

**AGENDA
COUNCIL MEETING
SEPTEMBER 4, 2024**

**140 NORTH BROADWAY
SOUTH AMBOY, NJ 08879**

6:00 P.M.

1. MEETING CALLED TO ORDER BY COUNCIL PRESIDENT
2. OPENING PRAYER AND SALUTE TO THE FLAG
3. ROLL CALL: CONRAD_____, DATO_____, McLAUGHLIN_____, REILLY _____, GROSS_____
4. CERTIFICATION OF MEETING BY CLERK

CONSENT AGENDA:

The following items are considered to be routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items unless a Council member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: _____ of the Council of the City of South Amboy, that Resolutions NO. 24-154 is hereby approved. **SECONDED by:** _____. **ROLL CALL VOTE:**

NO. 24-154 RESOLUTION AUTHORIZING TAX REFUND – 103 N. BROADWAY LLC

Discussion:

Request for water bill scheduled payment from Shoregate Village:

RESOLUTION NO. 24-155
RESOLUTION AUTHORIZING INSTALLMENT PAYMENT PLAN FOR SEWER SHORE GATE CONDO ASSOCIATION

MOVED by: _____ of the Council of the City of South Amboy, that Resolution No. 24-155 is hereby approved. **SECONDED by:** _____ **ROLL CALL VOTE:**

RESOLUTIONS:

RESOLUTION NO. 24-156
APPROVAL AND RELEASE OF MINUTES

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby approve and release the Council Minutes of the August 14, 2024 Council Meeting.

MOVED by: _____ of the Council of the City of South Amboy, that Resolution No. 24-156 is hereby approved. **SECONDED by:** _____ **ROLL CALL VOTE:**

RESOLUTION NO. 24-157 APPROVAL OF BILL LIST

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby receive and approve the payment of the bill list dated August 29, 2024, as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bill list be appended to the official minutes.

MOVED by: _____ of the Council of the City of South Amboy, that Resolution No. 24-157 hereby approved. **SECONDED by:** _____. **ROLL CALL VOTE:**

ORDINANCE:

SECOND READING/ADOPTION:

ORDINANCE 2024-13

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1036 ENTITLED "PARKING AND TRAFFIC REGULATIONS FOR THE CITY OF SOUTH AMBOY" IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY – REMOVE 240 HENRY STREET, ADD 248 SECOND STREET AND 108 DAVID STREET.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Council of the City of South Amboy, that Ordinance #2024-13 is hereby adopted.
SECONDED by: _____ **ROLL CALL VOTE:**

ORDINANCE 2024-15

AN ORDINANCE AMENDING SOUTH AMBOY SENIOR CENTER PROGRAM FEES FOR THE RESIDENTS OF SAYREVILLE

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Council of the City of South Amboy, that Ordinance #2024-15 is hereby adopted.
SECONDED by: _____ **ROLL CALL VOTE:**

ORDINANCE 2024-16

AN ORDINANCE AMENDING AND REPLACING CHAPTER 53, Article XXIII "DEVELOPMENT REGULATIONS – STORMWATER CONTROL" OF THE CODE OF THE CITY OF SOUTH AMBOY TO INCORPORATE CERTAIN TECHNICAL AND PROCEDURAL CHANGES IN CONFORMITY WITH NEW, ALTERED AND ADDITIONAL REQUIREMENTS OF THE STATE OF NEW JERSEY

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Council of the City of South Amboy, that Ordinance #2024-16 is hereby adopted.
SECONDED by: _____ **ROLL CALL VOTE:**

FIRST READING/INTRODUCTION:

ORDINANCE 2024-17

AN ORDINANCE GRANTING AN EASEMENT FOR THE
CONSTRUCTION OF THE RETAINING WALL EASEMENT AT 323 GEORGE STREET

MOVED by: _____, that Ordinance #2024-17 be introduced on first reading and advertised
for second reading which is scheduled for the October 2, 2024 meeting.

SECONDED by: _____, **ROLL CALL VOTE:**

COMMENTS:

PUBLIC COMMENTS:

ADJOURNMENT

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX:**

RESOLUTION NO. 24-154
TAX REFUND – 103 N. BROADWAY LLC

WHEREAS, an overpayment was made by 103 N Broadway LLC on 103 N Broadway in the City of South Amboy, County of Middlesex on Block 40, Lot 2 in the amount of \$3141.86 on the 3rd quarter 2024; and

WHEREAS, the tax collector has certified the above payment has been made and on file in the tax collector's office; and

WHEREAS, Linda Urgo on behalf of 103 N Broadway LLC has requested a refund; and

NOW, THEREFORE be it resolved, by the Governing Body of the City of South Amboy, Middlesex County, New Jersey, that the Chief Financial Officer be and the same is hereby authorized to issue a check in the amount of \$3141.86 to 103 N Broadway LLC and the Tax Collector is hereby authorized to adjust the tax records to reflect a refund in the amount of \$3141.86 to:

103 N Broadway LLC
C/O JOHN URGO & LINDA URGO
2 San Diego Ct
Old Bridge., NJ 08857

RESOLUTION NO. 24-155

**RESOLUTION AUTHORIZING INSTALLMENT PAYMENT PLAN FOR SEWER
SHORE GATE CONDO ASSOCIATION**

WHEREAS, the Mayor & City Council desire to assist a property owner the opportunity to pay sewer taxes with installment payments pursuant to N.J.S.A. 54:5-65; and

WHEREAS, when the title to the property Block 161 Lot 20.09 Shoregate Condo Association Sewer Account 99970997-0 , 100 John T O'Leary Blvd; and

WHEREAS, Shore Gate Condo Association has requested a payment plan due to the under reporting of the water usage at 100 John T O'Leary Blvd; and

WHEREAS, the under recording was the result of internal technical issues with Middlesex Water meter reading equipment resulting in a substantial understated bill for the 3rd quarter 2024; and

WHEREAS, the total balance due to the city because of the understated billing is 28,303.34 ; and

WHEREAS, the property owner has requested a 12-month payment plan starting on 10-4-2024 and ending on 9-4-2025 for a monthly payment of 2358.61; and

WHEREAS, all taxes, sewer charges and other municipal charges falling due subsequent to the date of the agreement must be promptly paid and if any installment authorized by this resolution or any subsequent tax, sewer or other municipal charges are not paid within 30 days of when they become due and payable, the installment agreement is void and the Tax Collector will proceed to hold a tax sale against the property; and

WHEREAS, the tax collector shall omit from the tax sale any properties on which regular, monthly installments are being made pursuant to this Resolution; and

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED by the Council of the City of South Amboy, County of Middlesex the Mayor & Council is authorized to take any further action and execute any such agreement and documents that will give full force and effect to this Resolution.



THE MIDDLESEX WATER ENTERPRISE

Middlesex Water Company • Pinelands Water & Wastewater Company • Southern Shores Water Company • Tidewater Utilities, Inc. • Tidewater Environmental Services, Inc.
Utility Service Affiliates, Inc. • Utility Service Affiliates (Avalon) • Utility Service Affiliates (Perth Amboy) Inc. • White Marsh Environmental Systems, Inc.

May 28, 2024

Shoregare Village Condo Assoc
PO BOX 730
Oakhurst, NJ 07755

Ref: Account 2222700000
100 John T O'Leary Blvd, So Amboy

Dear Customer:

On April 11, 2024, Middlesex Water had discovered and confirmed an under recording of your water usage beginning with the date that the water meter at your location was last replaced on 6/20/2023. The under recording was the result of internal technical issues with Middlesex's meter reading equipment. This means that your monthly bills have been substantially understated and your account needs to be corrected. We apologize to you for the inconvenience this has caused.

The actual reading of your 3-inch meter is 03598. The most recent meter reading billed to this account was 00359.

The amount of water that has travelled through your meter to your location since 6/20/2023 (the date your meter was last replaced) is at present 3598 hundred cubic feet. The total amount of water that has been billed up to your most recent billing period that ended 5/1/2024, is 359 hundred cubic feet – leaving a difference of 3239 hundred cubic feet that was used at your location since 6/20/2023, and should have been billed to you since that date. The incremental dollar amount that should have been billed to you over the same period totals \$28,261.19.

The Company determined the incremental amount by creating a prorated bill, cancelling your original bills back to the meter change occurring on 6/20/2023, and rebilling you for the same time period.

Again, we apologize for any inconvenience this has caused.

Regards,

Customer Service
Middlesex Water Company
1-800-549-3802
csmwc@middlesexwater.com

"A Provider of Water, Wastewater & Related Products and Services"

RESOLUTION NO. 24-155

**RESOLUTION AUTHORIZING INSTALLMENT PAYMENT PLAN FOR SEWER
SHORE GATE CONDO ASSOCIATION**

WHEREAS, the Mayor & City Council desire to assist a property owner the opportunity to pay sewer taxes with installment payments pursuant to N.J.S.A. 54:5-65; and

WHEREAS, when the title to the property Block 161 Lot 20.09 Shoregate Condo Association Sewer Account 99970997-0 , 100 John T O'Leary Blvd; and

WHEREAS, Shore Gate Condo Association has requested a payment plan due to the under reporting of the water usage at 100 John T O'Leary Blvd; and

WHEREAS, the under recording was the result of internal technical issues with Middlesex Water meter reading equipment resulting in a substantial understated bill for the 3rd quarter 2024; and

WHEREAS, the total balance due to the city because of the understated billing is 28,303.34 ; and

WHEREAS, the property owner has requested a 12-month payment plan starting on 10-4-2024 and ending on 9-4-2025 for a monthly payment of 2358.61; and

WHEREAS, all taxes, sewer charges and other municipal charges falling due subsequent to the date of the agreement must be promptly paid and if any installment authorized by this resolution or any subsequent tax, sewer or other municipal charges are not paid within 30 days of when they become due and payable, the installment agreement is void and the Tax Collector will proceed to hold a tax sale against the property; and

WHEREAS, the tax collector shall omit from the tax sale any properties on which regular, monthly installments are being made pursuant to this Resolution; and

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED by the Council of the City of South Amboy, County of Middlesex the Mayor & Council is authorized to take any further action and execute any such agreement and documents that will give full force and effect to this Resolution.

MINUTES FOR COUNCIL MEETING AUGUST 14, 2024

The Meeting was called to order by City Clerk, Deborah Brooks at 7:00 P.M. The City Clerk read the Opening Prayer, all recited the Pledge of Allegiance and roll call was taken.

PRESENT: Councilwoman Dato, Councilman Conrad, Councilman Reilly, and Council President Gross.

ALSO PRESENT: Deborah Brooks, City Clerk, David Kales, BA, Dan Balka, CFO, and Attorney Christopher Zingaro

The Clerk read the Certification of Meeting Notice.

CONSENT AGENDA:

The following items are considered to be routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items unless a Council member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: Mr. Conrad of the Council of the City of South Amboy, that Resolutions NO. 24-147 through NO. 24-151 are hereby approved. **SECONDED by:** Ms. Dato. **ROLL CALL VOTE: All in favor.**

- NO. 24-147 RESOLUTION AUTHORIZING TAX OVERPAYMENT REFUND – SAUNDERS

- NO. 24-148 RESOLUTION AUTHORIZING TAX APPEAL JUDGEMENT – BL 150 LOT 18

- NO. 24-149 RESOLUTION CANCELLING REAL PROPERTY TAX BILL FOR BLOCK 36, LOTS 1& 3

- NO. 24-150 RESOLUTION AUTHORIZING TAX EXEMPTION BY DISABLED VETERAN - DENNIS

- NO. 24-151 RESOLUTION AUTHORIZING TAX EXEMPTION BY DISABLED VETERAN - MOURA

RESOLUTIONS:

RESOLUTION NO. 24-152
APPROVAL AND RELEASE OF MINUTES

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby approve and release the Council Minutes of the July 17, 2024 Council Meeting.

MOVED by: Ms. Dato of the Council of the City of South Amboy, that Resolution No. 24-152 is hereby approved. **SECONDED by:** Mr. Conrad **ROLL CALL VOTE: Ayes: Conrad, Dato, Gross, Abstain: Reilly**

RESOLUTION NO. 24-153 APPROVAL OF BILL LIST

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby receive and approve the payment of the bill list dated August 8, 2024, as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bill list be appended to the official minutes.

MOVED by: Mr. Conrad of the Council of the City of South Amboy, that Resolution No. 24-53 hereby approved. **SECONDED by:** Ms. Dato. **ROLL CALL VOTE: All in favor.**

ORDINANCE:

SECOND READING/ADOPTION:

ORDINANCE 2024-14

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1036 ENTITLED "PARKING AND TRAFFIC REGULATIONS FOR THE CITY OF SOUTH AMBOY" IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY – REMOVE HANDICAP PARKING SPACE – 256 SECOND ST. AND 231 NORTH STEVENS AVE

OPEN PUBLIC – No Comment

CLOSE PUBLIC

MOVED by: Ms. Dato, of the Council of the City of South Amboy, that Ordinance #2024-14 is hereby adopted.

SECONDED by: Mr. Conrad **ROLL CALL VOTE: All in favor.**

FIRST READING/INTRODUCTION:

ORDINANCE 2024-13

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1036 ENTITLED "PARKING AND TRAFFIC REGULATIONS FOR THE CITY OF SOUTH AMBOY" IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY – REMOVE 240 HENRY STREET, ADD 248 SECOND STREET AND 108 DAVID STREET.

MOVED by: Mr. Conrad, that Ordinance #2024-13 be introduced on first reading and advertised for second reading which is scheduled for the September 4, 2024 meeting.

SECONDED by: Mr. Reilly, **ROLL CALL VOTE: All in favor.**

ORDINANCE 2024-15

AN ORDINANCE AMENDING SOUTH AMBOY SENIOR CENTER PROGRAM FEES FOR THE RESIDENTS OF SAYREVILLE

MOVED by: Ms. Dato, that Ordinance #2024-15 be introduced on first reading and advertised for second reading which is scheduled for the September 4, 2024 meeting.

SECONDED by: Mr. Conrad, **ROLL CALL VOTE: All in favor.**

ORDINANCE 2024-16

AN ORDINANCE AMENDING AND REPLACING CHAPTER 53, Article XXIII "DEVELOPMENT REGULATIONS – STORMWATER CONTROL" OF THE CODE OF THE CITY OF SOUTH AMBOY TO INCORPORATE CERTAIN TECHNICAL AND PROCEDURAL CHANGES IN CONFORMITY WITH NEW, ALTERED AND ADDITIONAL REQUIREMENTS OF THE STATE OF NEW JERSEY

MOVED by: Mr. Reilly, that Ordinance #2024-16 be introduced on first reading and advertised for second reading which is scheduled for the September 4, 2024 meeting.

SECONDED by: Mr. Conrad, **ROLL CALL VOTE: All in favor.**

COMMENTS:

Mr. Reilly:

- Thanked the food pantry and first responder volunteers for their continued efforts.
- Wished everyone a happy Labor Day.
- Thanked Mr. Kales and the staff for putting together a great Arts & Crafts Program, noting he had received many positive comments about it from residents.
- Noted he would have liked the Cablevision agreement to be for a shorter term.
- Stated that National Night Out had been a great success.
- Sent condolences to the families of June O'Leary and Wally Peterson.
- Stated he wished Larry Parsons was present at tonight's meeting so he could thank him for his 50 years of volunteering and wish him well.
- Stated he was glad that the Pidgeon Palace had finally been demolished, it had been an eyesore for too long.
- Reported Phil English would be donating an artifact from 9/11 and suggested it be put in a memorial at the train station.

Anthony Conrad:

- Thanked the Fire Chief, volunteer firefighters, OEM and the Police Department for their continued service to the community.
- Noted he had driven past the demolished Pidgeon Palace site and was looking forward to the space being put to good use for the City's resident's. It was a great collaboration of SARA, the Council, and the Administration.

Ms. Dato:

- Noted that Pidgeon Palace had been an ugly monstrosity and was delighted it had been removed. The additional space will serve the city well.
- Stated that National Night Out had been outstanding, a salute to the Police Department and other supporting agencies.
- Reported the YMCA with News12 had hosted a free backpack event that over 500 people had attended and it had been a wonderful event.
- Was pleased to see the volleyball net that had been installed on the beach.
- Noted that the city was paying \$1400 per month for non-basic cable services and the "benevolence" shown by the Cable Company was not very much at all.

Mr. Gross:

- Noted that National Night Out was a big success and thanked everyone involved for doing a great job.
- Noted October 12th is South Amboy Day. Mr. Conrad and Mr. Elliot will be heading up the Committee.
- Wished the Fire Department good luck in the upcoming Wildwood competition noting South Amboy is always well represented.
- Announced that OEM Director Mark Herdman will be the Grand Marshal of the St. Pat's Parade.
- Noted the free backpack event had been a great success.

Mr. Kales:

- Squashed the rumor that he was going to be the Deputy Director of the Police Department. All that occurred was a letter from Mayor assigning the BA as temporary Director while the Mayor is away on vacation, which is normal protocol.

- Noted that NJ Transit is the worst government agency he has worked with and that he was happy the demolition is completed.
- Agreed with previous comments that the National Night Out was a great success.
- Credited his staff and in particular Christen Liberty with doing an excellent job with the summer Arts & Crafts program.
- Reported there will be a 9/11 Ceremony headed by Fire Chief Gay. More information to follow.
- Wished everyone a safe rest of the summer.
-

PUBLIC COMMENTS:

Chris Smiga, 144 Second St., congratulated the Council on the demolition of the John Street building and the success of National Night Out. Spoke about an article in the Home News regarding pedestrian safety and mentioned the streetlight on Main St. and Stevens Ave. was perpetually out and although there have been several calls made to get it repaired, it is never permanently resolved. Mr. Kales stated he has been working with the County, who owns $\frac{3}{4}$ of the light, on a solution. Finally, Mr. Smiga requested that the city institute a Police Blotter for increased communication with its citizens.

Joe Szaro asked about a traffic study that had been conducted on Fifth St.. Mr. Kales noted this was a County Road. Mr. Szaro asked if the Council might consider adding parking at the beach. As a representative of the Historical Society he noted they had retrieved a few items at the site of the demolition that would be on display at their offices.

Brandon Russell, 327 Fourth St., asked for updates on the sustainable land use pledge and Venetian litigation. Mr. Womack was not present and will be asked to follow up. Confirmed with President Gross that the possibility of starting an Environmental Commission will not be brought up again until January. He pressed Mr. Gross on his personal feelings about it and Mr. Gross replied that he had no opinion at the moment, and as stated will look into again in January.

El Rampador spoke about disabled rights noting he had been here over a year ago and there had been no changes in accessibility to the PD. He stated able-ism must be eradicated and reported he would be protesting the lack of access to the PD. Mr. Kales said he had not been here the last time the gentleman had been present, and would look into the situation. He asked El Rampador to speak with Captain McCabe at the end of the meeting.

Anonymous aired his grievance about the City Prosecutor and Public Defender, noting he believed they are incompetent and that the Prosecutor is using his leverage to plea people down and the Public Defender did a horrible job representing him with an issue he had a while ago.

ADJOURNMENT

On motion by Mr. Conrad, seconded by Ms. Dato and passed unanimously, the meeting was adjourned at 7:42 pm.

Respectfully submitted,

Deborah Brooks
Municipal Clerk

CITY OF SOUTH AMBOY
Bill List By Vendor Id

Vendor # P.O. # Item Description	Name PO Date	Description Amount Charge Account	Contract Acct Description Type	PO Type Stat/Chk Type	First Enc Date Rcvd Date	Chk/Void Date	Invoice	1099 Excl
J0000004	Jersey Central Power & Light Co		Account Continued					
3 100 144 274 204		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122975	N
4 100 144 970 249		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934765	N
5 100 144 970 173		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	9567934764	N
6 100 144 970 348		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934766	N
7 100 144 970 355		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934767	N
8 100 144 998 315		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934771	N
9 100 144 970 488		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934769	N
10 100 144 274 279		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122976	N
11 100 144 165 709		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122974	N
12 100 144 998 349		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934772	N
13 100 144 998 612		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122977	N
14 100 144 998 786		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122978	N
15 100 144 988 802		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122979	N
16 100 145 033 669		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122980	N
17 100 145 003 800		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122981	N
18 100 145 009 021		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122982	N
19 100 145 009 054		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122984	N
20 100 145 009 112		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122985	N
21 100 145 009 153		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95567934773	N
22 100 145 003 727		18.41 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122983	N
23 100 145 009 070		4.72 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24	95378122986	N
24 100 148 024 720		4.72 4-01-31-430-200	B Utilities - Electric	R	08/20/24	08/28/24		N
		414.46						
24-01895	08/27/24	New Account-100 139 729 600	B Utilities - Electric	R	08/27/24	08/29/24	95717660892	N
1 New Account-100 139 729 600		64.19 4-01-31-430-200	B Utilities - Electric	R	08/27/24	08/29/24		N
24-01896	08/27/24	Allie Clark 100 149 470 062	B Utilities - Electric	R	08/27/24	08/29/24	95677786724	N
1 Allie Clark 100 149 470 062		779.09 4-01-31-430-200	B Utilities - Electric	R	08/27/24	08/29/24		N
24-01897	08/27/24	SAFA 100 010 672 648	B Utilities - Electric	R	08/27/24	08/29/24	95577925928	N
1 SAFA 100 010 672 648		879.09 4-01-31-430-200	B Utilities - Electric	R	08/27/24	08/29/24		N
24-01898	08/27/24	SAFA 100 010 672 671	B Utilities - Electric	R	08/27/24	08/29/24	95577925929	N
1 SAFA 100 010 672 671		9.19 4-01-31-430-200	B Utilities - Electric	R	08/27/24	08/29/24		N
	Vendor Total:	5,349.72						
J0000010	Johnny On The Spot, LLC							
24-01888	08/26/24	Sept'24- HS Field- Port A John	B Recreation: Maintenance Agreement	R	08/26/24	08/29/24	INV-4730075	N
1 Sept'24- HS Field- Port A John		232.30 4-01-28-370-095	B Recreation: Maintenance Agreement	R	08/26/24	08/29/24		N

CITY OF SOUTH AMBOY
Bill List By Vendor Id

Vendor #	Name	Description	Contract	PO Type	Stat/Chk	First Enc Rcvd Date	Chk/Void Date	Invoice	1099 Excl
PO #	PO Date	Amount	Charge Account	Acct Description Type		Date	Date		
Account Continued									
PARTS005	Parts Authority, LLC								
2		62.53	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	08/09/24	08/28/24	301-043683	N
3		55.13	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	08/09/24	08/28/24	301-258017	N
		<u>55.13</u>							
24-01849	08/20/24	8/9/24-8/14/24 invoices		24-00002	C				
1		36.07	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	08/20/24	08/28/24	301-258046	N
2		201.98	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	04/16/24	08/28/24	300-601562	N
3		22.56	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	08/20/24	08/28/24	300-601494	N
4		20.24	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	04/16/24	08/28/24	301-258473	N
5		373.11	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	04/16/24	08/28/24	301-258490	N
6		33.03	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	04/16/24	08/28/24	125-081881	N
7		112.80	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	04/16/24	08/28/24	301-258714	N
8		12.00	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	08/07/24	08/28/24	301-043828	N
9		115.19	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	04/16/24	08/28/24	301-258702	N
10		115.19	4-01-26-315-155	B	Vehicle Mainten Parts & Accessories - IR	08/07/24	08/28/24	301-043827	N
		<u>787.79</u>							
	Vendor Total:	842.92							
PAUL C005	Paul C. Eginton								
24-01861	08/26/24		Court Coverage						
1		30.00	4-01-43-490-195	B	Court: Professional Consultant & Spec R	08/26/24	08/29/24	8/20/2024	N
	Vendor Total:	30.00							
PFKOC005	PKF O'Connor Davies, LLP								
24-01842	08/19/24		'23 Report of Audit-LOSAP		22-00018	C			
1		1,600.00	4-01-90-200-001	B	Accountis Payable - Prior Years	01/01/24	08/28/24	854559	N
	Vendor Total:	1,600.00							
REISIO05	Reisinger Oxygen Service, Inc.								
24-01840	08/19/24		O2 REPLENISHMENT 8/2024						
1		89.96	4-01-25-240-065	B	Police: Food and First Aid Supplies	08/19/24	08/28/24	RO14512	N
	Vendor Total:	89.96							
ROBER030	Robert Scott Lamountain								
24-01860	08/26/24		Prosecutor Coverage						
1		300.00	4-01-43-490-195	B	Court: Professional Consultant & Spec R	08/26/24	08/29/24	8/20/2024	N
	Vendor Total:	300.00							

CITY OF SOUTH AMBOY
Bill List By Vendor Id

Vendor #	P.O. #	Item Description	Name	PO Date	Description	Amount	Charge Account	Acct Type	Contract Description	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
RODRIR005	24-01817	1 Police Interceptor Wheel Align	Rodriguez Tire Services, LLC	08/15/24	Police Interceptor Wheel Align	99.00	4-01-26-315-100	B	Vehicle Mainien Maintenance of Motor	R		08/15/24	08/28/24		127009	N
		Vendor Total:				99.00										
S0000003	24-01905	1 2024 3rd Qtr. Contribution	Sadie Pope Dowdell Library	08/28/24	2024 3rd Qtr. Contribution	108,151.75	4-01-29-390-299	B	Library: Miscellaneous Other ExpensesR	C		08/28/24	08/28/24		2024 3RD QTR	N
		Vendor Total:				108,151.75										
S0000015	24-01864	1 8/15/24 asphalt order	Slavola Asphalt Company, Inc.	08/26/24	8/15/24 asphalt order	87.04	4-01-26-290-115	B	Streets/Roads: Material & Supplies	R		08/26/24	08/29/24		337214	N
		Vendor Total:				87.04										
S0000130	24-01541	1 Work Boots - 1 employee	Sayreville Sportsman	07/10/24	Work Boots - 1 employee	129.00	4-01-26-290-045	B	Streets/Roads: Clothing & Uniforms	R		07/10/24	08/28/24		6190-47	N
		Vendor Total:				129.00										
S0000152	24-01908	1 Birthday Celebration	Saker Shop Rite Inc.	08/28/24	Aug'24 Birthday Celebration	117.60	4-01-28-371-065	B	Senior Citizes: Food & First Aid Supply	R		08/28/24	08/28/24		05530253427	N
		Vendor Total:				117.60										
STROU005	24-01878	1 inv.0724-1021 Tennis Courts	Strouse Electric Co., Inc.	08/26/24	inv.0724-1021 Tennis Courts	1,748.13	C-04-23-001-013	B	Ball Field & Playground Improvements	R		08/26/24	08/29/24		0724-1021	N
		Vendor Total:				1,748.13										
T0000003	24-01856	1 8/16/24 inv.00392465	The Hose Shop, Inc.	08/20/24	8/16/24 inv.00392465	51.74	4-01-26-315-100	B	Vehicle Mainten Maintenance of Motor	R		01/05/24	08/28/24		00392465	N
		Vendor Total:				51.74										
TCCOM005	24-01609	1 Replacement TC8614 for radios	TC Communications, Inc.	07/18/24	Replacement TC8614 for radios	2,324.00	C-04-23-001-003	B	Technology Improvements	R		07/18/24	08/28/24		129900	N

CITY OF SOUTH AMBOY
Bill List By Vendor Id

Vendor #	PO #	Name	Description	Amount	Charge Account	Acct Description Type	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
VERIZ020		Verizon - broadband					Account Continued							
W0000002		West Group - Thomas Reuters												
24-01902	08/01/24	'24 NJ criminal & motor vehicl		363.00	4-01-43-490-030	B	Court: Books and Publications	R		08/28/24	08/28/24		850657442	N
2 NJ Criminal & Motor Vehicle														
		Vendor Total:		363.00										
W0000017		W.B. Mason												
24-01573	07/15/24	OEM - magnetic whiteboard x2		422.52	4-01-25-252-145	B	OEM: Office Supplies	R		07/15/24	08/28/24		248019969	N
1 OEM - magnetic whiteboard x2														
24-01826	08/19/24	Copy Paper - City Hall		205.80	4-01-20-100-145	B	Admin: Office Supplies	R		08/19/24	08/28/24		248569913	N
1 Copy Paper - City Hall														
24-01859	08/26/24	Office Supplies		15.37	4-01-22-195-145	B	Code: Office Supplies	R		08/26/24	08/29/24		248696632	N
1 Memory Foam Mouse Pad														
2 MEMORY FOAM WRIST REST				11.44	4-01-22-195-145	B	Code: Office Supplies	R		08/26/24	08/29/24		248696632	N
3 KLEENEX				15.99	4-01-22-195-145	B	Code: Office Supplies	R		08/26/24	08/29/24		248696632	N
4 DESK CALENDAR				7.33	4-01-22-195-145	B	Code: Office Supplies	R		08/26/24	08/29/24		248696632	N
5 PORTABLE MIRROR				17.40	4-01-22-195-145	B	Code: Office Supplies	R		08/26/24	08/29/24		248696632	N
6 OFFICEMATE SUPPLY BASKET				10.95	4-01-22-195-145	B	Code: Office Supplies	R		08/26/24	08/29/24		248696632	N
		Vendor Total:		78.48										
YOLAN005		Yolanda G. Flores												
24-01881	08/26/24	SA Day poster/flyer reimburse		165.00	4-01-30-420-299	B	Celebration: Misc Other Expenses	R		08/26/24	08/29/24			N
1 SA Day poster/flyer reimburse														
		Vendor Total:		165.00										

Total Purchase Orders: 88 Total P.O. Line Items: 150 Total List Amount: 339,617.12 Total Void Amount: 0.00

CITY OF SOUTH AMBOY
 Bill List By Vendor Id

Totals by Year-Fund									
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total		
CURRENT FUND	3-01	83.70	0.00	83.70	0.00	0.00	83.70		
CURRENT FUND	4-01	189,732.08	0.00	189,732.08	0.00	0.00	189,732.08		
CAPITAL FUND	C-04	149,160.80	0.00	149,160.80	0.00	0.00	149,160.80		
GRANT FUND	G-02	183.30	0.00	183.30	0.00	0.00	183.30		
OTHER TRUST	T-12	457.24	0.00	457.24	0.00	0.00	457.24		
Total Of All Funds:		339,617.12	0.00	339,617.12	0.00	0.00	339,617.12		

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

ORDINANCE NO. 2024-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING
ORDINANCE NO. 1036 ENTITLED “PARKING AND
TRAFFIC REGULATIONS FOR THE CITY OF SOUTH
AMBOY” IN THE COUNTY OF MIDDLESEX AND
STATE OF NEW JERSEY – REMOVE 240 HENRY
STREET, ADD 248 SECOND STREET AND 108 DAVID
STREET.**

BE AND IT IS HEREBY ORDAINED by the Council for the City of South Amboy, Middlesex County, New Jersey, on the Ordinance No. 1036, entitled “Parking and Traffic Regulations for the City of South Amboy” is hereby amended and supplemented as follows:

ARTICLE V Handicapped Parking

Section 5-1 Special Parking for Handicapped

Section X Handicapped Parking

Remove the Following: 240 Henry Street

Add the Following:

NAME OF STREET

LOCATION

248 Second St.

Sign to be placed 117 feet from the curblines of Second Street and Stockton Street in front of the residence at 248 Second St.

108 David St.

Sign to be placed 120 feet from the curblines of David Street and Rosewell Street in front of the residence at 108 David St.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This ordinance shall take effect after final passage and publication as provided by law.

The Municipal Clerk shall serve a certified true copy of this Ordinance upon the South Amboy Police Department.

Deborah Brooks
Municipal Clerk

Introduced on First Reading: August 14, 2024
First Publication:
Approved on Final: September 4, 2024
Final Publication:

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

ORDINANCE NO. 2024-15

**AN ORDINANCE AMENDING SOUTH AMBOY SENIOR
CENTER PROGRAM FEES FOR THE RESIDENTS OF
SAYREVILLE**

WHEREAS, the City of South Amboy Senior Citizen Department (the Department) strives to provide programs at the South Amboy Senior Citizen Center without charge or at reasonable fees for South Amboy residents; and

WHEREAS, senior citizen residents of the Borough of Sayreville who meet age requirements also enjoy participation in the programs and activities at the Senior Citizen Center; and

WHEREAS, the City of South Amboy wishes to make programs and activities offered at the South Amboy Senior Citizen Center available to residents of the Borough of Sayreville without incurring additional costs to the residents of South Amboy;

NOW THEREFORE BE IT ORDAINED, by the Council of the City of South Amboy, Middlesex County, that the Code of the City of South Amboy be amended and supplemented as follows:

Chapter 10

Licenses and licensed business

Add: Section 10-6

“Senior Citizen Center Fees”

There shall be an annual fee, running January 1st to December 31st, for Borough of Sayreville senior citizens who are currently enrolled in activities and programs at the South Amboy Senior Citizen Center. Said fee shall be \$120.00.

Deborah Brooks
Municipal Clerk

Introduced on First Reading: August 14, 2024

Date of Publication:

Adopted on Second Reading: September 4, 2024

Date of Final Publication:

ORDINANCE 2024-16

**AN ORDINANCE AMENDING AND REPLACING CHAPTER 53,
ARTICLE XXIII “DEVELOPMENT REGULATIONS –
STORMWATER CONTROL” OF THE CODE OF THE CITY OF
SOUTH AMBOY TO INCORPORATE CERTAIN TECHNICAL
AND PROCEDURAL CHANGES IN CONFORMITY WITH NEW,
ALTERED AND ADDITIONAL REQUIREMENTS OF THE
STATE OF NEW JERSEY**

WHEREAS, at a public meeting on February 17, 2021, the City Council of the City of South Amboy, Middlesex County, New Jersey, adopted Ordinance 2021-01, entitled “An Ordinance Amending and Supplementing Chapter 53 ‘Development Regulations’ of the Code of the City of South Amboy by adding a new Article XXIII Entitled ‘Stormwater Control’”; and

WHEREAS, the New Jersey Department of Environmental Protection has subsequently promulgated certain additions and changes to municipal “Stormwater Control” ordinances which the City Council desires to comprehensively incorporate in the City of South Amboy’s Stormwater Control ordinance; now, therefore,

BE AND IT IS HEREBY ORDAINED by the Council of the City of South Amboy, Middlesex County, New Jersey, that Chapter 53, ‘Development Regulations’, Article XXIII Entitled ‘Stormwater Control’, of the Municipal Code of the City of South Amboy is repealed in its entirety and replaced as follows:

Article XXIII Stormwater Control

§ 53-131 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 §53-132.

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 City of South Amboy.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to September 4, 2024, shall be subject to the stormwater management requirements in effect on September 3, 2024.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to September 4, 2024, shall be subject to the stormwater management requirements in effect on September 3, 2024.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

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

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that,

where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 53-132 Definitions:

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

CAFRA CENTERS, CORES OR NODES

means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

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

COMMUNITY BASIN

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

COMPACTION

means the increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

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

CORE

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

COUNTY REVIEW AGENCY

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

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

DEPARTMENT

means the Department of Environmental Protection.

DESIGNATED CENTER

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

DESIGN ENGINEER

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

DEVELOPMENT

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

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

DISTURBANCE

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

DRAINAGE AREA

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

ENVIRONMENTALLY CONSTRAINED AREA

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

ENVIRONMENTALLY CRITICAL AREA

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

EMPOWERMENT NEIGHBORHOODS

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

EROSION

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

GREEN INFRASTRUCTURE

means a stormwater management measure that manages stormwater close to its source by:

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

HUC 14 OR HYDROLOGIC UNIT CODE 14

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

IMPERVIOUS SURFACE

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

INFILTRATION

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

LEAD PLANNING AGENCY

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

MAJOR DEVELOPMENT

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

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

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

MOTOR VEHICLE

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

MOTOR VEHICLE SURFACE

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

MUNICIPALITY

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

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL OR BMP MANUAL

means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 53-134F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

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

NUTRIENT

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

PERSON

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

POLLUTANT

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

PUBLIC ROADWAY OR RAILROAD

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

PUBLIC TRANSPORTATION ENTITY

means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

RECHARGE

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

REGULATED IMPERVIOUS SURFACE

means any of the following, alone or in combination:

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

REGULATED MOTOR VEHICLE SURFACE

means any of the following, alone or in combination:

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

SEDIMENT

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

SITE

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

SOIL

means all unconsolidated mineral and organic material of any origin.

**STATE DEVELOPMENT AND REDEVELOPMENT PLAN
METROPOLITAN PLANNING AREA (PA1)**

means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP

is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER

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

STORMWATER MANAGEMENT BMP

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

STORMWATER MANAGEMENT MEASURE

means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or

control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF

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

STORMWATER MANAGEMENT PLANNING AGENCY

means a public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA

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

TIDAL FLOOD HAZARD AREA

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

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

is defined as previously developed portions of areas:

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

WATER CONTROL STRUCTURE

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

WATERS OF THE STATE

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

WETLANDS OR WETLAND

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

§ 53-133 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. However, any such 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.

§53-134 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 the provisions contained in the stormwater management regulations and herein.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 53-134P, 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 § 53-134O, 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 § 53-134O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of § 53-134O, 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 § 53-134D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 53-134O, 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 § 53-1340, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

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

Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or
Stormwater Runoff Quantity
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1

Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § **53-1340(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 § **53-132**;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at § **53-132**.
- 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 § **53-135B**. Alternative stormwater management measures may be used to satisfy the requirements at § **53-1340** only if the measures meet the definition of green infrastructure at § **53-132**. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § **53-1340(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 § **53-134D** is granted from § **53-1340**.
- 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 § 53-138C;
 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 § 53-138; 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 § 53-132 may be used only under the circumstances described at § 53-134O(4).
- K. Any application for a new agricultural development that meets the definition of major development at § 53-132 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 53-132O, 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 § **53-134P, 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 Middlesex County Clerk, as appropriate. 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 § **53-134O, 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 § **53-140B(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 § **53-134** of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the office of the County Clerk, as applicable, 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 § 53-134P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 53-134F. and/or an alternative stormwater management measure approved in accordance with § 53-134G. 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	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 § 53-134R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 53-134G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 53-134D 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 § 53-134G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 53-134P, 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 § 53-134P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 53-134D.

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 § 53-135, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process,

manufacturing, or other industrial activities that are exposed to stormwater.

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.

Table 4 - Water Quality Design Storm

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

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

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

Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 53-134P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

Q. 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 § 53-135, complete one of the following:

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

§53-135 Calculation of Stormwater Runoff and Groundwater Recharge:

- A. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using the following method:

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

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

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

2. For the purpose of calculating and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology above at § **53-135A(1)(a)**. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13,

the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

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

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Middlesex	1.00	1.01	1.03

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by

county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Middlesex	1.19	1.21	1.33

§53-136 Sources for Technical Guidance:

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

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

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

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

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

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

§53-137 Solids and Floatable Materials Control Standards:

- A. Site design features identified under § 53-134F above, or alternative designs in accordance with § 53-134G 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 § 53-137A(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.

§ 53-138 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 § 53-138C(1), C(2), and C(3) for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity

is to be computed on the basis of the net area of opening through the rack; and

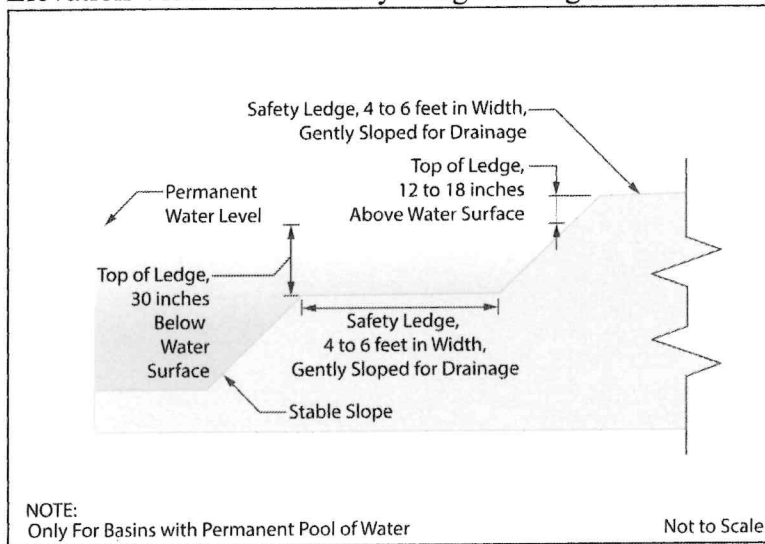
- iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 53-138C, 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 § 53-138E 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



§ 53-139 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 § 53-139C 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 a minimum of four copies of the materials listed in the checklist for site development stormwater plans in accordance with § 53-139C 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 § 53-133 through § 53-135 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 § 53-134 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 § 53-140.

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 § 53-139C(1) through § 53-139C(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.

§ 53-140 Maintenance and Repair:

A. Applicability Projects subject to review as in § 53-131C of this ordinance shall comply with the requirements of § 53-140B 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 § **53-140B(3)** above is not a public agency, the maintenance plan and any future revisions based on § **53-140B(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 § **53-140B(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 § 53-140B(3) and B(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
 10. Maintenance and inspection guidance can be found on the Departments' website at https://www.njstormwater.org/maintenance_guidance.htm.
- 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

§ 53-141 Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties as permitted by the code of the City of South Amboy.

§ 53-142 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.

§53-143 Effective Date:

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

ADOPTED THIS 4th day of September, 2024 by the South Amboy City Council.

APPROVED:

MICHAEL GROSS, Council President

FRED HENRY, Mayor

ATTEST:

DEBORAH BROOKS
Municipal Clerk

APPROVED AS TO FORM:

FRANCIS M. WOMACK, ESQ.
Director of Law

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

ORDINANCE NO. 2024-17

**AN ORDINANCE GRANTING AN EASEMENT FOR THE
CONSTRUCTION OF THE RETAINING WALL EASEMENT AT 323 GEORGE
STREET**

WHEREAS, the owner of the premises designated on the Tax Map of the City of South Amboy as block 20 lot 9, constructed a retaining wall; and,

WHEREAS, an easement would have to be granted by the City of South Amboy for the owner to construct that portion of the front porch stairway, which would extend into property owned by the City of South Amboy; and,

WHEREAS, the metes and bounds description of the proposed easement area is attached as Schedule "A"; and,

WHEREAS, the granting of the easement would be appropriate for the owner's use and not adversely impact the neighborhood;

WHEREAS, it is deemed to be in the best interest of the public health, safety and welfare, that the easement be granted, under certain conditions;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Council of the City of South Amboy, Middlesex County, New Jersey, as follows:

1. The easement for the construction of a retaining wall ramp for the premises known and designated as Block 20, Lot 3, on the Tax Map of the City of South Amboy and into the area depicted in Schedule "A", attached, is hereby approved, subject to the following conditions:

A. The Grantee and the Grantee's successors and assigns shall maintain the retaining wall ramp in a good and safe condition; and

B. The construction of the retaining wall ramp shall be done in accordance with all applicable codes and regulations; and

C. The Grantee and the Grantee's successors and assigns shall indemnify, defend and hold the City of South Amboy and its officers and employees harmless from any and all claims relating to the construction, use and maintenance of the retaining wall ramp; and

D. The easements, rights and privileges granted under this easement shall cease and terminate upon the violation of any term or restriction of the easement by the Grantee or the Grantee's successors and assigns or upon any change of condition in the dominant estate, whereby the retaining wall ramp is no longer required on City property or the stairway is permanently dismantled, removed or abandoned;

2. The Grantee shall pay fees to the City Engineer and Law Director for all services related to the easement including document reviews; preparation of the Ordinance, deed of easement, and the metes and bounds description of the easement area and filing the easement with the Middlesex County Clerk. The Grantee shall pay \$1,500.00 to the City of South Amboy, prior to the preparation of the easement document to establish an escrow account for all professional fees and costs including the filing fee.

3. The easement shall be approved in form and content by the City's Law Director.

4. The Mayor and City Clerk are hereby authorized and directed to sign the approved easement on behalf of the City of South Amboy.

SCHEDULE A

METES AND BOUNDS

Being a strip of land, situate, lying and being in the City of South Amboy, Middlesex County, New Jersey, more particularly bounded and described as follows:

Beginning at a point, said point being the dividing line of lot 8 & lot 9 in block 20 and the southerly Right-of-Way line of George Street (60.32' ROW), said point also being distant 175.00' (Survey) from the intersection of the southerly Right-of-Way line of Bordentown Avenue and the westerly Right-of-Way line of South Feltus Avenue, and running thence;

1. **N 27° 30' 00" W**, a distance of **10.00'** to a point, thence;
2. **N 62° 30' 00" E**, a distance of **75.00'** to a point, thence;
3. **S 27° 30' 00" E**, a distance of **10.00'** to a point in the southerly Right-of-Way line of George Street and intersection of lot 9 and lot 10, thence;
4. Along the southerly Right-of-Way line of George Street **S 62° 30' 00" W**, a distance of **75.00'**, to the intersection of lot 8 and lot 9, and place of beginning.

The above easement contains **750 SF** or **0.0172 acres**.

Introduced on First Reading: _____

Date of Publication: _____

Adopted on Second Reading: _____

Date of Second Publication: _____