

TOWNSHIP OF HILLSIDE  
CAUCUS-REGULAR MEETING OF THE TOWNSHIP COUNCIL  
MINUTES

March 25, 2025 @ 6:30pm \*Agenda subject to change\*

This Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Star Ledger and the Union County Local Source. In addition, copies of notice were posted on the bulletin board in the Municipal Building, on the Town Hall doors, and filed in the Office of the Township Clerk. Notices on the bulletin board have remained continuously posted. Proper notice having been given; the Acting Township Clerk is directed to include this statement in the minutes of this meeting.

DATE: March 25, 2025 Time: 6:30PM

FLAG SALUTE: Craig M. Epps

PRESENT: Council Member David Feuerstein  
Council Member Andrea Hyatt  
Council Member Daryl Joyner  
Council Vice President Robert Rios  
Council President Craig Epps

ALSO PRESENT: Glynn Jones, CFO  
Gracia Montilus, Township Attorney  
Hope Smith, Business Administrator  
Brook Nieves, Acting Township Clerk

EXCUSED: Council Member Lisa Bonanno  
Council Member Angela Garretson

Statement of Public Notice  
Read By: Brook Nieves, Acting Township Clerk

---

**PROCLAMATIONS- Senior Birthdays**

**(January)**; read by Councilmember Feuerstein **(February)**; read by Vice President Rios **(March)**; read by Councilmember Joyner

**PAYMENT OF BILLS- March 25, 2025**

**(Removed Remington & Vernick Engineers, Inc for the Amount of \$14,680.00 by Administration Placed on Bills List in Error)**

Motion as Amended by Council Member Joyner; Seconded by Council Vice President Rios, All Council Members voted with the Affirmative. **Motion Carries**

Motion to Make All Items on the Agenda Action Items by Council Vice President Rios; Seconded by Council Member Joyner, **All-In-Favor**

**ORDINANCES****ORDINANCE: First Reading & Introduction >> O-25-08****BOND ORDINANCE PROVIDING FOR THE LOCAL UNIT'S ALLOCABLE SHARE OF CAPITAL IMPROVEMENT PROJECTS FOR THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF HILLSIDE IN THE COUNTY OF UNION, STATE OF NEW JERSEY ( THE " LOCAL UNIT") APPROPRIATING \$1,160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,160,000 BONDS OR NOTES TO FINANCE THE COST THEREOF**

Motioned by Council Member Hyatt; Seconded by Council Member Joyner, All Council Members voted with the Affirmative. **Motion Carries**

**ORDINANCE: First Reading & Introduction >> O-25-01****Ordinance to Exceed the Municipal Budget Appropriation Limits & to Establish a Cap Bank**

Motioned to Un-tabled by Council Member Joyner; Seconded by Council Vice President Rios, All Council Members voted with the Affirmative with the Exception of Council Members Feuerstein, Hyatt, & Council President Epps Who Voted Nay. **Motion Fails**

**ORDINANCE: Public Hearing & Final Adoption >> O-25-03****PRIVATELY-OWNED SALT STORAGE ORDINANCE****SECTION I. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid deicing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately owned), including residences, in the Township of Hillside to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent 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 a directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
  2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  3. The structure shall be erected on an impermeable slab;
  4. The structure cannot be open sided; and
  5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

**SECTION III. De-icing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches, and/or other stormwater conveyance channels;
  3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;

- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
  - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
- 5. Containers must be sealed when not in use; and
- 6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**SECTION IV. Exemptions:**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Township of Hillside during the course of ordinary enforcement duties.

**SECTION VI. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeating violations and/or failure to complete corrective action shall result in a fine of up to \$1,000.

### **SECTION VII. Severability:**

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

### **SECTION VIII. Effective Date:**

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

#### **First Reading and Introduction: February 25, 2025**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno	X				
	X	Feuerstein	X				
		Garretson	X				
		Hyatt					X
X		Joyner	X				
		Rios, VP	X				
		Epps, CP	X				

#### **Public Hearing March 25, 2025**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno					X
		Feuerstein	X				
		Garretson					X
X		Hyatt	X				
		Joyner	X				
	X	Rios, VP	X				
		Epps, CP	X				

#### **Final Adoption March 25, 2025**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno					X
		Feuerstein	X				
		Garretson					X
X		Hyatt	X				
		Joyner	X				
	X	Rios, VP	X				
		Epps, CP	X				

**Public Comments:**

**Christian E., 1538 Morris Pl;** Reference the school Board and Ordinance O-25-01

Motion to Close Public Comments by Council Member Hyatt; Seconded by Council Vice President Rios,

**All-In-Favor**

Motion to Re-open Public Comments by Council Member Hyatt; Seconded by Council Member Feuerstein,

**All-In-Favor**

Motion to Close Public Comments by Council Member Hyatt; Seconded by Council Vice President Rios,

**All-In-Favor**

**ORDINANCE: Public Hearing & Final Adoption >> O-25-04****MUNICIPAL STORMWATER CONTROL ORDINANCE****Control Section I. Scope and Purpose:****A. Policy Statement**

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

**B. Purpose**

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

**C. Applicability**

1. This ordinance shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not preempted 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 *[insert name of municipality]*.
3. An application required by ordinance pursuant to (b)1 above that has been submitted prior to March 11, 2025, shall be subject to the stormwater management requirements in effect on March 10, 2025.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to March 11, 2025, shall be subject to the stormwater management requirements in effect on

March 10, 2025.

- D. 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. 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.

## Section II. Definitions:

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

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

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

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

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a

stormwater management measure, not including the area of the stormwater management measure itself.

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or



threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

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

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

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

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

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

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

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

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

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

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

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

*NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.*

*“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.*

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

*Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.*

“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 Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

1. A net increase of impervious surface;

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

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

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

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

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

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

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

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

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

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

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated

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

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

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

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

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

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

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

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

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

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

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

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under

normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

## Section III. 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.

*Note: 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.*

## Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-

15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under

IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of



the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

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

*(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-14)*

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

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)

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

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)

Notes to Tables 1, 2, and 3:

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

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

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

runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the

*{insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality}*. 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 Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the *{insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies}* 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 Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

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

#### P. Groundwater Recharge Standards

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

#### Q. Stormwater Runoff Quality Standards

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



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

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

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

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, 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.

## Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

regarding the methodology is available from the Natural Resources Conservation Service website at:

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

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

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

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

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

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

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

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

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

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](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.

*NOTE: The municipality may instead wish to abbreviate this table along with the text in Item 2 above to reflect only the relevant information, depending on the location of the municipality. The current precipitation adjustment factors added to the ordinance shall be those found in N.J.A.C. 7:8-5.7(c) as Table 5-5.*

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

- 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.

*NOTE: The municipality may instead wish to abbreviate this table along with the text in Item D above to reflect only the relevant information, depending on the location of the municipality. The future precipitation change factors added to the ordinance shall be those found in N.J.A.C. 7:8-5.7(d) as Table 5-6.*

**Table 6: Future Precipitation Change Factors**

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

## Section VI. 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.

## Section VII. Solids and Floatable Materials Control Standards:

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

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

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

- iii. For curb-opening inlets, including curb-opening inlets in combination

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

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

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

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

## Section VIII. 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 Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and

escape provisions at outlet structures.

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

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

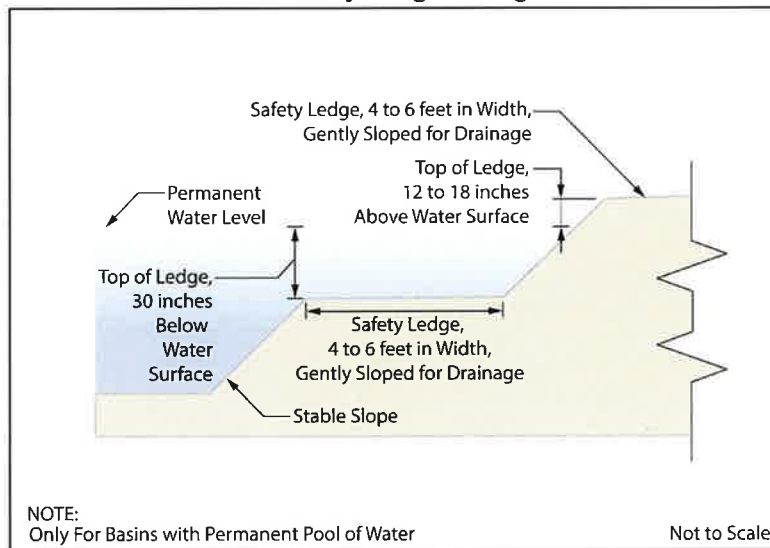
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



## Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

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

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought.

That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater

Plan The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
  - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations
  - i. Comprehensive hydrologic and hydraulic design calculations for the pre- development and post-development conditions for the design storms specified in Section IV of this ordinance.
  - ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
7. Maintenance and Repair Plan

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

#### 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 Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## Section X. Maintenance and Repair:

### A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.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 Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section

X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

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

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

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

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

## Section XI. 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 a penalty of up to \$1,000.

## Section XII. Severability:

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

## Section XIII. Effective Date:

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

### First Reading and Introduction February 25, 2025

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno	X				
		Feuerstein	X				
		Garretson	X				
		Hyatt					X
	X	Joyner	X				
X		Rios, VP	X				
		Epps, CP	X				

### Public Hearing March 25, 2025

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno					X
	X	Feuerstein	X				
		Garretson					X
X		Hyatt	X				
		Joyner	X				
		Rios, VP	X				
		Epps, CP	X				

### Final Adoption March 25, 2025

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno					X
		Feuerstein	X				
		Garretson					X
X		Hyatt	X				
		Joyner	X				
	X	Rios, VP	X				
		Epps, CP	X				

**Public Comments:** None

Motion to Close Public Comments by Council Member Hyatt; Seconded by Council Member Joyner, **All-In-Favor**

**ORDINANCE: Public Hearing & Final Adoption >> O-25-05**

**AN ORDINANCE PROHIBITING SHORT-TERM RENTALS WITHIN THE TOWNSHIP OF  
HILLSIDE**

**WHEREAS**, the number of short-term rentals (generally defined as stays of 30 days or less) of dwelling units; individual rooms within dwelling units; and building, structures and uses accessory to dwelling units has grown rapidly in recent years; and

**WHEREAS**, the Township of Hillside (“Township”) seeks to prohibit the use of the short-term rental use of dwelling units throughout the Township because short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

**WHEREAS**, the presence of short-term rentals of residential dwelling units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

**WHEREAS**, it is in the public interest that short-term rental uses be prohibited in order to help preserve housing for long-term owners and tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located.

**NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:**

Section 1. Article 188 of the Municipal Code of the Township of Hillside is hereby amended, supplemented and revised to add the following sections:

**§188-xx Background and Findings.**

A. The Mayor and Council find that the rental of residential dwelling for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and increased density in residential neighborhoods.

B. The number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors and nearby properties.

C. The purpose of this chapter is to safeguard the peace, safety and general welfare of the residents of the Township of Hillside and their visitors and guests by eliminating noise, traffic and parking congestion, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, diminution of neighborhood character, and other secondary effects that have been associated with the short-term rental of residential properties.

D. The short-term rental market nationwide has expanded with the use of professional brokers and internet listing services. This increase requires an expansion of enforcement mechanisms to deter parties who facilitate and solicit short-term rentals. Because there are numerous homeowners, real estate offices, brokers, and other agencies that actively promote short-term rentals to potential Township visitors through the internet and other forms of advertisement, it is necessary to prohibit the promotion and advertisement of short-term rentals.

E. Therefore, the Township adopts this chapter to prohibit short-term residential rentals and enforce said prohibitions.

### **§188-xx Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

#### **ADVERTISE or ADVERTISEMENT**

Any written, electronic or oral publication, dissemination, solicitation or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the short-term rental of a dwelling. This definition includes, but is not limited to, mailings, print advertisements internet listings, e-mail publications or other oral, printed or electronic Media.

#### **DWELLING**

Any single- or multi-family residential building or structure in the Township, or any part thereof, which is occupied in whole or in part, or intended to be occupied in whole or in part, as a home residence or sleeping place for one or more individuals.

#### **FACILITATE**

A person facilitates if, acting with knowledge that an operator managing agency or rental agent is renting a dwelling on a short-term basis, the person knowingly provides the operator managing agency or rental agent with means or opportunity for the commission of said offense.

#### **PERSON**

An individual, corporation, association, firm, partnership, limited liability company, or other legal entity.

#### **RENT**

The consideration or remuneration charged, whether or not received, for the occupancy or use of a dwelling, whether to be received in money, goods, services, labor, other use of other dwelling(s), or otherwise.

#### **RENTAL**

An agreement between persons whereby money or other consideration is charged in exchange for the right to occupy or use all or part of a dwelling.

#### **SHORT-TERM RENTAL**

Any rental of a dwelling or part thereof for less than 30 consecutive days.

#### **SOLICIT**

A person "solicits" if with the intent to promote or facilitate the short-term rental of a dwelling, such person commands, encourages, requests or solicits another person to engage in a short-term rental agreement.

A. No person shall use, possess or occupy a dwelling on a short-term rental basis. No person shall enter into a short-term rental agreement for a dwelling.

B. No person owning, leasing, or having control of a dwelling shall allow it to be used, occupied or possessed as a short-term rental.

C. No person shall advertise, solicit or facilitate a short-term rental agreement for a dwelling.

**§188-xx Violations and penalties.**

A. Any person who violates any provision of this chapter shall be subject to the following penalties:

- (1) For a first violation. A fine of not less than \$1,000 per day for each violation for each dwelling unit and/or 10 days in jail at the discretion of the Municipal Court Judge, or both;
- (2) For a second violation. A fine of not less than \$1,500 per day for each violation for each dwelling unit and/or 20 days in jail at the discretion of the Municipal Court Judge, or both;
- (3) For a third and subsequent violation. A fine of not less than \$2,000 per day for each violation for each dwelling unit and/or 30 days in jail at the discretion of the Municipal Court Judge, or both. Each day that a person violates; a provision of this chapter shall be considered as a separate and distinct violation.

**§188-xx Enforcement.**

This chapter may be enforced by Hillside Police Department, Building Department Inspectors, and Hillside Fire Prevention Inspectors together with any other municipal officials authorized to enforce Township ordinances.

**Section 2. Repealer.**

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

**Section 3. Effective Date**

This Ordinance shall take effect 20 days following the final adoption thereof by the Township Council of the Township of Hillside and shall be published as required by law.

First Reading and Introduction on February 25, 2025

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno	X				
	X	Feuerstein	X				
X		Garretson	X				
		Hyatt					X
		Joyner	X				
		Rios, VP	X				
		Epps, CP	X				

**Public Hearing March 25, 2025**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno					X
		Feuerstein	X				
		Garretson					X
X		Hyatt	X				
	X	Joyner	X				
		Rios, VP	X				
		Epps, CP	X				

**Final Adoption March 25, 2025**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno					X
		Feuerstein	X				
		Garretson					X
X		Hyatt	X				
	X	Joyner	X				
		Rios, VP	X				
		Epps, CP	X				

**Public Comments:**

**Mrs. Davis 1544 Morris Pl.;** Going forward what would happen with exciting Airbnb?

If they are renting, is the town getting any money?

**Fae Fireson, 72 Hillside Ave;** It can impact the sewer system, and she would like to include it in the ordinance

**Mrs. Davis 1484A Liberty Ave.;** Appreciate to all for keeping the streets clean

Motion to Close Public Comments by Council Member Hyatt; Seconded by Council Vice President Rios, **All-In-Favor**

**RESOLUTIONS****R-25-090 Auth. Refund of Premiums for Tax Sale Certificates (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Member Joyner, All Council Members voted in the Affirmative.

**Motion Carries****AUTHORIZING REFUND OF PREMIUMS FOR TAX SALE CERTIFICATES**

**WHEREAS,** Certificates of Sale for unpaid municipal taxes were issued and sold to the lien holders listed on the attached spreadsheet; and

**WHEREAS,** premiums were paid to acquire these Certificates of Sale; and

**WHEREAS,** these Certificates of Sale have been fully paid and satisfied.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:**

1. The Chief Financial Officer is authorized to issue checks, as indicated on the attached spreadsheet, to refund premiums.
2. This resolution shall take effect immediately.

**Executive Session;\_Litigation Matters (7:11pm)**

Motion by Council Member Hyatt; Seconded by Council Vice President Rios, **All-in-Favor**

**Close Executive Session;**

Motion by Council Member Feuerstein; Seconded by Council Member Hyatt, **All-in-Favor**

**Back into Session\_(7:46pm)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, **All-in-Favor**

**R-25-091 Auth. the Filing of Tax Appeals/Counterclaims (ACTION) (FAILS)**

Motion by Council Member Joyner; Seconded by Council Vice President Rois, All Council Members voted in the Affirmative with the Exception Council Members Feuerstein, Hyatt, & Council President Epps who Voted Nay. **Motion Fails**

**RESOLUTION AUTHORIZING THE FILING OF TAX APPEALS/COUNTERCLAIMS**

**WHEREAS**, the Township Council of the Township of Hillside recognizes that it is in the best interests of the Township to establish and maintain uniform and fair assessments for properties assessed under the local property tax; and

**WHEREAS**, the Township's Tax Assessor has recommended the filing of tax appeal complaints for certain properties as a means of securing tax equity; and

**WHEREAS**, in order to accomplish these stated goals and based upon the recommendations of the Township's Tax Assessor and Special Counsel for Tax Appeals, the Township Council has determined to authorize the filing of certain tax appeals complaints and, if required, counterclaims, as it relates to certain real properties located within the Township of Hillside;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hillside, County of Union, State of New Jersey that Special Tax Appeal Counsel, is hereby authorized to file tax appeal complaints with the Tax Court of New Jersey, for the following properties in the Township of Hillside:

BLOCK	LOT
1802	4
1801	4
202	10
203	23.01
302	38
302	39
302	39.01
1110	17
1209	23
1801	10
1802	1
513	4
513	2
201	1
201	3
101	18
203	12
203	8
203	11
302	2
605	9
605	10

605	11
1110	5
110	16
1110	6
1110	7
1110	10
106	1.01
605	2
1110	9
1419	15
302	3
302	3

**BE IT FURTHER RESOLVED** that the Tax Assessor for the Township of Hillside is authorized to settle the noted tax appeals in consultation with the Special Tax Appeal Counsel for the Township of Hillside.

**BE IT FURTHER RESOLVED** that the filing of all such complaints as reflected in this Resolution is hereby authorized and ratified.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be distributed to the Township Tax Assessor, Township Tax Collector, and Special Counsel.

**R-25-092 Awarding Contract for the PY 50 CDBG Improvements to Harvard Avenue to Fischer Contracting INC.**

**(10 Short Hills Lane, NJ 07076) (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, All Council Members Voted in the Affirmative.

**Motion Carries**

**RESOLUTION AWARDING CONTRACT FOR THE PY 50 CDBG IMPROVEMENTS TO HARVARD AVENUE TO FISCHER CONTRACTING INC. (10 Short Hills Lane, Scotch Plains, NJ 07076)**

**WHEREAS**, the Township of Hillside desires to award a contract for the "PY 50 CDBG Improvements to Harvard Avenue" project pursuant to *N.J.S.A. 40A:11-1 et seq.*; and

**WHEREAS**, on March 19, 2025, Fischer Contracting Inc., (10 Short Hills Lane, Scotch Plains, NJ 07076), was the lowest responsive and responsible bidder; and

**WHEREAS**, the Township has evaluated the submission and has determined that the price proposed is reasonable and in accordance with industry practice; and

**WHEREAS**, the Township desires to award the contract to Fischer Contracting Inc., for the "PY 50 CDBG Improvements to Harvard Avenue" project pursuant to *N.J.S.A. 40A:11-1 et seq.*

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:**

1. Fischer Contracting Inc., (10 Short Hills Lane, Scotch Plains, NJ 07076), is hereby awarded a contract of \$121,500.50 for the "PY 50 CDBG Improvements to Harvard Avenue" project.
2. Upon approval of this resolution, a contract shall be executed by the Mayor and Fischer Contracting Inc., for said services, subject to approval as to form and legality by the Township Attorney.
3. This resolution shall take effect immediately.

**R-25-093 Auth. Firefighter Turnout Gear from Witmer Public Safety Group INC. Pursuant to NJ Contract #17-Fleet-00834 in an Amount not to Exceed \$125,200.00 (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, All Council Members Voted in the Affirmative.

**Motion Carries**



**RESOLUTION AUTHORIZING FIREFIGHTER TURNOUT GEAR FROM WITMER PUBLIC SAFETY GROUP INC. PURSUANT TO NEW JERSEY STATE CONTRACT #17-FLEET-00834 IN AN AMOUNT NOT TO EXCEED \$125,200.00**

**WHEREAS**, the Township of Hillside desires to purchase firefighter turnout gear; and

**WHEREAS**, Witmer Public Safety Group, Inc. has a valid contract through the New Jersey State Contract #17-FLEET-00834; and

**WHEREAS**, this purchase is permitted under N.J.S.A. 40A:11-11(5), the New Jersey Local Public Contracts Law which permits contracting units to participate in cooperative pricing systems; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in an amount not to exceed \$125,200.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Hillside, in the County of Union, and State of New Jersey authorize the purchase of firefighter turnout gear from Witmer Public Safety Group, Inc. for a total not to exceed \$125,200.00 under the valid New Jersey State Contract #17-FLEET-00834.

**R-25-094 Auth. the Acceptance of a Grant Award from the State of NJ Department of Environmental Protection for the Green Acres Grant Program for the #2007-21-010 Athletic Courts Resurfacing Project in the Total Amount of \$304,550.00**

(ACTION)

Motion to Amend 3<sup>rd</sup> Whereas & Bullet #1 to Say to Asset the Loan of \$76,137.00 by Council Member Hyatt; Seconded by Council Member Joyner, All Council Members Voted in the Affirmative. Motion Carries

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE GREEN ACRES GRANT PROGRAM FOR THE #2007-21-010 ATHLETIC COURTS RESURFACING PROJECT IN THE TOTAL AMOUNT OF \$304,550.00**

**WHEREAS**, The Township of Hillside has applied for a grant from the State of New Jersey under the Green Acres Grant Program for the Hillside Township Athletic Courts Resurfacing Project #2007-21-010; and

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Hillside desires to further the public interest by obtaining a Green Acres grant of \$228,413.00 access to a loan of \$76,137.00 from the State to fund the Hillside Township Athletic Courts Resurfacing Project; and

**WHEREAS**, the Township agrees to accept the funds for the Hillside Township Athletic Courts Resurfacing Project.

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:**

1. Acceptance of the State of New Jersey Department of Environmental Protection for the Green Acres Grant of \$228,413.00 and a loan of \$76,137.00 from the State is hereby authorized.
2. The Mayor, Business Administrator, Chief Financial Officer, and Township Clerk are authorized to execute all documents and agreements required to accept the award of funds.
3. A copy of this Resolution shall be placed in the file with the application documents.
4. This Resolution shall take effect immediately.

**R-25-095 Requesting Insertion of Special Revenue Item into the Township Budget Regarding Award of Funds from the State of NJ for the Green Acres Grant Program in the Total Amount of \$304,550.00** (ACTION)

Motion to Amend 3<sup>rd</sup> Whereas & Bullet #1 to Say to Asset the Loan of \$76,137.00 by Council Member Hyatt; Seconded by Council President Epps, All Council Members Voted in the Affirmative. Motion Carries

**RESOLUTION REQUESTING INSERTION OF SPECIAL REVENUE ITEM INTO THE TOWNSHIP BUDGET REGARDING AWARD OF FUNDS FROM THE STATE OF NEW JERSEY FOR THE GREEN ACRES GRANT PROGRAM IN THE TOTAL AMOUNT OF \$304,550.00.**

**WHEREAS**, pursuant to N.J.S.A. 40A:4-20 (“Local Budget Act”) permits emergency appropriations to provide for the period between the end of a Temporary budget and the adoption of the budget; and

**WHEREAS**, the Township of Hillside received a grant award in the amount of \$228,413.00 and a loan of \$76,137.00 from the State of New Jersey for the Green Acres Grant program to fund the Hillside Township Athletic Courts Resurfacing Project in the total amount of \$304,550.00.

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE NEW JERSEY THAT:**

1. An emergency appropriation in the amount of \$228,413.00 access to a loan of \$76,137.00 from the State of New Jersey for the Green Acres Grant program to fund the Hillside Township Athletic Courts Resurfacing Project is hereby appropriated to the CFY 2025 budget.
2. Approval is conditioned upon an affirmative vote of at least two-thirds of the Councilmembers.
3. Any costs associated with this grant shall be payable under the grant as appropriated to the CFY 2025 budget.
4. This resolution shall take effect immediately.

**R-25-096 Auth. the Acceptance of a Grant Award from the Cares Act Grant Under CDBG-CV Round 4 for “Township of Hillside – Food Program Assistance” in the Amount of \$10,000.00 (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, All Council Members Voted in the Affirmative.

**Motion Carries**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE CARES ACT GRANT UNDER CDBG-CV ROUND 4 FOR “TOWNSHIP OF HILLSIDE – FOOD PROGRAM ASSISTANCE” IN THE AMOUNT OF \$10,000.00**

**WHEREAS**, the Department of under their Community Development Block Grant Coronavirus (CDBG-CV) Program intends to benefit Union County residents by helping them prevent, prepare, and respond to Coronavirus; and

**WHEREAS**, the Township of Hillside (“Township”) received a grant award in the amount of \$10,000.00 under the CDBG-CV funds for “Township of Hillside – Food Program Assistance.” This award does not require matching funds on the part of the Township of Hillside

**WHEREAS**, the Township desires to accept funds under the program; and

**WHEREAS**, the contract period for these funds is February 1 – December 31, 2025.

**WHEREAS**, the Township agrees to use the funds to be used to help Union County residents prevent, prepare, and respond to the Coronavirus.

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:**

1. Acceptance of the Community Development Block Grant Coronavirus Program grant in the amount of \$10,000.00 is hereby authorized.
2. The Mayor, Business Administrator, Chief Financial Officer, and Township Clerk are authorized to execute all documents and agreements required to accept the award of funds.
3. A copy of this Resolution shall be placed in the file with the application documents.
4. This Resolution shall take effect immediately.

**R-25-097 Auth. Emergency Budget Appropriation for Grant Award Under Cares Act Community Development Block Grant Coronavirus for “Township of Hillside – Food Program Assistance” in the Amount \$10,000.00 (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, All Council Members Voted in the Affirmative.

**Motion Carries**

**RESOLUTION AUTHORIZING EMERGENCY BUDGET APPROPRIATION FOR GRANT AWARD UNDER CARES ACT COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS FOR “TOWNSHIP OF HILLSIDE – FOOD PROGRAM ASSISTANCE” IN THE AMOUNT OF \$10,000.00**

**WHEREAS**, pursuant to N.J.S.A. 40A:4-20 (“Local Budget Act”) permits emergency appropriations to provide for the period between the end of a Temporary budget and the adoption of the budget; and

**WHEREAS**, the Township of Hillside received a grant award in the amount of \$10,000.00 under the Community Development Block Grant Coronavirus (CDBG-CV) funds for “Township of Hillside – Food Program Assistance.” This award does not require matching funds on the part of the Township of Hillside.

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE NEW JERSEY THAT:**

1. An emergency appropriation in the amount of \$10,000.00 awarded under the Community Development Block Grant Coronavirus (CDBG-CV) funds for “Township of Hillside – Food Program Assistance” is hereby appropriated to the CFY 2025 budget.
2. Approval is conditioned upon an affirmative vote of at least two-thirds of the Councilmembers.
3. Any costs associated with this grant shall be payable under the grant as appropriated to the CFY 2025 budget.
4. This resolution shall take effect immediately.

**R-25-098 Auth. the Acceptance of a Grant Award from the Cares Act Grant Under CDBG-CV Round 4 for “Township of Hillside – Installation 8 Touchless Water Fountains” in the Amount of \$10,000.00 (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, All Council Members Voted in the Affirmative.

**Motion Carries**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE CARES ACT GRANT UNDER CDBG-CV ROUND 4 FOR “TOWNSHIP OF HILLSIDE –INSTALLATION 8 TOUCHLESS WATER FOUNTAINS” IN THE AMOUNT OF \$10,000.00**

**WHEREAS**, the Department of under their Community Development Block Grant Coronavirus (CDBG-CV) Program intends to benefit Union County residents by helping them prevent, prepare, and respond to Coronavirus; and

**WHEREAS**, the Township of Hillside (“Township”) received a grant award in the amount of \$10,000.00 under the CDBG-CV funds for “Township of Hillside – Installation 8 Touchless Water Fountains.” This award does not require matching funds on the part of the Township of Hillside.

**WHEREAS**, the Township desires to accept funds under the program; and

**WHEREAS**, the contract period for these funds is February 1 – December 31, 2025.

**WHEREAS**, the Township agrees to use the funds to be used to help Union County residents prevent, prepare, and respond to the Coronavirus.

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:**

1. Acceptance of the Community Development Block Grant Coronavirus Program grant in the amount of \$10,000.00 is hereby authorized.
2. The Mayor, Business Administrator, Chief Financial Officer, and Township Clerk are authorized to execute all documents and agreements required to accept the award of funds.
3. A copy of this Resolution shall be placed in the file with the application documents.
4. This Resolution shall take effect immediately.

**R-25-099 Auth. Emergency Budget Appropriation for Grant Award Under Cares Act Community Development Block Grant Coronavirus for “Township of Hillside – Installation 8 Touchless Water Foundation” in the Amount of \$10,000.00 (ACTION)**

Motion by Council Member Hyatt; Seconded by Council Vice President Rios, All Council Members Voted in the Affirmative.

**Motion Carries**

**RESOLUTION AUTHORIZING EMERGENCY BUDGET APPROPRIATION FOR GRANT AWARD UNDER CARES ACT COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS FOR “TOWNSHIP OF HILLSIDE – INSTALLATION 8 TOUCHLESS WATER FOUNDATION” IN THE AMOUNT OF \$10,000.00**

**WHEREAS**, pursuant to N.J.S.A. 40A:4-20 (“Local Budget Act”) permits emergency appropriations to provide for the period between the end of a Temporary budget and the adoption of the budget; and

**WHEREAS**, the Township of Hillside received a grant award in the amount of \$10,000.00 under the Community Development Block Grant Coronavirus (CDBG-CV) funds for “Township of Hillside – Installation 8 Touchless Water Fountains.” This award does not require matching funds on the part of the Township of Hillside.

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE NEW JERSEY THAT:**

1. An emergency appropriation in the amount of \$10,000.00 awarded under the Community Development Block Grant Coronavirus (CDBG-CV) funds for “Township of Hillside – Installation 8 Touchless Water Fountains” is hereby appropriated to the CFY 2025 budget.
2. Approval is conditioned upon an affirmative vote of at least two-thirds of the Councilmembers.
3. Any costs associated with this grant shall be payable under the grant as appropriated to the CFY 2025 budget.
4. This resolution shall take effect immediately.

**R-25-055 Auth the Transfer of Appropriations Reserves in the Local Budget of the Township of Hillside for Fiscal Year 2024 (ACTION) (FAILS)**

Motion to Un-table by Council Member Joyner; Seconded by Council Vice President, All Council members Voted in the Affirmative. **Motion Carries**

Motion to Amend Group Health Ins. From \$360,000.00 to \$200,000.00, Solid Waste OE from \$320,000.00 to \$180,000.00, & Engineering OE from \$60,000.00 to \$40,000.00 for the Total Sum of \$320,000.00 by Council Vice President Rios; Seconded by Council Member Joyner, All Council Members Voted in the Affirmative with the Exception of Council Members Hyatt & Council President Epps Who Voted Nay & Council Member Feuerstein Abstain. **Motion Fails**

**RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS RESERVES IN THE LOCAL BUDGET OF THE TOWNSHIP OF HILLSIDE FOR FISCAL YEAR 2024**

**WHEREAS**, Section 40A: 4-59 of the Revised Statutes of New Jersey authorizes the transfer of appropriations, during the first (3) months of the succeeding year, if during the first 3 months of any fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay claims authorized or incurred during said preceding year were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed necessary to fulfill its purpose, the governing body may, by resolution adopt by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve in the prior year budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided. No transfer to appropriation reserve for contingent expenses or deferred charges.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hillside, as follows:

1. That the excess in the appropriations listed in the column designated “From” be transferred to the appropriations listed in the column designated “To” as follows:

Description	Transfer from	Transfer To
Current Fund	\$	\$
Clerk, S & W	\$20,000.00	
Postage	\$15,000.00	
Law OE	\$10,000.00	
Workers Comp.	\$60,000.00	
Crossing Guard, S & W	\$15,000.00	
Group Health Ins.	\$200,000.00	
Solid Waste OE		\$180,000.00
Engineering OE		\$40,000.00
Streets & Roads OE		\$100,000.00
<b>TOTALS</b>	<b>\$320,000.00</b>	<b>\$320,000.00</b>

2. The Township Clerk is hereby authorized and directed to transmit to the Chief Financial Officer, of the Township of Hillside, a certified copy of this resolution.
3. This resolution shall take effect immediately.



4. A copy of this resolution shall be filed forthwith with the Director of the New Jersey, Division of Local Government Service.

**R-25-074 Auth. the Township of Hillside to Join the ACR Health Insurance Fund (ACTION) (TABLED) (PULLED)**

**A RESOLUTION OF THE TOWNSHIP OF HILLSIDE AUTHORIZING THE TOWNSHIP OF HILLSIDE TO JOIN THE ACR HEALTH INSURANCE FUND.**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the ACR Health Insurance Fund, hereafter referred to as the “Fund”, as permitted by

N.J.A.C. 11:15-3.1 et. seq., N.J.S.A. 17:1-8.1 et. seq., and N.J.S.A. 40A:10-36 et. seq.; and

**WHEREAS**, the Fund was approved to become operational by the Department of Banking and Insurance and the Department of Community Affairs (collectively, the “Departments”) and has been operational since that date; and

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund in the State of New Jersey contain certain restrictions and safeguards in connection with the administration of the public interest entrusted to such a Fund; and

**WHEREAS**, the governing body of the Township of Hillside, hereinafter referred to as “Local Unit” has studied the feasibility of joining the Fund and has determined that membership in the Fund is in the best interest of the Local Unit.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Local Unit hereby agrees and authorizes the following:

- i. The Local Unit shall become a member of the Fund for an initial period outlined in the Local Unit’s Indemnity and Trust Agreement, which in no event shall exceed three (3) years as prescribed in N.J.A.C. 11:15-3.3(a).
- ii. The Local Unit shall participate in the following type(s) of coverage(s) offered by the Fund: Health Insurance and/or Prescription Insurance and/or Dental Insurance and/or Medicare Advantage/Employer Group Waiver Program as defined pursuant to N.J.S.A. 17B:17-4, the Fund’s Bylaws, and Plan of Risk Management.
- iii. Adoption and approval of the Fund’s Bylaws, a true and correct copy of which is annexed hereto as Attachment A, which has been approved by the Departments.
- iv. Execution of the Local Unit’s Indemnity and Trust Agreement, a true and correct copy of which is annexed hereto as Attachment B, which has been approved by the Departments.
- v. Execution of the application for membership to the Fund, including any and all documents and/or certifications as may be necessary, in order for the Local Unit to complete the application process and join the Fund.

**BE IT FURTHER RESOLVED** that the governing body of the Local Unit certifies, pursuant to N.J.A.C. 11:15-3.3(a), that the Local Unit has never defaulted on claims under a self- insured plan and that it has not had its insurance canceled for nonpayment of premium for a period of at least two (2) years prior to this application.

**BE IT FURTHER RESOLVED** that the governing body of the Local Unit is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund as required by the Fund’s Bylaws, and to deliver these documents to the Fund’s Executive Director with the express reservation that these documents shall become effective only upon acceptance of the Fund’s By-laws as prescribed in N.J.A.C. 11:15-3.3(a).

**BE IT FURTHER RESOLVED** that this resolution shall take effect upon its passage.

**R-25-075 Terminate all Participation Under the SHBP & SEHBP (Including Prescription Drug Plan &/or Dental Plan Coverage (ACTION) (TABLED) (PULLED)**

**RESOLUTION TO TERMINATE ALL PARTICIPATION UNDER THE SHBP AND SEHBP (INCLUDING PRESCRIPTION DRUG PLAN AND/OR DENTAL PLAN COVERAGE**

**WHEREAS**, the Township of Hillside hereby resolves to terminate its participation in the Program (Medical Plan, Prescription Drug Plan, and/or Dental Plan coverage) thereby cancelling coverage provided by the SHBP and/or SEHBP (N.J.S.A. 52:14-17.25 et seq.) for all its active and retired employees; and

**WHEREAS**, the Township shall notify all active employees of the date of their termination of coverage under the Program; and

**WHEREAS**, the Township understands that the New Jersey Division of Pensions & Benefits (NJDPB) will notify retired employees of the cancellation of their coverage; and

**WHEREAS**, the Township understands that all COBRA participants will be notified by the NJDPB and advised to contact the NJDPB concerning a possible alternative health, prescription drug, and dental insurance plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hillside that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission or School Employees' Health Benefits Commission.

### **PUBLIC COMMENTS**

Motion to OPEN Public Comments by Council Member Hyatt; Seconded by Council Vice President Rios, **All-In-Favor**

**Arthur Kobitz, 327 Trinity Place.** Is the budget ready to be released, & when will the budget be introduced? What rights do the council have if the department heads do not show up?

Motion to CLOSE Public Comments by Council Member Hyatt; Seconded by Council Member Joyner, **All-In-Favor**

### **Council Remarks**

Council Member David Feuerstein

Council Member Andrea Hyatt

Council Member Daryl Joyner

Council Vice President Robert Rios

Council President Craig M. Epps

### **R-25-087 Appointing Brook L. Nieves as Deputy Clerk (ACTION) (TABLED)**

Motion to Un-table by Council Vice President Rios; Seconded by Feuerstien

Motion to Rescind their Motion.

### **Executive Session; Personnel (-)**

Motion by Council Member Feuerstein; Seconded by Council Vice President Rios, **All-in-Favor**

### **Close Executive Session;**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, **All-in-Favor**

### **Back into Session; (-)**

Motion by Council Member Hyatt; Seconded by Council Member Feuerstein, **All-in-Favor**

Motion to Un-table by Council Vice President Rios; Seconded by Hyatt, All Council members Voted in the Affirmative.

### **Motion Carries**

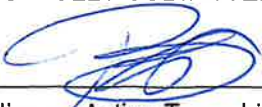
Motion to Adopt by Council Vice President Rios; Seconded by Joyner, All Council members Voted in the Affirmative.

### **Motion Carries**

**Motion to Adjourned by Council Vice President Rios; Seconded Council Member Hyatt, All-In-Favor**

Adjourned at 8:45pm:

RESPECTFULLY SUBMITTED,



Brook Nieves, Acting Township Clerk



Craig Epps, Council President

DATE: May 19, 2025