

REPLACING IT WITH CHAPTER 252 "HIGHLANDS REGION STORMWATER MANAGEMENT PROGRAM AND STORMWATER CONTROL" ORDINANCE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 19th day of August 2020, and the same came up for final passage at a meeting of the said Borough Council on the 16th day of September, 2020 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Administrator/ Clerk

INTRODUCED: August 19, 2020
ADOPTED: September 16, 2020

The Motion was passed by the following vote:
YES: Councilwoman Saharic
Council President Burton, Councilman Berger Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

RESOLUTION 104-2020:
Council President Burton made a motion to approve Resolution 104-2020 with a second by Councilman Berger.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION #104-2010

APPROVING THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED 12/31/2019

WHEREAS, in accordance with Local Finance Notice 91-15, the Borough of Lebanon must submit a Corrective Action in response to recommendations identified in the municipal audit for the year ended 12/31/2019 to the Division of Local Government Services; and

WHEREAS, Chief Finance Officer, Jennifer Mooney has submitted the following as the "Corrective Action Plan for the Borough of Lebanon for the year ended 12/31/2019":

The CFO has met with the Clerk's office and discussed the recommendations.

Recommendation:
The Municipality should ensure that no expenditures of municipal fund are made unless adequate resources are available.

.

Corrective Action:
The Municipality will implement procedures to ensure that no expenditures of municipal fund are made unless adequate resources are available.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the Borough of Lebanon hereby accepts and approves the above action plan.

Introduced and adopted: September 16, 2020
Ayes: Saharic, Burton, Berger,
Junge, Baldinger, Harris
Nays: 0
Absent:

LEBANON BOROUGH COUNCIL

_____
Richard Burton
Borough Council President

CERTIFICATION

I, Karen M. Romano, hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Lebanon at a meeting held in the Lebanon Borough Municipal Building, 6 High Street, at 7:30 PM on the 16th day of September 2020.

_____
Karen M. Romano
Borough Administrator/ Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic , Council President Burton, Councilman Berger
Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

RESOLUTION 105-2020:
Council President Burton made a motion to approve Resolution 105-2020 with a second by Councilman Berger.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #105-2020

BE IT RESOLVED, by the Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey that the CFO is hereby authorized to make the following payment for refund of taxes paid in error. Corelogic requested a refund for $2,316.85. Corelogic provided proof of their payment.

Block	Lot	Name/Address	Amount
8	6	Pedone, Teresa 21 Main Street, Lebanon NJ 08833	$ 2,316.85

Send Refund to:

Corelogic/Refunds Dept.
PO Box 9202
Coppell, TX 755019

LEBANON BOROUGH COUNCIL

Introduced and adopted: September 16, 2020
Ayes: Saharic, Burton, Berger, Junge, Baldinger
Nays:
Absent:Harris

_____
Richard Burton,
Borough Council President

ATTEST:

_____
Karen Romano
Borough Administrator/ Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on September 16, 2020.

_____
Karen Romano
Borough Administrator/Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic , Council President Burton, Councilman Berger
Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

RESOLUTION 106-2020:
Council President Burton made a motion to approve Resolution 106-2020 with a second by Councilman Berger.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #106-2020
Town Wide Yard Sale

BE IT RESOLVED that the Borough of Lebanon Mayor and Council permit one-way traffic only on the following streets on September 26, 2019 from the hours of 8:00AM to 3:00 PM, or on the rain date, September 27, 2019 from 8:00 AM to 3:00 PM.

ONE WAY:

going South on Myrtle Avenue
going North on High Street
going South on Maple Street
and going East on Brunswick Avenue

The Recreation Commission or State Police may, at its discretion; post "No Parking" signs wherever it is deemed necessary.

Introduced and adopted: September 16, 2020 LEBANON BOROUGH COUNCIL
Ayes: Saharic, Burton, Berger, Junge, Baldinger
Nays: 0

Absent: Harris

_____
Richard J Burton,
Borough Council President

ATTEST:

_____
Karen M. Romano, RMC
Borough Administrator / Clerk

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 16th day of September 2020 that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: September 16, 2020

_____
Karen M. Romano, RMC
Borough Administrator /Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic , Council President Burton, Councilman Berger
Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

RESOLUTION 107-2020:
Council President Burton made a motion to approve Resolution 107-2020 with a second by Councilman Junge.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #107-2020

CROSSING GUARDS APPOINTMENT

BE IT RESOLVED, by the Lebanon Borough Common Council that the following are appointed as Adult School Crossing Guards and Substitute Crossing Guards:

Shirley Scarponi
Elenore Struble
Terry Grzankowski
Jackie Schumacher
Debra Carmen
Heather Carman
Renee Berry
Maria Berilacque
Hazel Saharic
Esther Ferguson
Tara Kepp
Dorothy Reed

BE IT FURTHER RESOLVED by the Lebanon Borough Council that the salary range for the Adult School Crossing Guards and Substitute Crossing Guards having been established and set forth in Ordinance #2019-04, the following salary is hereby granted to the employee for the year 2020-2020:

Adult School Crossing Guards and Substitute Crossing Guards

and Substitute Crossing Guards …… $ 22.75/hr. (NTX 5 hours per week)

Introduced and adopted: September 16, 2020

Ayes: Saharic, Burton, Berger, Junge, Baldinger
Nays: 0
Absent: Harris

LEBANON BOROUGH COUNCIL

_____
Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the September 16, 2020 force and effect as of the date I have subscribed my signature.

Date: September 16, 2020

_____
Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic , Council President Burton, Councilman Berger
Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

RESOLUTION 108-2020:
Councilwoman made a motion to approve Resolution 108-2020 with a second by Councilman Berger.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #108-2020
Leaf Removal

WHEREAS, the Borough of Lebanon would like to provide Leaf Removal services to Borough Residences for the Fall of 2020 and 2021, and

WHEREAS, the Borough solicited 8 quotes, and received 2 quotes for this service; and

WHEREAS, A. Patullo Power Washing LLC. has submitted the lowest quote of $17,950.00 for crew and equipment for three sweeps to be performed on the following weeks for 2020: October 24, 2020, November 21, 2020 and December 12, 2020, For 2020: October 23, 2021, November 20, 2021 and December 11, 2021. All dates are approximate.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Lebanon that a Leaf Removal contract for 2020 and 2021, be awarded to **A. Patullo Power Washing LLC.** in the amount not to exceed $17,950.00. .

BE IT FURTHER RESOLVED, that the Mayor and Borough Administrator/Clerk are hereby authorized to execute said contract.

Introduced and adopted September 16, 2020:

Ayes: Saharic, Burton, Berger, Junge, Baldinger
Nays: 0
Absent: Harris

_____
Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the September 16, 2020 force and effect as of the date I have subscribed my signature.

Date: September 20, 2020

_____
Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic , Council President Burton, Councilman Berger
Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

RESOLUTION 109-2020:
Council President Burton made a motion to approve Resolution 109-2020 with a second by Councilman Berger.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #109-2020
TO APPOINT PHOENIX ADVISORS, LLC, AS
CONTINUING DISCLOSURE AGENT TO
THE BOROUGH

WHEREAS, the Borough of Lebanon is considering the issuance of its bonds and anticipation notes and desires to appoint a Continuing Disclosure Agent in connection therewith; and

WHEREAS, the Borough wishes to appoint Phoenix Advisors, LLC, Bordentown, New Jersey, as continuing disclosure agent for the Borough for a term ending on December 31, 2020.

NOW THEREFORE BE IT RESOLVED by the Borough Council shall engage the services of Phoenix Advisors, LLC, Bordentown, New Jersey, as continuing disclosure agent for the Borough for a term ending on December 31, 2020; and

BE IT FURTHER RESOLVED that Phoenix Advisors, LLC shall be compensated at the reasonable value of the services rendered as more specifically set forth in its proposal as submitted by Phoenix Advisors, LLC which compensation shall not exceed $1,050 plus a $200 set up fee.

Introduced and adopted September 16, 2020:

Ayes: Saharic, Burton, Berger, Junge, Baldinger
Nays: 0
Absent: Harris

_____
Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the September 16, 2020 force and effect as of the date I have subscribed my signature.

Date: September 20, 2020

_____
Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:
YES: Councilwoman Saharic , Council President Burton, Councilman Berger Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for September 2020. Council President Burton second the motion.

Lebanon Borough

List of Bills - (All Funds)

Meeting Date: 09/16/2020 For bills from 08/20/2020 to 09/14/2020

	Vendor	Description		Payment	Check Total
		Current Fund			
109 -	**ATRA**	PO 10582	Jantiorial Supplies due to COVID-19	507.78	**507.78**
255 -	**BANISCH ASSOC., INC**	PO 10720	Planning Services	200.00	**200.00**
746 -	**BETHLEHEM TOWNSHIP**	PO 10681	Shared Service CFO-September 2020	2,249.08	**2,249.08**
247 -	**COMCAST**	PO 10716	Internet/Phone Service 96 Main Street/6	708.74	**708.74**
652 -	**CONSTELLATION NEWENERGY INC**	PO 10672	Electricity: 7/14/2020 to 8/11/2020	611.97	**611.97**
863 -	**Corelogic / Refunds Dept.**	PO 10703	Refund of taxes paid in error	2,316.85	**2,316.85**
39 -	**ELIZABETHTOWN GAS**	PO 10670	Natural Gas	138.12	**138.12**
46 -	**FERRIERO ENGINEERING**	PO 10689	GIS Mapping of Stormwater Structures and	142.50	
		PO 10690	Molochnick Variance Application B8 L21.0	200.00	**342.50**
391 -	**FIREFIGHTER ONE LLC**	PO 10713	40 Gas masks/Respirator Bags	1,746.20	**1,746.20**
769 -	**Great America Financial Services**	PO 10682	Phone System Lease September 2020	101.19	**101.19**
670 -	**HARRY HAUSHALTER**	PO 10712	Professional Services: Tax Appeals Augus	587.50	**587.50**
153 -	**HOME DEPOT CREDIT SVCS**	PO 10706	Roundup Weed & Grass	109.91	**109.91**
83 -	**HORIZON BLUE CROSS BLUE SHIELD NJ**	PO 10673	Emplyee Dental: 9/1/2020 - 10/1/2020	201.31	**201.31**
16 -	**JCP&L**	PO 10669	Electricity	1,721.34	**1,721.34**

597 - **JERSEY ELEVATOR COMPANY INC.**	PO 10694	Monthly Maintenance September 2020	146.79	**146.79**
167 - **KAREN ROMANO**	PO 10683	Cell Phone Reimbursement September 2020	100.00	
	PO 10700	Office Supplies	50.45	
	PO 10707	Reimbursement Laser Printer	437.14	**587.59**
59 - **LEBANON BOROUGH BOARD OF EDUCATION**	PO 10679	Local School Tax September 2020	288,552.10	**288,552.10**
715 - **Maser Consulting P.A.**	PO 10676	General Planning Services	214.50	
	PO 10677	Affordable Housing	607.75	**822.25**
762 - **MR. BUG'S LAWN CARE**	PO 10704	Lawn Care: Municipal Building, Park & 96	3,140.00	**3,140.00**
253 - **NEW JERSEY STATE POLICE**	PO 10698	State Police Service: March, April,May,	14,389.18	**14,389.18**
54 - **NJ ADVANCE MEDIA**	PO 10691	Legal Advertising	91.58	
	PO 10695	Legal Advertising	399.47	**491.05**
42 - **NJ STATE LEAGUE OF MUNICIPALITIES**	PO 10705	Classified Ad: Oualified Purchasing Agen	115.00	**115.00**
42 - **NJ STATE LEAGUE OF MUNICIPALITIES**	PO 10709	2020 NJLM Annual Conference - Karen	55.00	**55.00**
42 - **NJ STATE LEAGUE OF MUNICIPALITIES**	PO 10715	Renewal Legislative Bulletin 2020-2021	7.00	**7.00**
70 - **NO HUNTERDON-VOORHEES REG HS DIST**	PO 10678	Regional School Tax September 2020	288,616.83	**288,616.83**
31 - **NOVAK & NOVAK LLC**	PO 10680	Legal Service Retainer September 2020	4,083.33	**4,083.33**
20 - **QUILL CORPORATION**	PO 10395	OEM - Gloves COVID-19	42.36	
	PO 10572	Clorox Wipes	34.74	
	PO 10633	Office Supplies / Cleaning	17.96	
	PO 10685	Office Supplies	83.93	
	PO 10696	Office Supplies: HP 58A Black Toner Cart	211.98	
	PO 10701	Office Supplies	53.98	**444.95**
20 - **QUILL CORPORATION**	PO 10718	Office & Cleaning Supplies	113.65	
	PO 10719	Cleaning Supplies	16.99	**130.64**
830 - **Republic Services**	PO 10671	Monthly Garbage Disposal: 8/1/2020 - 8/3	6,822.95	**6,822.95**
453 - **RR DONNELLY**	PO 10603	Vital Records Forms	73.50	**73.50**
844 - **Sharp Electronics Corporation**	PO 10699	Copier 3/22/2020 - 6/23/2020	536.03	**536.03**
420 - **STATE OF NEW JERSEY**	PO 10708	Annual Assessment 2019	75.53	**75.53**
369 - **STICKEL KOENIG & SULLIVAN & DRILL L**	PO 10692	Planning Board: May 2020	227.50	
	PO 10693	Affordable Housing: May 2020	717.50	**945.00**
765 - **Tele Cloud, LLC**	PO 10697	Monthly Phone Service: 9/1/2020 to 9/30/	251.20	**251.20**
808 - **Thermal Service of New Jersey Inc.**	PO 10714	Monthly Billing of PM Service Contract	330.00	**330.00**
718 - **VIKING PEST CONTROL**	PO 10702	Pest Control	117.12	**117.12**
27 - **WASTE MANAGEMENT OF NJ INC**	PO 10717	Municipal Waste August 2020	5,105.72	**5,105.72**
		FEDERAL AND STATE GRANTS		
715 - **Maser Consulting P.A.**	PO 10674	Stream Corridor Assessment	71.50	
	PO 10675	Highlands Stormwater Mgmt Program	598.65	
	PO 10687	Redevelopment Plan and Zoning Recommenda	178.75	**848.90**
		GENERAL CAPTITAL FUND		
448 - **TOP LINE CONSTRUCTION CORP**	PO 10170	Cokesbury Road Resurfacing	73,568.47	**73,568.47**
		DEVELOPERS ESCROW		
550 - **FREY ENGINEERING LLC**	PO 10686	Engineering Services - Town Center	1,120.00	**1,120.00**
TOTAL				**702,918.62**

Total to be paid from Fund 01 Current Fund	**627,381.25**
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	**848.90**
Total to be paid from Fund 04 GENERAL CAPTITAL FUND	**73,568.47**
Total to be paid from Fund 14 DEVELOPERS ESCROW	**1,120.00**
	702,918.62

Checks Previously Disbursed

91820	BOROUGH OF LEBANON-EMAIL SERVICE	PO# 10711	E-Mail Services September 2020	227.50	9/14/2020
20201807	BOROUGH OF LEBANON-EMAIL SERVICE		Office 365 Microsoft Online Servic	227.50	8/31/2020
20201509	LEBANON BOROUGH PAYROLL		PAYROLL 8/31/2020	14,933.53	9/11/2020
20203108	LEBANON BOROUGH PAYROLL		PAYROLL 8/31/2020	9,741.07	8/28/2020
91520	NJ STATE HEALTH BENEFITS PLAN	PO# 10688	Employee Health Benefits August 20	4,223.48	9/04/2020
				29,353.08	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund	29,353.08	627,381.25	**656,734.33**
Fund 02 FEDERAL AND STATE GRANTS		848.90	**848.90**
Fund 04 GENERAL CAPTITAL FUND		73,568.47	**73,568.47**
Fund 14 DEVELOPERS ESCROW		1,120.00	**1,120.00**
BILLS LIST TOTALS	29,353.08	702,918.62	**732,271.70**

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, and Councilwoman Baldinger
NO:
Absent: Councilwoman Harris

<u>OPEN PUBLIC SESSION:</u>

Council President Burton made a motion to open the public session. Councilman Junge seconded the motion with the unanimous approval of Council the floor was opened.

There being no further public comment Councilwoman Saharic made a motion to close the public session. Councilman Junge seconded the motion with the unanimous approval of Council the floor was closed.

DISCUSSION:

Tax Assessor Jeff Burd discussed evaluating neighborhoods.

MISCELLANEOUS:

COUNCIL COMMITTEES:

Recreation: Ben Valliere chair stated the September Yard Sale was set, Movie Night will follow the Yard Sale and Halloween will consist of a Scavenger Hunt and House Decorating contest. Trick or Treat will take place from 4 to 7.

Public Safety: Councilman Junge Thanked the Fire Marshall for his report and stated he invited him to the Council meeting but Chief Saharic felt he should speak at a public safety meeting. Steve will attend the next Public Safety meeting. Councilman Junge also state there have been reports of the Town of Clinton been approached for police services. Mayor Pittinger stated he would confirm with the Mayor of Clinton.

ADJOURN:
Councilwoman Saharic moved and Council President Burton seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:25 pm by unanimous vote.

Respectfully Submitted

_____
Karen M. Romano, RMC
Borough Administrator/Clerk