**OXFORD TOWNSHIP MEETING**

**March 31, 2021**

The meeting of the Township Committee of Oxford Township was held on March 31, 2021 in the Oxford Township Municipal Building, 11 Green Street, Oxford, NJ and by calling the toll-free number: **(877) 853-5247** and entering the Webinar ID:830 5657 8632

Notice of time, date, location and agenda of this meeting, to the extent then known was provided at least forty-eight (48) hours prior to the commencement of this meeting in the following manner pursuant to the provisions of Chapter 231 of the law of 1975 “the Open Public Meetings Act”:

* Emailing to the Express Times / Warren County NJ Zoned Edition
* Posting on the Township web-site and Facebook page

In attendance was Gerald Norton, Georgette Miller, and Robert Nyland, Township Committee, Matthew Hall, Township Administrator, Rich Wenner, Township Attorney, and Susan Turner, Deputy Municipal Clerk.

**Meeting Minutes:**

Bob Nyland moved to accept the March 17, 2021 regular meeting minutes and Executive Session minutes. Seconded by Georgette Miller. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0. Motion passed.

**Public Comment on Agenda items:** - No comments

**Ordinances – 2nd Reading/ Public Hearing:**

* **Ordinance 2021-03 –** Stormwater Management

Ordinance 2021-03 was amended in accordance with the Township Engineer’s email of March 25, 2021. As per the Township Attorney the changes were inconsequential to the general nature of the ordinance.

 **TOWNSHIP OF OXFORD**

**WARREN COUNTY, NEW JERSEY**

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE TOWNSHIP OF OXFORD, WARREN COUNTY, NEW JERSEY AMENDING AND MODIFYING CHAPTER 285, STORMWATER MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF OXFORD**

**WHEREAS**, the Township of Oxford (the “Township”) regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

**WHEREAS**, on March 2, 2020, the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1, et seq. (the “Amended Rules”), which require municipalities to revise their stormwater control ordinances in accordance with the Amended Rules.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Oxford, Warren County, New Jersey, as follows:

**SECTION 1**. Chapter 285, Stormwater Management, of the Township Code of the Township of Oxford is hereby repealed and replaced, in its entirety, as follows:

1. Scope and Purpose.
2. 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.
3. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section B.
4. Applicability.
5. This ordinance shall be applicable to the following major developments:
6. Non-residential major developments; and
7. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
8. This ordinance shall also be applicable to all major developments undertaken by the Township of Oxford.
9. 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.
10. 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.

“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 Township, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of 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 New Jersey Department of Environmental Protection.

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the Township, in accordance with Section D(6) of this Ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface 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.

 “Township” means the Township of Oxford, Warren County, New Jersey, including all of its officials, officers, committees, boards, professionals, attorneys, engineers and assigns.

“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.

1. Design and Performance Standards for Stormwater Management Measures.
2. 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:
3. 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.
4. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

1. 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.
2. Stormwater Management Requirements for Major Development.
3. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section J, below.
4. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
5. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of this Section D, subsections 16, 17 and 18:
6. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
7. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
8. 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.
9. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of this Section D, subsections 15, 16, 17 and 18 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:
10. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
11. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of this Section D, subsections 15, 16, 17 and 18 to the maximum extent practicable;
12. The applicant demonstrates that, in order to meet the requirements of this Section, subsections 15, 16, 17 and 18, existing structures currently in use, such as homes and buildings, would need to be condemned; and
13. 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 this Section D, subsections 15, 16, 17 and 18 that were not achievable onsite.
14. 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 this Section D, subsections 15, 16, 17 and 18. 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://njstormwater.org/bmp\_manual2.htm.
15. 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.

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

*(Notes corresponding to annotations* (a) *through* (g) *are found below)*

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

*(Notes corresponding to annotations* (b) *through* (d) *are found below)*

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

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section 1.D.15.b;

(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 1.B;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

1. 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 Township. 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 D(2), above. Alternative stormwater management measures may be used to satisfy the requirements at Section D(15) only if the measures meet the definition of green infrastructure at Section B. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section D(15)(b) are subject to the contributory drainage area limitation specified at Section D(15)(b) 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 D(15)(b) 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 D(4) is granted from Section D(15).
2. 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.
3. Design standards for stormwater management measures are as follows:
4. 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);
5. 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 H.C;
6. 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;
7. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section H; and
8. 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.
9. 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 B may be used only under the circumstances described at Section D(15)(d).
10. Any application for a new agricultural development that meets the definition of major development at Section B shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at this Section D, subsections 15, 16, 17 and 18, 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.
11. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at this Section D, subsections 16, 17 and 18 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.
12. Any stormwater management measure authorized under the Township stormwater management plan or Ordinance shall be reflected in a deed notice recorded in the Warren County Clerk’s Office. A form of deed notice shall be submitted to the Township 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 this Section D, subsections 15, 16, 17 and 18, 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 J(2)(v), below. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township. 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 Township is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Township within 180 calendar days of the authorization granted by the Township.
13. A stormwater management measure approved under the Township stormwater management plan or Ordinance may be altered or replaced with the approval of the Township, if the Township determines that the proposed alteration or replacement meets the design and performance standards pursuant to this Section D 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 Township for approval and subsequently recorded with the Warren County Clerk’s Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Section D(13), above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township in accordance with Section D(13), above.
14. Green Infrastructure Standards.
15. 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.
16. To satisfy the groundwater recharge and stormwater runoff quality standards at Sections D(16) and D(17), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section D(6). and/or an alternative stormwater management measure approved in accordance with Section D(7). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

|  |  |
| --- | --- |
| **Best Management** **Practice** | **Maximum Contributory Drainage Area** |
| Dry Well | 1 acre |
| Manufactured Treatment Device | 2.5 acres |
| Pervious Pavement Systems | Area of additional inflow cannotexceed three times the areaoccupied by the BMP |
| Small-scale Bioretention Systems | 2.5 acres |
| Small-scale Infiltration Basin | 2.5 acres |
| Small-scale Sand Filter | * 1. acres
 |

1. To satisfy the stormwater runoff quantity standards at Section D(18), 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 D(7).
2. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section D(4) 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 D(7) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at this Section D, subsections 16, 17 and 18.
3. 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 this Section D, subsections 16, 17 and 18 unless the project is granted a waiver from strict compliance in accordance with Section D(4).
4. Groundwater Recharge Standards.
5. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
6. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section E, either:
7. 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
8. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
9. This groundwater recharge requirement does not apply to projects subject to Section 16(d), below.
10. The following types of stormwater shall not be recharged:
11. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
12. 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.
13. Stormwater Runoff Quality Standards.
14. 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.
15. 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:
16. 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.
17. 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.
18. 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.
19. 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**

e. 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 *x* 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.

f. 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 this Section D, subsections 16, 17 and 18.

g. 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.

1. 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.
2. 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.
3. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
4. Stormwater Runoff Design and Performance Standards.
5. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
6. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section E, complete one of the following:
7. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
8. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
9. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
10. 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.
11. The stormwater runoff quantity standards shall be applied at the site’s boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.
12. Calculation of Stormwater Runoff and Groundwater Recharge.
13. Stormwater runoff shall be calculated in accordance with the following:
14. The design engineer shall calculate runoff using one of the following methods:
15. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55* - *Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: [https://www.nrcs.usda.gov/Internet/FSE\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf%20) or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
16. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
17. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above at Section E(1) and the Rational and Modified Rational Methods at Section E(1)(a). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
18. 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.
19. 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.
20. 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.

2. Groundwater recharge may be calculated in accordance with 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.

1. Sources for Technical Guidance.
2. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at: <http://www.nj.gov/dep/stormwater/bmp_manual2.htm>.
3. 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.
4. Additional maintenance guidance is available on the Department’s website at: <https://www.njstormwater.org/maintenance_guidance.htm>.
5. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.
6. Solids and Floatable Materials Control Standards.
7. Site design features identified under Section D(6), above, or alternative designs in accordance with Section D(7), 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 G(4),.below.
8. 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:
9. 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
10. 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.

1. 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 G.2. above does not apply:
3. 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;
4. Where the Township agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
5. 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:
6. 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
7. 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).

1. 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
2. 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.
3. Safety Standards for Stormwater Management Basins.
	1. 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.
	2. 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 H(3)(a), (b) and (c), below, for trash racks, overflow grates, and escape provisions at outlet structures.
	3. 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:
4. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
5. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
6. 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
7. 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.
	* 1. 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:
8. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
9. The overflow grate spacing shall be no less than two inches across the smallest dimension
10. 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.
	* 1. Stormwater management BMPs shall include escape provisions as follows:
11. 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 Township pursuant to Section H(3), a free-standing outlet structure may be exempted from this requirement;
12. 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 H.5 for an illustration of safety ledges in a stormwater management BMP; and
13. 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.
	1. 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 Township that the variance or exemption will not constitute a threat to public safety.
14. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



1. Requirements for a Site Development Stormwater Plan.
2. Submission of Site Development Stormwater Plan. Whenever an applicant seeks Township 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 I(3), below, as part of the submission of the application for approval. The applicant shall demonstrate that the project meets the standards set forth in this Ordinance. The applicant shall submit **ten (10) copies** of the materials listed in the checklist for stormwater plans in accordance with Section I.3 of this Ordinance, unless the Planning Board Engineer determines a lesser amount shall suffice.
3. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the Township Land Use Board, which shall consult the Township’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.
4. Submission of Site Development Stormwater Plan. The following information shall be required:
5. 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.
6. 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.
7. 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.
8. Land Use Planning and Source Control Plan. The plan shall provide a demonstration of how the goals and standards of Sections C through E, above, 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.
9. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
10. 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.
11. 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.
12. Calculations:
13. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section D of this Ordinance.
14. 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.
15. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Section J, below.
16. Waiver from Submission Requirements. The Township Land Use Board reviewing an application under this Ordinance may, in consultation with the Township’s review engineer, waive submission of any of the requirements in Section I(3)(a) through (f) 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.
17. Maintenance and Repair.
18. Applicability. Projects subject to review as in Section A.3 of this ordinance shall comply with the requirements of Section J(2) and (3), below.
19. General Maintenance. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
	1. 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.
	2. 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.
	3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. 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.
	4. If the party responsible for maintenance identified under Section J(2)(b), above, is not a public agency, the maintenance plan and any future revisions based on Section J(2)(f), below, shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
	5. Preventative and corrective maintenance shall be performed to maintain the 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.
	6. The party responsible for maintenance identified under Section J(2)(b), above, shall perform all of the following requirements:
20. 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;
21. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
22. 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 J(2)(e) and (f) above.
	1. The requirements of Section J(2)(b) and (c), above, do not apply to stormwater management facilities that are dedicated to and accepted by the Township or another governmental agency, subject to all applicable stormwater general permit conditions, as issued by the Department.
23. 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 Township 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 Township engineer or his designee. The Township, 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 Township 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.
24. Nothing in this subsection shall preclude the Township from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.
25. Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Ordinance shall be subject to the penalties set forth in the Township’s General Penalty Ordinance of the Township Code of Ordinances, and each day that the building, structure or land is permitted to remain in violation of this Ordinance shall be considered a separate and distinct offense. The Municipal Court shall have jurisdiction to enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, *et seq*.

**SECTION 2**. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

**SECTION 3**. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

**SECTION 4**. All Ordinances or parts of Ordinances of the Township of Oxford heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5**. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

Georgette Miller moved to accept Ordinance 2021-03. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0

* **Ordinance 2021-01 –** Solid Waste

Ordinance 2021-01 was tabled.

**Ordinances-1st Reading/Public Hearing:**

* **Ordinance 2021-06 –** COLA

**ORDINANCE 2021-06**

**CALENDAR YEAR 2021**

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

 **(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS,** N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Governing Body of the Township of Oxford in the County of Warren finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township of Oxford hereby determines that a 2.5 % increase in the budget for said year, amounting to $ 29,346.65 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township of Oxford hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Township of Oxford, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Oxford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to $ 41,185.31, and that the CY 2021 municipal budget for the Township of Oxford be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED,** that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Bob Nyland moved to accept Ordinance 2021-06. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0

**Resolutions:**

* **Resolution 2021-31 –** EEOC Enforcement Guide

**RESOLUTION 2021-31**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE**

**UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S**

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq*., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the *Township of Oxford*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Georgette Miller moved to accept Resolution 2021-31. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

* **Resolution 2021-32 –** Introduction ofBudget

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Bob Nyland moved to accept Resolution 2021-32. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Mayor Norton stated the 2021 budget … $18.34 per year. The committee will continue to work on the budget and hope to reduce it before final adoption. He thanked Township Administrator Matthew Hall and Township CFO Natasha Turchan for their work.

* **Resolution 2021-33** – Cell Tower Lease

**Resolution No. 2021-33**

**A RESOLUTION OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE PUBLIC BID OF A LEASEHOLD INTEREST HELD IN A COMMUNICATIONS TOWER**

 **WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use to the highest bidder by open public bidding at auction or by submission of sealed bids after the required newspaper advertisements; and

 **WHEREAS,** the Township of Oxford is the owner of certain real property known as Block 31.01, Lot 21.01 (street address: Pequest Road) on which is situated a cellular tower with arrays; and

 **WHEREAS**, said property is currently leased for the operation of a wireless communications tower and related facilities (the “Leasehold”); and

 **WHEREAS,** the Township is the Lessor as defined in that certain lease dated December 21, 2000 (“Lease”) setting forth the terms and conditions of the Leasehold in which Omnipoint Communications is the Lessee and which copy of the Lease, along with other documents regarding the existing Lease, is on file in the Office of the Municipal Clerk; and

 **WHEREAS**, the Township has been approached by various third parties which have expressed a desire to acquire the Township’s interest in the Leasehold; and

 **WHEREAS**, the Township is desirous of exploring whether it makes financial sense for the Township to assign its rights in the Leasehold and wishes to authorize the public bid of its Leasehold interest in order to gauge the financial benefit which may inure to the Township and its residents.

 **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Oxford, County of Warren, State of New Jersey, that:

The Leasehold interest held by the Township on property known as a Block 31.01, Lot 21.01 hereinafter referred to as “Pequest Road Tower Site” shall be offered for assignment to the highest bidder by submission of sealed bids, pursuant to N.J.S.A. 40A:12-14. Said bids shall be opened on April 20, 2021 at 10 a.m. at the Municipal Building, 11 Green Street, Oxford, New Jersey.

 **BE IT FURTHER RESOLVED** that the lease of the subject property shall be offered for public bidding as set forth below and shall be leased pursuant to the further expressed conditions enumerated below:

1. Bidders shall submit lump sum pricing for both a 50 year term and a 30 year term and shall also submit a 50 and 30 year term with payment made to the Township within the first four (4) years of the execution of the Lease Assignment in equal installments.
2. Current rent of $10,054 per month received from the following companies with their monthly rent;
	1. AT&T $3,444
	2. TMO $5,790
	3. SPT    $820
3. Bidders shall submit a bid for a lump sum rent amount. There shall be no minimum bid requirement.
4. The successful bidder shall meet all requirements, obligations and mandates of the Notice to Bidders and Information to Bidders AND SHALL PROVIDE INSURANCE AT LEVELS CUSTOMARY IN THE INDUSTRY NAMING THE TOWNSHIP AS AN ADDITIOANL INSURED.
5. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the bid opening. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
6. The successful bidder shall be required to obtain all applicable permits, approvals and licenses at its own expense.
7. The bid shall be awarded to the highest bidder (or all bids shall be rejected) at a Township Committee meeting subsequent to the adoption of a resolution authorizing same, pursuant to the bid documents.
8. This lease bid shall be advertised by the Township Clerk in accordance with State law.
9. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:

a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor’s Office.

b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.

c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Monday through Friday between 8:30 am and 4:30 pm, telephone number (908) 453-3098.

d. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the bidder.

1. Copies of the Lease Documents, which shall, in large part, consist of the Information to Bidders and Notice to Bidders will be available at the office of the Township Clerk, Municipal Building, 11 Green Street, Oxford, New Jersey 07863, after final passage of Ordinance.

Rich Wenner clarified the bid is requesting four (4) separate proposals: 1. A 50- year lump sum amount. 2. A 30- year lump sum amount. 3. A 50- year lease paid in 4 equal, yearly increments. 4. A 30- year lease paid in 4 equal, yearly increments.

Georgette Miller move to accept Resolution 2021-33 for a public bid on the Cell Tower Lease as amended. Seconded by Bob Nyland.

**New Business:** No New Business

**Old Business**:

Fire Department Turnout Gear – Mayor Norton stated they have not heard from the other town involved.

Discussion – Assembly Bill A21 (New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act) – Rich Wenner stated this is being worked on.

**Township Committee Reports and Correspondence**

* Bob Nyland stated the Chapter 22 Muskie Fishing Tournament will be held May 1, 2021 at Oxford Lake. Flyers will be posted at the Municipal Building, at the Lake and on the Township’s website and Facebook page.
* Bob Nyland stated the parking lot at the lake looks very good.
* Bob Nyland thanked the police department for their quick action regarding the teenagers near the old mines.
* Bob Nyland asked Matt Hall for an update regarding the forester. Matt Hall stated the forester was able to access all the viable properties but recommends waiting several years for specific trees to mature. Bob asked Matt to have the forester identify any ash trees on Township property.
* Bob Nyland asked Rich Wenner about the tax lien sale of 45 Bush Street. Rich stated it had been moved to April 13, 2021 due to Covid-19.
* Bob Nyland stated he and Georgette Miller have discussed the dog park and would like to create a committee of volunteers to help create and, especially, maintain the park. They will post information on the website and Facebook page. They are looking at grants for funding.
* Georgette Miller stated the Event Coordinator has changed. The contract remains the same.
* Georgette Miller moved to approve Jessica Mauceri as the Township Event Coordinator. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.
* Mayor Norton stated he received letters of apology from 3 of the 4 teenagers involved at the mine. The police department has been notified that the 4th is still outstanding.
* Mayor Norton attended the School Board Budget meeting. By making some adjustments they were able to reduce the tax increase from $136.36 to $95.64 per year on the average house. Mayor Norton thanked the School Board for their work.
* Mayor Norton stated the earliest dates PCFA has available for the Township Spring Clean up are Tuesday, June 1, 2021 to Saturday, June 5, 2021. Bob Nyland moved to hold the Spring Clean Up June 1, 2021 to June 5, 2021. Seconded by Georgette Miller. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0. Motion passed. Vouchers will be available at the Municipal Building on Mondays, Wednesdays and Fridays.
* Bob Nyland asked if the No Parking signs were put up along Church Street. Mayor Norton stated they had been and that at the School Board meeting Bob Magnuson, Superintendent of Schools thanked the Committee for its quick response and stated they have helped greatly.

**Township Engineer Report:**

No report.

**Township Attorney’s Report:** Rich Wenner stated the campground research is ongoing and looks positive. There are several significant questions that will require answers.

He has two items for Executive Session.

**Township Administrator:** Matt Hall stated he is working on the messaging system with Civic Live.

**Motion To Pay Bills:**

Bob Nyland moved to pay all bills presented to and approved by the Committee. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

**Reports:** No additional reports

**Public Comment**: Mary Ellen Zone (via Zoom) with the North Jersey Health Collaborative and the Warren County Health Improvement Committee wants to help educate the public on the importance of cancer screenings and the resources available to them. A free webinar will be held Tuesday, April 6. Mayor Norton asked her to send information to the clerk’s email and it will be posted on the website and Facebook page.

Bob Magnuson, Superintendent of Schools, (via Zoom) thanked the committee the quick response installing the signs on Church Street. The signs and police presence have had a great impact on the parking issue.

He is filing paperwork with Sustainable NJ which has a municipal section and he’d like to combine the efforts of the Oxford and Washington Borough’s Green Teams so there’s no redundancy. Bob will reach out to Matt Hall.

The School Board is still working on trying to reduce the tax increase even further.

**Meeting Recap**

**Executive Session**-

**EXECUTIVE SESSION**

 **WHEREAS,** Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

 **WHEREAS,** this public body is of the opinion that such circumstances presently exist. The public shall be excluded from the discussion of any action upon the hereinafter-specific subject matter.

The general nature of the subject matters to be discussed are redevelopment, OTI and Personnel.

Mayor Norton moved to enter Executive Session at 7:37 PM, seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Bob Nyland moved to close Executive Session and reconvene public session at 8:01 PM. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Bob Nyland moved to approve the Lake Director Employee Agreement. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Bob Nyland moved to adjourn the meeting at 8:03 PM. Seconded by Georgette Miller. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0. Motion passed.

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