

**M I N U T E S**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, February 10, 2021**  
**7:00 PM**

**CONFERENCE CALL PHONE NUMBER 1-646-307-1479, GUEST PASSCODE 476570**

**CALL THE MEETING TO ORDER**

Mayor Marana called the meeting to order at 7:00 PM via telephone conference call.

**STATEMENT**

Mayor Marana read the “Sunshine Statement” into the record as follows:

*“This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have been advertised in the official Newspapers of the Borough, filed with the Acting Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.”*

**SALUTE TO THE FLAG & MOMENT OF SILENCE**

Mayor Marana and Acting Clerk Weston rose for a Salute to the Flag. Mayor Marana asked everyone for a moment of silence to remember the troops here and abroad.

**ROLL CALL**

Name	Present	Absent
Mayor Marana	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**OTHER OFFICIALS PRESENT:** Ms. Deena Rosendahl, Borough Attorney, Ms. Marie Raffay, Borough Engineer - Maser Consulting, Frances Weston, Acting Borough Clerk

**APPROVAL OF MINUTES**

Combined Meeting of December 9, 2020

Motion	Second	Name
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Closed Session Meeting of December 9, 2020

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Sine Die Meeting of December 29, 2020**  
**Closed Session Meeting of December 29, 2020**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Reorganization Meeting of January 5, 2021**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Special Meeting of January 25, 2021**

Motion	Second	Name
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**AWARDS & PROCLAMATIONS**

**APPOINTMENTS & PERSONNEL CHANGES**

**MONTHLY REPORTS**

The following reports are on file in the Borough Clerk's office and can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Building Department

Fire Department

Fire Prevention

Grantswriter - January

Recreation Minutes

Tax Collector

## **CORRESPONDENCE**

1. Letter - County of Bergen, Community Development – December 28, 2020  
RE: ADA Compliant Upgrades at Library - Grant

## **RESOLUTIONS – Consent Agenda**

*"All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business"*

Motion	Second	Name
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

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## **RESOLUTION #2021-31**

### **TITLE: RESOLUTION APPOINTING DAVID DONNARUMMA AS FIRE MARSHALL/FIRE OFFICER**

**WHEREAS**, David Donnarumma currently holds the position of Fire Inspector; and

**WHEREAS**, Joseph Zavardino currently the Fire Marshall/Fire Officer will be retiring on April 1, 2021; and

**WHEREAS**, David Donnarumma has the requisite skills and experience to hold the position of Fire Marshall/Fire Officer; and

**WHEREAS**, it is in the best interest of the Borough of Northvale to appoint David Donnarumma as the Fire Marshall/Fire Officer; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Northvale hereby appoints David Donnarumma to the position of Fire Marshall/Fire Officer at an annual salary of \$16,000 effective April 1, 2021.

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## **RESOLUTION #2021-32**

### **TITLE: RESOLUTION APPROVING SETTLEMENT IN TAX COURT CASE OF M.A.D. PROPERTIES INC. V. BOROUGH OF NORTHLAKE, 216 LIVINGSTON STREET BLOCK 901, LOT 4**

**WHEREAS**, M.A.D. PROPERTIES INC. is the record owner of property situated at Block 901, Lot 4, with a street address of 216 Livingston Street located in the Borough of Northvale, New Jersey, and

**WHEREAS**, M.A.D. PROPERTIES INC. is the Plaintiffs in legal actions against the Borough of Northvale in the Tax Court of New Jersey, specifically Docket Nos. 011433-2016, 013167-2019, and 011684-2020 challenging the actions of the Borough and the Bergen County Board of Taxation with respect to the assessment of its property, and

**WHEREAS**, the parties have completed full discovery with respect to this matter, have conducted negotiations, and have reached a settlement to resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, Plaintiff has agreed to waive statutory interest, pursuant to N.J.S.A. 54:3-27.2, if the tax refund is paid within sixty (60) days of the date of entry of Tax Court judgments; and

**WHEREAS**, the Borough's Tax Appeal Attorney, Florio Kenny Raval, LLP and the Borough's Tax Assessor are in agreement with the terms of the settlement and believe that it would be in the best interest of the Borough to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Borough of Northvale, is hereby authorized to execute on behalf of the Borough of Northvale, a Stipulation of Settlement resolving the Complaints filed by **M.A.D. PROPERTIES INC.**, for property situated at **Block 901, Lot 4, 216 Livingston Street, Northvale, New Jersey** for tax years **2016, 2019, and 2020** as follows:

**Tax Years 2016 and 2019 (Assessment Affirmed – No Reduction)**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$210,000	\$210,000	\$210,000
Improvements	\$760,400	\$760,400	\$760,400
Total	\$970,400	\$970,400	\$970,400

**Tax Year 2020 (Assessment Reduced)**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$210,000	\$210,000	\$210,000
Improvements	\$760,400	\$760,400	\$590,000
Total	\$970,400	\$970,400	\$800,000

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, the Tax Collector is authorized to calculate the amount of the refunds and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Borough's Tax Collector, Tax Assessor, and Tax Appeal Attorney, Florio Kenny Raval, LLP.

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**RESOLUTION #2021-33**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A PUBLIC DEFENDER FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Public Defender for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Public Defender; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Public Defender for the year 2021 is hereby designated as Jordan D. Yuelys, Esq.; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Public Defender during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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**RESOLUTION #2021-34**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF AN ENGINEER FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of an Engineer for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Engineer; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Engineer for the year 2021 is hereby designated as Maser Consulting, P.A.(to be known as Colliers Engineering & Design, Inc.); and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Engineer during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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**RESOLUTION #2021-35**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF AN ENVIRONMENTAL ENGINEER FOR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of an Environmental Engineer for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Environmental Engineer; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Environmental Engineer for the year 2021 is hereby designated as Maser Consulting, P.A. (to be known as Colliers Engineering & Design, Inc.); and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Environmental Engineer during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-36**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A PLANNER FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Planner for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Planner; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Planner for the year 2021 is hereby designated as Maser Consulting, P.A.(to be known as Colliers Engineering & Design, Inc.); and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Planner during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-37**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH AUDITOR FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of an Auditor for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Auditor; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Auditor for the year 2021 is hereby designated as Wielkotz & Company, LLC.; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Auditor during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-38**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH ATTORNEY, COAH ATTORNEY, AND LABOR ATTORNEY FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Borough Attorney, COAH Attorney and Labor Attorney for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Borough Attorney, COAH Attorney and Labor Attorney; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Borough Attorney, COAH Attorney and Labor Attorney for the year 2021 is hereby designated as Kaufman, Semeraro & Liebman, LLP; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Borough Attorney, COAH Attorney and Labor Attorney during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-39**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A TAX APPEAL ATTORNEY FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Tax Appeal Attorney for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Tax Appeal Attorney; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Tax Appeal Attorney for the year 2021 is hereby designated as Kaufman, Semeraro & Liebman, Esq.; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Tax Appeal Attorney during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-40**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A RISK MANAGEMENT CONSULTANT FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Risk Management Consultant for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Risk Management Consultant; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Risk Management Consultant for the year 2021 is hereby designated as Otterstedt Insurance Company; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Risk Management Consultant during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-41**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A GRANTSWRITER FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Grantswriter for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Grantswriter; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Grantswriter for the year 2021 is hereby designated as Millennium Strategies, LLC; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be \$2,500.00 per month thereafter during the year 2021; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-42**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BONDING ATTORNEY FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Bonding Attorney for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Bonding Attorney; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Bonding Attorney for the year 2021 is hereby designated as Steven Rogut, Esq. of Rogut McCarthy LLC; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Bonding Attorney during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-43**

**TITLE: AUTHORIZE ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A PROSECUTOR FOR THE YEAR 2021**

**WHEREAS**, it is deemed necessary for the Borough of Northvale to engage the professional services of a Prosecutor for the year 2021 to provide non-contractual services for the proper operation of the Borough; and

**WHEREAS**, funds to pay said professional persons are available by way of budget and bond ordinance to compensate said Prosecutor; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 etseq.) requiresthat a resolution authorizing the appointment for professional services without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Northvale that the Prosecutor for the year 2021 is hereby designated as Mark P. Fierro, Esq.; and

**BE IT FURTHER RESOLVED**, that the compensation for said position shall be commensurate with the services rendered by said Prosecutor during the year 2021 and shall be provided for in the salary and other expenses ordinances of the Borough of Northvale; and

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Borough Clerk are authorized to enter into the professional services agreement for this appointment attached as Exhibit "A".

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#### **RESOLUTION #2021-44**

#### **TITLE: APPROVE THE REDEMPTION OF TAX SALE CERTIFICATES #167 FOR BLOCK 912, LOT 7**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the Tax Collector shall conduct the Redemption of Tax Sale Certificate #167 by Techno Title And Abstract Agency, LLC for Douglas Kott, the property owner, from Rothman Realty I, LLC, the lienholder according to N.J.S.A. 54:5-54. The breakdown is as follows:  
Block 912 Lot 7 – Douglas Kott – 186 Washington Street

Tax Sale Certificate #167	\$ 10,508.51
6% Redemption Penalty	\$ 630.51
0% Interest on Certificate	\$ 0.00
Recording Fee	\$ 43.00
Search Fee	\$ 12.00
Other Fees	\$ 0.00
Subsequent Tax 2018 – 2020	\$ 31,582.81
Interest on Subsequent Taxes	\$ 7,083.58
Total to Redeem	<u>\$ 49,860.41</u>
Premium	\$312,000.00
Total Due to Lienholder	<u>\$361,860.41</u>

The Chief Financial Officer shall issue a check in the amount of \$361,860.41 to:

Rothman Realty I, LLC  
411 Grand Avenue  
Englewood, NJ 07631

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#### **RESOLUTION #2021-45**

#### **TITLE: RESOLUTION APPOINTING FRANCES WESTON, ACTING MUNICIPALCLERK**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-133, the Borough of Northvale is required to employ a Registered Municipal Clerk; and

**WHEREAS**, on February 3, 2020 a vacancy occurred in the Office of Municipal Clerk by the departure of the Borough's Registered Municipal Clerk; and

**WHEREAS**, on March 11, 2020 and pursuant to N.J.S.A. 40A:9-133, the governing body appointed Frances Weston to serve as the Acting Borough Clerk for a one (1) year term; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-133, a person who does not hold a registered municipal clerk certificate may serve as acting municipal clerk for a period not to exceed one year and then be reappointed as acting municipal clerk for a maximum of two subsequent one-year terms following the termination of the temporary appointment; and

**WHEREAS**, Frances Weston has served as the Acting Municipal Clerk since March 11, 2020; and

**WHEREAS**, it is in the best interests of the Borough of Northvale to reappoint Frances Weston as Acting Municipal Clerk for the Borough of Northvale for a term not to exceed one (1) year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Northvale hereby appoints Frances Weston as Acting Municipal Clerk commencing on February 10, 2021 for a term not to exceed one (1) year and at an annual salary of Fifty Seven Thousand Four Hundred Eighty Nine Dollars and 00/100ths (\$57,489.00).

\*\*\*\*\*

#### **RESOLUTION #2021-46**

**TITLE: APPROVE RAFFLE LICENSE #RL 217 FOR NORTHLAKE PTO – OFF PREMISE RAFFLE**

**BE IT HEREBY RESOLVED**, that the following license to conduct an Off Premise Raffle be issued to:

NAME: Northvale PTO

ADDRESS: 441 Tappan Road

LOCATION OF RAFFLE: 441 Tappan Road

HOURS: 1:30 PM

DATE OF RAFFLE: April 1, April 8, April 22, April 29, May 6, May 13, May 20, May 27, 2021

ID #: 353-5-37377

RAFFLE LICENSE #: RL 217

\*\*\*\*\*

#### **RESOLUTION #2021-47**

**TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF NORTHLAKE TO ESTABLISH AND ENTER INTO A JOINT PURCHASING AGREEMENT AS LEAD AGENCY FOR THE RIVERSIDE COOPERATIVE**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish and enter into a Joint Purchasing Agreement; and

**WHEREAS**, the Borough of Northvale, County of Bergen, State of New Jersey is desirous of establishing and entering into said agreement; and

**WHEREAS**, the Borough of Northvale has agreed to serve as the Lead Agency for a Joint Purchasing Agreement with local governmental units within the County of Bergen and adjoining counties who may desire to become "Participating Contracting Units".

**NOW, THEREFORE, BE IT RESOLVED** on this 10<sup>th</sup> day of February 2021 by the Governing Body of the Borough of Northvale, County of Bergen, State of New Jersey, as follows:

Section I. The Borough of Northvale is hereby authorized to enter into and execute Joint Purchasing Agreements and act as "Lead Agency".

Section II. The Borough of Northvale is hereby authorized to enter into separate Joint Purchasing Agreements with the participating governmental units and said agreement shall be deemed a single agreement.

Section III. This resolution shall take effect immediately upon passage.

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION #2021-45 – Councilman Hogan abstained.**

\*\*\*\*\*

**RESOLUTION #2021-48**

**TITLE: PAYMENT OF BILLS**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

**WHEREAS**, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2020)	\$62,226.09
General Capital Fund	\$206,989.52
Escrow Trust	\$3,765.20
<b>TOTAL</b>	<b>\$272,980.81</b>

**WHEREAS**, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and the chief financial officer; and

**WHEREAS**, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued accordingly; and

**WHEREAS**, claims have already been paid in the following amounts for the purpose specified below during the course of the year:

Payroll – Salaries & Wages	01-08-2021	\$174,788.49
Payroll – Salaries & Wages	01-22-2021	\$149,162.27
Health Benefits	January 2021	\$49,825.72
School Taxes – Local	January 2021	\$756,534.77
School Taxes – Regional	January 2021	\$762,013.75
<b>TOTAL</b>		<b>\$1,892,525.00</b>

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$2,165,505.81** and ratified respectively

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*\*\*\*\*

## ORDINANCES – 2<sup>ND</sup> READING

### ORDINANCE #1031-2021

#### AN ORDINANCE AMENDING AND MODIFYING CHAPTER 29, §29-35 APPEALS FROM ZONING BOARD OF ADJUSTMENT TO GOVERNING BODY AND CHAPTER 97, §97-9 APPEALS, OF THE NORTHVALE BOROUGH CODE

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Sotiropoulos

**Section 1. Purpose & Authority.** The purpose of this ordinance is to modify and amend Chapter 29 §29-35 Appeals from Zoning Board of Adjustment to governing body, and Chapter 97 Fees §97-9 Appeals, pursuant to N.J.S.A. 40:48-1, and 40:49-2.

**Section 2. Amendments.** (amendments are highlighted, deletions strikethrough).

~~§ 29-35 Appeals from Zoning Board of Adjustment to governing body.~~

~~An appeal from any decision of the Zoning Board of Adjustment granting a use variance pursuant to the provisions of N.J.S.A. 40:55D-17d may be taken on the governing body, provided that such appeal shall be made within 10 days of the date of publication of such final decision of the Zoning Board of Adjustment.~~

~~§ 97-9~~

~~Appeals.~~

~~[Amended 8-10-1994 by Ord. No. 675-94]~~

~~An appeal to the governing body from decisions of the Zoning Board of Adjustment in granting or denying a use variance shall be accompanied by the application and appeal fee, and the person making the appeal shall furnish the governing body with 10 copies of the transcript of the proceedings below, together with 10 copies of the documents and exhibits, all at the sole cost and~~

~~expense of the appellant. Said transcript and documents shall be filed with the governing body at least 10 days prior to a scheduled hearing on appeal.~~

**Section 3. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Northvale Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Northvale Code.

**Section 5. Codification.** This ordinance shall be codified as amendments to the chapters set forth herein.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

## OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Ordinance #1031-2021 only.

## CLOSE MEETING TO THE PUBLIC

There being no questions or comments from the public, Mayor Marana closed the meeting to the public.

## ROLL CALL VOTE

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## ORDINANCES – 1<sup>ST</sup> READING

### ORDINANCE #1032-2021

## AN ORDINANCE UPDATING THE CURRENT BOROUGH STORMWATER ORDINANCE AS PER NJDEP REQUIREMENTS

Motion	Second	Name
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

## Chapter 172, Article I – Stormwater Control Ordinance

### §172-1 Scope and Purpose:

#### A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices

(GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

**B. Purpose**

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

**C. Applicability**

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

**D. Compatibility with Other Permit and Ordinance Requirements**

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

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

**§172-2 Definitions:**

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

1. Treating stormwater runoff through infiltration into subsoil;

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

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

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

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

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

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

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

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

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

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §172-4(F) of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of

1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **§172-3 Design and Performance Standards for Stormwater Management Measures**

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

*Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.*

#### **§172-4 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 §172-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §172-4(P),(Q) and (R):
  - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §172-4 (O), (P), (Q) and (R) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
  - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §172-4 (O),(P), (Q) and (R) to the maximum extent practicable;
  - 3. The applicant demonstrates that, in order to meet the requirements of §172-4 (O),(P), (Q) and (R), existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §172-4 D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §172-4 (O),(P), (Q) and (R) that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management.

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §172-4 (O), (P), (Q) and (R). When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found below Table 3

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>

Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found below Table 3

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §172-4 O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at §172-2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §172-6(B). Alternative stormwater management measures may be used to satisfy the requirements at §172-4(O) only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at §172-4 O.2 are subject to the contributory drainage area limitation specified at §172-4 O.2 for that similarly functioning BMP. Alternative stormwater

management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §172-4 O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §172-4(D) is granted from §172-4(O).

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

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

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §172-8(C);
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §172-8; and
5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at §172-4 O.4.

K. Any application for a new agricultural development that meets the definition of major development at §172-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §172-4 (O), (P), (Q) and (R) and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §172-4 (P), (Q) and (R) shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Bergen County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater

recharge, stormwater runoff quality, and stormwater runoff quantity standards at §172-4 (O), (P), (Q) and (R) and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §172-10 B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

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

#### O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at §172-4 (P) and (Q), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §172-4(F) and/or an alternative stormwater management measure approved in accordance with §172-4(G). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §172-4(R), the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §172-4(G).
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §172-4(D) is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §172-4(G) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §172-4 (P), (Q) and (R).
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the

government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §172-4 (P), (Q) and (R), unless the project is granted a waiver from strict compliance in accordance with §172-4(D).

#### P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
  2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §172-5, either:
    - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
    - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
  3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
  4. The following types of stormwater shall not be recharged:
    - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
    - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

#### Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §172-4 (P), (Q) and (R).
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §172-5, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

**§172-5 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:

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

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §172-5 A.1.i and the Rational and Modified Rational Methods at §172-5 A.1.ii. 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* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

**§172-6 Sources for Technical Guidance:**

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

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm)

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

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm)

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

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

**§172-7 Solids and Floatable Materials Control Standards:**

A. Site design features identified under §172-4(F) above, or alternative designs in accordance with §172-4(G) above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see A.2 below.

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

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

channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
  - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.

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

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

#### **§172-8 Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §172-8 (C.1), (C.2), and (C.3) for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
    - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

- ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
- iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

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

- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
- ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
- iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

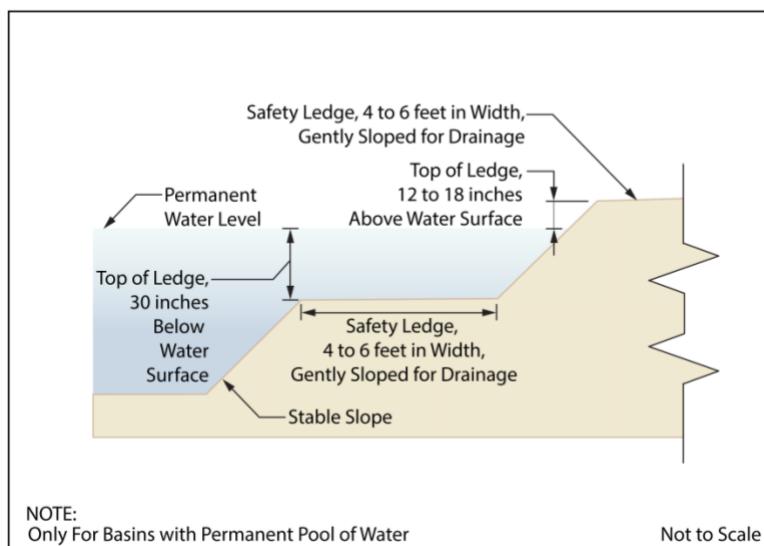
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §172-8, a free-standing outlet structure may be exempted from this requirement;
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See §172-8(E) for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

#### D. Variance or Exemption from Safety Standard

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

#### E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



### §172-9 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 §172-9(C) below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with §172-9(C) of this ordinance.

#### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

#### C. Submission of Site Development Stormwater Plan

The following information shall be required:

##### 1. Topographic Base Map

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

## 2. Environmental Site Analysis

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

## 3. Project Description and Site Plans

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

## 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §172-3 through §172-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

## 5. Stormwater Management Facilities Map

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

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

## 6. Calculations

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

## 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of §172-10.

## 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §172-9 C.1 through §172-9 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.

## **§172-10 Maintenance and Repair:**

### A. Applicability

Projects subject to review as in §172-1 (C) of this ordinance shall comply with the requirements of §172-10 (B) and (C).

### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under §172-10 B.3 above is not a public agency, the maintenance plan and any future revisions based on §172-10 B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under §172-10 B.3 above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

- ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.

8. The requirements of §172-9 B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm)

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

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

**§172-11 Penalties:**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be subject to the penalties set in Chapter I, Article II of the Code of the Borough of Northvale, entitled "General Penalties," as adopted 12-14-1988 by Ordinance No. 601-88.

**§172-12 Severability:**

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

**§172-13 Effective Date:**

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

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

**ROLL CALL VOTE**

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## OPEN MEETING TO THE PUBLIC

**Andrew Durfee, 174 Walnut Street** – asked for clarification on Resolution #2021-44 since the amount is very high. Mayor Marana explained the redemption of tax sale certificates.

**Hiram Torres, 226 Franklin Street** – stated that he sent an email to the Council and has not received any response. Councilman Sotiropoulos explained why the DPW was working until 2:00am on the morning in question. The reason was that, at the Police Department's request, snow had to be removed from main streets and intersections. The late night work was scheduled to avoid peak daytime traffic. He explained that the Mayor is looking for an alternate place to dump snow. Mayor Marana stated that Chief Ostrow, who is also OEM, emailed the DPW asking to have snow removed due to safety problems. The snow was brought to Hogan Park where it has been dumped since 1975. Mayor Marana apologized for the late night inconvenience to the Torres family. He also stated that we have a verbal agreement to remove any additional snow that must be removed to a non-Borough owned site. Mr. Torres said the DPW do a fantastic job. Councilman Argiro apologized to Mr. Torres and confirmed they are looking for alternatives to dumping snow in the future. Mr. Torres stated that the DEP has policies about where you can dump contaminated snow. Mayor Marana advised that the DEP said it was okay to put the snow at Hogan's Park. Mayor Marana also advised that salt will be put down as the snow melts.

## MAYOR & COUNCIL REPORTS

**Councilman Sotiropoulos** – reported that the DPW has been working hard with the largest snow storm that we just had. They also had 2 water main breaks and 1 sewer back up. DPW removed snow from the main streets overnight as it was too dangerous to do during the day. He also reported that there have been 211 COVID cases since the beginning. There were 29 Ambulance calls in December.

**Councilman McGuire** – reported on the January Reorganization meeting for the Northvale Board of Education. The same members are still on the board. Two longtime educators, Mrs. Griffin and Mrs. Magnani, have retired. The high school also had their Reorganization meeting in January. Drew Porschen is now on the Board. The high school has been in person on and off when there is a positive case reported. The athletics are still up in the air.

**Councilman Hogan** – reported that the everyone received the report from Joe on the Building Department. The Planning Board had a couple of meetings. The first application was for request for 6 ft fence on Philadelphia Avenue; they were granted a 4 ft. fence. Also an informal hearing with Mr. Winans about a shed he has constructed on his property. Since no notices had been sent, no action was taken. The Board of Health had their Reorganization meeting in January. There was some discussion on COVID vaccines being done in Northvale. The board had stated it was unlikely due to keeping the vaccines cold.

**Councilman Argiro** – reported that the Library was awarded the grant for the entrance and bathroom. On February 1<sup>st</sup>, they reopened indoor service with limited capacity of 6 people in at a time. Maria Lucas is the new Library board member. Recreation has not had any basketball or indoor soccer. Baseball/softball registration has opened and will be open until March 7<sup>th</sup>.

**Councilman Devlin** – reported that the Fire Department had 14 calls in January. The Assistant Chief's vehicle has been repaired after hitting a deer. The firehouse has had major upgrades done.

**Councilman DeLisio** – stated that the firehouse looks great. He reported that there are two pending grant applications; ADA compliant at the Borough Hall entrance way for \$32,000 and open space passive butterfly garden at Veterans Park for \$40,250. Northern Valley Greenway had a meeting on February 2<sup>nd</sup>. They now have a representative from each municipality to promote the project.

**Mayor Marana** – thanked the DPW for doing an incredible job during the snow storm. He will be attending a Library strategic planning committee meeting this Thursday night. Councilman Sotiropoulos will cover the Interborough Radio meeting which is at the same time. The Police, Fire, and Ambulance departments will also be in attendance. He has been having preliminary conversations with Bergen New Bridge Medical Center regarding setting up a

vaccination site in Northvale at the McGuire Senior Center. Norwood is also included. It will also expand to include other towns. The core of the state rollout strategy is to direct people to the mega sites. Congressman Gottheimer is involved. Mayor Marana was on a conference call with the Governor's staff yesterday. The Mayors just wanted to talk about the vaccination. The Governor's staff referred all questions to the Thursday call with the Department of Health. The state phone hotline that was created primarily for seniors who are not computer savvy to make vaccination appointments is requiring an email address. They are now reengineering the process. Sue Scavone advised of three newly opened police related grant opportunities. The Chief is interested in two of them. Millenium will not charge for writing these grant applications.

## **BOROUGH ENGINEER REPORT**

Ms. Raffay explained the ordinance that was introduced tonight updating the current Borough Stormwater Ordinance which is required by the DEP. She stated that they are working on the Riverside Coop Paving program.

## **BOROUGH ATTORNEY REPORT**

Ms. Rosendahl had items for closed session.

**CLOSED SESSION - TIME: 7:52 PM**

*Action may  not  be taken upon return to open session.*

## **RESOLUTION #2021-49**

**TITLE: TO PROVIDE FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A 10:4-12**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman McGuire
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

**WHEREAS**, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

- 1. Matters required by law to be confidential
- 2. Matters where the release of information would impair the right to receive funds.
- 3. Matters involving individual privacy
- 4. Matters relating to collective bargaining
- 5. Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- 6. Matters relating to public safety and property.
- 7. Matters relating to litigation, negotiations and attorney client privilege.
- 8. Matters relating to the employment relationship – Personnel
- 9. Matters relating to the potential imposition of a penalty.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RETURN TO OPEN SESSION – TIME: 8:57 PM**

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## Consent Agenda

*"All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business"*

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

\*\*\*\*\*

## RESOLUTION #2021-50

### **TITLE: RESOLUTION AUTHORIZING PROPOSED CONTRACT TO BE SUBMITTED TO CAPTAIN ROBERT PIZZI**

**BE IT RESOLVED**, the contract for Captain Robert Pizzi will be submitted to him by Borough Attorney Deena Rosendahl.

\*\*\*\*\*

## RESOLUTION #2021-51

### **TITLE: RESOLUTION APPOINTING CHARLES THOMAS AS FIRE INSPECTOR**

**WHEREAS**, David Donnarumma currently holds the position of Fire Inspector; and

**WHEREAS**, David Donnarumma has been appointed the Fire Marshall/Fire Officer position effective April 1, 2021; and

**WHEREAS**, Charles Thomas has the requisite skills and experience to hold the position of Fire Inspector; and

**WHEREAS**, it is in the best interest of the Borough of Northvale to appoint Charles Thomas as the Fire Inspector; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Northvale hereby appoints Charles Thomas to the position of Fire Inspector at an annual salary of \$7,300 effective April 1, 2021.

\*\*\*\*\*

## RESOLUTION #2021-52

### **TITLE: RESOLUTION REFERRING PROPOSED STORMWATER MANAGEMENT ORDINANCE TO THE PLANNING BOARD FOR COMMENT AND REVIEW**

**WHEREAS**, the Borough of Northvale's Stormwater Control Ordinance, Chapter 172, is need of updating (the "Stormwater Control Ordinance"); and

**WHEREAS**, the Stormwater Control Ordinance has been reviewed by the Borough Engineer and Governing Body and a first reading held at the Governing Body's public meeting on February 10, 2021; and;

**WHEREAS**, in accordance with the Municipal Land Use Law the proposed Ordinance shall be sent to the Borough of Northvale Planning Board for review, comment and approval prior to adoption.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that the Stormwater Control Ordinance be referred to the Borough of Northvale Planning Board for their review, comment and approval.

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADJOURNMENT – TIME: 9:00 PM**

Motion	Second	Name
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Hogan
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Patrick J. Marana*  
Mayor

**ATTEST:**

*Frances M. Weston*

Frances M. Weston  
Acting Borough Clerk

Approved: March 10, 2021