

**TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY NEW JERSEY**

PUBLIC MEETING

MINUTES

NOVEMBER 7, 2022

1. ROLL CALL, INVOCATION AND FLAG SALUTE

Mayor Maceri called the meeting to order at 7:00 PM.

Present: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
Also Present: Acting Township Manager Palumbo, Township Attorney Nabbie, Deputy Township Clerk Forde

The flag salute was led by Mayor Maceri.

Mayor Maceri made the required announcement concerning the Open Public Meetings Act as follows: Adequate notice of this meeting was duly provided to the Verona-Cedar Grove Times and the Star Ledger on December 23, 2021, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building Lobby in accordance with the Open Public Meeting Act.

2. APPROVAL OF MINUTES

a) To consider approval of minutes of regular meeting of October 3, 2022.

Deputy Mayor Zichelli moved for the approval of the minutes, seconded by Councilwoman Peterson and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Deputy Mayor Zichelli, Mayor Maceri
NO: None
ABSTAIN: Councilman Tanella

3. AWARD OF BID

a) To consider resolution awarding bid for Removal/Replacement of Town Hall Roof and Cupola Restoration Project

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS pursuant to advertising duly made, bids were received for removal and replacement of Town Hall Roof and Cupola, and were publicly opened and read by the Deputy Township Clerk on September 27, 2022 as follows:

CONTRACTOR
Spartan Construction

LUMP SUM
\$294,000.00

Northeaster Roof Maintenance	\$349,515.00
White Rock Corp.	\$317,009.00

WHEREAS, the Township Engineer and the Township Attorney have reviewed the bids and recommend awarding the bid to Spartan Construction of South Amboy, NJ, the apparent low bidder. In addition, the contractor and subcontractor combined have met the licensing requirements listed in the Specifications; and

WHEREAS, \$300,000.00 in funds are available for this purpose in the Capital Budget.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the award of bid be made to Spartan Construction of South Amboy, New Jersey for the removal and replacement of Town Hall Roof and Cupola in the amount of \$294,000.00; and

BE IT FURTHER RESOLVED that the proper township officials be instructed to execute a contract on behalf of the Township.

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilman Tanella and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
 NO: None

- b) To consider resolution awarding bid for Furnishing Equipment and Personnel for Snow Removal

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS pursuant to advertising duly made, a sole bid was received for Furnishing Equipment and Personnel for Snow Plowing 2022-2023, and was publicly opened and read by the Deputy Township Clerk on September 29, 2022 as follows:

BIDDER	ITEM #1 TRUCK, PLOW & OPERATOR	ITEM #2 TRUCK H/D PLOW & OPERATOR	ITEM #3 TRUCK, S/SPREADER & OPERATOR	ITEM #4 4-WHEEL DRIVE LOADER	ITEM #5 TANDEM DUMP TRUCK
Sanzari Services LLC Oak Ridge, NJ	\$350.00/hr	\$400.00/hr	\$300.00/hr	\$500.00/hr	\$200.00/hr.

WHEREAS, the Township Engineer and the Township Attorney have reviewed the bid and recommend awarding the bid to Sanzari Asphalt of Oak Ridge, NJ, the apparent low bidder, for a one-year term; and

WHEREAS, funds are available for this purpose in the 2022 Snow Removal Budget; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the award of bid be made to Sanzari Asphalt of Oak Ridge, New Jersey for

furnishing equipment and personnel for Snow Plowing 2022-2023 for a one-year contract term; and

BE IT FURTHER RESOLVED that the proper township officials be instructed to execute a contract on behalf of the Township.

Councilwoman Peterson moved adoption of the resolution, seconded by Councilwoman Skabich and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Mayor Maceri

NO: Deputy Mayor Zichelli

4. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON THE AGENDA

Mayor Maceri opened this portion of the meeting to anyone wishing to be heard on any item on the agenda. There being no one present wishing to be heard, Mayor Maceri closed this portion of the meeting.

5. REPORTS OF TOWNSHIP OFFICIALS

a) Acting Township Manager – The Acting Township Manager reported the Anderson Parkway Roadway Reconstruction Project Design had been approved and would go out to bid in the next couple of weeks. The Acting Township Manager reported it would be a Spring project for construction. The Acting Township Manager reported that RFPs for Sweetwood Drive and David Road Reconstruction design proposals would be posted on the website. The Acting Township Manager reported it would be a Summer Project. The Acting Township Manager reported he still received proposals to resurface the tennis courts on Little Falls Road. The Acting Township Manager reported Department Heads had their sheets in preparation of the 2023 Budget.

Councilman Tanella asked the dollar amount on the Anderson Parkway DOT grant? He asked if it were a \$250,000.00. The Acting Township Manager reported it was a slightly higher amount. He explained that the Sweetwood Drive and David Road Reconstruction Project Grant was approximately \$300,000.00.

Councilman Tanella commended the Acting Township Manager for spearheading over half a million dollars in construction.

b) Township Clerk – The Deputy Township Clerk announced that the General Election was scheduled for tomorrow, November 8, 2022 from 6:00 AM to 8:00 PM.

c) Township Attorney – No Report. The Township Attorney requested a Special Meeting for November 21, 2022 to consider an ordinance regarding the purchase of 970 Pompton Avenue which needed to be done before the end of the year.

The Governing Body had no objections and directed the Township Attorney and Deputy Township Clerk to move forward with Special Meeting preparations.

d) Other Reports

Councilwoman Skabich – No Report.

Councilwoman Peterson – No Report.

Councilman Tanella – No Report.

Deputy Mayor Zichelli requested the Township Attorney draft a letter to the DOT expressing his and the residents’ frustrations with the new traffic pattern going down Rt. 23 if the Governing Body had no objections. He explained it was a County Road and the Township’s hands were tied, but he would like the matter discussed even if nothing came of it. He asked if it could be discussed during the Staff Meeting.

The Governing Body express there were no objections. Mayor Maceri said all of the Members of Council received residents’ complaints regarding the new traffic pattern. He expressed that had no objections.

Deputy Mayor Zichelli reported during his campaign, he pledged transparency and open government. He reported that as it related to the position of Township Manager, he would recuse himself from the process because he submitted his resume for consideration.

Mayor Maceri reported Members of Council received correspondence regarding 95 Sunrise Terrace. He indicated he wanted it on the agenda for the next staff meeting for discussion.

6. CONSENT AGENDA

- a) To consider resolution concerning approval of raffle applications – Memorial Middle School Family and School Association.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, an application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Memorial Middle School Family &
School Association
500 Ridge Road
Cedar Grove NJ 07009

Off-Premise 50/50 Raffle to be held
June 16, 2023 at 2:00 p.m.
500 Ridge Road, Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and the application has been reviewed by the Township Clerk and found acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve said application.

Councilwoman Skabich moved adoption of the resolution, seconded by Deputy Mayor Zichelli and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

- b) To consider resolution concerning approval of raffle applications – Memorial Middle School Family and School Association.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, an application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Memorial Middle School Family &
School Association
500 Ridge Road
Cedar Grove NJ 07009

Off-Premise 50/50 Raffle to be held
March 24, 2023 at 8:30 p.m.
500 Ridge Road, Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and the application has been reviewed by the Township Clerk and found acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve said application.

Councilwoman Skabich moved adoption of the resolution, seconded by Deputy Mayor Zichelli and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

7. NEW BUSINESS

- a) To consider resolution concerning person to person transfer of inactive ABC license.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0704-33-005-010 heretofore issued to Ramven, Inc. for premises located at 30 Pompton Avenue, Cedar Grove, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license have been properly renewed for the 2022-2023 term; and

WHEREAS, the applicant is qualified to be licensed according to all standards and established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar

Grove that it does hereby approve, nunc pro tunc, effective June 30, 2022, the transfer of the aforesaid Plenary Retail Consumption License to 30 Pompton Holdings, LLC (License # 0704-33-005-011) and does hereby direct the Deputy Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to 30 Pompton Holdings, LLC. effective June 30, 2022."

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilman Tanella and passed by the following vote:

AYE:	Councilmember Peterson, Skabich, Deputy Mayor Zichelli, Mayor Maceri
NO:	None
ABSTAIN:	Councilman Tanella

- b) To consider resolution concerning the annual renewal of inactive ABC license for 2022-2023.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, the following corporation has applied for the renewal of their Alcoholic Beverage License for the period from July 1, 2022 through June 30, 2023, namely:

<u>LICENSE NO.</u>	<u>APPLICANT</u>
0704-33-005-011	30 Pompton Holdings, LLC 30 Pompton Avenue

WHEREAS, the above corporation has submitted their application for renewal to the Township Clerk, and said application complies with the State Laws regulating the sale and distribution of alcoholic beverages; and

WHEREAS, the licensee has filed a verified petition to the Division of Alcoholic Beverage Control of the State of New Jersey requesting authorization for the local issuing authority to consider its renewal application for Plenary Retail Consumption License No. 0704-33-005-011 for the 2022-2023 license term pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, the Division of Alcoholic Beverage Control of the State of New Jersey has authorized the Mayor and Council of the Township of Cedar Grove to consider the application of 30 Pompton Holdings LLC. for renewal of their license for the 2022-2023 license term as an inactive license and to grant or deny said application in the reasonable exercise of their discretion and;

WHEREAS, the licensee must file an amendment to said license application pursuant to N.J.A.C. 13:2-2.4 to activate its license during the 2022-2023 term.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the application for renewal of existing alcoholic beverage license from the above-mentioned corporation be approved; and

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby authorized to issue said license to the applicant for the period from July 1, 2022 through June 30, 2023.

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilwoman Peterson and passed by the following vote:

- AYE: Councilmember Peterson, Skabich, Deputy Mayor Zichelli, Mayor Maceri
- NO: None
- ABSTAIN: Councilman Tanella

c) To consider resolution concerning Best Practices Inventory 2022.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, the State’s Fiscal Year 2022 Budget requires a Best Practices Inventory be completed by each municipality; and

WHEREAS, the Chief Financial Officer has completed and submitted the Best Practices Inventory to the Township Manager; and

WHEREAS, the Township Manager has provided a copy of said inventory to the Township Council; and

WHEREAS, the required certifications have been made and the inventory has been submitted to the Division of Local Government Services; and

WHEREAS, the Township Manager has reviewed and discussed the results of the inventory with the Township Council during its public meeting of November 7, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council that the Best Practices Inventory has been reviewed by the Township Council.

Councilwoman Peterson moved adoption of the resolution, seconded by Councilman Tanella and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

- d) To consider resolution concerning refund for overpayment of taxes for 47 Hilltop Drive.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, the Tax Collector of Township of Cedar Grove has received a request to refund the overpayment, and

WHEREAS, a homeowner has overpaid his property taxes in 2021 on the property tax account; and

WHEREAS, the Tax Collector would like to Issue a tax refund to the owner / entity acting on behalf of the owner requesting the refund.

Location	Block	Lot	Overpayment
47 Hilltop Drive	300	46	\$1,331.99

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the tax Collector is hereby authorized to refund the duplicate payment in the amount of \$1,331.99.

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilwoman Peterson and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

- e) To consider resolution rescinding Special Item of Revenue Municipal Alliance Grant resolution adopted at the October 3, 2022 public meeting.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

WHEREAS, a resolution (agenda item 6c) was passed on October 3, 2022 to approve the insertion of an item of revenue in the budget in the sum of \$9,500.00 as a revenue from the Municipal Alliance, which is administered by the Governor’s Council on Alcoholism and Drug Abuse, pursuant to the provision of statute; and

WHEREAS, the resolution (agenda item 6c) must be rescinded because revenue from the Municipal Alliance was already in the 2022 budget; and

WHEREAS, said Division of Local Government Services recommends that the above 159 resolution need to be cancelled;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, hereby authorized to cancel the following 159-resolution approved in October 3, 2022 in the amount of \$9,500.00.

Municipal Alliance Grant \$9,500.00

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

- f) To consider introduction of Pending Ord. #22-899 – Ordinance Amending the Film Ordinance.

The ordinance was read by title only as follows:

ORDINANCE AMENDING ORDINANCE 01-544 OF 2001 AN ORDINANCE CREATING CHAPTER 192 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE, ENTITLED MOTION PICTURE FILMING.

BE IT ORDAINED by the Township Council of the Township of Cedar Grove, as follows:

Section 1 – Definitions.

As used in this Chapter, the following terms shall have the meanings:

FILMING – The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theatres, for direct sale, streaming services or for institutional uses. The provisions of this chapter shall not be deemed to include the “filming” or news stories within the Township of Cedar Grove.

MAJOR MOTION PICTURE – A “major motion picture” shall be defined as:

- A. Any film which is financed and/or distributed by a major motion picture studio including, but not limited to the following:
- (a) Universal Pictures;
 - (b) Warner Brothers, including New Line Cinema, Castle Rock Cinema and Turner Production Company;
 - (c) Paramount;
 - (d) 20th Century Fox;
 - (e) Columbia/Tri-Star;
 - (f) Disney;
 - (g) MGM - United Artists; or
- B. Any film for which the budget is at least \$1,000,000.00

PRIVATE PROPERTY AND RESIDENTIAL ZONES - Shall mean any and every piece of property that is not within the jurisdiction and control of the Township of Cedar Grove and of the Board of Education properties. Use of Library Board and Board of Education

property shall first need approval from the respective Board and thereafter the provisions of this section shall apply.

~~PUBLIC LANDS~~ PROPERTY – Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the Township which is within the jurisdiction of the Township of Cedar Grove.

Section 2- Permit Required.

- A. No person or organization shall film or permit filming on public or private property within the Township of Cedar Grove without first having obtained a permit from the office of the Township Clerk to be reviewed and approved by the Township Manager, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates not to exceed three in duration, except in the case of a major motion picture as described in Section III, subsection K. Said permit must be readily available for inspection by Township officials at all times at the site of filming.
- B. All permits shall be applied for and obtained from the office of the Township Clerk during normal business hours. Applications for such permits shall be in a form approved by the Township Clerk and be accompanied by a non-refundable permit fee in the amount established in Section 4, herein.
- C. A permit shall be sufficient to authorize outdoor or indoor filming for a period not to exceed three consecutive days, except in the case of a major motion picture, as described in Section 3, subsection K, ~~provided that the maximum number of days of filming authorized in any calendar year for premises located in a residential zone where waiver(s) are granted hereunder shall not exceed ten (10) days.~~ In no event shall the filming at one location within the Township exceed a total of six (6) days in one calendar year.
- D. If a permit is issued and, due to inclement weather or other good cause, filming does not take place on the dates specified, the Township ~~Clerk~~ Manager may, at the request of the applicant issue a permit for filming on the other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.
- E. The maximum number of permits issued to a single location shall not exceed three (3) in any calendar year.
- F. Applicant shall submit signed agreements from the Residents affected, starting days and hours of filming operations shall be submitted along with mapping of all locations, stating areas, and areas of vehicle parking.

Section 3 - Issuance of Permits.

- A. No permits will be issued by the Township Clerk unless applied for prior to five days before the requested shooting date; provided; however, that the Township Manager may waive the five-day period, if in his judgement, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.
- B. No permit shall be issued for filming on public ~~lands~~ property unless the applicant shall provide the Township with satisfactory proof of the following:
 - (1) Proof of insurance coverage as follows:
 - (a) For bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000; and
 - (b) For property damage for each occurrence in the aggregate amount of ~~\$300,000~~ \$500,000.

- (2) An agreement, in writing, approved by the Township Attorney whereby the applicant agrees to indemnify and ~~save~~ hold harmless the Township of Cedar Grove from any and all liability, expense, claim or damages resulting from the use of public ~~lands~~ and /or private property.
 - (3) The posting of a cash bond of ~~\$500~~ \$1,000 or a maintenance bond of ~~\$1,000~~ \$5,000 running in favor of the Township and protecting and insuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Township ordinances, laws and regulations will be followed. Within ~~seven~~ thirty (30) days of the completion of the filming, the Township will return the bond if there has been no damage to private or public property or public expense caused by the filming: and to ensure Township is paid for the officers hired.
 - (4) The hiring of off-duty Township police officer for the times indicated on the permit: either requested by applicant or deemed by Police Chief.
- C. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public ~~lands~~ property and shall comply with all law directives issued by the Cedar Grove Police Department with respect thereto.
- D. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise interference and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public ~~lands~~ property and limit, to the extent possible, any interference with normal public activity on such public ~~lands~~ property. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three (3) days prior to the requested shooting date and be informed of any objections that may be filed with the Township Clerk, said objections to form a part of applicant's application and be considered in the review of same. Proof of service of notification to adjacent owners shall be submitted to the Township Clerk within two days of the requested shooting date.
- E. Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and ~~8:00-7:00~~ 7:00 p.m. provided that all requests for night scenes shall be approved in the permit or by a waiver to be granted in accordance with subsection H hereof from the Township Manager. The setup, production and breakdown required by all filming shall be included in the hours set forth in the application.
- F. The Township Manager may refuse to issue a permit whenever he determines that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the Township reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.
- G. Any person aggrieved by a decision of the Township Manager denying or revoking a permit or a person requesting relief pursuant to subsection H may appeal to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Clerk. An appeal from the decision of the Manager shall be filed within 10 days of the Manager's decision. The Township Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the

- H. The Township Manager may authorize a waiver of any of the requirements or limitations of this chapter and may authorize filming other than during the hours herein described or may permit filming at a particular location in a residential zone for more than three days to a maximum of ~~10~~ 6 days at any one location other than in connection with major motion pictures, as further provided for in subsection K, or may waive any other limitation or requirement of this chapter whenever under this section, the Manager shall consider the following factors:
- (1) Traffic congestion at the location caused by vehicles to be parked on the public street;
 - (2) Applicant's ability to remove film-related vehicles off the public streets;
 - (3) When the applicant is requesting restrictions on the use of public streets or public parking during the course of filming;
 - (4) Nature of the film shoot itself; e.g., indoors or outdoors; day or night;
 - (5) Prior experience of the film company/applicant with the Township, if any; ~~and~~ .
 - ~~(6) Consultation with the Council Ward representative wherein the film is to take place.~~
- I. Copies of the approved permit will be sent to the Police and Fire Department before filming takes place, and to the New Jersey Filming Commission. The applicant shall permit the Fire Prevention Bureau or other Township inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instruction issued by the Fire Prevention Bureau or other Township inspectors.
- J. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, ~~such as parking meter revenue~~, repairs to public property or other revenues that the Township was prevented from earning because of filming.
- K. Special regulations for major motion pictures.
- (1) When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates shall not exceed five (5) days in duration.
 - (2) Any days necessary to be used for set-up and preparation for a major motion picture filming may, in the discretion of the Manager, be counted as a filming day where such set-up is anticipated to involve one or more of the factors set forth in Section 3 (H).

Section 4. Fees.

The scheduled fees for the issuance of permits authorized by this chapter are as follows:

- A. Basic filming permit: \$75. Where an applicant requests a waiver of the provision of Article III requiring expedited processing of the permit application, the basic filming permit fee shall be \$125.
- B. Daily filming fee payable in addition to the basic filming permit: \$500 per day.
- C. Daily filming fee payable in addition to the basic filming permit for major motion picture: ~~\$1,000~~ \$1,500 per day.
- D. Filming permit for nonprofit applicants filming for educational purposes (no daily rate required): \$25.

Section 5. Violations and penalties.

Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$2,000 per day or by imprisonment in the county jail for a term not exceeding 90 days or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 6. This ordinance shall take effect as prescribed by law.

Deputy Mayor Zichelli moved that the ordinance be passed on first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 5, 2022, seconded by Councilman Tanella, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri

NO: None

- g) To consider introduction of Pending Ord. #22-900 – An Ordinance Setting the Maximum Allowable Rent Increase Pursuant to Chapter 208 of the Code of the Township of Cedar Grove.

The ordinance was read by title only as follows:

AN ORDINANCE SETTING THE MAXIMUM ALLOWABLE RENT INCREASE PURSUANT TO CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE

BE IT ORDAINED by the Township Council of the Township of Cedar Grove that the maximum allowable rent increase in the Township for the year 2023 pursuant to Chapter 208 of the Code of the Township of Cedar Grove is hereby set at 6.9%.

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

Councilman Tanella moved that the ordinance be passed on first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 5, 2022, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri

NO: None

- h) To consider introduction of Pending Ordinance #22-901 Stormwater Control Management Ordinance.

The ordinance was read by title only as follows:

STORMWATER CONTROL MANAGEMENT

WHEREAS, the Township Council for the Township of Cedar Grove adopted Ordinance #06-646 on April 3, 2006 entitled Chapter 228 Stormwater Control; and

WHEREAS, the State of New Jersey Department of Environmental Protection recommends modifications to the current Township Stormwater Ordinance in order to be in compliance with Stormwater Regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Cedar Grove in the County of Essex, State of New Jersey that Chapter 228 of the Code of the Township of Cedar Grove is replaced to read as follows:

**CHAPTER 228
STORMWATER CONTROL**

Section 1: Scope and Purpose

A. Policy Statement.

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

B. Purpose.

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

C. Applicability.

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Township of Cedar Grove.
3. Subdivisions not meeting the definition of a Minor Subdivision described in Chapter 234-3 of the Township Code.
4. Major Site Plans.
5. Any area of documented existing flooding conditions, which would be exacerbated by any increase in peak flows of stormwater runoff for the 1, 2, 10, and 100-year return frequency storm events. The existence of this condition requires the full force and effect of this ordinance.
6. Single family lot development and subdivisions of not more than four (4) total lots shall comply with the intent of the ordinance to the degree possible and appropriate and specifically to those sections identified as single-family lot development or subdivisions of not more than four (4) lots.

D. Compatibility with Other Permit and Ordinance Requirements.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held

to be the minimum requirements for the promotion of the public health, safety, and general welfare.

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

Section 2: Definitions:

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

1. Treating stormwater runoff through infiltration into subsoil;

2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

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

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

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

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

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

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

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

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

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

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

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department

as being capable of contributing to the achievement of the stormwater management standards specified in this ordinance. 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 ordinance. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this ordinance, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this ordinance.

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

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

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

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

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

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

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

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

1. The total area of motor vehicle surface that is currently receiving water;

2. A net increase in motor vehicle surface; and/or
3. quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

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

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

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

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

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

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

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

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

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

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

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

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

depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

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

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

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

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

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

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

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

Section 3: Design and Performance Standards for Stormwater Management Measures:

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

Section 4: Stormwater Management Requirements for Major Development:

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's landscape project or natural heritage database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections P, Q, and R of this section:
 - 1. The construction of an underground utility line provided that the disturbed areas are re-vegetated 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 fourteen (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 subsections O, P, Q, and R of this section 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 subsections O, P, Q, and R of this section to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of subsections O, P, Q, and R of this section, 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 subsection D.3 of this section within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsections O, P, Q, and R of this section that were not achievable on-site.
- 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 subsections O, P, Q, and R of this section. When designed in accordance with the most current version of the New

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

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

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

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

(Notes corresponding to annotations ^(a) through ^(g) are found after 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 ^(b) through ^(d) are found after 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 4.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 2;

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

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

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subsection, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 2 may be used only under the circumstances described at Section 4.O.4.
 - K. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Section 4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
 - L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
 - M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to

be recorded upon the deed pursuant to Section 10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 4 of this section and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk 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 Subsection M of this Section 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 Section 4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 4.F and/or an alternative stormwater management measure approved in accordance with Section 4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

Small-scale Sand Filter	2.5 acres
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3. To satisfy the stormwater runoff quantity standards at Section 4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 4(P), (Q) and (R), unless the project is granted a waiver from strict compliance in accordance with Section 4(D).

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
 - a. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - b. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to Section 4.P.4 below.
4. The following types of stormwater shall not be recharged:
 - a. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than

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

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

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - a. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - b. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design

storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

5. If more than one BMP in series is necessary to achieve the required eighty 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

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

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
 - a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - b. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume

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

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge:

- A. Stormwater runoff shall be calculated in accordance with the following.
 1. The design engineer shall calculate runoff using one of the following methods:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf
or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction 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 at Section 5.A.1. and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover 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 preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce preconstruction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

Section 6: Sources for Technical Guidance:

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.

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

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

Section 7: Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section 4.F above, or alternative designs in accordance with Section 4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 7.A.2 below.
 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.
 - i. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
 2. The standard in A.1. above does not apply:
 - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

- b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. 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
 - ii. A bar screen having a bar spacing of 0.5 inches.
- d. Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section 8: Safety Standards for Stormwater Management Basins:

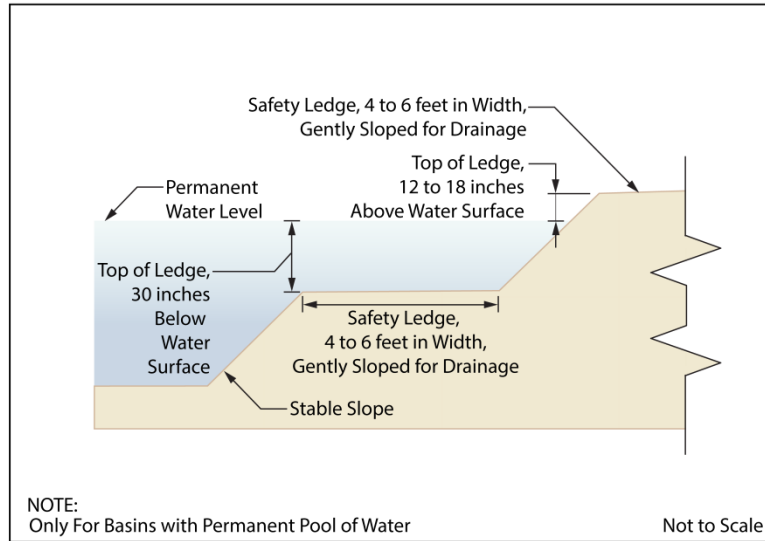
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 8.C.1, 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.

- d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per 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 three hundred (300) pounds per square foot.
 3. Stormwater management BMPs shall include escape provisions as follows:
 - a. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 8.C, a free-standing outlet structure may be exempted from this requirement;
 - b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.E for an illustration of safety ledges in a stormwater management BMP; and
 - c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.
- D. Variance or exemption from safety standards.

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

E. Safety Ledge Illustration

Elevation View – Basin Safety Ledge Configuration



Section 9: Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at subsection C of this section as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit eighteen (18) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection C of this ordinance.

B. Site Development Stormwater Plan Approval.

- i. The applicant's site development project shall be reviewed as a part of the subdivision, site plan, or development application review process by the planning board, zoning board of adjustment or official from which municipal approval is sought. The board and/or zoning officer shall consult the township engineer or other such engineer (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information, as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other

wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section 3 through Section 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 paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations.

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

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

7. Maintenance and Repair Plan.

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

8. Waiver from Submission Requirements.

The municipal official or board reviewing an application under this section may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 9.C.1 through C.6 of this section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain, and its absence will not materially affect the review process.

Section 10: Maintenance and Repair:

A. Applicability. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Subsection B and C of this section.

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 person responsible for maintenance identified under subsection B.3 of this section is not a public agency, the maintenance plan and any future revisions based on subsection B.7 of this section 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 nonvegetated linings.
 7. The person responsible for maintenance identified under subsection B.3 of this section shall preform all of the following requirements:
 - a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - c. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 10.B.6 and B.7 above.
 8. The requirements of Section 10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 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 section 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.
- D. General Maintenance - Existing Facilities
1. Any detention/retention or infiltration basin hereinafter constructed shall be regularly maintained in order to preserve its function, capacity and appearance. Minimum standards for maintenance shall be as follows:
 - a. If intended to be a maintained bottom basin, then all grass or other ground cover in the basin shall be kept mowed or otherwise cut so as not to exceed a height of eight (8) inches at any time. The basin shall be kept clean and free of debris, litter and leaves.

- b. All inlet and outlet structures, spillways and other appurtenances shall at all times be kept free of any debris or foreign material in order to prevent clogging or reduction in performance.
 - c. All embankments, dams and other lateral supports shall be kept in a sound condition at all times.
 - d. Any fence installed around the perimeter of the basin shall be maintained in sound condition and shall be repaired or replaced whenever needed.
2. Each detention/retention or infiltration basin shall be inspected periodically, but not less than once in each calendar year, in order to determine that adequate maintenance is being performed.
3. It is the intent of this ordinance to treat the existence of swales in a similar fashion to that of storm piping, in that they shall not be altered, relocated, filled, or damaged by any individual. Swales, within easements either private or public, shall enjoy the same protection in order to ensure that they function for their intended purpose. Private storm water easements on lots shall be maintained by the individual property owner or designated homeowners' association. Said maintenance includes normal mowing, cleaning of debris, lawn clippings and leaves, etc. as appropriate and necessary to allow the drainage component to function as designed. Storm water easements shall be filed with the County Clerk and run with the land as an ongoing obligation to successors in title. The Township of Cedar Grove shall be named as a party with rights to enter upon and provide such maintenance only should the property owner fail to do so and cause a public nuisance or safety concern. In such event, the costs incurred by the Township of Cedar Grove shall be assessed against the property.
4. Once every five (5) years, the property owner and /or responsible party of any detention/retention or infiltration basin shall cause to be performed an inspection of the basin and the preparation of a written report by a professional engineer licensed in the State of New Jersey and qualified in the field of hydrology and hydraulic engineering and such other qualified persons as may be appropriate. The time of inspection and the deadline for submission of the written report shall be determined by the Township Engineer. The written report shall be submitted to the Township Engineer and shall address the following:
 - a. The original storage volume or infiltration capacity and an estimate of any change in storage volume or capacity, if any.
 - b. A statement as to the structural integrity of embankments and a description of any settlement or erosion on embankments or in the basin and any siltation in the basin.
 - c. The condition of all appurtenant structures and supports.
 - d. Any changes in the tributary area upstream of the basin.
 - e. Any changes in impervious coverage within the drainage area upstream of the basin.
 - f. Any changes in time of concentration of stormwater entering the basin.
 - g. An inspection of embankments for holes by burrowing animals.
 - h. An inspection of inlet and outlet structures for obstructions.
 - i. The condition of fencing.

- j. Testing of movable structures and control devices, such as gates, valves and mechanical and electrical equipment.
 - k. Determination of any erosion downstream of the basin.
 - l. Evidence of any significant health factors, including, but not limited to, water pollution, excessive algae growth and insect growth.
 - m. Such other matters as the Township Engineer may direct.
5. The five-year inspection report shall be reviewed by the Township Engineer and the Township Health Officer, who may then make an inspection of the detention/retention or infiltration basin. Any deficiencies in the basin or any conditions found which are in violation of this section shall be corrected within a reasonable period of time, as specified by the Township Engineer, but not to exceed ninety (90) days. Any health violations or health problems shall be corrected within a period not to exceed thirty (30) days.
 6. If a property owner fails to take corrective action within the specified period of time, the Township Engineer or Health Officer, as the case may be, shall serve notice on the property owner and shall notify the Governing Body, in which case the Council shall take such action as it deems appropriate in the circumstances.

Nothing in this section shall preclude the municipality in which a major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:550-53.

Section 11: Penalties and Enforcement:

- A. Any responsible person who violates any portion or section of this ordinance shall, upon conviction, be subject to the following penalties:
 1. A fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed ninety (90) days or by both such fine and imprisonment; and each violation of any of the provisions of this section of the code and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- B. Should any section, subsection, paragraph, sentence, clause or phrase of this section of the code be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, subsection, paragraph, sentence, clause or phrase thereof directly involved in the controversy in which said judgment shall have been rendered.
- C. Unless otherwise stated or required by the Board, all storm water management infrastructure shall be maintained by the property owner or designated homeowners' association.
- D. Private stormwater easements on lots shall be maintained by the individual property owner or designated homeowners association. Said maintenance includes normal mowing, cleaning of debris, lawn clippings and leaves, etc. as appropriate and necessary to allow the drainage component to function as designed. Stormwater easements shall be filed with the County Clerk and run with the land as an ongoing obligation to successors in title. The Township of Cedar Grove shall be named as a party with rights to enter upon and provide such maintenance only should

the property owner fail to do so and cause a public nuisance or safety concern. In such event, the costs incurred by the Township of Cedar Grove shall be assessed against the property.

Section 12: Severability:

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

Section 13: Effective Date.

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

The Acting Township Manager reported the Stormwater Management Ordinance was revised to reflect the amendments to the Stormwater Management Rules at N.J.A.C. 7:8 adopted March 2, 2022 which was a requirement pursuant to the Stormwater Permit.

Councilwoman Peterson moved that the ordinance be passed on first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 5, 2022, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

- i) To consider resolution authorizing performance of additional site investigation services for 970 Pompton Avenue to Petrosience, Inc.

The following resolution had been posted on the bulletin board and a brief synopsis was given by the Township Clerk:

RESOLUTION OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY AWARDDING A CONTRACT TO PETROSCIENCE, INC. TO PERFORM ADDITIONAL SITE INVESTIGATION SERVICES FOR THE VETERANS OF FOREIGN WARS (“VFW”) POST 6255 PROPERTY LOCATED AT 970 POMPTON AVENUE

WHEREAS, the Township of Cedar Grove has entered into a contract to acquire the Veterans of Foreign Wars (“VFW”) Post 6255 Property located at 970 Pompton Avenue and identified as Block 310, Lot 149 on the Tax Map of the Township of Cedar Grove (the “Property”); and

WHEREAS, the Township Council of the Township of Cedar Grove (“Township”) previously entered into an agreement with PetroScience, Inc. for the completion of a full Phase 1 Environmental Site Assessment of the Property as part of its due diligence in connection with the aforementioned contract; and

WHEREAS, PetroScience, Inc. having completed the full Phase 1 Environmental Site Assessment of the Property, determined that additional site investigation was required; and

WHEREAS, PetroScience, Inc. submitted a proposal, dated November 3, 2022, outlining its proposed provision of the additional site investigation to include: (1) inspection of the picnic area pavilion and storage container interior; (2) advancement of up to 5 test pits to evaluate the presence of buried metal objects and soil conditions; (3) submission of soil samples for chemical analyses; and (4) attempted entry into the monitoring well lid and collection and testing of ground water samples for the total cost of \$9,850.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3, a contract which does not exceed in a contract year the total sum of \$17,500 may be awarded by a municipality without public advertising for bids; and

WHEREAS, the Township Council desires to retain PetroScience, Inc. for the provision of the additional site investigation services as set forth in its proposal dated November 3, 2022; and

WHEREAS, the award of a contract for the provision of the services described herein is in the best interests of the Township and the implementation of this contract is necessary for its efficient operations;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, in the County of Essex, State of New Jersey as follows:

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

Section 2. The Township Manager or Mayor, as necessary, is authorized to execute any and all documents necessary to retain PetroScience, Inc. for the provision of the additional site investigation services, consistent with the proposal provided by PetroScience, Inc. dated November 3, 2022.

Section 3. This Resolution shall take effect immediately.

The Township Attorney reported the Phase I Site Assessment was conducted and warranted further investigation. The Township Attorney reported a large metal object was buried, so PetroScience need to go back in to determine what the structure is. The Township Attorney reported the company needed to go back in to test the soil for pesticides. The Township Attorney reported there was a monitoring well onsite that was issued a permit by the DEP, so the water needed to be tested also.

Deputy Mayor Zichelli asked if this was part of the Township's due diligence for the ultimate purchase of the property. The Township Attorney responded affirmatively.

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilman Tanella and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

8. APPROVAL OF BILLS

The Bill Resolution was read by title and amount as follows:

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that the attached summary of bills having been duly audited and found correct be and they are thereby ordered paid and that warrants be drawn on the Treasurer in the aggregate amount of \$950,216.21.

Deputy Mayor Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

9. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON OR OFF THE AGENDA CONCERNING TOWNSHIP BUSINESS

Kate Hartwyk, Essex County Liaison – Ms. Hartwyk announced that the COVID Vaccination site at Livingston Mall officially closed. She said mobile units will move around the County to various locations and the full schedule was on the County website. On November 18th, the County would host a food distribution event at the South Mountain Recreation Complex in West Orange. She explained the event would start at 9:00 AM and is available to all residents in the County. She announced the Holiday Lights Spectacular would begin the same evening at Turtle Back Zoo. She explained the Spectacular would open Fridays to Sundays until early December when it would move to every night. She explained admission was by donation and free to the public. She asked that residents bring non-perishable food items, unwrapped toys or gently used coats.

There being no one else present wishing to be heard Mayor Maceri closed this portion of the meeting.

10. ADJOURNMENT

Councilman Tanella moved adjournment of the public council meeting, seconded by Deputy Mayor Zichelli, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

The meeting adjourned at 7:17 PM.

JOSEPH MACERI MAYOR

ATTEST:

DALE A. FORDE DEPUTY MUNICIPAL CLERK