

Municipal Stormwater Management Plan

for the

Borough of New Milford
Bergen County, New Jersey



Prepared by:

Boswell McClave Engineering
330 Phillips Avenue
South Hackensack, NJ 07606
Certificate of Authorization # 24GA27958000

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AND DEEMED VALID

Stephen T. Boswell, Ph.D, P.E., SECB
Professional Engineer
NJ License No. 34680

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I. INTRODUCTION

This Municipal Stormwater Management Plan (hereinafter the MSWMP or the Plan) documents the strategy for the Borough of New Milford (the Borough) to address stormwater-related impacts. The creation of this Plan is required by N.J.A.C. 7:14A-25 Municipal Stormwater Regulations.

This Plan contains the required elements described in N.J.A.C. 7:8 Stormwater Management Rules. The Plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major developments, defined as projects that disturb one or more acres of land. These standards are intended to minimize the adverse impact of stormwater runoff on water quality, water quantity and the loss of groundwater recharge that provides baseflow in receiving water bodies.

The Plan describes long-term operation and maintenance measures for existing and future stormwater facilities. A build-out analysis is not required in this Plan based upon existing zoning and land available for development. The Plan also addresses the review and update of existing ordinances, the Borough Master Plan and other planning documents to allow for project designs that include low-impact development techniques. The Borough Master Plan was last reviewed in 2004. The final component of this Plan is a mitigation strategy for when a variance or exemption of the design and performance standards is sought. As part of the mitigation section of the Plan, specific stormwater management measures are identified to lessen the impact of existing development.

II. GOALS

The goals of this MSWMP as well as a brief description of the Borough's strategies to implement the goals are as follows:

- ***Reduce flood damage, including damage to life and property.***

The Borough is currently incorporating several non-structural stormwater strategies into their Zoning and Site Plan ordinances. The purpose of some of these non-structural strategies is to reduce flooding and therefore reduce damage to life and property.

- ***Minimize, to the extent practical, any increase in stormwater runoff from any new development.***

Current Residential Site Improvement Standards (RSIS) require a reduction in runoff during all rain events for residential developments. Commercial developments will be required to follow all regulations in N.J.A.C. 7:8 and 7:15 to minimize any increase in stormwater runoff.

- ***Reduce soil erosion from any development or construction project.***

Currently, all development projects are required to obtain approval from the Bergen County Soil Conservation District if their area of disturbance is above 5,000 square feet. The BCSCD will only approve the application if the proper soil erosion measures have been proposed.

- ***Assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures.***

The Borough is working to eliminate pollution and minimize soil erosion by adopting various ordinances. Also, as part of their Stormwater Pollution Prevention Plan (SP3), the Borough

is required to retro-fit all existing inlets with new NJDEP approved curb pieces. This will also help limit litter in the Borough's stormwater systems and prevent any blockages.

- ***Maintain groundwater recharge.***

The Borough currently enforces existing ordinances limiting the amount of development that can occur on any particular site. This can maintain or increase the groundwater recharge by simply limiting the amount of maximum impervious coverage allowed. The Borough is also working to reinforce its current ordinance with new non-structural stormwater strategies such as driveway swales or porous pavement which will allow for increased groundwater recharge.

- ***Prevent, to the greatest extent feasible, an increase in non-point pollution.***

The Borough has recently adopted several ordinances with applicable fines to help prevent non-point source pollution. These ordinances include litter, wildlife feeding, pet waste, and yard waste management.

- ***Maintain the integrity of stream channels for their biological functions, as well as for drainage.***

As stated above, the Borough has adopted wildlife feeding and pet waste ordinances. These ordinances will decrease the amount of biological pollutants allowed to reach the Borough's waterways and assist in reducing or preventing TMDL's.

- ***Minimize pollutants in stormwater runoff from new and existing development to restore, enhance, and maintain the chemical, physical, and biological integrity of the waters of the State, to protect public health, to safeguard fish and aquatic life and scenic and ecological***

values, and to enhance the domestic, municipal, recreational, industrial, and other uses of water.

As part of the SP3, the Borough began a public education program. The Borough is required to inform its residents concerning the consequences of pollution and instruct them in its prevention.

- *Protect public safety through the proper design and operation of stormwater basins.*

The Borough will require that future development must meet the Safety Standards for Stormwater Management Basins as outlined in N.J.A.C. 7:8-6.

To achieve these goals, this Plan outlines specific stormwater design and performance standards for new development. Preventative and corrective maintenance strategies are included in the plan to ensure long-term effectiveness of stormwater management facilities. The plan also outlines safety standards for stormwater infrastructure to be implemented to protect public safety.

III. STORMWATER DISCUSSION

Land development can dramatically alter the hydrologic cycle (Image 1) of a site and ultimately, an entire watershed. Prior to development, native vegetation can either directly intercept precipitation or draw that portion that has infiltrated into the ground and return it to the atmosphere through evapotranspiration.

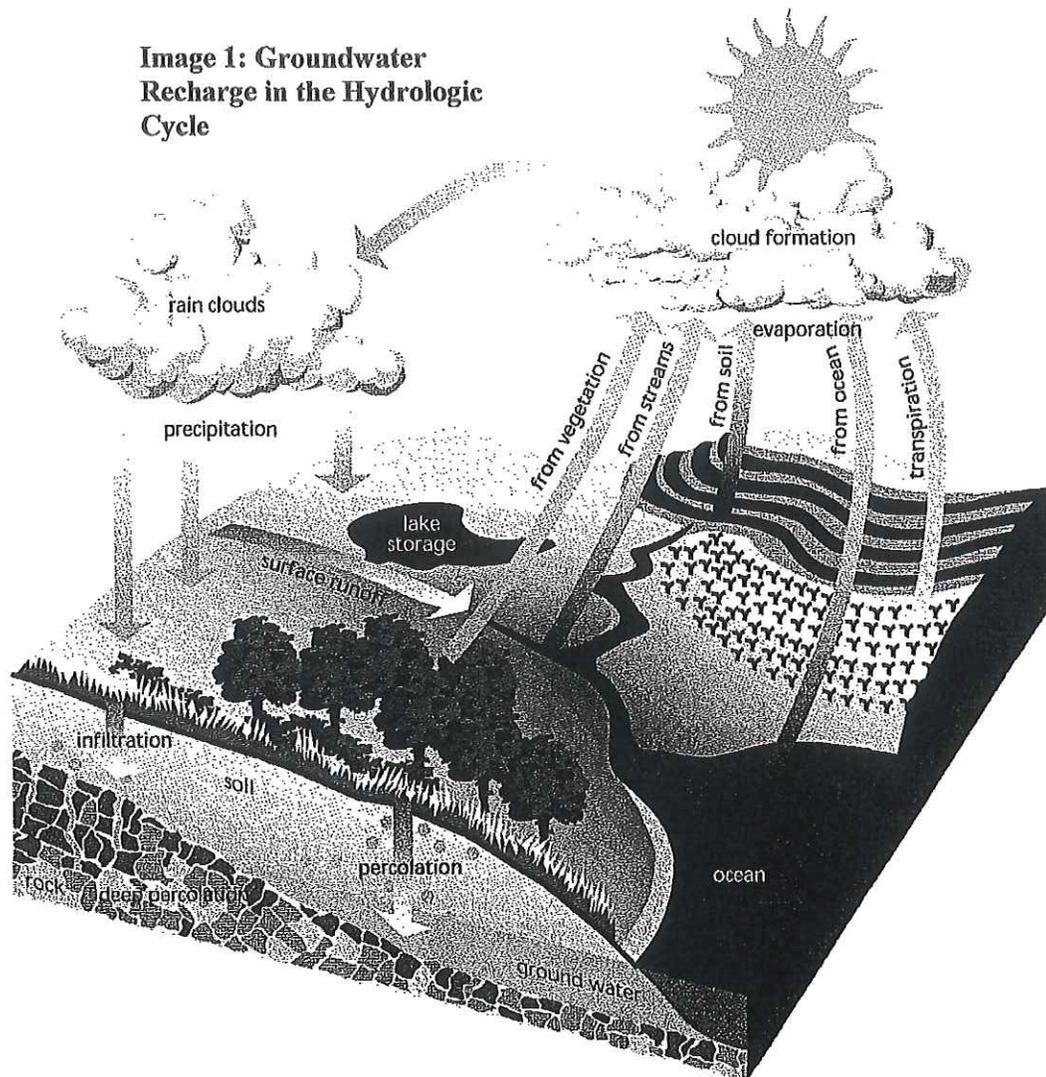
Development can remove this beneficial vegetation and replace it with lawn or impervious cover, reducing the site's evapotranspiration and infiltration rates. Clearing and grading a site can remove depressions that store rainfall. Construction activities may also compact the soil and diminish its infiltration ability, resulting in increased volumes and rates of stormwater runoff from the site.

Impervious areas that are connected to each other through gutters, channels and storm sewers can transport runoff more quickly than natural areas. This shortening of the transport or travel time quickens the rainfall-runoff response of the drainage area, causing flow in downstream waterways to peak faster and higher than natural conditions. These increases can create new and aggravate existing downstream flooding and erosion problems and increase the quantity of sediment in the channel.

Filtration of runoff and removal of pollutants by surface and channel vegetation is eliminated by storm sewers that discharge runoff directly into a stream. Increases in impervious area can also decrease opportunities for infiltration which, in turn, reduces stream base flow and groundwater recharge. Reduced base flows and increased peak flows produce greater fluctuations between normal and storm flow rates, which can increase channel erosion. Reduced base flows can also

negatively impact the hydrology of adjacent wetlands and the health of biological communities that depend on base flows. Finally, erosion and sedimentation can destroy habitat from which some species cannot adapt.

Image 1: Groundwater Recharge in the Hydrologic Cycle



In addition to increases in runoff peaks, volumes and loss of groundwater recharge, land development often results in the accumulation of pollutants on the land surface that runoff can mobilize and transport to streams. New impervious surfaces and cleared areas created by development can accumulate a variety of pollutants from the atmosphere, fertilizers, animal wastes, and leakage and wear from vehicles. Pollutants can include metals, suspended solids, hydrocarbons, pathogens, and nutrients. In addition to increased pollutant loading, land development can adversely affect water quality and stream biota in more subtle ways. For example, stormwater falling on impervious surfaces or stored in detention or retention basins can become heated and raise the temperature of the downstream waterway, adversely affecting cold water fish species such as trout. Development can remove trees along stream banks that normally provide shading, stabilization, and leaf litter that falls into streams and becomes food for the aquatic community.

IV. BACKGROUND

New Milford encompasses 2.31-square miles in central Bergen County, New Jersey. The Borough is largely built-out with only 68.9-acres of remaining developable open space, equating to approximately 4.6% of New Milford's total area. The Borough is entirely serviced by a sanitary sewer system. The sanitary sewer and stormwater systems are separated. Additionally, United Water supplies almost 100% of the Borough's potable water. **Figure 1** illustrates New Milford's waterways while **Figure 2** depicts the Borough boundary on the United States Geological Survey (USGS) Quadrangle Maps. Since there are no potable public supply wells in the Borough, a wellhead protection map is not provided. Many of the surrounding municipalities contain wellhead protection areas, however, none encroach the Borough's borders. Lastly, the Borough has no areas designated as steep slopes.

The Borough's population decreased from 16,876 residents in 1980 to 15,990 in 1990. The population then increased to 16,400 residents in 2000. This recent population increase most likely has resulted in demand for new development. Although the population has not rebounded to 1980 levels, the number of dwelling units has increased continuously over this time period. In 1980, the Borough contained 6,253 dwelling units. Dwelling units then increased to 6,353 in 1990 and 6,437 in 2000.

The Borough lies entirely within the PA-1 (Metropolitan) planning area. This planning area is designated to areas that are considered Urban Redevelopment Areas and are not subject to groundwater recharge requirements. Since New Milford is an older primarily developed community, increased stormwater runoff volumes and pollutant loadings have likely already impacted the Borough's waterways with little likelihood of increasing in the future. Dwelling

units constructed since the 1980s implement some of the new performance standards and best management practices (BMP) to alleviate increased stormwater runoff and pollutant loadings.

The NJDEP is designating an increasing number of streams in the State as Category-1 (C1) waterways, especially those that provide drinking water and important habitat for threatened and endangered species as well as popular recreation fish such as trout. Streams can be designated as C1 based on their ecological significance, recreational or aesthetic significance, water supply significance, fisheries resources, shellfisheries or their location within publicly preserved open space. The C1 designation prevents further degradation in existing water quality. Moreover a 300' buffer is established around the C1 waterways and is referred to as a Special Water Resource Protection Area (SWRPA). The Borough contains no C1 designated waterways.

New Milford's major watercourses are as follows:

- Hackensack River (FW2-NT/SE1) – [HUC-14 – 02030103180030]

The Hackensack River generally flows from north to south along the Borough's western border. The State assigns the river a Surface Water Quality Standard (SWQS) of FW2-NT/SE designation indicating a general surface water classification applied to saline waters of estuaries. Additionally, the river does not support trout production or maintenance.

- French Brook (FW2-NT/SE1) – [HUC-14 – 020301031800030]

The French Brook flows southwest toward the Borough's southern border. The brook has a FW2-NT/SE designation indicating a general surface water classification applied to

saline waters of estuaries. Additionally, the brook does not support trout production or maintenance.

- Hirshfield Brook (FW2-NT/SE1) – [HUC-14s – 020301031800020 and 020301031800030]

The Hirshfield Brook, a tributary to the Hackensack River, flows east to west through northern New Milford. The brook also has a FW2-NT/SE designation indicating a general surface water classification applied to saline waters of estuaries. Additionally, the brook does not support trout production or maintenance.

A Map depicting the Borough's major waterways is included as **Figure 1**.

New Milford lay in Watershed Management Area 5 (WMA-5) Hackensack, Pascack. The WMA-5 is divided into three (3) smaller sub-watersheds and assigned 14-digit hydrologic Unit Codes (HUC-14). New Milford's three (3) different HUC-14s are shown in **Figure 3**.

The NJDEP has established an Ambient Biomonitoring Network (AMNET) to document the health of the State's waterways at over 800 sites throughout New Jersey. These sites are sampled for benthic macroinvertebrates by NJDEP on a 5-year cycle. Streams are classified as non-impaired, moderately impaired, or severely impaired based on the AMNET data. The data is used to generate a New Jersey Impairment Score (NJIS), which is based on a number of biometrics related to benthic macroinvertebrate community dynamics.

The NJDEP and other regulatory agencies collect water quality chemical data on streams throughout the State. The State is required to develop a Total Maximum Daily Load (TMDL)

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

The New Jersey Integrated Water Quality Monitoring and Assessment Report (305(b) and 303(d)) (Integrated List) is required by the Federal Clean Water Act to be prepared biennially and is a valuable source of water quality information. This combined report presents the extent to which New Jersey waters are attaining water quality standards and identifies waters that are impaired. Sublist 5 of the Integrated List identifies waters impaired or threatened by pollutants, for which one (1) or more TMDLs are needed. The Borough has two (2) listings on the Integrated List, both for the Hackensack River, occurring in two (2) different sub-watersheds (*see figure 3*). For the Hackensack River (Oradell to Old Tappan gage) sub-watershed, the contaminants listed include Arsenic, Mercury, Pathogens and Phosphorus, each of which receives a Medium priority ranking. For the Hackensack River (Fort Lee Road to Oradell gage) sub-watershed, the contaminants listed include Dioxin, Mercury, Pathogens, PCBs and

Phosphorus, which receive a Medium priority ranking, and Total Suspended Solids, which receives a Low priority ranking.

At locations throughout the Borough water quantity problems include flooding and stream bank erosion. Hirshfield Brook and its tributaries experience erosion and frequent flooding along their entire lengths. Portions of the French Brook experience flooding and erosion since it is a backwater of the Hackensack River. Inadequate stormwater systems are also responsible for localized flooding throughout the Borough. For example, the intersection of Pleasant Avenue and Hirshfield Place floods regularly during heavy storm events due to an undersized stormwater conveyance system. Near Floral Court, a channel passes through an undersized corrugated metal pipe. This undersized pipe backs up regularly and causes the channel to erode. Also along Columbia Street, the area experiences flooding since it lies in the floodplain of the Hackensack River (**Figure 8**).

V. DESIGN AND PERFORMANCE STANDARDS

The Borough has reviewed its existing ordinances and adopted the design and performance standards for stormwater management measures as presented in N.J.A.C. 7:8-5 to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. The design and performance standards include language for maintenance of stormwater management measures consistent with the Stormwater Management Rules at N.J.A.C. 7:8-5.8 Maintenance Requirements, and the safety standards consistent with N.J.A.C. 7:8-6 Safety Standards for Stormwater Management Basins. The ordinances have been submitted to Bergen County for review and have received approval.

In addition to the adoption of the above performance standards during construction projects, Borough inspectors will observe projects to ensure that the stormwater management measures are constructed and function as designed. The Borough will also assume responsibility for the operation and maintenance of the stormwater management facilities.

VI. PLAN CONSISTENCY

The Borough is not within a Regional Stormwater Management Planning Area and no TMDLs have been established for waters within the Borough, therefore this Plan does not need to be consistent with any regional stormwater management plans (RSWMP) nor any TMDLs. If any RSWMPs or TMDLs are developed in the future, this MSWMP will be updated as necessary to be consistent. Bergen County is currently creating a County Stormwater Management Plan that should be complete in 2005. This MSWMP will be updated as necessary to be consistent with the County Stormwater Management Plan.

The MSWMP is consistent with the Residential Site Improvement Standards (RSIS) detailed in N.J.A.C. 5:21. The Borough will utilize the most current RSIS during the stormwater management review of residential development. This MSWMP will be updated to be consistent with any future changes to the RSIS.

The Borough's existing ordinances also require new development and redevelopment plans to comply with New Jersey's Soil Erosion and Sediment Control Standards. Any project with over 5,000 square feet of disturbance will require approval from Bergen County Soil Conservation District. Additionally, if a project disturbs over 1-acre, a Request for Authorization (RFA) must be submitted to the NJDEP Bureau of Non-Point Pollution Control. Construction shall not begin until all required approvals are received. During construction, Borough inspectors will observe on-site soil erosion and sediment control measures and report any inconsistencies to the local Soil Conservation District.

As mentioned previously, a TMDL is required for the Hackensack River, as it appears on Sublist 5 of the Integrated List. TMDL parameters for the Hackensack River (Oradell to Old Tappan gage) include Arsenic, Mercury, Pathogens and Phosphorus. TMDL parameters for the Hackensack River (Fort Lee Road to Oradell gage) include Dioxin, Mercury, Pathogens, PCBs, Phosphorus and Total Suspended Solids. Several long-term strategies including implementation of a Canada Geese management plan, implementation of better stormwater management BMP's (including increasing the frequency of street sweeping operations), and adoption of Pet Waste management ordinances may assist the Borough in decreasing the levels of contaminants in these waterways.

VII. NONSTRUCTURAL STORMWATER MANAGEMENT STRATEGIES

The Borough has adopted Ordinance #2005:07 – Stormwater Control Ordinance. In this ordinance, there are requirements for nonstructural stormwater managements strategies outlined in Section 6:A. The ordinance was adopted on March 28, 2005, and submitted to the County Planning Board on May 5, 2006. The County has reviewed and approved this ordinance.

VIII. LAND USE/BUILD-OUT ANALYSIS

As previously mentioned, a detailed land use analysis is not required since New Milford contains only 68.9-acres of developable open space. The NJDEP only requires a build-out analysis for municipalities containing more than 640-acres of developable land. In support of the aforementioned we have included **Figure 5** illustrating the existing land use in the Borough based on NJDEP's 1995/97 GIS information. Moreover **Figure 3** illustrates the HUC-14s within the Borough; **Figure 4** presents New Milford's groundwater recharge areas; **Figure 6** presents the Borough's zoning; **Figure 7** illustrates the Borough's constrained lands; and **Figure 8** depicts floodplains located within the Borough.

IX. MITIGATION PLANS

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

Mitigation Project Criteria

- A. The mitigation project must be implemented in the same drainage area (HUC-14) as the proposed development. The project should provide additional groundwater recharge benefits or protection from stormwater runoff quality and quantity from previously developed property that does not currently meet the design and performance standards outlined in the MSWMP. The developer must ensure the long-term maintenance of the project, including the maintenance requirements under Chapters 8 and 9 of the NJDEP Stormwater BMP Manual.

The applicant can select one (1) of the following projects listed to compensate for the deficit from the performance standards resulting from the proposed project. More detailed information and a current list of additional projects can be obtained from the Borough Engineer. Listed below are general projects that can be used to address the mitigation requirement.

1. Water Quality

- a) Retrofit an existing stormwater management facility on a Borough-owned property to provide the removal of 80 percent of total suspended solids (TSS) from the parking lot runoff.
- b) Retrofit the existing parking area on a Borough-owned property to provide the removal of 80 percent of TSS.

2. Water Quantity

- a) Install stormwater management measures in an open space to reduce the peak flow from an upstream development on the receiving stream by 20 cubic feet per second (cfs), 35 cfs, and 100 cfs for the 2, 10, and 100-year storms respectively.

3. Groundwater Recharge

- a) Retrofit an existing Borough-owned property to provide an additional 300,000 cubic feet of average annual groundwater recharge.
- b) Replace an existing deteriorated impervious parking lot on a Borough-owned property.

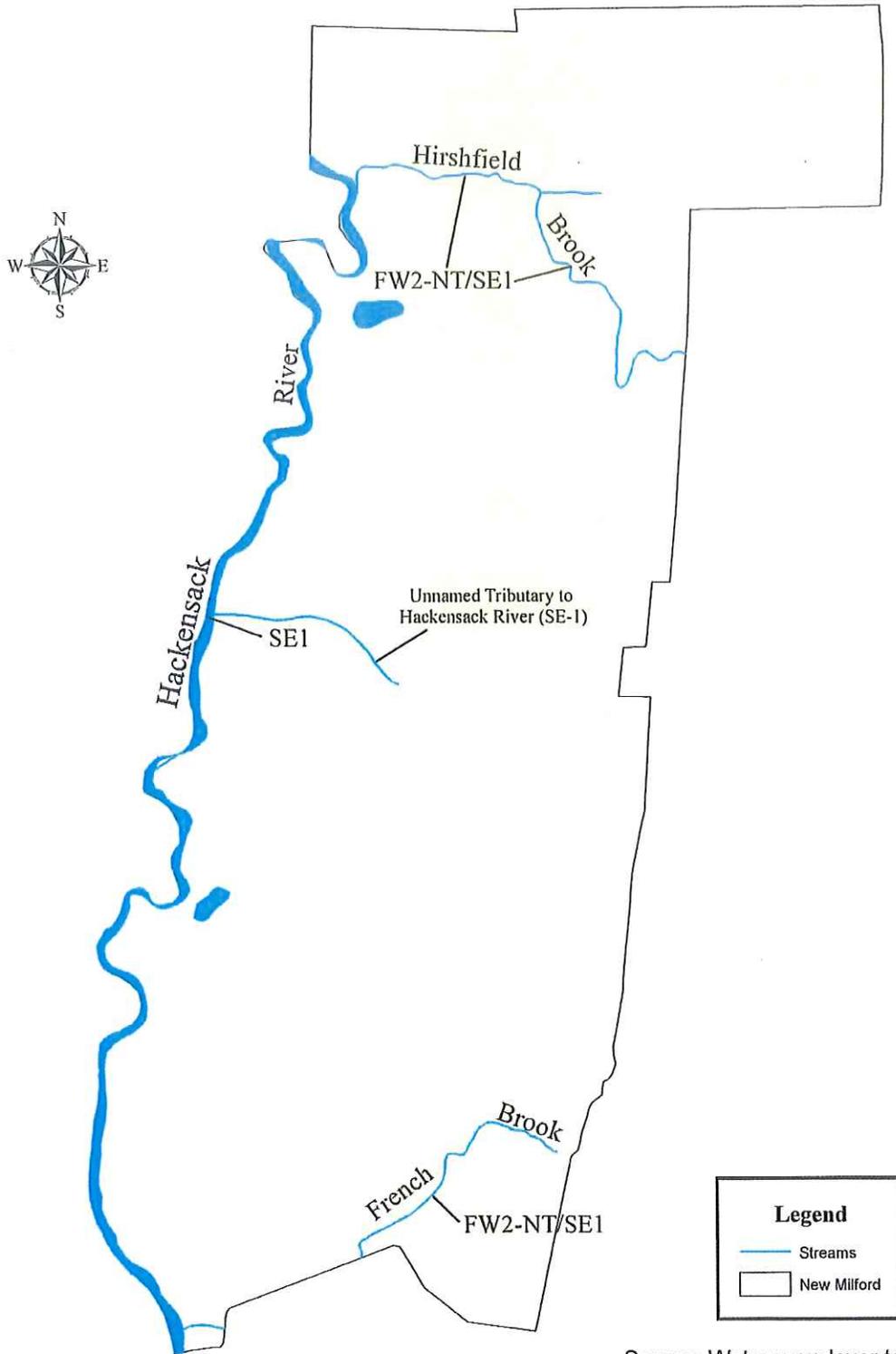
B. If a suitable site cannot be located in the same drainage area as the proposed development, as discussed in Option A, the mitigation project may provide mitigation that is not equivalent to the impacts for which the variance or exemption is sought, but that addresses the same issue. For example, if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

1. Water Quality

- a) Re-establish a vegetative buffer (minimum 50 foot wide) along 1,500 linear feet of the shoreline at one of the Borough's lakes or ponds as a goose control measure and to filter stormwater runoff from the high goose traffic areas.
- b) Provide goose management measures, including public education at the Borough's parks.

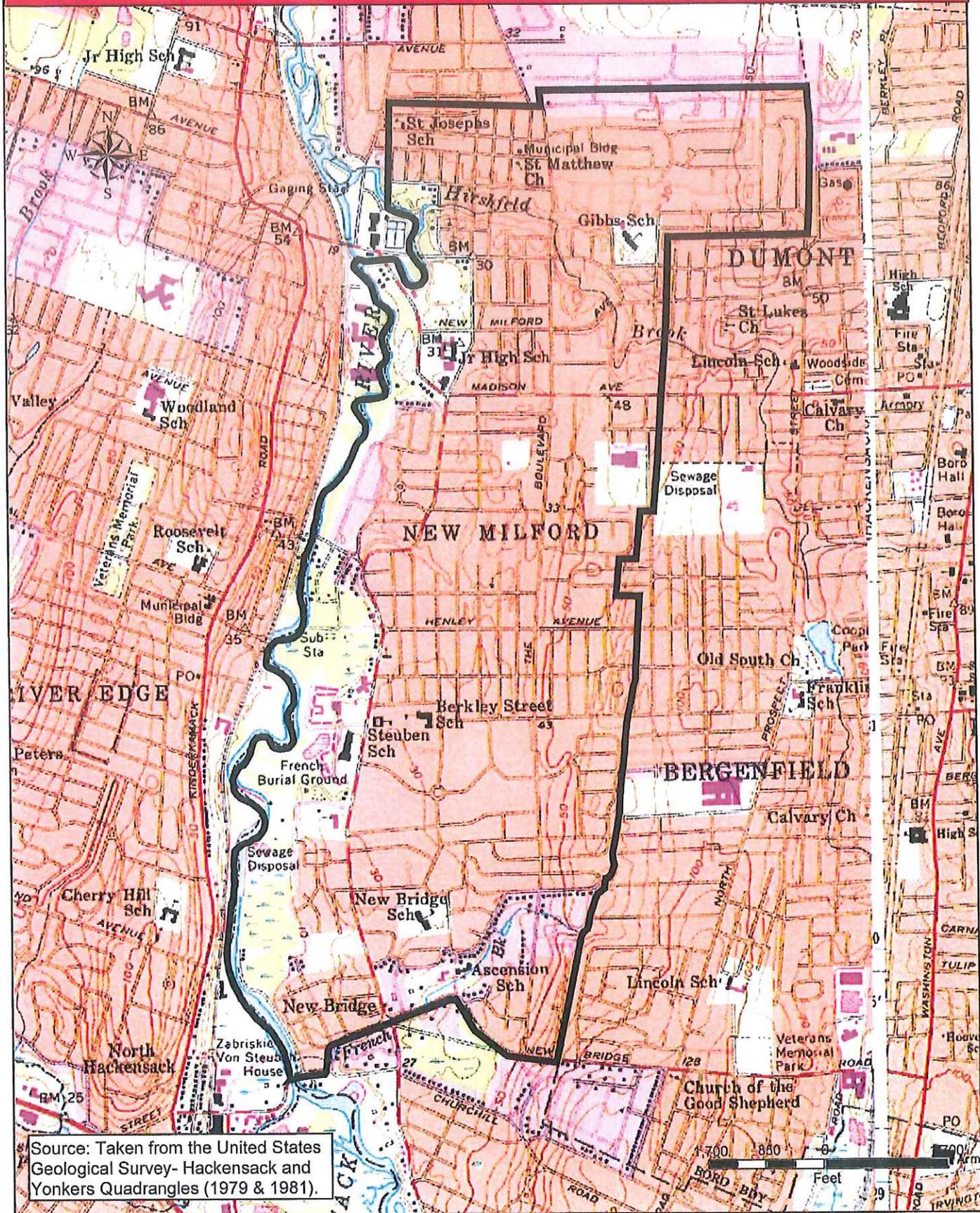
The municipality may allow a developer to provide funding or partial funding to the municipality for a project that has been identified by the Borough Engineer or towards the development of a RSMP. The funding must be equal to or greater than the cost to implement the mitigation outlined above, including costs associated with purchasing the property or easement for mitigation, and the cost associated with the long-term maintenance requirements of the mitigation measure.

Figure 1: Borough of New Milford Waterways



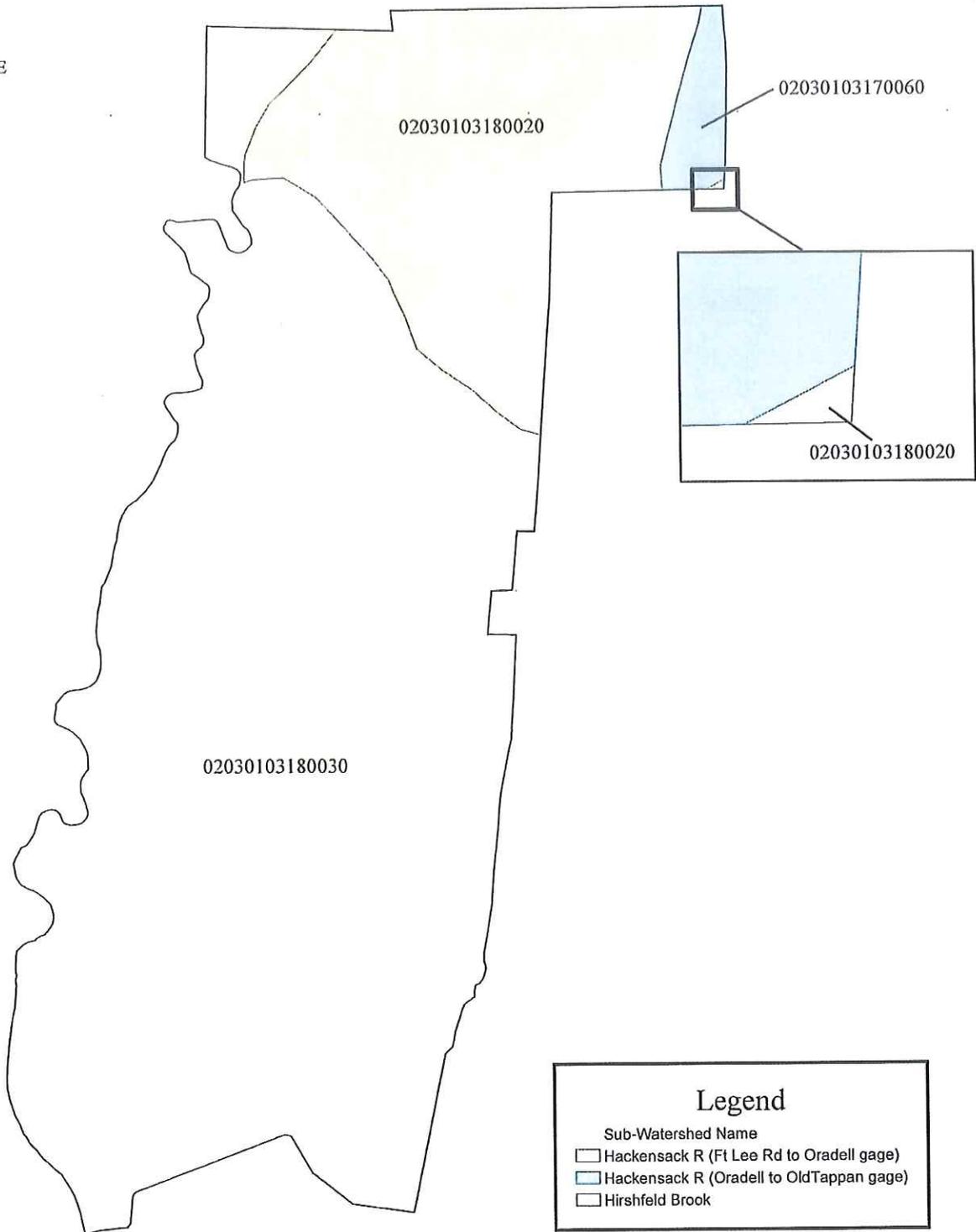
Source: Waterways layer taken from the New Jersey Department of Environmental Protection, Streams and Lakes shapefile(11/99), Surface Water Quality Standards shapefile (11/2003) & National Soil Information System (NASIS) database for Bergen County (2005).

Figure 2: Borough of New Milford Boundary on USGS Quadrangle Maps



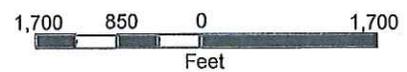
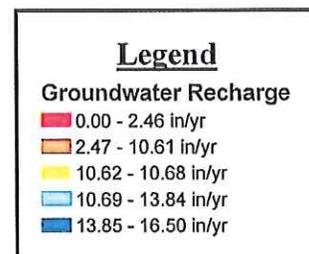
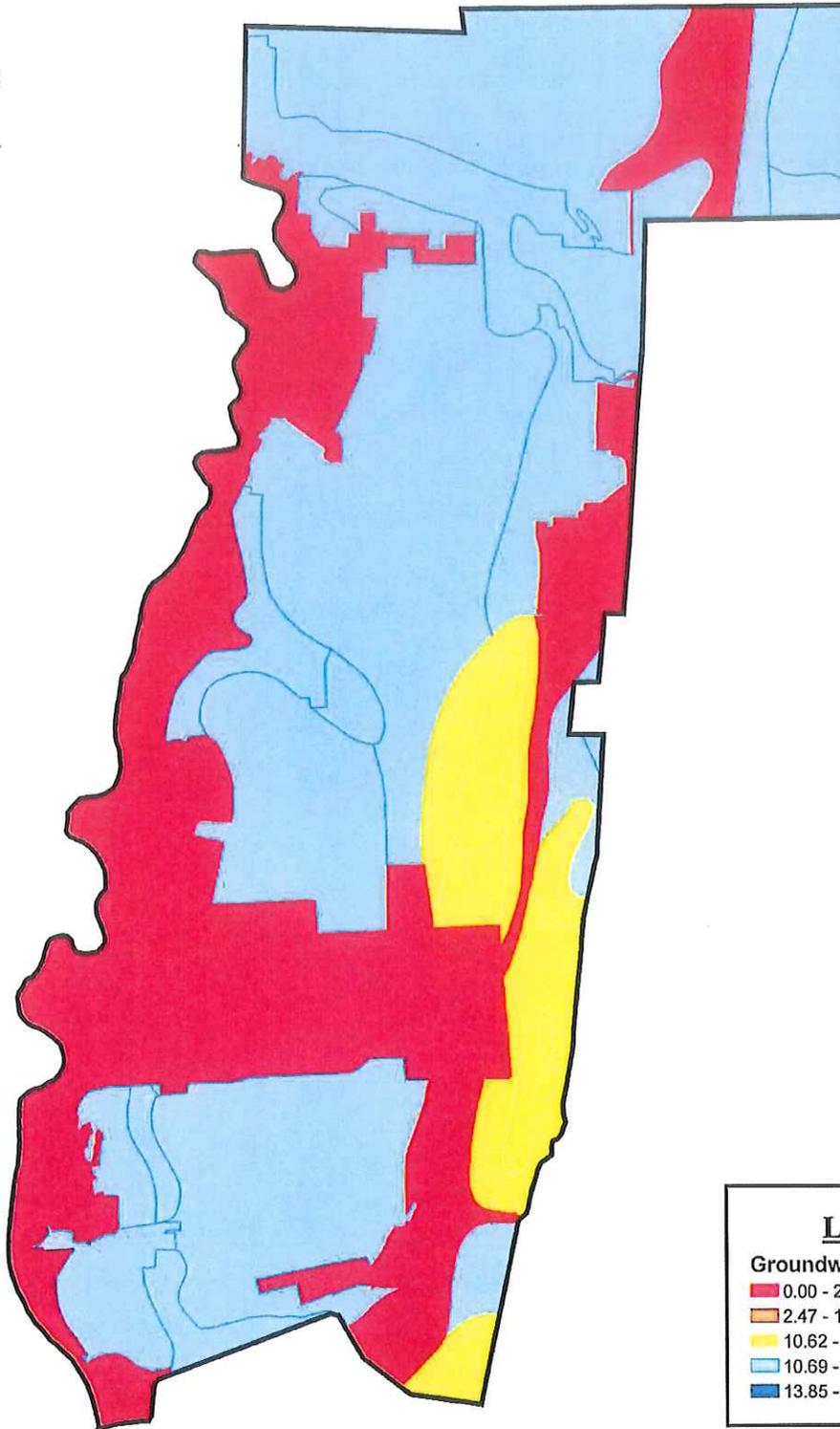
Source: Taken from the United States Geological Survey- Hackensack and Yonkers Quadrangles (1979 & 1981).

Figure 3: Hydrologic Units (HUC-14) in the Borough of New Milford



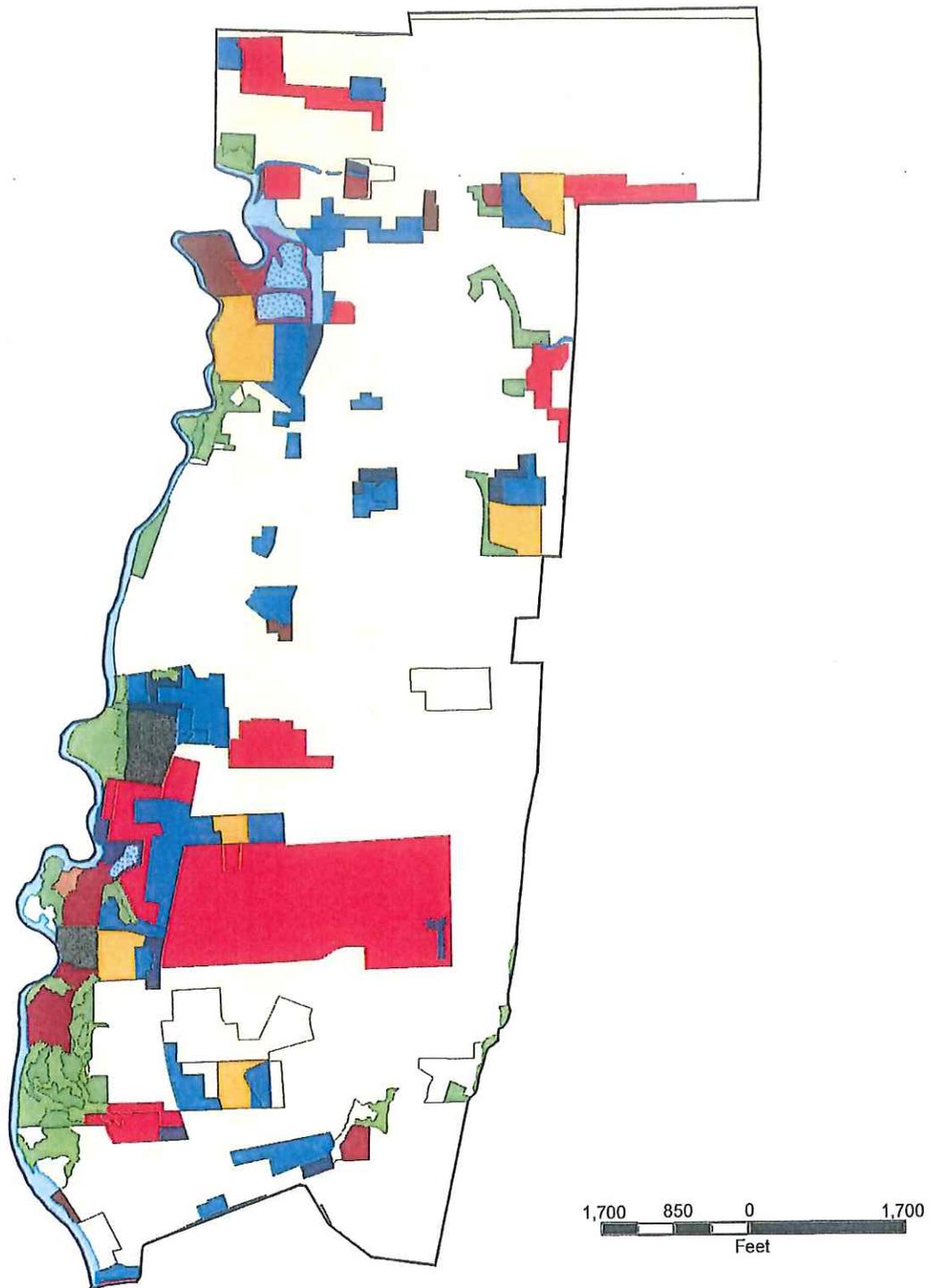
Source: Watershed information taken from the New Jersey Department of Environmental Protection HUC-14 shapefile (1986).

Figure 4: Groundwater Recharge Areas in the Borough of New Milford



Source: Taken from the New Jersey Geological Survey, shapefile DGSO2-3 (Publication Date Not Available).

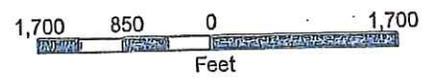
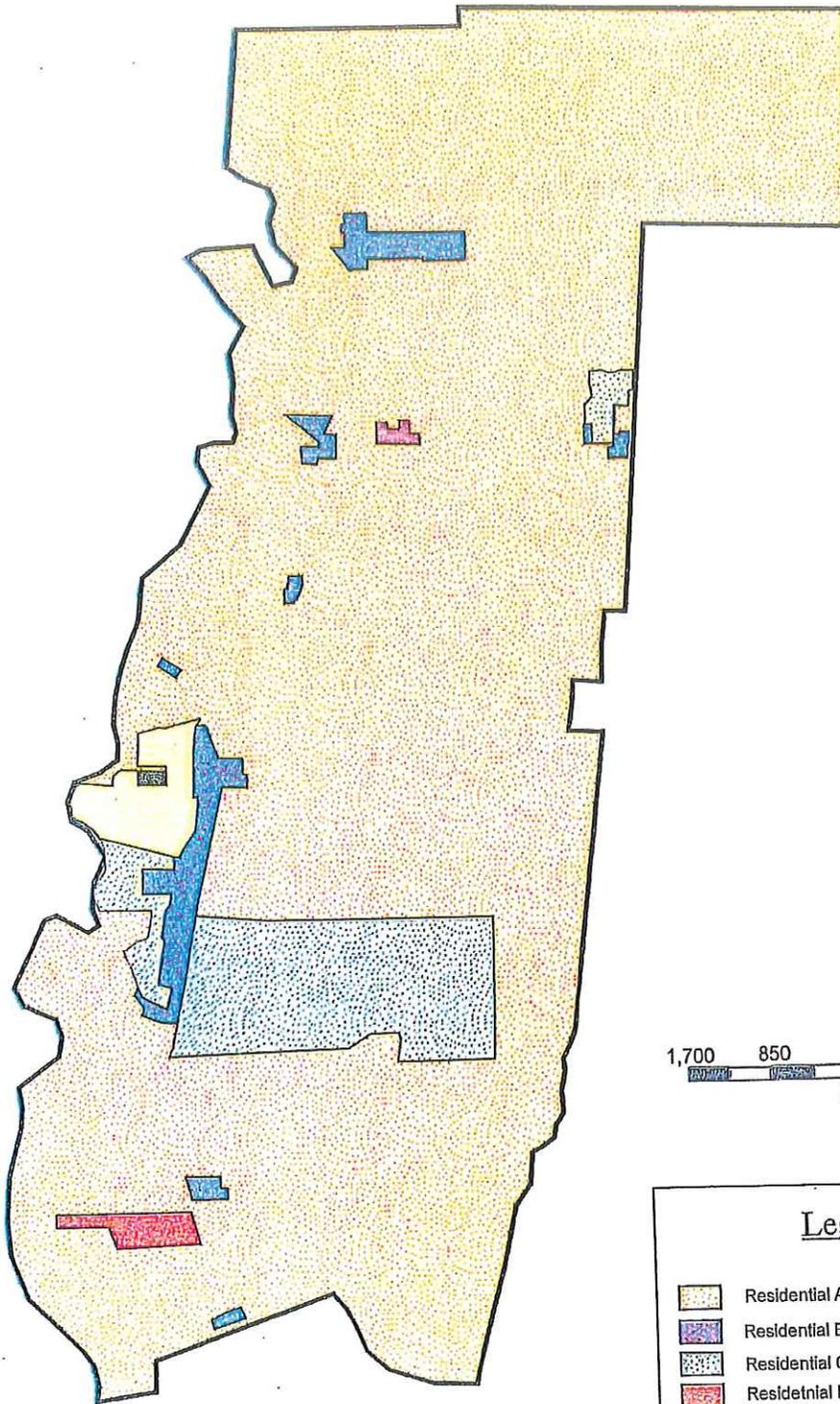
Figure 5: Existing Land Use in the Borough of New Milford



Source: Land Use information taken from the New Jersey Department of Environmental Protection, 1995/97 Land Use/Land Cover shapefile (2000).

Legend	
Land Use/Land Cover 1995/97	
ARTIFICIAL LAKES	DECIDUOUS FOREST (>50% CROWN CLOSURE)
ATHLETIC FIELDS (SCHOOLS)	DECIDUOUS WOODED WETLANDS
COMMERCIAL/SERVICES	DISTURBED WETLANDS (MODIFIED)
DECIDUOUS BRUSH/SHRUBLAND	HERBACEOUS WETLANDS
DECIDUOUS FOREST (10-50% CROWN CLOSURE)	INDUSTRIAL
	OTHER URBAN OR BUILT-UP LAND
	RECREATIONAL LAND
	RESIDENTIAL, HIGH DENSITY, MULTIPLE DWELLING
	RESIDENTIAL, SINGLE UNIT, MEDIUM DENSITY
	STREAMS AND CANALS
	TIDAL RIVERS, INLAND BAYS, AND OTHER TIDAL WATERS
	TRANSPORTATION/COMMUNICATIONS/UTILITIES

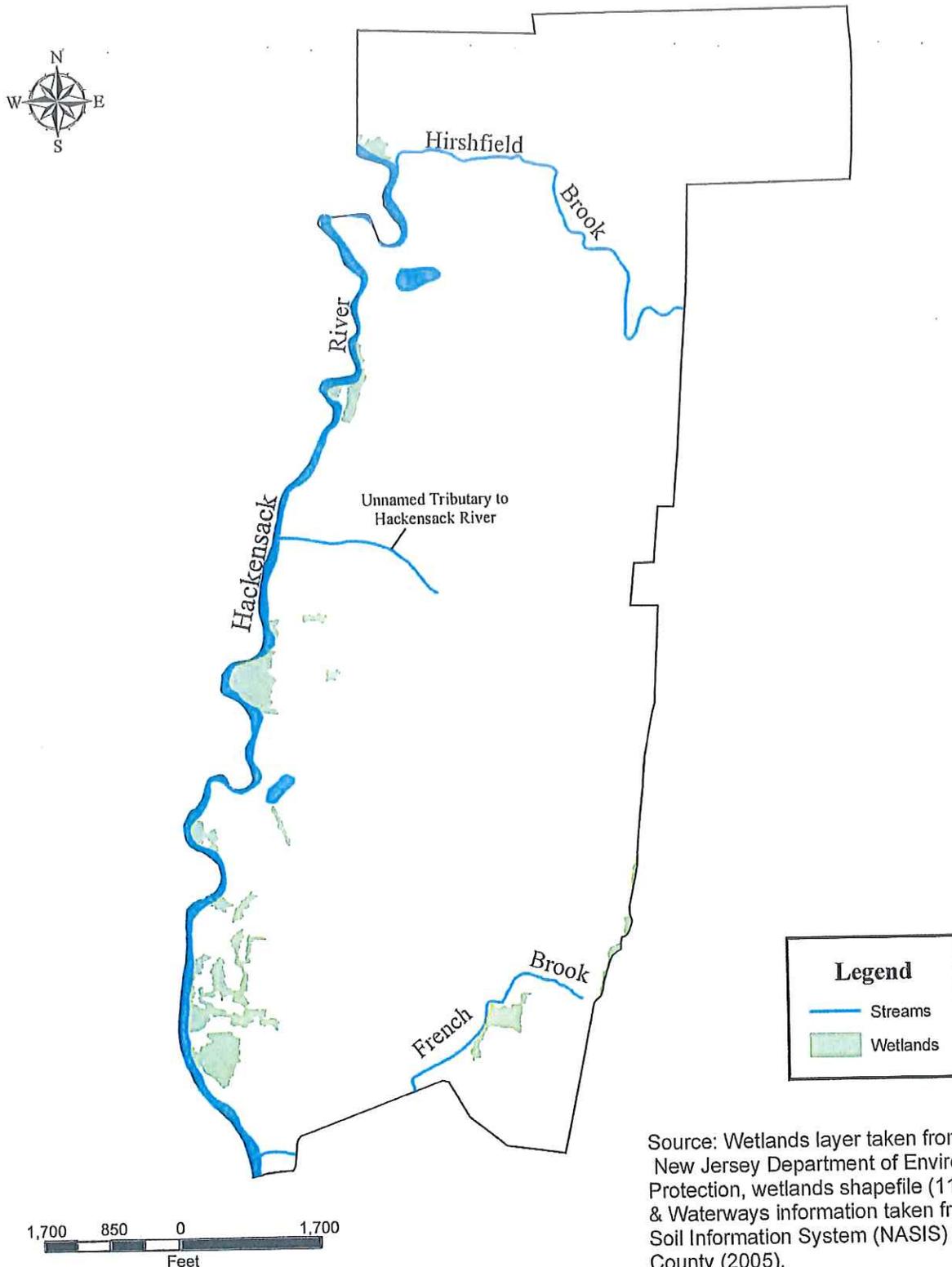
Figure 6: Zoning Districts in the Borough of New Milford



Legend	
	Residential A Zone
	Residential B Zone
	Residential C / Garden Apartment Zone
	Residential D / Townhouse Zone
	Business Zone
	Industrial Zone
	Light Industrial Park Zone

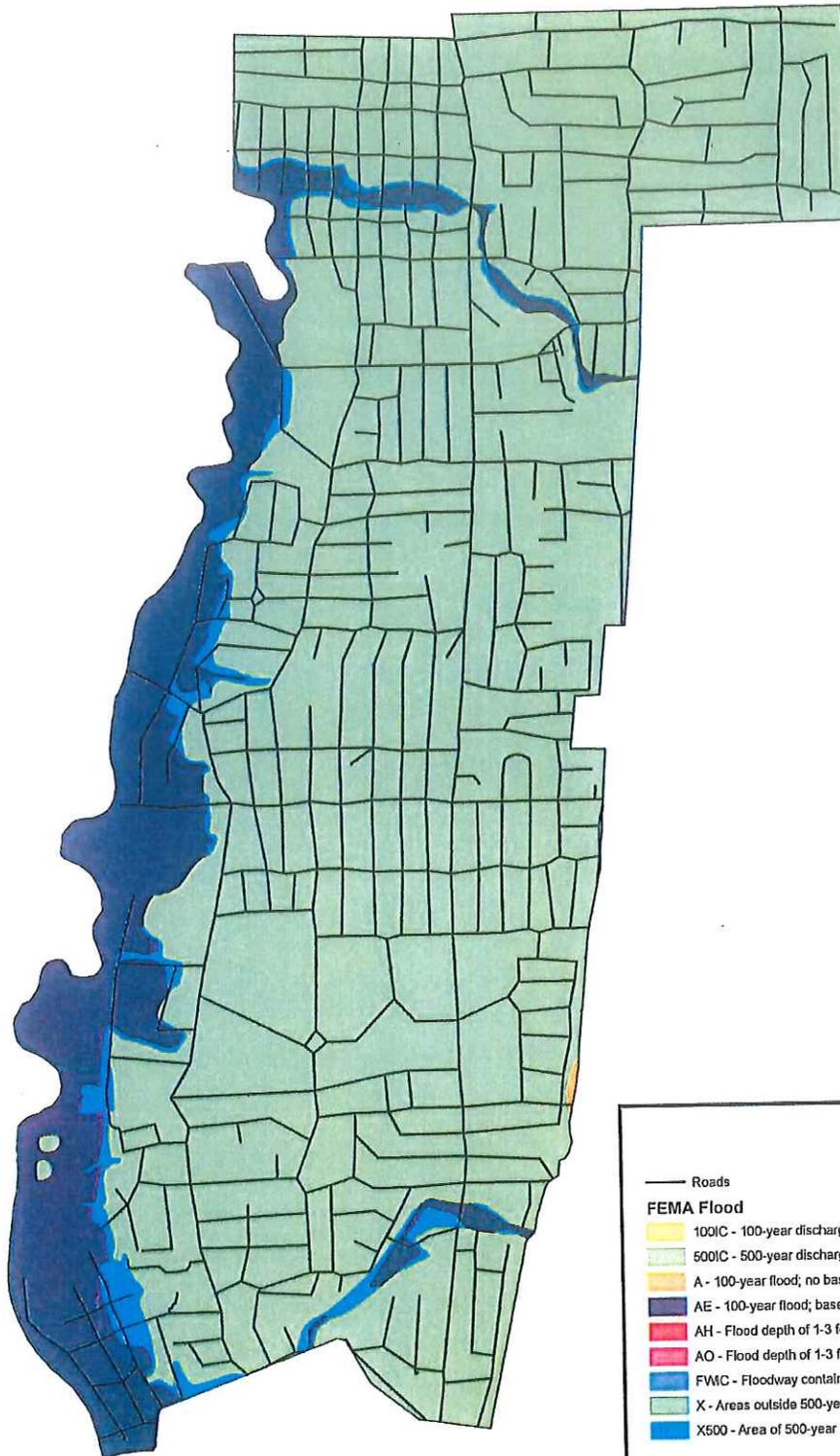
Source: Borough of New Milford
Zoning Map, Raimondi Associates, P.A.,
1992.

Figure 7: Freshwater Wetlands and Water Land Uses within the Borough of New Milford (Constrained Land)



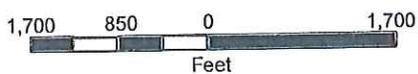
Source: Wetlands layer taken from the New Jersey Department of Environmental Protection, wetlands shapefile (11/1999) & Waterways information taken from National Soil Information System (NASIS) for Bergen County (2005).

Figure 8: Borough of New Milford Floodplains Map



Legend

- Roads
- FEMA Flood**
- 100IC - 100-year discharge contained in channel/culvert
- 500IC - 500-year discharge contained in channel/culvert
- A - 100-year flood; no base flood elevations determined
- AE - 100-year flood; base flood elevations determined
- AH - Flood depth of 1-3 feet (usually areas of ponding); average depth determined
- AO - Flood depth of 1-3 feet (usually sheet flow on sloping terrain); average depth determined
- FVWC - Floodway contained in culvert
- X - Areas outside 500-year floodplain
- X500 - Area of 500-year floodplain



Source: Federal Emergency Management Agency (FEMA)
Q3 Flood Data, Bergen County, 1996.

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**RESOLUTION OF THE NEW MILFORD PLANNING BOARD
AMENDING THE MASTER PLAN TO INCLUDE THE STORMWATER
MANAGEMENT PLAN**

WHEREAS, the Borough of New Milford has heretofore adopted a Master Plan, the most recent reexamination updated being adopted in 2004; and

WHEREAS, the State of New Jersey has promulgated regulations modifying existing regulation pertaining to stormwater management; and

WHEREAS, as part of the newly promulgated regulation, each municipality is required to reexamine its existing Stormwater Management Plan, which is a part of the overall Master Plan; and

WHEREAS, in connection therewith, the Planning Board of the Borough of New Milford has cause to be published and served in accordance with statute adequate notice so as to conduct a public hearing as to the adoption of the revised Stormwater Management Plan and the New Milford Planning conducted a duly noticed public hearing on July 19, 2005; and

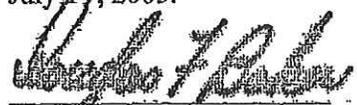
WHEREAS, the Planning Board at the hearing on July 19, 2005 received the report prepared by Boswell McClave Engineering and the testimony presented; and

WHEREAS, at the conclusion of the public hearing, the Board voted to adopt the interim Municipal Stormwater Management Plan of Boswell McClave Engineering, dated March, 2005 so as to comply with the regulations cited herein.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of New Milford does hereby adopted the report of Boswell McClave Engineering, dated March 22, 2005 as a revision of the Stormwater Management Plan and the same is hereby made a part of the New Milford Master Plan as a draft and does forward the same for further review in accordance with State regulations; and

BE IT FURTHER RESOLVED, that the Planning Board of the Borough of New Milford does retain jurisdiction over the matter so as to adopt, following review by the County of Bergen and the State of New Jersey, a final Municipal Stormwater Management Plan, it being understood that the plan hereby adopted is an interim plan and not deemed fully adopted absent further action.

The undersigned, Chairman of the New Milford Planning Board, does hereby certify the within to be a true copy of the Resolution adopted by the Planning Board on July 19, 2005.


Douglas Baker
Planning Board Secretary


Angelo DeCarlo
Planning Board Chairman

PLANNING BOARD MEMBER	MOTION	FOR	AGAINST	ABSTAIN	ABSENT
Councilman Zeilner		X			
Mr. Baker					X
Council President DeLucia					X
Vice Chairman Castronova	2nd	X			
Ms. Duffie	1st				
Ms. Mulroy		X			
Ms. Sirocchi-Hurley					X
Mr. Santino					X
Ms. Hudak, 1 st Alt.					X
Mr. Biscortini, 2 nd Alt.					X
Chairman DeCarlo					

BOROUGH OF NEW MILFORD PLANNING BOARD

**930 River Road, New Milford, NJ 07646
201-967-5415 ext. 5415
201-262-1904 (fax)**

NOTICE OF HEARING

Please take note that the Planning Board of the Borough of New Milford will hold a Public Hearing on an Amendment to the 2004 Master Plan on July 19, 2005 at 7:30 P.M at the Municipal Building located at 930 River Road, New Milford, NJ. This Amendment is a Municipal Stormwater Management Plan and Draft Stormwater Control Ordinance as required by the NJDEP Municipal Stormwater Regulation Program Schedule. Any person wishing to discuss the contents of the proposed Amendment may attend the meeting in person with or without a legal representative.

Comments will be elicited from the public prior to the Board's voting whether to adopt the Amendment to the Mater Plan.

Copies of the proposed Amendment to the Master Plan are available at the Borough Clerk's Office and the Office of the Secretary to the Planning Board, both located in the Municipal Building, 930 River Road, New Milford, NJ.

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.**

ORD. # 2005:01

INTRODUCED	March 3, 2005
PASSED FIRST READING	March 3, 2005
PUBLIC HEARING	March 28, 2005
ADOPTED	March 28, 2005
APPROVED	March 28, 2005

Mayor Frank DeBari

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on March 28, 2005 and that same was approved by the Mayor on March 28, 2005.

Kathy Sayers
Borough Clerk

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**BOROUGH OF NEW MILFORD
ORDINANCE # 2005:01
Illicit Connection**

SECTION I. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of New Milford, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. 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 corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage – waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other

industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of New Milford, unless that discharge is authorized under a NJPDES Permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

- c. Industrial waste – non-domestic waste, including, but not limited to, those pollutants regulated under Section 307 (a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. § 1317 (a), (b), or (c)).
- d. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of New Milford or other public body, and is designed and used for collecting and conveying storm water.
- e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A
- f. Non-contact cooling water – water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater – any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. PROHIBITED CONDUCT:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of New Milford any

domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION IV. Enforcement:

This ordinance shall be enforced by the New Milford Police Department and/or other Municipal Officials of the Borough of New Milford.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VI. 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 VII. Effective date:

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

Introduced: 3/03/05
Adopted: 3/28/05

ATTEST: Kathy A. Sayers, Borough Clerk

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.**

ORD. # 2005:02

INTRODUCED	March 3, 2005
PASSED FIRST READING	March 3, 2005
PUBLIC HEARING	March 28, 2005
ADOPTED	March 28, 2005
APPROVED	March 28, 2005

Mayor Frank DeBari

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on March 28, 2005 and that same was approved by the Mayor on March 28, 2005.

Kathy A. Sayers
Borough Clerk

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**BOROUGH OF NEW MILFORD
ORDINANCE # 2005:02**

Yard Waste Collection

SECTION I. Purpose:

An ordinance to establish a yard waste collection and disposal program in the Borough of New Milford, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized -- means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person -- any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

SECTION III. Yard Waste Collection

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the waste from the street or said party shall be deemed in violation of this ordinance.

SECTION IV. Enforcement:

The provisions of this ordinance shall be enforced by the New Milford Police Department and/or other Municipal Officials of the Borough of New Milford.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be 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 VII. Effective date:

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

Introduced: 3/03/05
Adopted: 3/28/05

ATTEST: Kathy A. Sayers, Borough Clerk

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.**

ORD. # 2005:04

INTRODUCED	March 3, 2005
PASSED FIRST READING	March 3, 2005
PUBLIC HEARING	March 28, 2005
ADOPTED	March 28, 2005
APPROVED	March 28, 2005

Mayor Frank DeBari

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on March 28, 2005 and that same was approved by the Mayor on March 28, 2005.

Kathy A. Sayers
Borough Clerk

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**BOROUGH OF NEW MILFORD
ORDINANCE # 2005:04**

Improper Disposal of Waste

SECTION I. Purpose:

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of New Milford, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of New Milford or other public body, and is designed and used for collecting and conveying stormwater

- b. Person – any individual, corporation, company, partnership, firm association, or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of New Milford is prohibited. The spilling, dumping or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

SECTION IV. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable

using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

SECTION V. Enforcement:

This ordinance shall be enforced by the New Milford Police Department and/or other Municipal Officials of the Borough of New Milford

SECTION VI. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$1,000.

SECTION VII. 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 VIII. Effective date:

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

Introduced: 3/03/05

Adopted: 3/28/05

ATTEST: Kathy A. Sayers, Borough Clerk

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.**

ORD. # 2005:05

INTRODUCED	March 3, 2005
PASSED FIRST READING	March 3, 2005
PUBLIC HEARING	March 28, 2005
ADOPTED	March 28, 2005
APPROVED	March 28, 2005

Mayor Frank DeBari

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on March 28, 2005 and that same was approved by the Mayor on March 28, 2005.

Kathy A. Sayers
Borough Clerk

.....
**BOROUGH OF NEW MILFORD
ORDINANCE # 2005:05**

Litter Control

SECTION I. Purpose:

An ordinance to establish requirements to control littering in the Borough of New Milford, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Litter – any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other

lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

- b. Litter Receptacle – a container suitable for the depositing of litter.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Prohibited acts and regulated activities:

- 1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- 2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION IV. Enforcement:

This ordinance shall be enforced by the New Milford Police Department and/or other Municipal Officials of the Borough of New Milford.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VI. 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 VII. Effective date:

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

Introduced: 3/03/05
Adopted: 3/28/05

ATTEST: Kathy A. Sayers, Borough Clerk

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.**

ORD. # 2005:06

INTRODUCED	March 3, 2005
PASSED FIRST READING	March 3, 2005
PUBLIC HEARING	March 28, 2005
ADOPTED	March 28, 2005
APPROVED	March 28, 2005

Mayor Frank DeBari

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on March 28, 2005 and that same was approved by the Mayor on March 28, 2005.

Kathy A. Sayers
Borough Clerk

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**BOROUGH OF NEW MILFORD
ORDINANCE # 2005:06
Pet Waste**

SECTION I. Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of New Milford, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- d. Pet – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION III. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

SECTION IV. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION V. Enforcement:

The provisions of this Article shall be enforced by the New Milford Police Department and the Local Board of Health of the Borough of New Milford.

SECTION VI. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VII. 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 VIII. Effective date:

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

Introduced: 3/03/05
Adopted: 3/28/05

ATTEST: Kathy A. Sayers, Borough Clerk

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.**

ORD. # 2005:07

INTRODUCED	March 3, 2005
PASSED FIRST READING	March 3, 2005
PUBLIC HEARING	March 28, 2005
ADOPTED	March 28, 2005
APPROVED	March 28, 2005

Mayor Frank DeBari

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on March 28, 2005 and that same was approved by the Mayor on March 28, 2005.

Kathy A. Sayers
Borough Clerk

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**BOROUGH OF NEW MILFORD
ORDINANCE # 2005:07
STORMWATER CONTROL ORDINANCE**

Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 2.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Borough of New Milford.

D. Compatibility with Other Permit and Ordinance Requirements

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

Introduced: 3/03/05
Adopted: 3/28/05

ATTEST: Kathy A. Sayers, Borough Clerk

STORMWATER CONTROL ORDINANCE

2005:07

Section 1: Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 2.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Borough of New Milford.

D. Compatibility with Other Permit and Ordinance Requirements

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

Section 2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“BMPs” means Best Management Practices.

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

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

“Compaction” means the increase in soil bulk density.

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

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

A county planning agency; or

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

“Department” means the New Jersey Department of Environmental Protection.

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

- “Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.
- “Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.
- “Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.
- “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- “Infiltration” is the process by which water seeps into the soil from precipitation.
- “Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.
- “Municipality” means any city, borough, town, township, or village.
- “Node” means an area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.
- “Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.
- “Person” means any individual, corporation, company, partnership, firm, association, borough, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- “Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and non-hazardous pollutants.
- “Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3: General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section 4: Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

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

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, 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 D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
 - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - c. Maximize the protection of natural drainage features and vegetation;

- d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - e. Minimize land disturbance including clearing and grading;
 - f. Minimize soil compaction;
 - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;
 - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
3. Site design features identified under Section 4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.E.3.c below.
- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- c. This standard does not apply:
 - (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows from the water quality design storm as specified in Section 4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities);
or
 - (b) A bar screen having a bar spacing of 0.5 inches.
 - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or
 - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - b. The minimum design and performance standards for groundwater recharge are as follows:
 - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
 - (3) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

- (4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
 - c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
 - (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
 - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

- Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

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

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

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

Where

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

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

B = the TSS percent removal rate applicable to the second BMP

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

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 4.F and 4.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
 - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.
 - (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
 - (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
 - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
 - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

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

1. The design engineer shall calculate runoff using one of the following methods:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
 - A. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

Section 6: Standards for Structural Stormwater Management Measures

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

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.
3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

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

C. Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Section 7: Sources for Technical Guidance

- A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
 2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
 2. The Rutgers Cooperative Extension Service, 732-932-9306; and
 3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

Section 8: Safety Standards for Stormwater Management Basins

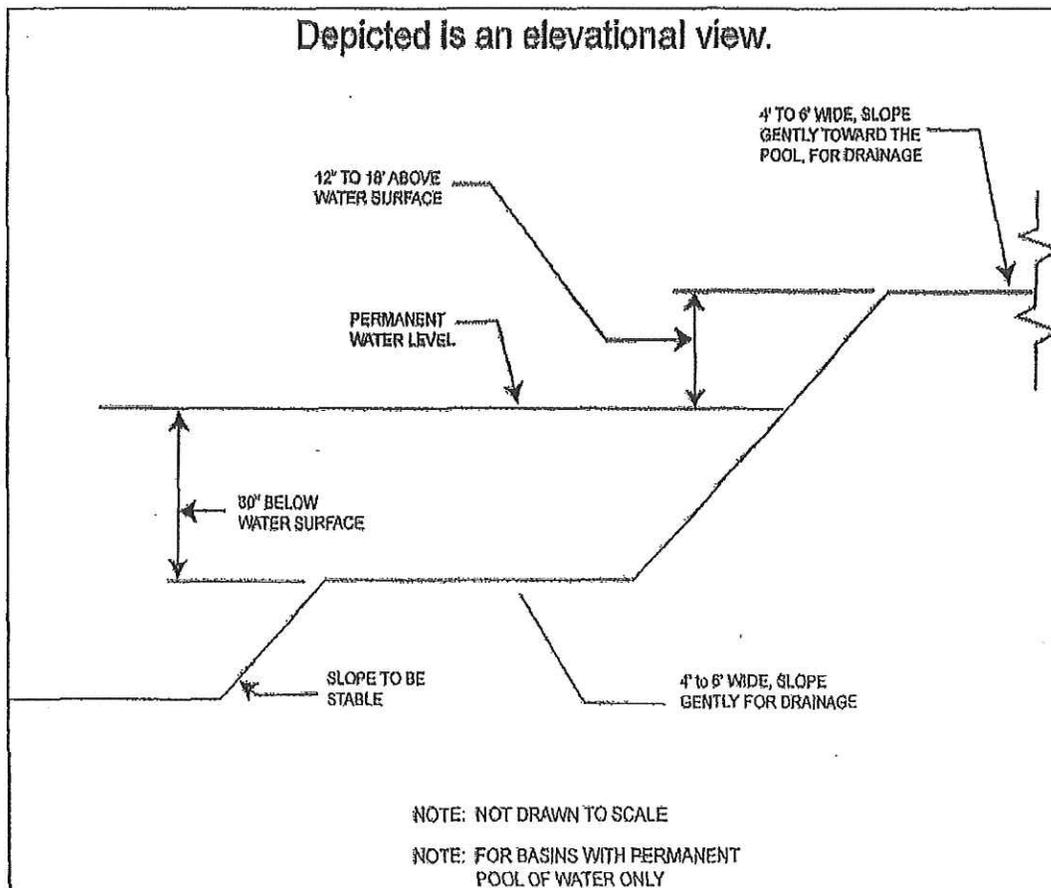
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a. The overflow grate shall be secured to the outlet structure, but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
 3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 8.C a free-standing outlet structure may be exempted from this requirement.

- b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.
- c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

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

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



Section 9: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 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 subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plan(s)

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.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.

Section 10: Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 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.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
 8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.
 9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
 10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to 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.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section 11: Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine not to exceed \$1,000.

Section 12: Effective Date

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

Section 13: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.