New Jersey Department of Environmental Protection
Mail Code - 401-02B
Bureau of Nonpoint Pollution Control
Water Pollution Management Element
PO Box 420
Trenton, NJ 08625-0420
Phone: (609) 633-7021
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AUTHORIZATION TO DISCHARGE
R9 -Tier A Municipal Stormwater General Permit

Facility Name: GLEN ROCK BORO

Permit Number: NJG0148300

Program Interest No.: 197969

Facility Address:
HARDING PLZ RD
GLEN ROCK BORO, NJ 07452

Type of Activity: Stormwater Discharge General Permit Authorization Renewal

Owner:
GLEN ROCK BORO
MUNICIPAL BLDG - 1 HARDING RD
GLEN ROCK, NJ 07452

Operating Entity:
GLEN ROCK BORO
MUNICIPAL BLDG - 1 HARDING RD
GLEN ROCK, NJ 07452

Issuance Date:	Effective Date:	Expiration Date:
12/08/2017	01/01/2018	12/31/2022

Your Request for Authorization under NJPDES General Permit No. NJ0141852 has been approved by the New Jersey Department of Environmental Protection.

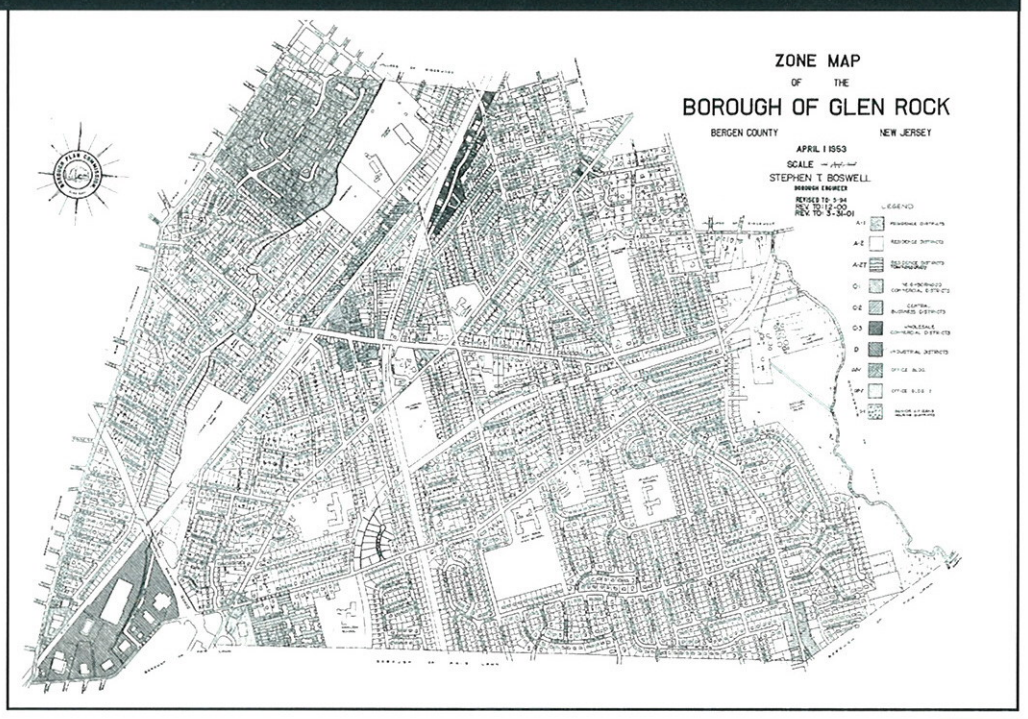
James J. Murphy, Chief
Bureau of Nonpoint Pollution Control

Date: 12/08/2017

(Terms, conditions and provisions attached hereto)

Division of Water Quality

Municipal Stormwater Management Plan



Borough of Glen Rock
Bergen County, New Jersey

Prepared for:

April, 2006

Prepared by:

VOLLMER

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BOROUGH OF GLEN ROCK

BERGEN COUNTY

Municipal Stormwater Management Plan

April, 2006

Prepared by: **Vollmer Associates LLP**
365 West Passaic Street
Rochelle Park, NJ 07662

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A – Stormwater Control Ordinance

Introduction

This Municipal Stormwater Management Plan (MSWMP) documents the strategy for the Borough of Glen Rock ("the Borough") to address stormwater-related impacts. The creation of this plan is required by N.J.A.C. 7:14A-25 Municipal Stormwater Regulations. This plan contains all of the required elements described in N.J.A.C. 7:8 Stormwater Management Rules. The plan addresses groundwater recharge, stormwater quantity, and stormwater quality impacts by incorporating stormwater design and performance standards for new major development, defined as projects that disturb one or more acre of land. These standards are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and the loss of groundwater recharge that provides baseflow in receiving water bodies. The plan also describes long-term operation and maintenance measures for future stormwater facilities.

The plan describes the current assessment of the health of the Borough's waterways, Diamond Brook and Hohokus Brook, as moderately impaired, based on NJDEP stream monitoring data. Impairments are associated with fecal coliform, suspended solids, and/or benthic macroinvertebrates. The NJDEP is required to develop a total maximum daily load (TMDL) for these pollutants for each waterway. This issue is described further in the Background section.

A "build-out" analysis has not been included in this plan since there is less than one square mile of land available for development in the Borough. The plan also addresses the review and update of existing ordinances, the Borough Master Plan, and other planning documents to allow for project designs that include low impact development techniques. The final component of this plan is a mitigation strategy for when a variance or exemption of the design and performance standards is sought. As part of the mitigation section of the stormwater plan, specific stormwater management measures are identified to lessen the impact of existing development.

Goals

The goals of this MSWMP are to:

- reduce flood damage, including damage to life and property;
- minimize, to the extent practical, any increase in stormwater runoff from any new development;
- reduce soil erosion from any development or construction project;
- assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- maintain groundwater recharge;
- prevent, to the greatest extent feasible, an increase in nonpoint pollution;
- maintain the integrity of stream channels for their biological functions, as well as for drainage;
- minimize pollutants in stormwater runoff from new and existing development to restore, enhance, and maintain the chemical, physical, and biological integrity of the waters of the state, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, and other uses of water; and
- protect public safety through the proper design and operation of municipal stormwater facilities.

To achieve these goals, this plan outlines specific stormwater design and performance standards for new development. The design and performance standards to be adopted by the Borough include the incorporation of both non-structural and structural stormwater management strategies into new development, which will address the goals of this MSWMP. Nonstructural strategies include the incorporation of low impact development best management practices (LID-BMPs) into

the design of each project/development. These LID-BMPs include: the preservation of natural areas, utilization of vegetated buffers / filter strips, minimization of soil disturbance, minimization of impervious area, inclusion of preventative source controls, and disconnection of impervious runoff.

The incorporation of these nonstructural BMPs into developments will achieve the goals of this MSWMP as follows:

- Minimization of impervious area will, in turn, result in a minimization of increases in stormwater runoff;
- Preservation of natural areas and inclusion of vegetated buffers / filter strips will help maintain ground water recharge, minimize non-point pollution, and minimize soil erosion and the conveyance of pollutants into waterways;
- Disconnection of impervious area runoff will reduce direct connections to closed drainage systems and waterways, thus increasing contact time with pervious surfaces and helping maintain groundwater recharge, minimize non-point pollution, minimize soil erosion and the transport of pollutants into waterways.

In addition, and where required, structural BMPs will be incorporated into developments and will further help achieve the goals of this MSWMP as follows:

- Detention systems will detain and/or retain runoff to minimize increases in water quantity, thereby reducing increases in stormwater runoff and the potential for flood damage to downstream properties and in-stream structures;
- Infiltration systems and dry wells will help maintain groundwater recharge, minimize increases in stormwater runoff, and prevent increases in non-point pollution.

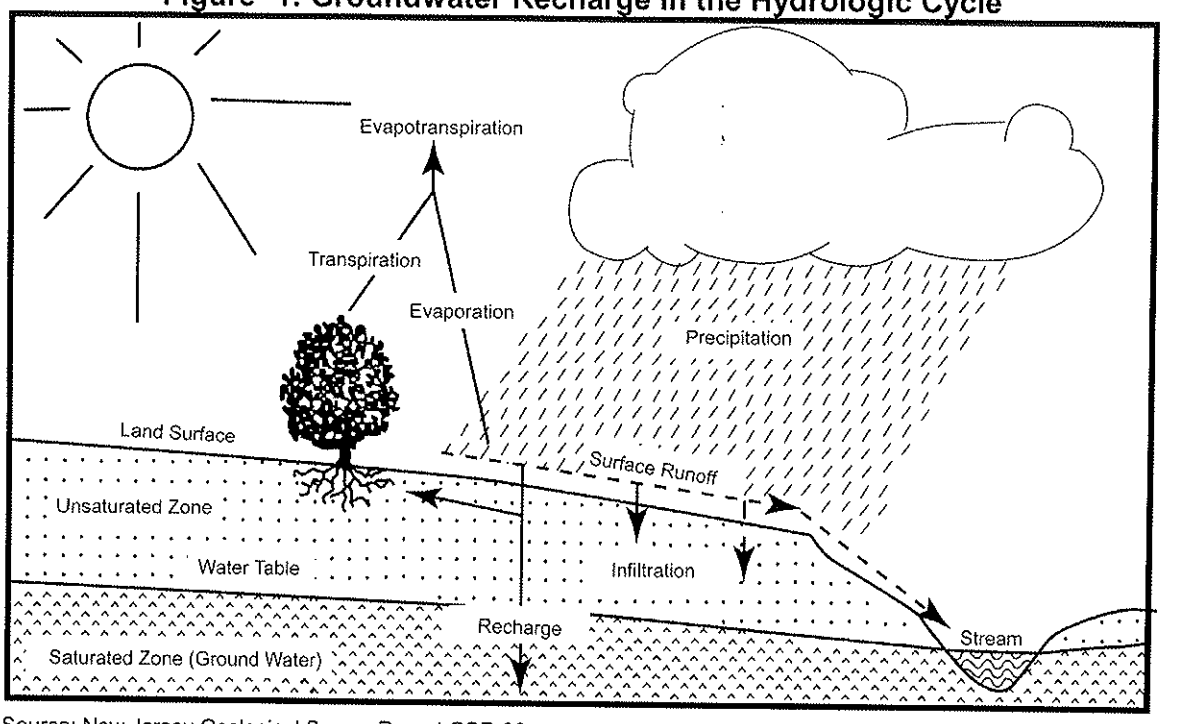
The overall impacts of incorporating these design and performance standards into new development will be to minimize both non-point and source pollution in stormwater runoff, maintain groundwater recharge, and minimize increases in water quantity, thus reducing flood damage to downstream stream structures (culverts and bridges) and maintaining the integrity of waterway channels in the Borough. Preventative and corrective maintenance strategies are included in the plan to ensure long-term effectiveness of stormwater management facilities. The plan are also outlines safety standards for stormwater infrastructure to be implemented to protect public safety.

Stormwater Discussion

Land development can dramatically alter the hydrologic cycle (See Figure 1) of a site and, ultimately, an entire watershed. Prior to development, native vegetation can either directly intercept precipitation or draw that portion that has infiltrated into the ground and return it to the atmosphere through evapotranspiration. Development can remove this beneficial vegetation and replace it with lawn or impervious cover, reducing the site's evapotranspiration and infiltration

rates. Clearing and grading a site can remove depressions that store rainfall. Construction activities may also compact the soil and diminish its infiltration ability, resulting in increased volumes and rates of stormwater runoff from the site. Impervious areas that are connected to each other through gutters, channels, and storm sewers can transport runoff more quickly than natural areas. This shortening of the transport or travel time quickens the rainfall-runoff response of the drainage area, causing flow in downstream waterways to peak faster and higher than natural conditions. These increases can create new and aggravate existing downstream flooding and erosion problems and increase the quantity of sediment in the channel. Filtration of runoff and removal of pollutants by surface and channel vegetation is eliminated by storm sewers that discharge runoff directly into a stream. Increases in impervious area can also decrease opportunities for infiltration, which, in turn, reduces stream base flow and groundwater recharge. Reduced base flows and increased peak flows produce greater fluctuations between normal and storm flow rates, which can increase channel erosion. Reduced base flows can also negatively impact the hydrology of adjacent wetlands and the health of biological communities that depend on base flows. Finally, erosion and sedimentation can destroy habitat from which some species cannot adapt.

Figure -1: Groundwater Recharge in the Hydrologic Cycle



Source: New Jersey Geological Survey Report GSR-32.

In addition to increases in runoff peaks, volumes, and loss of groundwater recharge, land development often results in the accumulation of pollutants on the land surface that runoff can mobilize and transport to streams. New impervious surfaces and cleared areas created by development can accumulate a variety of pollutants from the atmosphere, fertilizers, animal wastes, and leakage and wear from vehicles. Pollutants can include metals, suspended solids, hydrocarbons, pathogens, and nutrients.

In addition to increased pollutant loading, land development can adversely affect water quality and stream biota in more subtle ways. For example, stormwater falling on impervious surfaces or stored in detention or retention basins can become heated and raise the temperature of the downstream waterway, adversely affecting cold water fish species such as trout. Development can remove trees along stream banks that normally provide shading, stabilization, and leaf litter that falls into streams and becomes food for the aquatic community.

Background

Glen Rock is a stable community that encompasses a 2.7 square mile area along the western boundary of Bergen County, New Jersey. While the population of the Borough has fluctuated from 11,497 in 1980, to 10,883 in 1990, to 11,546 in 2000, the number of dwelling units has continued to increase from 3,777 in 1980, to 3,963 in 1990, to 4,024 in 2000. Two tributaries to the Passaic River flow through the Borough: Diamond Brook to the west and HoHokus Brook along the eastern boundary with the Village of Ridgewood. Figure 2 illustrates the waterways in the Borough.

The Borough is an older, established surburban community with predominantly residential land use. Figure 3 depicts the Borough boundary on the USGS quadrangle maps. Since the Borough is at or near full "Build-Out" conditions and thus contains a lack of "developable" land, it is unlikely that the Borough will experience significant increases in stormwater runoff peak flow rates and volumes and pollutant loads to the waterways of the Borough. No large open tracts of developable land exist in the Borough of Glen Rock

Glen Rock is located in Watershed Management Area 4 (Lower Passaic, Saddle) and within three HUC14 (Hydrologic Unit Code) sub-watersheds: 02030103140030, 02030103140050, and 02030103120070. Figure 7 illustrates the HUC14 sub-watersheds within the Borough.

Glen Rock obtains its water supply from wells owned and operated by the Ridgewood Water Department. Within the Borough, two wells are located along Diamond Brook to the west, and two wells near Hohokus Brook to the east. Water supply well (registered with NJDEP) locations are shown on Figure 5. The Borough does not have knowledge of private wellheads, if any, located with Glen Rock.

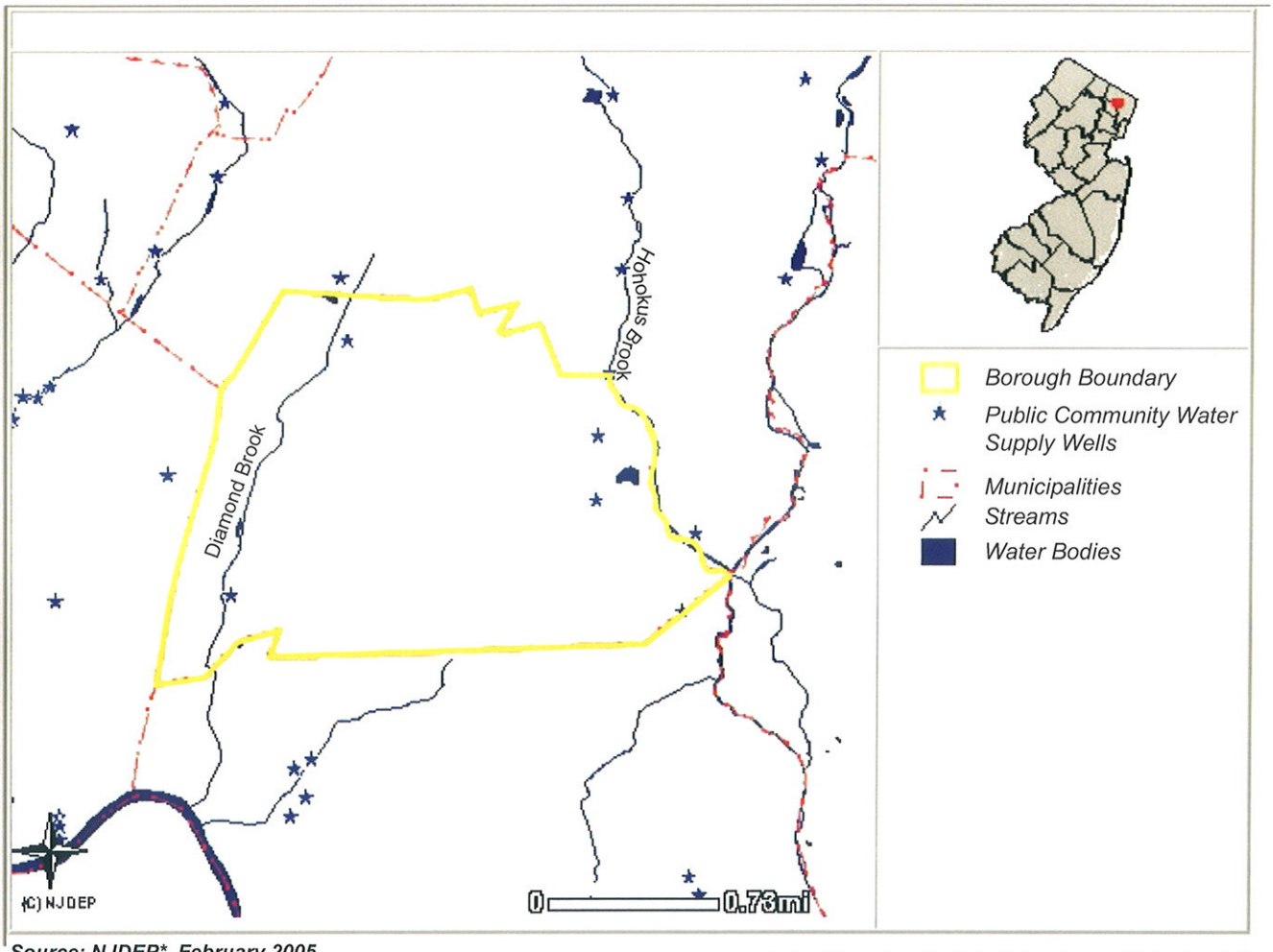
All properties (residential, commercial and industrial) are serviced by the Borough of Glen Rock Sanitary Sewer System. Approximately 10 to 12 homes currently are not serviced by municipal sanitary services; however, plans for connections of these homes are being prepared.

Freshwater wetlands and State open water areas within Glen Rock are generally located along the Diamond Brook and Hohokus Brook 'corridors'. The freshwater wetlands are predominately palustrine forrested or palustrine scrub-shrub wetlands, as shown and described in the Atlas of National Wetlands Inventory Maps for New Jersey (1984). Glen Rock does not contain waterways

classified as Category One waters in the Surface Water Quality Standards (N.J.A.C. 7:9B). Diamond Brook and Hohokus Brook are designated FW2-NT waters within the Borough.

WATER QUALITY

The New Jersey Department of Environmental Protection (NJDEP) has established an Ambient Biomonitoring Network (AMNET) to document the health of the state's waterways. There are over 800 AMNET sites throughout the state of New Jersey. These sites are sampled for benthic macroinvertebrates by NJDEP on a five-year cycle. Streams are classified as non-impaired, moderately impaired, or severely impaired based on the AMNET data. The data is used to generate a New Jersey Impairment Score (NJIS), which is based on a number of biometrics related to benthic macroinvertebrate community dynamics. The two waterways that traverse the Borough to the west and east, Diamond Brook and HoHokus Brook, respectively, are both moderately impaired based on AMNET data; impairments are associated with fecal coliform, suspended solids, and/or benthic macroinvertebrates. [Ref. *New Jersey 2004 Integrated Water Quality Monitoring and Assessment Report [305(B) and 303(D)]*. This means that these waterways are impaired waterways and the NJDEP is required to develop a Total Maximum Daily Load (TMDL) for these pollutants for each waterway.



Source: NJDEP, February 2005*
**www.state.nj.us/dep/gis/newmapping.htm*

FIGURE 2
Borough and It's Waterways

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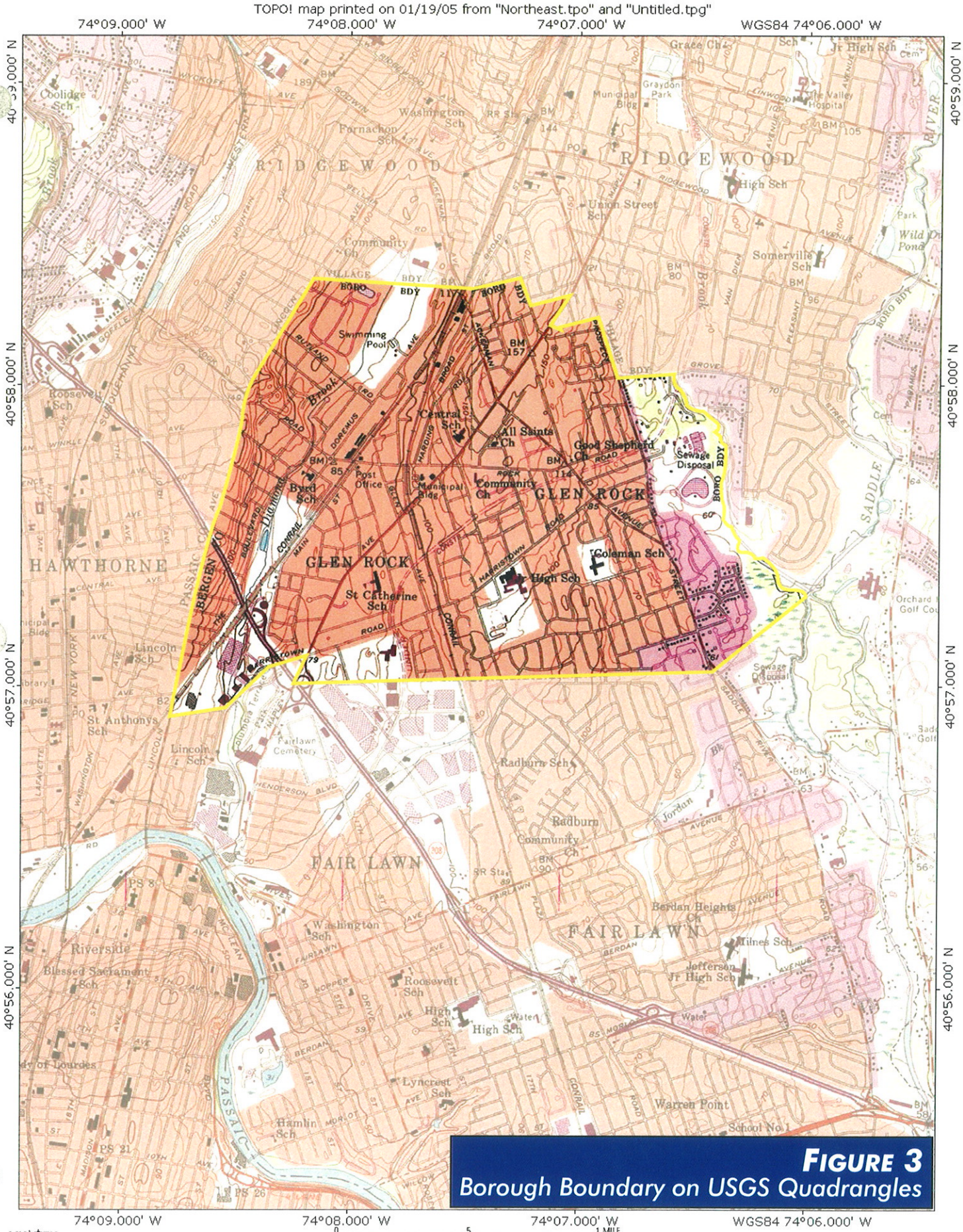


FIGURE 3
Borough Boundary on USGS Quadrangles

Source: USGS Hackensack and Paterson Quadrangle Maps, 2001

A TMDL is the amount of a pollutant that can be accepted by a waterbody without causing an exceedance of water quality standards or interfering with the ability to use a waterbody for one or more of its designated uses. The allowable load is allocated to the various sources of the pollutant, such as stormwater and wastewater discharges, which require an NJPDES permit to discharge, and nonpoint source, which includes stormwater runoff from agricultural areas and residential areas, along with a margin of safety. Provisions may also be made for future sources in the form of reserve capacity. An implementation plan is developed to identify how the various sources will be reduced to the designated allocations. Implementation strategies may include improved stormwater treatment plants, adoption of ordinances, reforestation of stream corridors, retrofitting stormwater systems, and other BMPs.

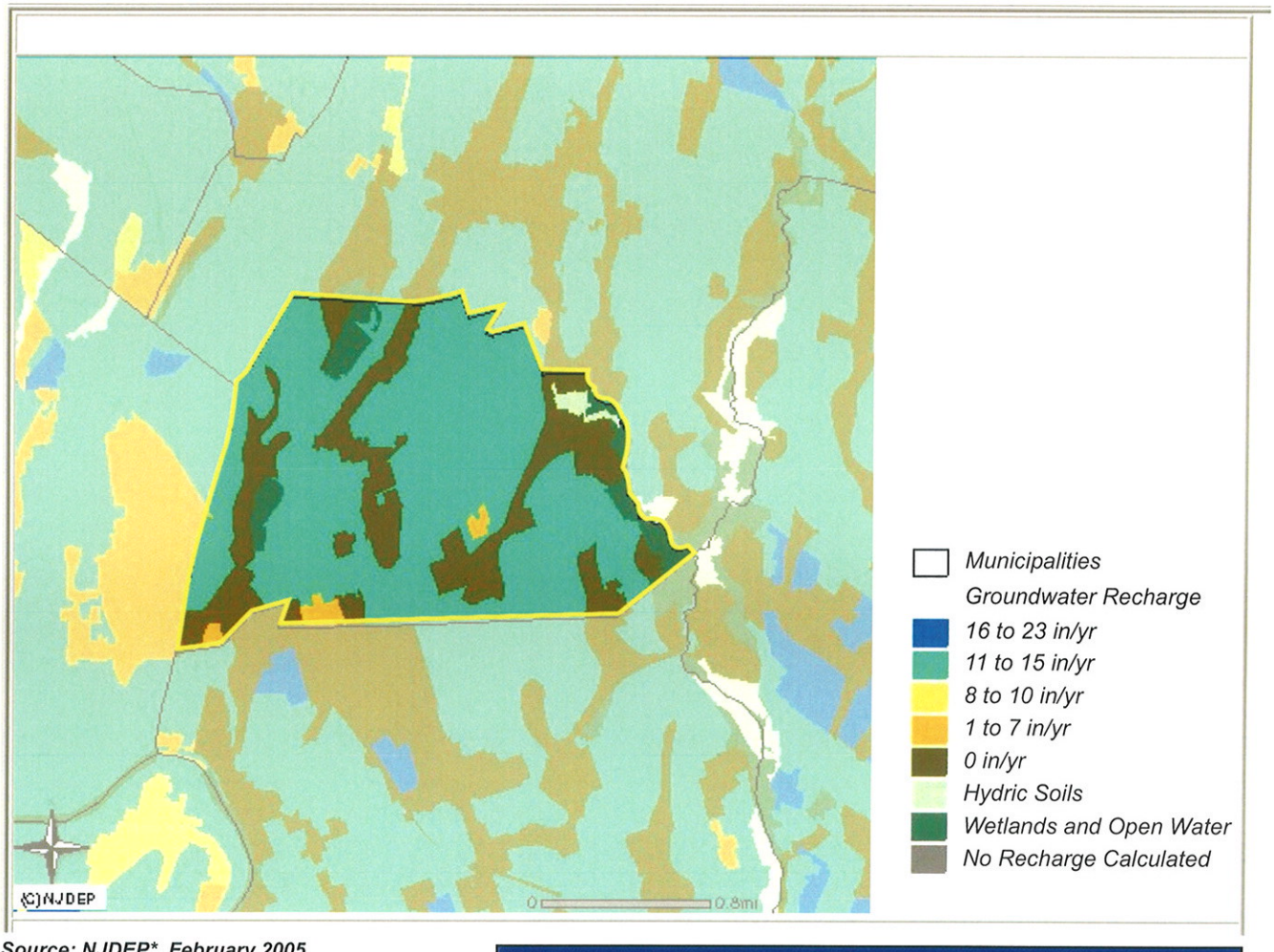
The New Jersey Integrated Water Quality Monitoring and Assessment Report (305(b) and 303(d)) (Integrated List) is required by the federal Clean Water Act to be prepared biennially and is a valuable source of water quality information. This combined report presents the extent to which New Jersey waters are attaining water quality standards, and identifies waters that are impaired. Sublist 5 of the Integrated List constitutes the list of waters impaired or threatened by pollutants, for which one or more TMDLs are needed. The current Integrated List, dated June 22 2004, indicates TMDL's approved by EPA for Diamond Brook (at Fair Lawn) and Hohokus Brook (at mouth in Paramus). The implementation of this MSWMP will help minimize the conveyance of pollutants to the waterways in the Borough.

WATER QUANTITY

The Federal Emergency Management Agency (FEMA) has performed detailed hydraulic studies of Diamond Brook and Hohokus Brook to determine flood hazard areas within the Borough. Said areas are shown on the Flood Insurance Rate Maps (FIRM Map Nos. 34003C0159G, 34003C0157G, 34003C0176F and 34003C0178F). Figure 10 shows the 100-year and 500-year floodplain limits for the Brooks within the Borough. Riverine flooding is generally limited to the flood hazard areas shown on the FIRM's. As shown on the FIRM's and associated Flood Profiles, several bridge/culvert structures associated with road crossings do not have adequate capacity to pass the higher storm events, e.g. 100-year storm, and are therefore overtopped for said events. Since the overtopping conditions generally occur only during severe storm events, the Borough has not experienced adverse impacts to the watercourses due to the deficient structure capacities.

Though the Borough has not experienced severe or unusual riverine flooding along the two aforementioned watercourses, the Borough has experienced "localized" roadway flooding at the Maple Avenue roadway low point beneath the railroad bridge during heavy rainfall events. Flooding at this location is limited to the roadway and is the result of inadequate inlet and/or pipe capacity at this location. Drainage system improvements, such as the addition of inlets and/or the replacement of existing pipes with larger diameter pipes, will likely alleviate flooding at this location and will be investigated in more detail at a later date. The Borough will consider the investigation of drainage improvements with the current Maple Avenue – Glen Road Intersection Improvements project.

The high imperviousness of older, established surburban areas like the Borough has significantly decreased groundwater recharge, decreasing base flows in streams during dry weather periods. Lower base flows can have a negative impact on instream habitat during the summer months. A map of the groundwater recharge areas are shown in Figure 4. Wellhead protection areas, also required as part of the MSWMP, are shown in Figure 5. The Borough currently does not have an existing groundwater assessment.



Source: NJDEP*, February 2005
****www.state.nj.us/dep/gis/newmapping.htm***

FIGURE 4
Groundwater Recharge Areas in the Borough

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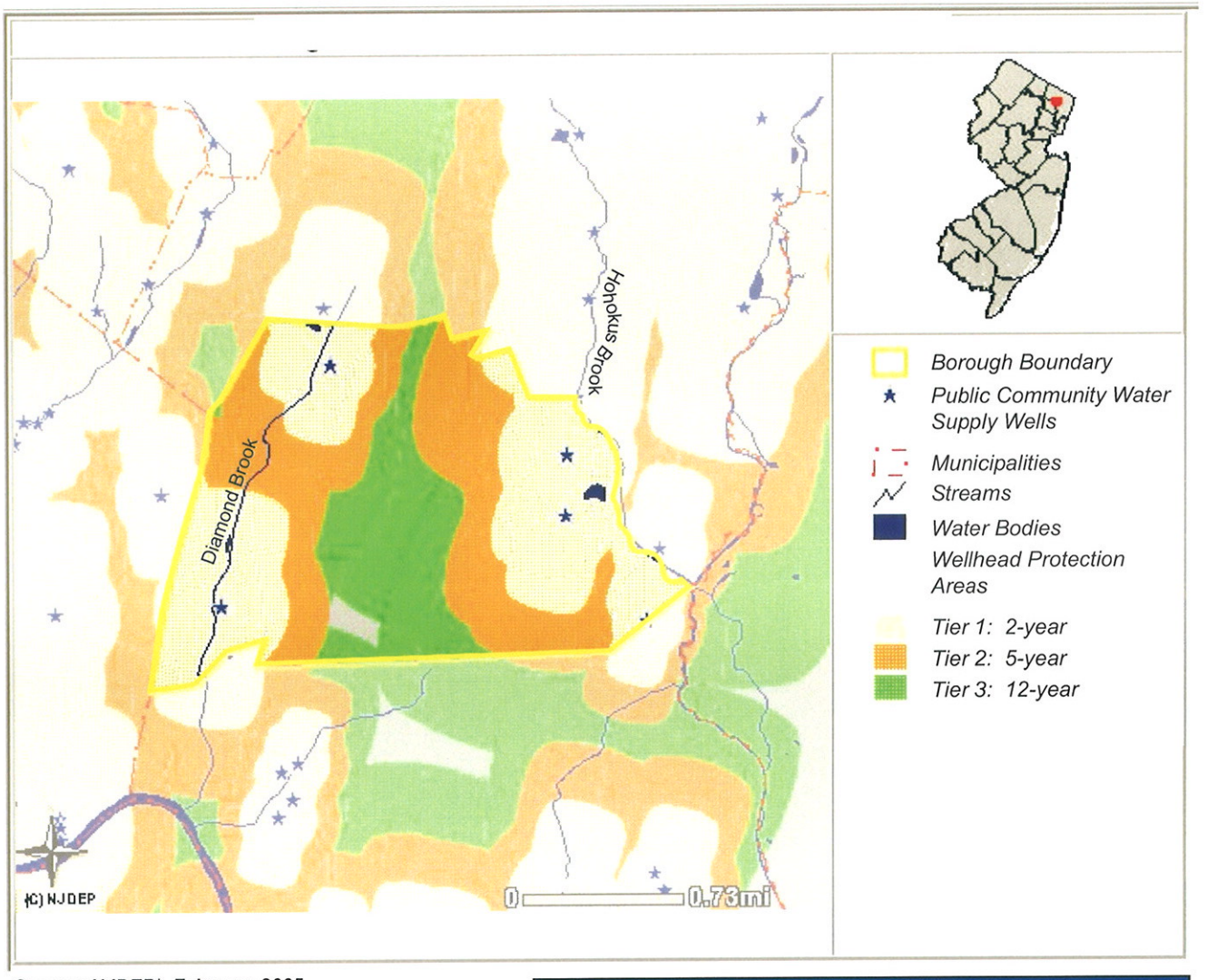

Source: NJDEP, February 2005*
**www.state.nj.us/dep/gis/newmapping.htm*

FIGURE 5
Wellhead Protection Areas in the Borough

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Design and Performance Standards

The Borough will adopt the design and performance standards for stormwater management measures as presented in N.J.A.C. 7:8-5 to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. The design and performance standards include the language for maintenance of stormwater management measures consistent with the stormwater management rules at N.J.A.C. 7:8-5.8 Maintenance Requirements, and language for safety standards consistent with N.J.A.C. 7:8-6 Safety Standards for Stormwater Management Basins. The stormwater management ordinances will be submitted to the County for review and approval within 24 months of the effective date of the Stormwater Management Rules (Feb. 2, 2004). A copy of the Stormwater Control Ordinance is included in Appendix A.

During construction, Borough inspectors will observe the construction of the project to ensure that the stormwater management measures are constructed and function as designed.

After construction, the Borough will ensure the long-term operation and maintenance of stormwater BMPs as follows:

- Requiring the property or easement to be dedicated to the Borough, thereby allowing the Borough to perform the operation and maintenance; or

- Requiring the private entity to perform the operation and maintenance through adoption and enforcement of a stormwater control ordinance with penalties for non-compliance. If the private entity does not perform the required maintenance, the Borough can perform the maintenance and charge the private entity.

Plan Consistency

The Borough is not within a Regional Stormwater Management Planning Area; therefore, this plan does not need to be consistent with any regional stormwater management plans (RSWMPs). However, this plan must be consistent with the County's Stormwater Management Program. If any RSWMPs are developed in the future, this Municipal Stormwater Management Plan will be updated to be consistent. As stated in the Background section, the NJDEP has developed a TMDL for selected pollutants for Diamond Brook and Hohokus Brook at locations in the vicinity of the Borough. Based on the Integrated List provided in the New Jersey Integrated Water Quality Monitoring and Assessment Report, the TMDL's have been approved by EPA. To meet the TMDL requirements, the Borough's Environmental Commission is currently participating in a visual study with Watershed Management Area 4 (liaison: Michelle Backus) of the approximate 1-mile segment of Hohokus Brook within Glen Rock. In order to reduce pollutant levels, particularly fecal coliforms, in Hohokus Brook, the Borough is in the process of passing new or revised ordinances and installing signs addressing the following:

- prohibiting the feeding of wildlife and associated maximum fine;
- requiring pet owners to pick up pet waste; and
- prohibiting illicit connections to storm drains and streams.

The Environmental Commission is also working with the NJDEP to improve water quality of stormwater flowing to Diamond Brook. The Borough is currently in the process of obtaining a '319' Grant which will be used to repair riparian buffers along Diamond Brook. Visual and biological assessments of Diamond Brook have been prepared and submitted to NJDEP.

The Municipal Stormwater Management Plan is consistent with the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21. The municipality will utilize the most current update of the RSIS in the stormwater management review of residential areas. This Municipal Stormwater Management Plan will be updated to be consistent with any future updates to the RSIS.

The Borough's Stormwater Management Ordinance requires all new development and redevelopment plans to comply with New Jersey's Soil Erosion and Sediment Control Standards. Projects that result in a soil disturbance exceeding 5,000 sq. ft. are subject to review by the Bergen County Soil Conservation District. Site plan approvals are not granted until Soil Conservation District approval and certification has been obtained if required due to area of soil disturbance. During construction, Borough inspectors will observe on-site soil erosion and sediment control measures and report any inconsistencies to the local Soil Conservation District.

Nonstructural Stormwater Management Strategies

The Borough has reviewed the Master Plan (dated April 8, 2002) and ordinances, and has provided a list of the sections in the Borough land use and zoning ordinances that are to be modified to incorporate nonstructural stormwater management strategies. These are the ordinances identified for revision. Once the ordinance texts are completed, they will be submitted to the county review agency for review and approval within 24 months of the effective date of the Stormwater Management Rules (Feb. 2, 2004). A copy will be sent to the Department of Environmental Protection at the time of submission.

Chapter 192 of the Borough Code, entitled Subdivision of Land, was reviewed with regard to incorporating nonstructural stormwater management strategies. Several changes will be made to Section 192-13 and Section 192-14 of this Chapter, entitled "Subdivision Design Standards and Site Plan Design Standards", respectively, to incorporate these strategies.

Section 192-14.C: Buffer Strips currently states that the Shade Tree Advisory Committee may recommend landscaping and foundation planting for areas within Borough right-of-way. The landscape requirements for these buffer areas in the existing section do not mention the use of native vegetation. Language will be added in this section to require the use of native vegetation, which requires less fertilization and watering than non-native species. Additionally, language will be included to allow buffer areas to be used for stormwater management by disconnecting impervious surfaces and treating runoff from these impervious surfaces.

Section 192-14.L: Paving and Curbs describes paving requirements. This section will be amended to allow for curb cuts or flush curbs with curb stops to allow vegetated swales to be used for stormwater conveyance and to allow the disconnection of impervious areas. Language will also be added encouraging the use of pervious paving materials, where appropriate, to minimize stormwater runoff and promote groundwater recharge.

Section 192-14.E: Drainage requires that provision shall be made for the safe and adequate drainage of the surface runoff waters in and from the premises so that flooding and erosion of the property and the property of others shall be prevented. This section will be amended to encourage the use of natural vegetated swales to convey surface runoff in lieu of inlets and pipes. The section refers to the use of N.J.S.A. 13:1D-29 as a basis for design of drainage facilities. The language will be amended to refer to

the Borough's Stormwater Management Ordinance for guidance on the design of drainage facilities. Language will also be added regarding compliance with NJDEP Land Use Regulation Program rules and regulations for projects located within NJDEP jurisdiction.

Section 192-14.B: Driveways and Accessways describes the requirements for new driveway or access drive to any street. This section will be amended to allow the use of pervious paving materials to minimize stormwater runoff and promote groundwater recharge. The Borough is evaluating a reduction in the minimum driveway widths to 9 feet for one lane and 18 feet for two lanes.

Section 192-13.B: General Standards and 192-13.F.(3) requires that natural features, such as trees, brooks, hilltops, and views, be preserved whenever possible. This section will be amended to expand trees to forested areas, to ensure that leaf litter and other beneficial aspects of the forest are maintained in addition to the trees.

Section 192-14.K: Parking details off-street parking requirements. This section will be amended to allow the use of pervious paving materials to minimize stormwater runoff and promote groundwater recharge. Language will be added requiring the use of native vegetation for shade tree planting.

Section 192-14.O: Sidewalks states that sidewalks shall be provided where needed. Language will be added to this section to require developers to design sidewalks to discharge stormwater to neighboring lawns, where feasible, to disconnect these impervious surfaces, or use permeable paving materials where appropriate.

Section 192-13.C: Streets describes the requirements for streets in the Borough. This section will be amended to encourage developers to limit on-street parking to allow for narrower paved widths, where appropriate. This section also required that cul-de-sacs have a minimum outside radius of 50 feet. Language will be where appropriate added to this section to reduce the minimum radius of cul-de-sac designs, where possible. Language will also be added to encourage the use of cul-de-sacs with landscaped islands and cul-de-sacs with flush curbs and vegetated swales and/or vegetated filter strips.

Chapter 230 of the Borough Code, entitled Zoning, was also reviewed with regard to incorporating nonstructural stormwater management strategies. Several changes will be made to Article VI of this chapter to incorporate these strategies.

Section 230-33: Off-Street Parking in Residential District describes the requirements for new driveways and parking spaces in residential districts. Language will be added to this section to allow the use of pervious paving materials to reduce stormwater runoff and promote groundwater recharge. The Borough will evaluate the maximum percent impervious cover (50%) to determine whether a reduction in impervious cover is appropriate.

Section 230-37: Off-Street Parking in Nonresidential Districts describes off-street parking requirements. All off-street parking areas and off-street loading zones in nonresidential districts are required to include a five-foot buffer strip suitably landscaped with evergreen shrubs. This section also requires concrete curbing between the parking/loading areas and the buffer strips. This section will be amended to allow for flush curb with curb stops, or curbing with curb cuts to encourage developers to allow for the discharge of impervious areas into landscaped areas for stormwater management. Language will be added to encourage the use of natural vegetated swales for water quality treatment, with overflow for larger storms into closed storm drainage systems. Language will be included to allow pervious paving to be used in areas to provide overflow parking, vertical-parking structures, smaller parking stalls and shared parking

where appropriate. Language will be added to recommend the use of native vegetation in the buffer strips, which will require less fertilization and watering than non-native vegetation. This section requires

that all portions front, rear, and side yards not used for off-street are to be attractively landscaped with trees, shrubs, grass, lawns, or other ground cover. This section will be amended to require the use of native vegetation in such areas.

Section 230-40: House of Worship requires buffer strips where lots abut residential and nonresidential districts. Buffer strips must provide a year-round visual screen consisting of plantings, fencing, evergreens, lawns or a combination thereof. This section will be amended to require the use of native vegetation. Language will be added to allow the buffer strips to be used for stormwater management by disconnection impervious surfaces and treating runoff from these impervious areas. This section requires that a minimum 5% of interior parking areas be landscaped with plantings. The Borough will evaluate increasing the percentage of interior parking areas to be landscaped and language will be added to require the use of native vegetation in said landscaped areas within interior parking areas.

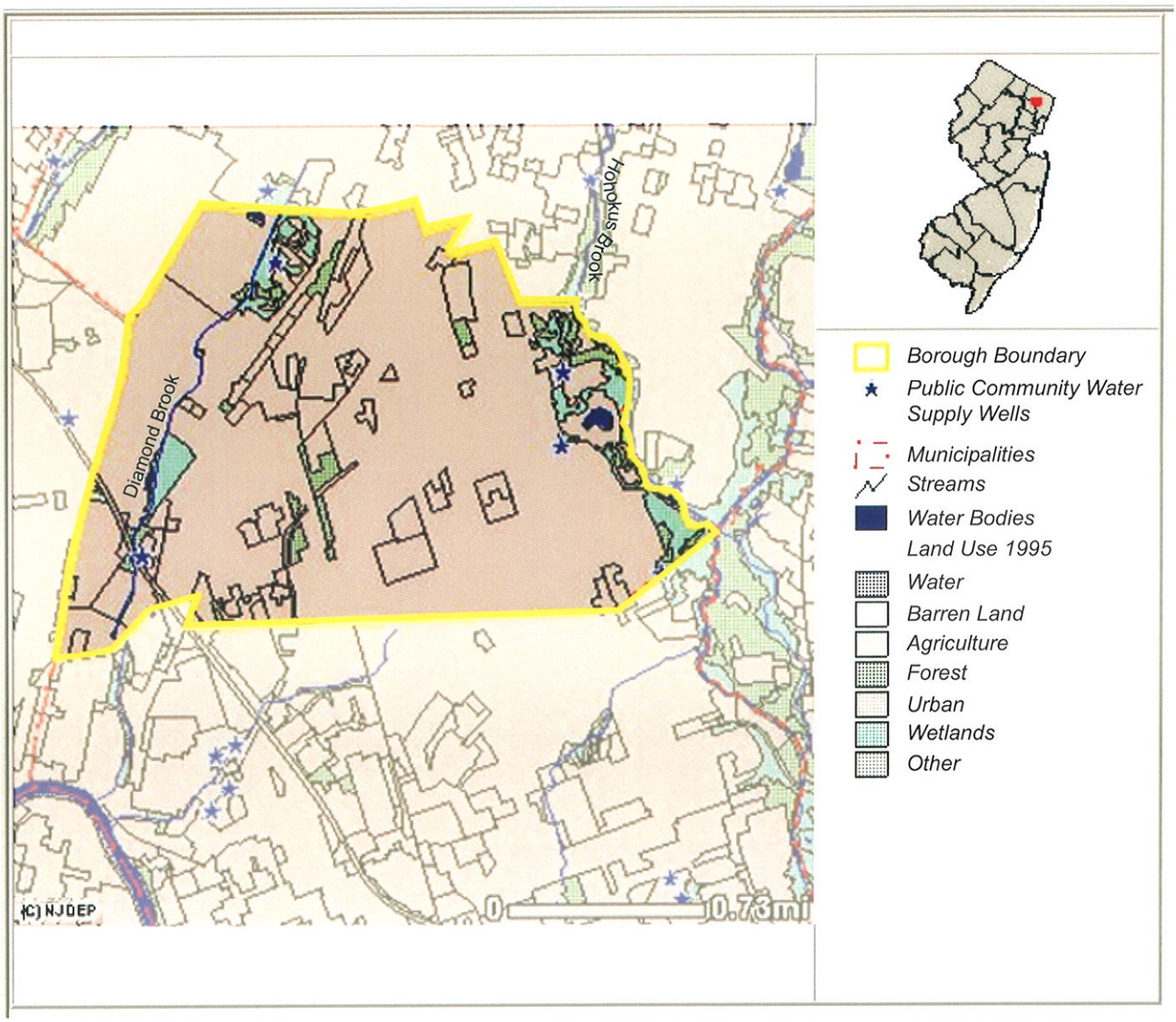
Section 230-59: Required Conditions describes the required conditions for the development of single-family attached housing in the A-2T residence district. This section requires a minimum of 25% of the total area to be open space. The Borough will evaluate increasing the minimum percent open space, which will, in turn, reduce the overall disturbance of land. This section requires the buffer areas be landscaped with trees, shrubs and fencing. This landscaping will be amended to promote the use of native vegetation, which requires less fertilization and watering then non-native ornamental vegetation.

The Borough has four residential districts and six nonresidential districts. The zoning standards do not currently include maximum percent impervious surface allocations for <u>all</u> the districts; therefore, the Borough will evaluate each district and determine a maximum allowable impervious cover the each zone and amend the standards accordingly. If a developer is given a variance to exceed the maximum allowable percent imperviousness, the developer must mitigate the impact of the additional impervious surfaces. This mitigation effort must address water quality, flooding, and groundwater recharge as described in the Borough's Stormwater Management Ordinance. A detailed description of how to develop a mitigation plan is included in this Municipal Stormwater Management Plan.

The Borough will also consider adoption of a Stream Buffer Ordinance for the purpose of establishing a minimum buffer width from the top bank of streams within which vegetation must be protected and maintained.

Land Use/Build-Out Analysis

A detailed land use/build-out analysis for the Borough was not conducted since there are no large open tracts of developable land in Glen Rock. As stated in the Background section, Glen Rock is an older, established community. Figure 6 illustrates the existing land use in the Borough based on 1995/97 GIS information from NJDEP. Figure 7 illustrates the HUC14s within the Borough. The Borough zoning map is shown in Figure 8. Figure 9 illustrates the constrained lands within the Borough. Figure 10 shows the floodplain areas within Glen Rock.



Source: NJDEP, February 2005*
**www.state.nj.us/dep/gis/newmapping.htm*

FIGURE 6
Borough's Existing Land Use

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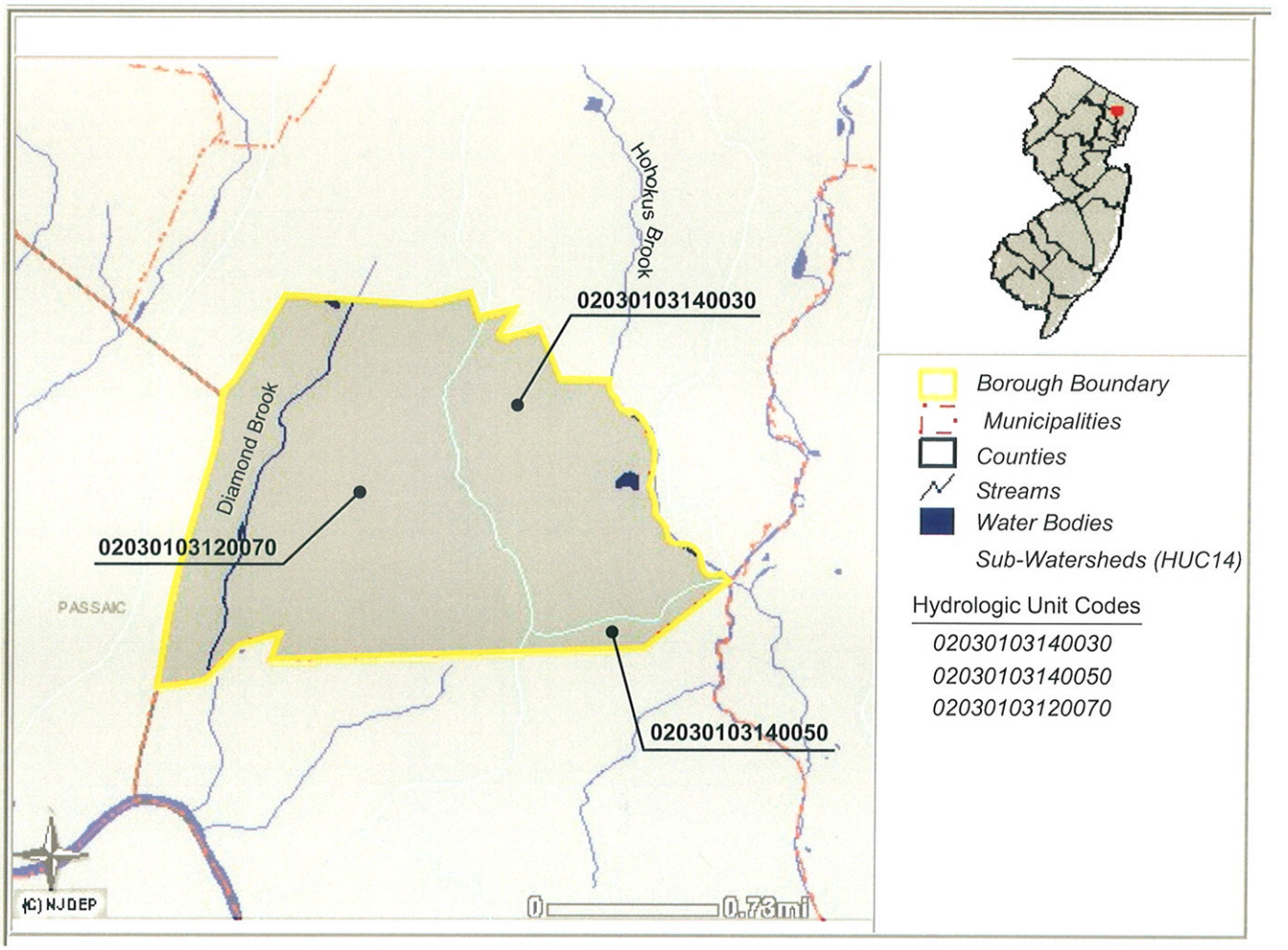
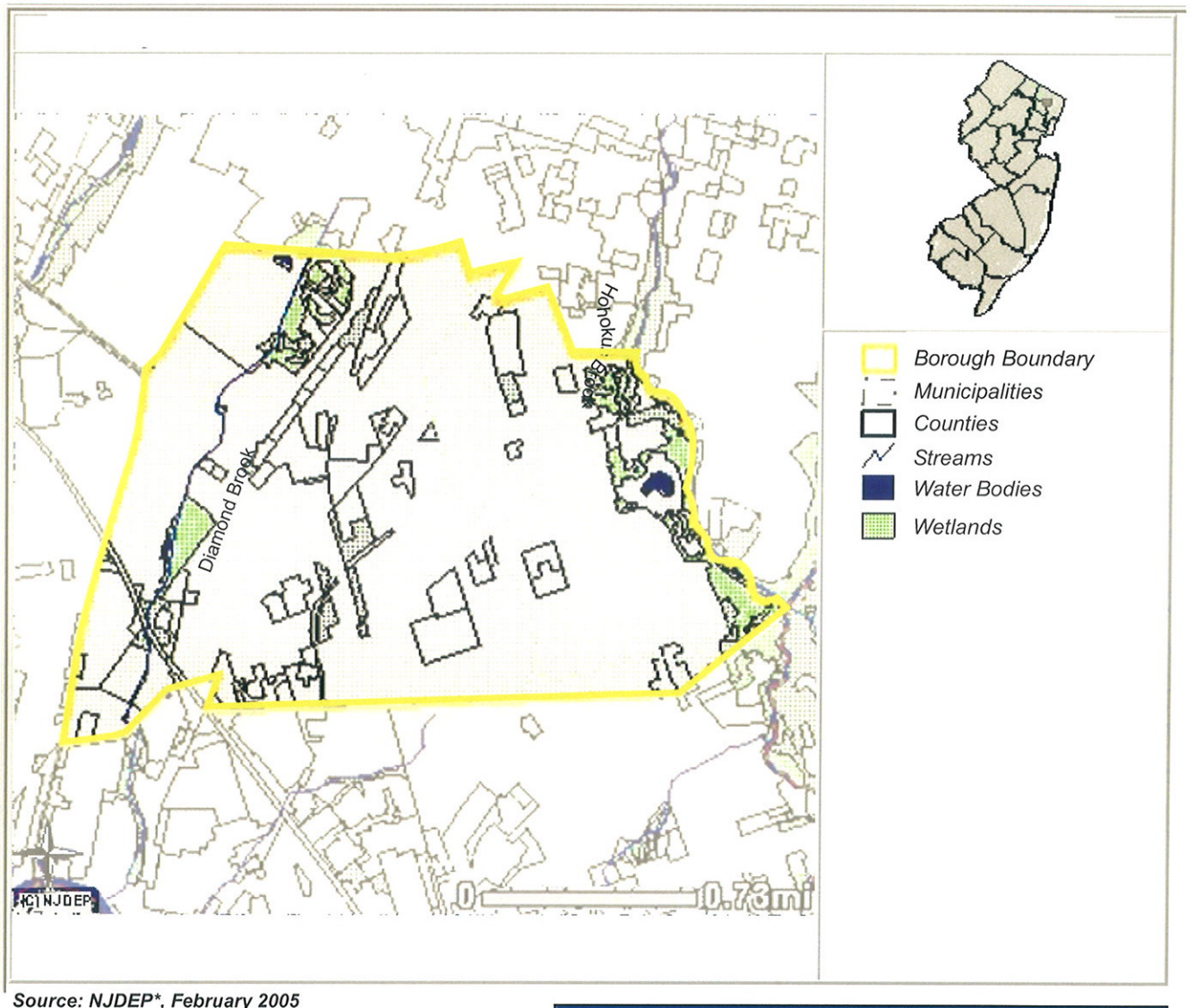


Source: NJDEP, February 2005*
**www.state.nj.us/dep/gis/newmapping.htm*

FIGURE 7
Hydrologic Units (HUC14s) Within the Borough

/200580070/graphics/figuresglenrock



Source: NJDEP*, February 2005
*www.state.nj.us/dep/gis/newmapping.htm

FIGURE 9
Wetlands and Water Land Uses
Within the Borough - Constrained Land

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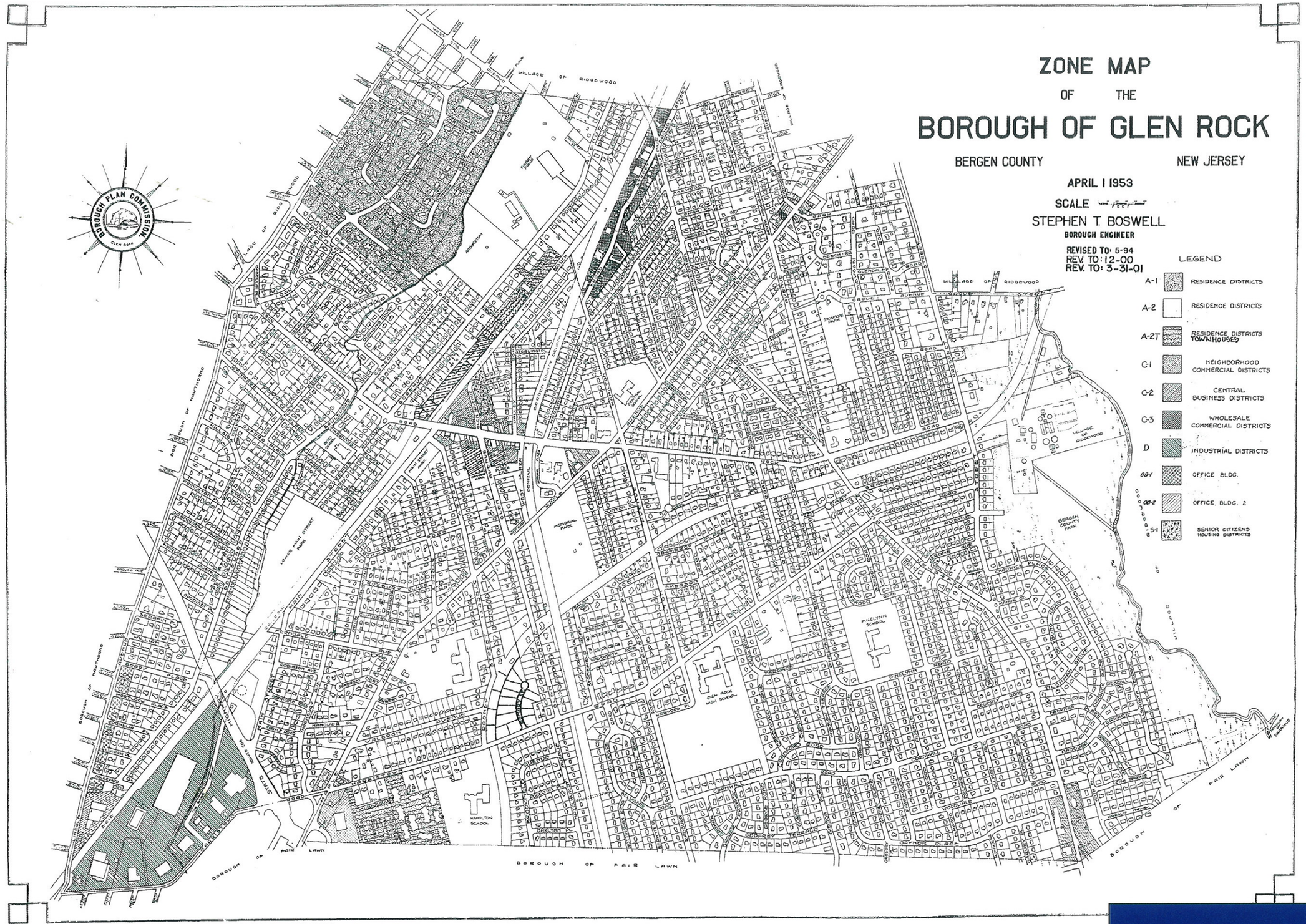
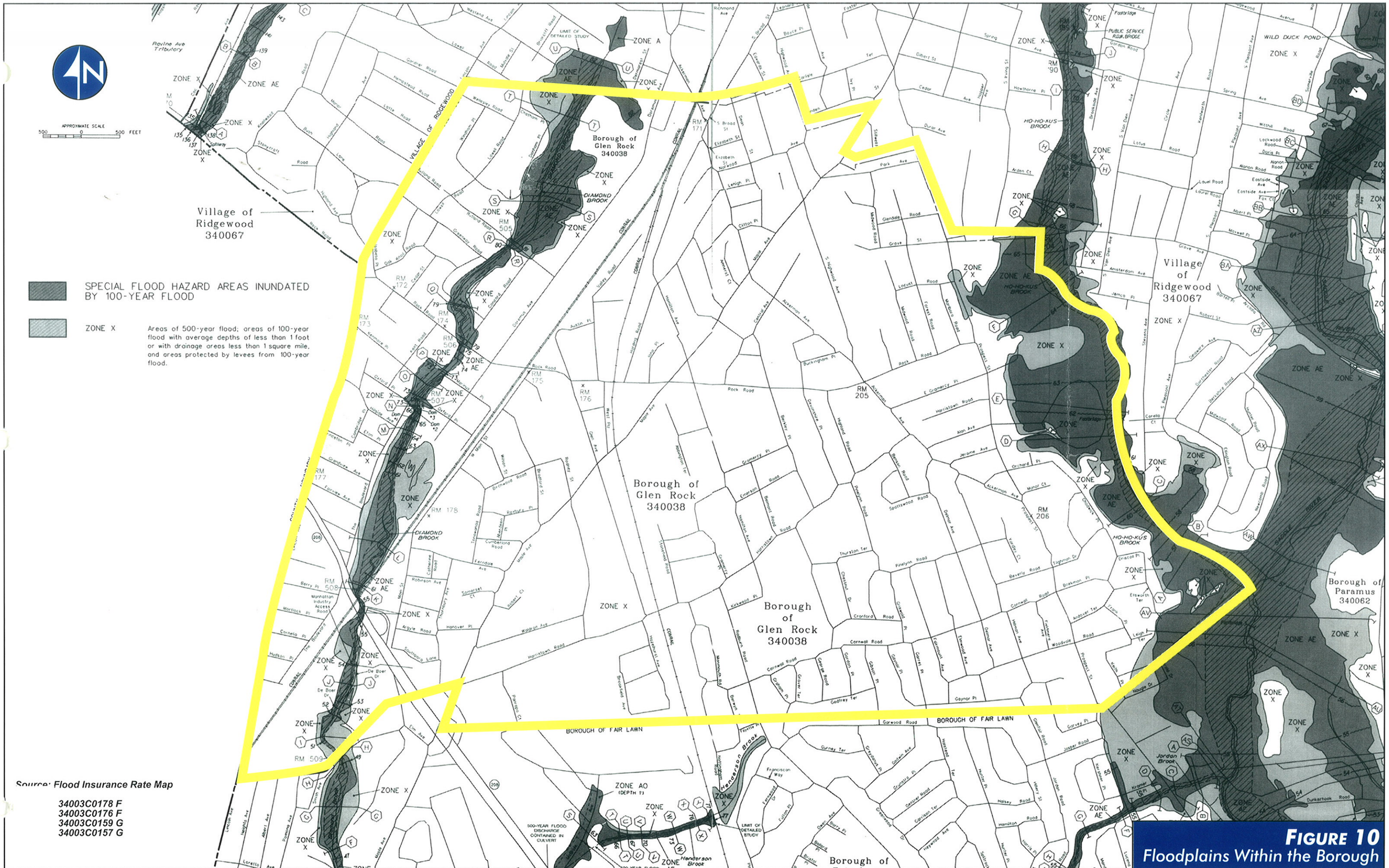


Source: Borough of Glen Rock

FIGURE 8
Zoning Districts Within the Borough



Source: Flood Insurance Rate Map

34003C0178 F
34003C0176 F
34003C0159 G
34003C0157 G

FIGURE 10
Floodplains Within the Borough

Approx. Scale: 1"=4,000ft.

Source: Soil Survey of Bergen County, New Jersey, 1995

FIGURE 11
Borough Boundary on Soil Survey

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Mitigation Plans

This mitigation plan is provided for a proposed development that is granted a variance or exemption from the stormwater management design and performance standards. Presented is a hierarchy of options.

Mitigation Project Criteria

1. The mitigation project must be implemented in the same drainage area as the proposed development. The project must provide additional groundwater recharge benefits, or protection from stormwater runoff quality and quantity from previously developed property that does not currently meet the design and performance standards outlined in the Borough's Stormwater Management Plan. The developer must ensure the long-term maintenance of the project, including the maintenance requirements under Chapters 8 and 9 of the NJDEP Stormwater BMP Manual.

a. The applicant can select one of the following projects listed to compensate for the deficit from the performance standards resulting from the proposed project. More detailed and updated information on the projects must be obtained from the Borough Engineer. Listed below are specific projects that can be used to address the mitigation requirement.

Groundwater Recharge

- Replace existing deteriorated impervious Borough parking lots with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing Borough parking areas to provide the removal of 80 percent of total suspended solids. The retrofit BMPS cannot reduce the existing number of parking spaces.

Water Quantity

- Given the built-out condition of the Borough and lack of open space within which to provide stormwater management measures, the Borough denies applications that do not meet the water quantity standards.

2. If a suitable site cannot be located in the same drainage area as the proposed development, as discussed in Option 1, the mitigation project may provide mitigation that is not equivalent to the impacts for which the variance or exemption is sought, but that addresses the same issue. For example, if a variance is given because the 80 percent TSS requirement in not met, the selected project may address water quality impacts due to fecal impairment. Listed below are specific projects that can be used to address the mitigation option

Water Quality

- Re-establish a vegetative buffer (minimum 50 foot wide) along Diamond Brook and Hohokus Brook as a goose control measure and to filter stormwater runoff from the high goose traffic areas.

- Provide goose management measures at Borough parkland, including public education.

The Borough may allow a developer to provide funding or partial funding to the Borough for an environmental enhancement project that has been identified in the Borough's Stormwater Management Plan, or towards the development of a Regional Stormwater Management Plan. The funding must be equal to or greater than the cost to implement the mitigation outlined above, including costs associated with purchasing the property or easement for mitigation, and the cost associated with the long-term maintenance requirements of the mitigation measure.

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Appendix A

BOROUGH OF GLEN ROCK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 230 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "ZONING" BEING AN ORDINANCE ESTABLISHING A UNIFORM SET OF ZONING REQUIREMENTS; TO ESTABLISH STORMWATER MANAGEMENT STRATEGIES FOR MAJOR DEVELOPMENTS WITHIN THEBOROUGH

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I. Chapter 230 of the Revised General Ordinances of the Borough of Glen Rock 1971, as amended, being an Ordinance entitled "Zoning" is hereby amended by adding thereto a new Article XXV entitled "Stormwater Control" to read as follows"

"Article XXV

Stormwater Controls

230-116. Scope and Purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans 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

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 230-117.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Non-residential major developments; and

b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Glen Rock.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

230-117. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. 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, as amended.

"CAFRA Planning Map" means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

"CAFRA Centers, Cores or Nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

"Compaction" means the increase in soil bulk density.

"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:

A county planning agency; or

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 New Jersey Department of Environmental Protection.

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

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, 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 lands, 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.

"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 critical areas" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat 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 Neighborhood" means a neighborhood 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.

"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.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

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

"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, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

"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.

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

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), 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 structural or nonstructural strategy, 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.

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"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.

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

"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.

230-18. General Standards.

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

2. 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.

230-119. 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 230-125.

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

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Paragraphs F and G below:

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

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

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

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 230-1169F and 230-119.G below 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 nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 230-119F and 230-19G below to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 230-19F and 230-19G below, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 230-19F and 230-119G below that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 230-119F and 230-119G below shall be met by incorporating nonstructural stormwater management strategies set forth in Section 230-119E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

   a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

   b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

   c. Maximize the protection of natural drainage features and vegetation;

   d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

e. Minimize land disturbance including clearing and grading;

f. Minimize soil compaction;

g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

(1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 230-119E.(3) below;

(2) Site design features that help to prevent discharge of trash and debris from drainage systems;

(3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under Section 230-119E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 230-119E.3.c below.

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

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

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

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

b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

c. This standard does not apply:

(1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows from the water quality design storm as specified in Section 230-119G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 230-119G.1; or

(4) 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.

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 230-119F and 230-119G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

b. The minimum design and performance standards for groundwater recharge are as follows:

(1) 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.

(2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.

(3) 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.

(4) 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 and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

c. 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:

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

(2) 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 two, 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;

(3) 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. 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 Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000

40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

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

   $R = A + B - (AXB)/100$

   Where

   R = total TSS percent load removal from application of both BMPs, and

   A = the TSS percent removal rate applicable to the first BMP

   B = the TSS percent removal rate applicable to the second BMPTable 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. 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 Sections 230-119F and 230-119G.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.

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. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

   a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

      (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

   b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.

   c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act,

N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;

(3) Temperature shall be addressed to ensure no impact on the receiving waterway;

(4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 230-119G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

230-120. 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 the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

   b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Section 5A.1.a and the Rational and Modified Rational Methods at Section A.1.b. A runoff coefficient or a

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

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

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

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.S

230-121. Standards for Structural Stormwater Management Measures.

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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. Structural 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 (1") 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 (1/3) the width of the diameter of the orifice or one-third (1/3) 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.D.

3. Structural 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. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 4 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 230-119 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

230-122. Sources for Technical Guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

230-123. 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 basins. This section applies to any new stormwater management basin.

B. 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 basin to ensure proper functioning of the basin 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 300 lbs/ft sq.

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

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

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

   c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

   a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 8.C a free-standing outlet structure may be exempted from this requirement.

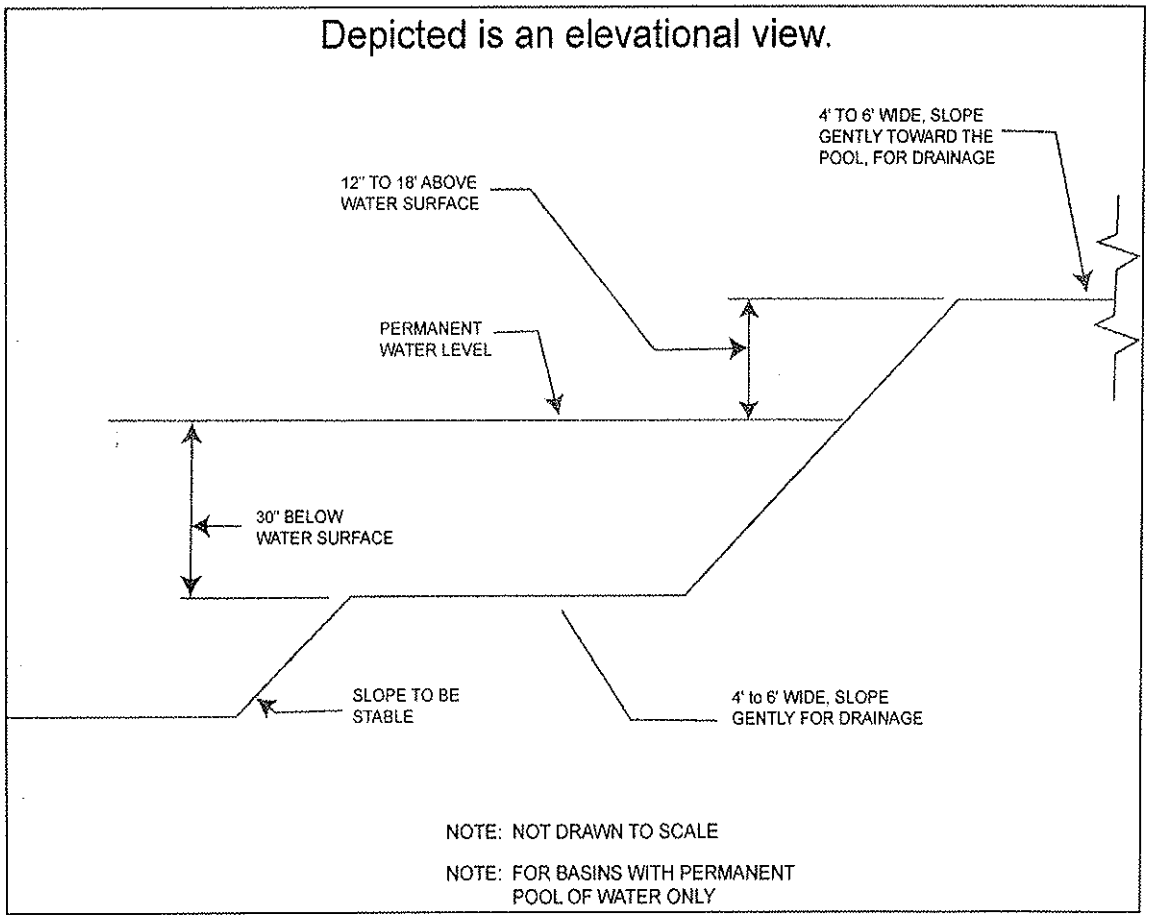
   b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two 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 230-123D for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



230-124. 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 Paragraph C below 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 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with Paragraph C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (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. Checklist Requirements

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 environs. 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 Plan(s)

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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 230-118 through 230-121 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 230-119 of this ordinance.

b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, 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 230-125.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Paragraphs 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.

230-125. Maintenance and Repair.

A. Applicability

1. Projects subject to review as in Section 230-116C of this ordinance shall comply with the requirements of Paragraphs B and C below.

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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. 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.

4. If the person responsible for maintenance identified under Paragraph B.2 above is not a public agency, the maintenance plan and any future revisions based on Paragraph B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including 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.

6. The person responsible for maintenance identified under Paragraph B.2 above shall 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.

7. The person responsible for maintenance identified under Paragraph B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under Paragraph B.2 above shall 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 Paragraph B.6 and B.7 above.

9. The requirements of Paragraph B.3 and B.4 above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

10. 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 affect 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.

B. 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.

230-126. Penalties.

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

A. Any person who shall violate the terms and provisions of this chapter shall, upon conviction thereof, be subject to any combination of the following: a fine not exceeding $1,000, imprisonment not to exceed 90 days. Each day upon which a violation continues shall constitute a separate offense.

B. In addition to the remedies provided for in this section, should an owner, operator or occupant of any premises fail to comply with any order and/or directive of the Code Enforcement Official within ten (10) days after notice of such violation., the Code Enforcement Official may cause such condition to be remedied. In such case, the Code Enforcement Official may cause such remediation by restraining the services of a contractor5, in accordance with applicable laws, and the cost of such remediation shall e paid by the Borough. The expenses incurred by the Borough shall become a charge or lien on such lands and shall be added to and become and forma part of the taxes to be assessed and levied upon such lands and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner.

Section II. EFFECTIVE DATE.

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

Section III. VALIDITY-SEVERABILITY.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section IV. All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

APPROVED:

Jackie Scalia, Borough Clerk

John van Keuren, Mayor