



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Linda Chismar
732 356-7400 x238
www.middlesexboro-nj.gov

Tuesday, October 8, 2024

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Mayor Jack Mikolajczyk
Council President Michael Conahan
Councilman Robert Dessino
Councilman Kevin Dotey
Councilman Martin Quinn

Councilman Jeremiah Carnes -- **Absent**
Councilman Douglas Rex -- **Absent**

Also Present:

Michael La Place Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

1. Fire Department

Fire Chief Ken Bartok introduced himself and gave a brief overview of the history of the Fire Department as well as the needs of the department to thrive.

- The Fire Department is comprised of 4 all-volunteer fire companies.
- Each station elects a Captain & Lieutenant who are in charge of running each of their stations and each Engineer and Assistant Engineer are in charge of maintaining and operating their specific apparatus in their stations.
- The placement of the 4 stations were strategically placed so that each "section" of town that floods always has fire protection.
- The fire stations are independently owned by the fire company members, with funding coming from annual fund drives (boot drives, carnival, mailings) with the Borough supplementing the rest.
- The Department was awarded one grant for just under \$180,000 dollars for turnout gear and thermal

imaging cameras, and another one for swift water rescue equipment for the swift water rescue team for just over \$21,000 dollars.

- The last 5 years of call numbers are:
 - 2019: 380
 - 2020: 342
 - 2021: 413
 - 2022: 417
 - 2023: 476
 - 2024: YTD Calls 347
- The Fire Department responds to many different types of calls for service including: structure, vehicle, brush, mulch, fire/CO alarms, hazmat incidents, odor of smoke & smoke conditions, car accidents, EMS assists, natural gas and propane leaks, electrical hazards in or outside of the home, water leaks, water emergencies(flood), natural disasters, the occasional cat underneath a solar panel on a roof, dog stuck under a shed, etc.
- There currently are 61 members on the roster, and we need volunteer firefighters.
- The 4 members that work for the Borough DPW respond to emergencies during work hours because of the need for daytime firefighters.
- The State Firefighter 1 course that gives you the basic knowledge of firefighting is a minimum of 210 hours.
- The Borough started contributing to the state LOSAP program for firefighters in 2019.
- 5 new firefighters will be attending Middlesex County Fire Academy this semester.

Chief Bartok ended his presentation by urging residents to become involved in the local departments, emphasizing the need for volunteers.

APPOINTMENTS

1. Accepting the Resignation of Kristen Bennett from the Parks Improvement Committee

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2136-24 by title:

ORDINANCE 2136-24

AN ORDINANCE REPEALING AND REPLACING CHAPTER 355 ENTITLED “STORMWATER CONTROL”

WHEREAS, the Borough of Middlesex desires to update its regulations for stormwater control in accordance with NJDEP requirements; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Middlesex desires to repeal Chapter 355, entitled “Stormwater Management” and replace it; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 355 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey is repealed in its entirety and replaced pursuant to the provisions hereof:

Section I. Repeal and Replacement

Chapter 355 of the Municipal Code is hereby repealed and replaced with the following:

Chapter 355-1. Scope and Purpose:

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 355-2.

C. Applicability

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

3. An application required by ordinance pursuant to C.1 above that has been submitted prior to the adoption date of this ordinance shall be subject to the stormwater management requirements in effect on at that time.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to the adoption of this ordinance, shall be subject to the stormwater management requirements in effect on at the time of application..
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

Chapter 355-2. Definitions:

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

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

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and

CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary

designation, delineated within New Jersey by the United States Geological Survey.

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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Chapter 355-4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized

public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 355-3. Design and Performance Standards for Stormwater Management Measures

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

under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Chapter 355-4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Chapter 355-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Chapter 355-4.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Chapter 355-4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Chapter 355-4.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of Chapter 355-4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 355-4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate

the requirements of Chapter 355-4.O, P, Q and R that were not achievable onsite.

- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Chapter 355-4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

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

<u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table</u>
Cistern	0	Yes	No	--
Dry	0	No	Yes	2
Grass Swale	50 or less	No	No	$\frac{2^{(e)}}{1^{(f)}}$
Green	0	Yes	No	--
Manufactured Treatment	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	$\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$	$\frac{2^{(b)}}{1^{(c)}}$
Small-Scale Bioretenti	80 or 90	Yes	$\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$	$\frac{2^{(b)}}{1^{(c)}}$
Small-Scale Infiltratio	80	Yes	Yes	2
Small-Scale	80	Yes	Yes	2
Vegetative Filter	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-14)

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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Chapter 355-4.O.2;
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at Chapter 355-2;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Chapter 355-2.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Chapter 355-6.B. Alternative stormwater management measures may be used to satisfy the requirements at Chapter 355-4.O only if the measures meet the definition of green infrastructure at Chapter 355-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Chapter 355-4.D is granted from Chapter 355-4.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the

groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Chapter 355-8.C;
 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Chapter 355-8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Chapter 355-2 may be used only under the circumstances described at Chapter 355-4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Chapter 355-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Chapter 355-4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Chapter 355-4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Chapter 355-4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Chapter 355-10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Chapter 355-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Chapter 355-4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Chapter 355-4.F. and/or an alternative stormwater management measure approved in accordance with Chapter 355-4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Chapter 355-4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Chapter 355-4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Chapter 355-4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Chapter 355-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Chapter 355-4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Chapter 355-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Chapter 355-4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Chapter 355-5, either:

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Chapter 355-5.D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

- i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
 - iii.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

**Table 4 - Water Quality Design Storm
Distribution**

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Chapter 355-4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Chapter 355-5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Chapter 355-5.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Chapter 355-5.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Chapter 355-5.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
- iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

Section 355-5. Calculation of Stormwater Runoff and Groundwater Recharge:

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

1. The design engineer shall calculate runoff using the following methods:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10,

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

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

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

2. For the purpose of calculating curve numbers 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 "curve number" applies to the NRCS methodology above at Chapter 355-5.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

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

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

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.0
Bergen	1.01	1.03	1.0
Burlington	0.99	1.01	1.0
Camden	1.03	1.04	1.0
Cape May	1.03	1.03	1.0
Cumberland	1.03	1.03	1.0
Essex	1.01	1.03	1.0
Gloucester	1.05	1.06	1.0
Hudson	1.03	1.05	1.0
Middlesex	1.02	1.05	1.0
Mercer	1.01	1.02	1.0
Middlesex	1.00	1.01	1.0
Monmouth	1.00	1.01	1.0
Morris	1.01	1.03	1.0
Ocean	1.00	1.01	1.0
Passaic	1.00	1.02	1.0
Salem	1.02	1.03	1.0
Somerset	1.00	1.03	1.0
Sussex	1.03	1.04	1.0
Union	1.01	1.03	1.0
Warren	1.02	1.07	1.0

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

Table 6: Future Precipitation Change Factors

County	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Atlantic</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bergen</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Burlington</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Camden</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Cape May</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Cumberland</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Essex</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Gloucester</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Hudson</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Middlesex</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Mercer</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Middlesex</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Monmouth</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Morris</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Ocean</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Passaic</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Salem</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Somerset</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Sussex</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Union</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Warren</u>	<u>1</u>	<u>1</u>	<u>1</u>

Chapter 355-6. Sources for Technical Guidance:

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

<https://dep.nj.gov/stormwater/bmp-manual/>.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as

amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

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

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

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

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

Chapter 355-7. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Chapter 355-4.F above, or alternative designs in accordance with Chapter 355-4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Chapter 355-7.A.2 below.

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

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

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have

an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Chapter 355-8. Safety Standards for Stormwater Management Basins:

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

standards in Chapter 355-8.C.1, C.2, and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

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

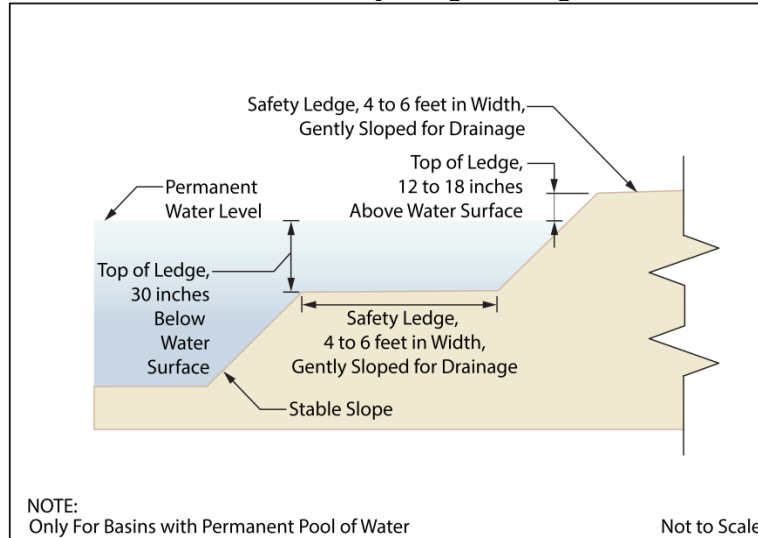
- surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Chapter 355-9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Chapter 355-9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Chapter 355-9.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist

requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Chapters 355-3 through 5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Chapter 355-4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Chapter 355-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Chapter 355-9.C.1 through C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Chapter 355-10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Chapter 355-1.C of this ordinance shall comply with the requirements of Chapter 355-10.B and.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Chapter 355-10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Chapter 355-10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Chapter 355-10.B.3 above shall perform all of the following requirements:

- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Chapter 355-10.B.6 and B.7 above.
8. The requirements of Chapter 355-10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

Chapter 355-11. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to either imprisonment in the County jail for a term not exceeding ninety (90) days or by a fine not less than one thousand five hundred (\$1,500) dollars, or both, in the discretion of the Court.

Section II. Severability:

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

Section III. Effective Date:

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

Mayor Mikolajczyk opened the Public Hearing on Ordinance No. 2136-24. Seeing that there were no public comments, Mayor Mikolajczyk closed the Public Hearing on Ordinance No. 2136-24.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

Borough Clerk Linda Chismar read Ordinance 2137-24 by title:

ORDINANCE 2137-24**AN ORDINANCE AMENDING CHAPTER 32 (ENVIRONMENTAL COMMISSION) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CREATE A GREEN TEAM SUBCOMMITTEE**

WHEREAS, the Environmental Commission of the Borough of Middlesex is incorporated in Chapter 32 of the Borough's municipal code; and

WHEREAS, the Borough Council of the Borough of Middlesex seeks, in consultation with the Environmental Commission, to authorize and create a Green Team subcommittee of the Environmental Commission; and

WHEREAS, it shall be the duty of the Green Team to assist in the duties of the Environmental Commission and to collaborate in the implementation of a model of government which benefits the residents with green initiatives which are environmentally and economically sound, easy to replicate, and affordable to implement; and

WHEREAS, the Green Team shall, in collaboration with the Borough Council and Environmental Commission, work to assure clean air and water for the Borough of Middlesex, improve living and working environments for our residents and businesses, foster a community that is sustainable economically and environmentally, and strive to save tax dollars with eco-friendly initiatives.

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 32 (Environmental Commission) of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey shall be amended as follows:

SECTION I.

Section 32-12 is hereby created entitled "Green Team Subcommittee" and inserted into the municipal code (all text novel):

- A. The Environmental Commission shall create from its own members a Green Team Subcommittee consisting of less than a majority of its total membership. The Green Team Subcommittee shall be constituted consistent with the provisions hereof at the annual reorganization meeting of the Environmental Commission and shall serve for the calendar year in which it is appointed. The Green Team Subcommittee shall select from its membership a chairperson and shall meet at least monthly in furtherance of the duties and responsibilities contained herein.
- B. It shall be the duty of the Green Team Subcommittee to assist in the duties of the Environmental Commission and to collaborate in the implementation of a model of government which benefits the residents with green initiatives which are environmentally and economically sound, easy to replicate, and affordable to implement. The Green Team Subcommittee shall, in collaboration with the Borough Council and Environmental Commission, work to assure clean air and water for the Borough of Middlesex, improve living and working environments for our residents and businesses, foster a community that is sustainable economically and environmentally, and strive to save tax dollars with eco-friendly initiatives.
- C. The Green Team Subcommittee shall manage Middlesex Borough's participation in the Sustainable Jersey program, work on Sustainable New Jersey initiatives, and advise the Environmental Commission on related matters as needed.
- D. The Green Team Subcommittee shall endeavor to achieve certification and eligibility for Sustainable New Jersey Grant Programs and work on Sustainable Jersey Actions (including following steps for completion and certification points).
- E. The Green Team Subcommittee shall develop an action plan and a way to track progress towards Sustainable Jersey's initiative's including goals, indicators, and targets and actions for residents, local government, businesses and civic organizations. They shall further engage in studies and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, light pollution, soil and landscape protection, environmental appearance and protection of flora, fauna and pollinators.
- F. The Green Team Subcommittee shall solicit and evaluate environmental ideas and suggestions from the community, promote and develop strategies for sustainable "green" initiatives in municipal operations, and manage and organize various ad hoc environmental events within the Borough.

SECTION II.

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

SECTION IV.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION V.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Mayor Mikolajczyk opened the Public Hearing on Ordinance No. 2137-24. Seeing that there were no public comments, Mayor Mikolajczyk closed the Public Hearing on Ordinance No. 2137-24.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

ADOPTION OF MINUTES

1. Approval of the September 10, 2024 Executive Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

2. Approval of the September 24, 2024 Regular & Executive Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

MAYOR'S REPORT

Mayor Mikolajczyk read the following letter:

On Thursday October 4th at 3PM, our BA, Chief of Police, DPW Supervisor, Councilman Dessino and myself had an in-person meeting with the principals at 207 Pond regarding the proposed County Solid Waste Plan Amendment at 207 Pond Avenue as a Class D Recycling Center. As a result of the meeting several points were clarified, however most issues were found to be with their application not being reflective of what they want to do. They recognized this and the expectation is that you would be receiving a corrected amendment to this application from them.

Some of the items discussed.

- A clarification needs to be forthcoming as a recycling center is not a permitted use in the Industrial Zone and an approval by our Joint Land Use Board would be required.
- This facility would be for latex processing only. Oils & solvents are not intended to be received at this facility and any erroneously received would be of a de minimis quantity (a gallon or 2) and transferred offsite.
- Our residents traffic concerns are a Borough issue and are not created by the subject company.
- They will hold an open house for the residents to see what they are doing.

There is also a letter crafted by our DPW supervisor Lenny Vidal which as a follow up to the public meetings details some of our concerns also. I would imagine that the amended application would necessitate another round of public meetings.

Thank you for your consideration.

Jack Mikolajczyk
Mayor

Mayor Mikolajczyk read the following letter from DPW Supervisor Lenny Vidal :

On behalf of the Borough of Middlesex, this is a response in reference to the proposed County Solid Waste Plan Amendment at 207 Pond Avenue as a Class D Recycling Center. The Borough council and residents have several concerns with approving this facility as a Class D Recycling.

- Residents concerned of air quality, potential health risks and environmental impacts. Additionally, pollutants can affect local ecosystems and property values.
- Safety issues regarding fires and explosions at site and ability for our Fire Department and OEM to handle such challenges.
- Could we restrict Class D to mainly collecting Latex paints (no solvents, no oil-based paints.)
- Smell associated with the operation of this facility.
- Who is responsible for monitoring their day-to-day operations, making sure they are compliant?
- There are already 8 such facilities located within Middlesex Borough. Is there a threshold how many a town can accommodate?
- Due to the fact facility is in flood zone, who is responsible for cleanup process?
- Recycle Center isn't a permitted use in the Industrial Zone, JLUB approval is required

Leonard Vidal
Superintendent of Public Works

State Health coverage is going up over 16% next year, we are planning on looking for quotes and creating a committee to investigate other options.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- I want to thank Chief Ken Bartok for his presentation of the Fire Department tonight, as well as a thanks to his team who helped contribute. Thank you to the entire Fire Dept.
- I want to thank Kristen Bennett for her 2 years of service to the Parks Improvement Committee.
- I am excited for Clare and the entire Environmental Commission for the new Green Team Subcommittee.
- The Library, in partnership with our American Legion, is again hosting the Legacy Lawn Program, which

honors Middlesex residents who have served in the Military or are in active duty currently. Applications to be included this year are being accepted until October 21st.

- The friends of the library are hosting another Jazz concert featuring Ken Lelen - roots of American jazz, on Sunday October 20th at 3pm.
- Our next Pillar of Middlesex will be Jack Costa on November 26th.
- I want to thank our Clerk, Linda Chismar, for all of her hard work in the sale of Block 17 Lot 306.
- I want to thank Councilman Dessino and Lenny Vidal, our DPW Superintendent, for all of their time and energy investigating the 207 Pond Ave Permit.
- Recreation is again hosting its Haunted House at the Rec Center on 2 different nights: October 16th and 17th from 6-8pm. Free Admission. It includes a pumpkin decorating contest, photo ops and sweet treats.
- Please support our Lincoln Firehouse when they host a coin toss this Saturday, from 11am-4pm at the intersection of Mountain Ave and Lincoln.
- I look forward to our 1st Town Hall meeting on Tuesday, October 29th at 7pm. More details to come.

Councilman Carnes

Councilman Dessino

Councilman Dessino made the following comments:

- The Environmental Commission welcomed a new member.
- 150 plants were planted in the rain garden.
- The Tree Giveaway will be 10/19.
- DPW are filling in cracks throughout town.
- Leaf bags are available.
- Bulk pickup will end on October 30th.
- Work is being done at the DPW Garage.

Councilman Dotey

Councilman Dotey made the following comments:

- Highlights of the Court Report.
- The Chief of Police was invited to attend an International Conference in Italy.

Shawn Young presented the highlights of the Fire Report.

Councilman Quinn

No report was given.

Councilman Rex

ADMINISTRATOR'S REPORT

1. I would like to thank our Superintendent of Public Works, Lenny Vidal, for coordinating with Mayor Mikolajczyk, Councilman Dessino, Chief Geist and representatives of GDB International, the applicant for a Class D Recycling Center at 207 Pond Avenue, to set up an onsite tour last week of the proposed operations site. The applicant will be inviting members of the public on-site and will be pursuing local, county and state approvals.
2. Middlesex Public Library Director Chrissy George reports that the development of the Middlesex Local History Room has slowed down recently. This is due mostly to other building-related issues being addressed at the

Library. The grand opening may be scheduled for later in the month or in November.

3. Council resolutions on the agenda this evening include authorization for the execution of an agreement for the sale of surplus Borough-owned property, Lot 17 in Block 306 at the northwesterly corner of W. Pershing and Madison avenues. The winning bid was \$391,000. Other resolutions are for the purchase of Police Department equipment in the amount of \$8,481.50, the appointment of a temporary Court Administrator and for changes for the status of certain properties under the Senior Citizen Disabled Person and the Veterans tax deductions.
4. This evening, there is an Agenda Workshop discussion scheduled to discuss the topic of the Cedar Avenue Railroad crossing. I will share the preliminary information that I have been able to gather to date.
5. In Executive Session this evening, there will be a discussion of a Police Department Personnel matter and the proposed restructuring of the Recreation Department.

PRIVILEGE OF THE FLOOR

Mayor Mikolajczyk opened the Privilege of the Floor for anyone wishing to comment.

Tim Stewart, 345 Main Street, expressed his concerns on the permit application made for 207 Pond Ave. Mr. Stewart gave an overview of the facility procedures needed to recycle paint properly. He explained his concerns with the proposed facility, emphasizing the need for fire safety and health precautions.

Kevin Redzinski, 441 Fairview Avenue, questioned why the Borough does not have an auto-generated response for emails. He asked why the county meeting was not put on the website calendar, and what the total number is of violations made by the Code Enforcer. Mr. Redzinski inquired if a Flood Plane Ordinance has been adopted, stating the necessity of it.

Dave Polakiewicz, 240 Hazelwood Avenue, expressed his concerns over the discussions of Council on the dais that the public is not able to hear.

Bruce Sanders, 10 Venice Avenue, stated that the Council needs to be more proactive in the events of the Borough, expressing a need for discussions to happen prior to the event.

Seeing that there were no further public comments, Mayor Mikolajczyk closed the public portion of the meeting.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 272-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the September 2024 Tax Totals.
2. Acceptance of the August 2024 Court Report.
3. Acceptance of the September 2024 Fire Report.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 273-2024

RENEWAL OF MEMBERSHIP IN THE CENTRAL JERSEY JOINT INSURANCE FUND

WHEREAS, Middlesex Borough is a member of the Central Jersey Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2024 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. Middlesex Borough agrees to renew its membership in the Central Jersey Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Central Jersey Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 274-2024

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE SENIOR CITIZEN/ DISABLED PERSON/VETERAN TAX DEDUCTIONS BLOCK 6
LOT 2.02**

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2024; and

WHEREAS, once property is sold the deduction is to be removed and/or prorated to new owner; and

WHEREAS, the property sold and has a recorded deed date of 8/26/2024; and

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2024 year totaling \$87.68.

Name: Ronald Castillo & Gloria Bravo
Block/Lot: 6 / 2.02 / QC0071
Amount: \$87.68
Reason: Sale of property 8/26/2024

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 275-2024

**AUTHORIZING THE PURCHASE OF NECESSARY EQUIPMENT FOR THE POLICE
DEPARTMENT'S VEHICLE FROM ISLAND TECH SERVICES IN THE AMOUNT OF
\$8,481.50**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase the necessary vehicle equipment for the 2024 Chevy Malibu for the Police Department under NJ State Contract #17-FLEET-00739; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Island Tech Services is an authorized police vehicle equipment vendor under NJ State Contract #17-FLEET-00739; and

WHEREAS, the total cost for the purchase of the necessary equipment & installation is not to exceed \$8,481.50; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase the necessary equipment for the Police Department's vehicle from Island Tech Services in the amount of \$8,481.50; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$8,481.50 are available in Account: C-04-24-125-000-071 (2024 Capital - Police).

This resolution shall take effect immediately.

Caroline Benson, CFO

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 276-2024

**APPROVING THE BLOCK OF HOWARD AVENUE BETWEEN FISHER AVENUE AND
WOODLAND AVENUE FOR THE WATCHUNG SCHOOL PTO TO HOLD A TRUNK OR
TREAT ON OCTOBER 27, 2024 FROM 5PM - 7PM**

WHEREAS, the Watchung School PTO has requested to have a “Trunk or Treat” on Howard Avenue between Fischer Avenue and Woodland Avenue on October 27, 2024 between the hours of 5 p.m. and 7 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the Watchung School PTO to conduct a “Trunk or Treat” on Howard Avenue between Fischer Avenue and Woodland Avenue on October 27, 2024 between the hours of 5 p.m. and 7 p.m.
2. This resolution shall take effect immediately.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 277-2024

**AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE SALE OF BOROUGH
OWNED PROPERTY - BLOCK 306, LOT 17**

WHEREAS, the Borough passed an Ordinance allowing a bid process for the conveyance of Block 306, Lot 17, to the highest bidder pursuant to N.J.S.A. 40A:12-13; and

WHEREAS, the Borough received a bid acceptable in nature by Unlimited Holdings LLC and above the minimum price as specified by Ordinance; and

WHEREAS, the Borough now seeks to close title and execute a real estate agreement for the sale of Block 306, Lot 17;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that the Mayor and Clerk may execute a real estate contract for the conveyance of (and may convey therewith according to its terms) the Borough-owned parcel known as Block 306, Lot 17, and the Borough Attorneys are hereby authorized to draft and execute any additional documents necessary to effectuate the sale.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 278-2024

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE SENIOR CITIZEN/ DISABLED PERSON TAX DEDUCTIONS**

WHEREAS, certain Senior Citizens/Disabled Persons were the owners of property in the Borough of Middlesex on or before October 1, 2023; and

WHEREAS, said Senior Citizens / Disabled Persons did file their application for the Senior Citizen/Disabled person deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2024; and

WHEREAS, the Tax Assessor has approved the application; and

THEREFORE, the Tax Collector is hereby authorized to allow the Senior Citizen/Disabled Person deduction for the 2024 year totaling \$250.00

Name: Mrofka, Joyce
Block/Lot: 152 / 36
Amount: \$250.00
Year: 2024

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 279-2024

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE VETERAN TAX DEDUCTIONS**

WHEREAS, per (N.J.S.A. 54:4-8.10 et seq.as amended by P.L. 2019 c.413; N.J.A.C. 18:27-1.1 et seq.), certain Veterans were the owners of property in the Borough of Middlesex on or before October 1, 2023; and

WHEREAS, said Veterans did file their claims for the Widow deduction with the proper official of the Borough of Middlesex, Middlesex County; and

WHEREAS, the Tax Assessor has allowed the following Widow deduction for the 2024 tax year totaling \$250.00

Name: Mrofka, Joyce
Block/Lot: 152 / 36
Amount: \$250.00

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 280-2024

ORDER OF TEMPORARY APPOINTMENT LAUREN COLLETTI AS ACTING COURT ADMINISTRATOR

WHEREAS, in the matter of the Order from the Honorable Spero Kalambakas designating an Acting Court Administrator/Deputy for the Middlesex Borough Court pursuant to N.J.S.A. 2B:12-10.b; and

WHEREAS, effective only for the duration of the maternity leave of the current Court Administrator of the Borough of Middlesex, Merari Gaud; and

WHEREAS, approving a stipend for the Acting Court Administrator in the amount of \$3,000 effective October 28th, 2024; and

WHEREAS, per this Order, the Mayor and Council hereby appoint Lauren Colletti to this position of Acting Court Administrator effective immediately with anticipated end date of March 3, 2025

NON-CONSENT AGENDA/RESOLUTIONS

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 281-2024

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

AGENDA WORKSHOP ITEM

1. Cedar Avenue Railroad Crossing

Council discussed the safety concerns over the railroad crossing at Cedar Avenue.

Police Chief Geist gave a status update on the crossing, discussing the short and long term actions that have been taken and will be taken to provide additional safety measures. The Chief described the additional signage, new paving and gate updates that have been made so far.

Mayor Mikolajczyk discussed the need to create a committee to further investigate the need for additional measure to be taken.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 282-2024

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public including Personnel - Police Department and Personnel - Restructuring of the Recreation Department; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

Personnel - Police Department

Personnel - Restructuring of the Recreation Department

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 283-2024

**ACCEPTING THE RESIGNATION OF OFFICER AMANDA BASSO EFFECTIVE
OCTOBER 11, 2024**

WHEREAS, Amanda Basso was hired as a Middlesex Borough probationary police officer on May 30, 2023; and

WHEREAS, Amanda Basso has submitted her letter of resignation to the Chief of Police; and

WHEREAS, the Mayor and Council hereby accept her resignation; and

WHEREAS, in accordance with the collective negotiations agreement between the Borough and PBA Local 181, Amanda Basso is entitled to the payment for earned, unused vacation time and compensatory time; and

WHEREAS, Amanda Basso has 100 hours of unused vacation time and 130.5 hours of compensatory time to be paid to her at her current hourly rate of \$25.85.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex hereby accept the resignation of Amanda Basso effective October 11, 2024.

BE IT FURTHER RESOLVED that the Borough of Middlesex shall pay Amanda Basso for 100 hours of unused vacation time and 130.5 hours of compensatory time to be paid at her current hourly rate of \$25.85 for a total payment of \$5,958.43.

This Resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn
ABSENT:	Carnes, Rex

ADJOURNMENT

The next Regular Meeting will be October 22, 2024

Respectfully yours,

Linda Chismar, RMC
Borough Clerk