

Regular Meeting called to order, Mayor Vaccaro in the chair, at the Municipal Building on Thursday July 22, 2021 7:04 P.M.

Mayor called for Pledge of Allegiance to the Flag.

ROLL CALL: Bauer-not present, Cirillo, Kinsella, Martinez, Surak, Wende-present
Administrator- T. Ciannamea- present,
Attorney- F. Migliorino-present

Borough Clerk stated that notice of the meeting was announced in accordance with the Open Public Meeting Act and published in the Record on June 4, 2021.

Motion by C/Kinsella and second by C/Cirillo to approve Minutes of Regular Meeting of June 24, 2021.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

COMMUNICATIONS:

Bergen County Board of Commissioners-recognition of Parks and Recreation Month.

Bergen County Board of Commissioners- notice of adoption of an ordinance to amend the Bergen County Parks Department Fee Schedule to include a fee for use of the Children's Splash Zone at Darlington Swim Park.

Bergen County Board of Commissioners- notice of adoption of an ordinance amending Ordinance 19-02 Establishing the Salaries of the County Executive, County Department Directors, and County Administrator, Setting a Range for County Administrator.

Bergen County Board of Commissioners- notice of introduction of an ordinance to amend Ordinance#19-24 establishing Film & Television Permitting Process and Fees.

Bergen County Board of Commissioners- notice of introduction of an ordinance entitled "Telecommunications Facilities in the Public Right-Of -Way.

Whitman – notification of environmental investigation and cleanup at 120 Asia Place, Block 126, Lot 78, in the Borough of Carlstadt.

Archer, Attorney at Law- notice of submission of ISRA Remediation certification, Remediation Cost Review Form and Remediation Funding Source to NJDEP for 2 W. Commercial Avenue, in Moonachie

Daniel R. Lagana, Attorney of Castremar, Inc.- notice of public hearing on Variance/minor site plan application to Moonachie Planning Board for the property located 150 Moonachie Road, Block 44, lot 5, in the Borough of Moonachie.

Borough of Little Ferry- notice of public hearing on an ordinance prohibiting the operation of any Class of Business within its Geographical Boundaries.

Borough of Little Ferry- notice of public hearing on an ordinance amending land Use Regulations entitled " Pervious Coverage".

Peter Meyers, 17 Frederick St.- appeal to governing body regarding Boswell's bills for his application of variance/minor site plan to Moonachie Planning Board.

Motion by C/Cirillo and second by C/Wende to file communications.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

NEW BUSINESS:

CONSENT RESOLUTIONS:

Motion by C/Kinsella and second by C/Surak to approve the following Resolutions:

RESOLUTION #21- 189

WHEREAS, the Mayor and Council of the Borough of Moonachie has been advised of the proposed settlements of a Tax Appeal on behalf of Tufenkian Import-Export Venture. under Docket No.'s: 007429-2017;000890-2018;008604-2019; 009632-2020

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule “A” attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule “A” attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified.

Michael A. Rienzi
Attorney ID Number 018902007
Brach Eichler L.L.C.
101 Eisenhower Parkway
Roseland, New Jersey 07068-1067
(973) 364-5226
Attorneys for Plaintiff

TUFENKIAN IMPORT-EXPORT VENTURE, INC.,
Plaintiff,
Vs.

TAX COURT OF NEW JERSEY
Docket Numbers: 007429-2017, 000890-2018,
008604-2019 & 009632-2020

MOONACHIE BOROUGH,
Defendant.
Civil Action

STIPULATION OF SETTLEMENT
(Without Affidavit)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 31	Lot: 7	Qual:	
Street Address: 20 Capitol Drive			Year: 2017
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 736,000	N/A	\$ 736,000
Improvements	\$ 2,538,500	DIRECT	\$ 2,538,500
Total	\$ 3,274,500	APPEAL	\$ 3,274,500

Block: 31	Lot: 7	Qual:	
Street Address: 20 Capitol Drive			Year: 2018
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 736,000	N/A	\$ 736,000
Improvements	\$ 2,634,800	DIRECT	\$ 2,634,800
Total	\$ 3,370,800	APPEAL	\$ 3,370,800

Block: 31	Lot: 7	Qual:	
Street Address: 20 Capitol Drive			Year: 2019
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 736,000	N/A	\$ 736,000
Improvements	\$ 3,216,000	DIRECT	\$ 3,216,000
Total	\$ 3,952,000	APPEAL	\$ 3,952,000

Block: 31	Lot: 7	Qual:	
Street Address: 20 Capitol Drive			Year: 2020
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 736,000	N/A	\$ 736,000
Improvements	\$ 3,274,800	DIRECT	\$ 3,274,800
Total	\$ 4,010,800	APPEAL	\$ 4,010,800

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with the assessing practices generally applicable in the taxing district as required by law.

Brach Eichler, LLC Attorneys for Plaintiff

BY: Michael A. Rienzi

Herbert & Weiss, LLP Attorneys for Defendant

BY: Helene C. Herbert

RESOLUTION NO.: #21-190

WHEREAS, the Mayor and Council of the Borough of Moonachie has been advised of the proposed settlements of a Tax Appeal on behalf of Anro Partners LTD under Docket No.’s: 015501-2011, 016875-2012

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule “A” attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule “A” attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

VENTURA, MIESOWITZ, KEOUGH & WARNER, P,C,
Daniel G. Keough, Esq. Attorney ID 012771983
783 Springfield Avenue
Summit, NJ 07901

Attorneys for Plaintiff

ANRO PARTNERS, LTD,
Plaintiff,

TAX COURT OF NEW JERSEY
Docket No. 015501-2011, 016875-2012

v.

CIVIL ACTION

BOROUGH OF MOONACHIE,
a Municipal Corporation of
New Jersey,
Defendant.

STIPULATION OF SETTLEMENT
(Without Affidavit)

Assigned Judge: Hon. Jonathan A. Orsen, J.T.C.
First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 72
Lot: 1
Street Address: 65 Moonachie Ave HM
Year(s): 2011 & 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$349,000.00	\$349,000.00	\$349,000.00
Impvts	\$350,300.00	\$350,300.00	\$188,000.00
Total	<u>\$699,300.00</u>	<u>\$699,300.00</u>	\$537,000.00

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
3. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the tax refund is paid in accordance with paragraph 5 hereof.
5. Pre-judgement interest is waived on the condition that when Judgment is entered on this Stipulation of Settlement, the refund is paid within 90 days from the date of the entry of judgment. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to “Ventura Miesowitz et al Trust Account” and received by him within 90 days from date of entry of judgment. The interest waiver in this paragraph and paragraph 4 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payment.
6. The provisions of Paragraph 4 and 5 herein shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

7. The Freeze Act shall not apply.

VENTURA, MIESOWITZ, KEOUGH, & WARNER, PC
Daniel G. Keough
Attorney for Plaintiff

HERBERT & WEISS, LLP
Attorneys for Defendant

Helene C. Herbert
Attorney for Defendant

RESOLUTION #21-191

BE IT RESOLVED that the Mayor is hereby authorized to sign an agreement with Joseph Licata as Ombudsman to hear rent application for the Mobile Home Parks, at a rate of \$175.00 per hour for a minimum of 15 hours per application (\$2, 625.00) and a maximum of 20 hours per application (\$3,500.00).

RESOLUTION #21-192

WHEREAS, Lisa J. Ciannamea, Tax Collector, has advised that a credit balance of \$450.19 exists on residential sewer account #600-0, Block 48 Lot 14 property owner Victoria Diaz, said balance being the result of overpayments made by property owner's automated bank payments; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the Borough Administrator is hereby directed to issue a check in the amount of \$450.19 and to refund the above property owner.

RESOLUTION #21-193

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the purchase of one Base Radio, Related Equipment and Installation for the Fire Department in the amount of \$9,355.00 from Motorola Solutions be and is hereby authorized through State Contract #83909.

RESOLUTION #21-194

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the Mayor is hereby authorized to sign the Letter of Agreement with the Bergen County Department of Health Services for Municipal Alliance Grant.

RESOLUTION #21-195

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the position of James Telesmanic, as Class IV member of the Planning Board be and is hereby declared to be vacant because he failed to attend and participate in several meetings of Planning Board.

RESOLUTION #21-196

BE IT RESOLVED that the mayor is hereby appointed followings as members of the Planning Board:

Arnaldo Arroyo, Class IV, term to expire December 31, 2022

Rudolph Petrella, Class IV, term to expire July 22, 2025

Gino Tessaro, Class II, term to expire December 31st, 2021
(No confirmation needed)

BE IT FURTHER RESOLVED, by the Governing Body that the appointments of Arnaldo Arroyo, Class IV, term to expire December 31, 2022, Rudolph Petrella, Class IV, term to expire July 22nd, 2025, be and are hereby confirmed.

BOROUGH OF MOONACHIE
CAPITAL BUDGET AMENDMENT
RESOLUTION#21-197

Whereas, the local capital budget for the year 2021 was adopted on the 27th day of May, 2021; and,

Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore Be It Resolved, by the Borough Council of the Borough of Moonachie, County of Bergen, that the following amendment(s) to the adopted capital budget section of the budget be made:

FROM
CAPITAL BUDGET (Current Year Action)
2021

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2021	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	6 TO BE FUNDED IN FUTURE YEARS
				5a 2021 Budget Appropriations					
Various Capital Improvements		\$ 1,800,000			\$ 90,000			\$ 570,000	\$1,140,000
Various Park Improvements		150,000			150,000				
TOTAL ALL PROJECTS		\$ 1,950,000			\$ 240,000			\$ 570,000	\$ 1,140,000

3 YEAR CAPITAL PROGRAM 2021 - 2023
Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR	2022	2023	2024	2025	2026
				Budget Year 2021					
Various Capital Improvements		\$ 1,800,000		\$ 600,000	\$ 600,000	\$ 600,000			
Various Park Improvements		150,000		150,000					
TOTAL ALL PROJECTS		\$ 1,950,000		\$ 750,000	\$ 600,000	\$ 600,000			

3 YEAR CAPITAL PROGRAM 2021- 2023
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid And Other Funds	7 BONDS AND NOTES			
		Current Year 2021	Future Years				General	Self Liquidati ng	Assessment	School
Various Capital	\$ 1,800,000			\$ 90,000			\$1,710,000			

Improvements										
Various Park Improvements	150,000			150,000						
TOTAL ALL PROJECTS	\$ 1,950,000			\$ 240,000			\$1,710,000			

TO
CAPITAL BUDGET (Current Year Action)
2021

1 PROJECT		2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2021 Budget Appropriations	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2021				
						5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	6 To Be Funded in Future Years
Various Improvements and Acquisitions			\$ 1,800,000			\$ 90,000			\$ 570,000	\$ 1,140,000
Various Park Improvements; Acquisition and						-				
Installation of Park Equipment at Joseph										
Street Park			600,000			600,000				
TOTAL ALL PROJECTS			\$ 2,400,000			\$ 690,000			\$ 570,000	\$ 1,140,000

3 YEAR CAPITAL PROGRAM 2021 - 2023
Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT		2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	ESTIMATE D COMPLETION TIME	Budget Year 2021	5 FUNDING AMOUNTS PER YEAR				
						2022	2023	2024	2025	2026
Various Improvements and Acquisitions			\$ 1,800,000		\$ 600,000	\$ 600,000	\$ 600,000			
Various Park Improvements; Acquisition and										
Installation of Park Equipment at the Joseph										
Street Park			600,000		600,000					
TOTAL ALL PROJECTS			\$ 2,400,000		\$ 1,200,000	\$ 600,000	\$ 600,000			

3 YEAR CAPITAL PROGRAM 2021 - 2023
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estima ted TOTAL COST	3		4	5 Capital Surplus	6	7			
		Budget Appropriations		Capital Improvemen t Fund		Grants in Aid and Other Funds	BONDS AND NOTES			
		Current Year 2021	Future Years				Self			
							General	Liquidating	Assessm ent	Scho ol

Various Improveme nts and Acquisition s	\$ 1,800,0 00			\$ 90,000			\$ 1,710,000			
Various Park Improveme nts; Acquisition and										
Installation of Park Equipment at the Joseph										
Street Park	600,00 0			600,000						
TOTAL ALL PROJECTS	\$ 2,400,0 00			\$ 690,000			\$ 1,710,000	\$ -		

RESOLUTION #21- 198

WHEREAS, the Moonachie Ave Pump Station #2 was not functioning and was in need of repair. It was necessary to contract with Clearwater Services to make the emergency repairs; therefore, competitive quotes were not obtained due to the emergency circumstances and the amount of the repair was \$5,509.75; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie approve award of a contract to Clearwater Services for the Moonachie Ave Pump Station #2 emergency repairs in the amount of \$5,509.75.

RESOLUTION #21- 199

WHEREAS, it is necessary to repair the Borough’s Sewer Jet Vac that was purchased through Peirce-Eagle. Pierce-Eagle is the most responsible vendor to complete the repair due to the fact that it is their equipment and best to service and make the necessary repairs. Therefore, competitive quotes could not be obtained for the repair and it is necessary to award said contract without competitive contracting in accordance with N.J.S.A. 40A:11-5; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie approves award of a contract with Peirce-Eagle for the Repair of the Sewer Jet Vac in the amount of \$3,618.56.

RESOLUTION #21-200

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the purchase of ten (10) G1 Voice Pagers with Standard Chargers including G1 Programmer in the amount of \$2,959.50 from J&H Radio based on Single Quote received for Moonachie First Aid & Rescue Squad be and is hereby authorized.

RESOLUTION #21-201

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that Michael R. Loprinzi be and is hereby appointed as Part-time Police Communication Clerk, at the hourly rate of \$20.27.

RESOLUTION #21-202

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that Scott Anthony Romano be and is hereby appointed as Part-time Seasonal Help for DPW up to 30 hours a week at the hourly rate of \$15.92.

RESOLUTION #21-203

WHEREAS, Arcari +Iovino Architect PC submitted following invoices for professional architectural and engineering services for restroom addition and HVAC replacement at the Senior Center:

\$5,077.50

\$4,650.00

\$1,287.50

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the payment in the total amount of \$11,015.00 to Arcari +Iovino Architect PC for professional architectural and engineering services for restroom addition and HVAC replacement at the Senior Center and is hereby approved.

Mayor Vaccaro mentioned that he reviewed the plans, there are a few changes that need to be made and then the project can go out to bid.

RESOLUTION #21-204

WHEREAS, Police Sergeant Anthony Fugnitti has completed twenty- five years of active duty with the Borough of Moonachie, and

WHEREAS, Police Sergeant Anthony Fugnitti has elected to retire effective June 30th, 2021 with 304.5 unused sick days, and

WHEREAS, Section 15.06 of the Collective Bargaining Agreement with P.B.A. Local 102 provides for the payment of fifty percent of said accumulated sick days at the employee's rate of compensation at the date of retirement, and

WHEREAS, fifty percent of the accumulated sick days equals 152.25 days at the cost of \$613.04 per day for a total of \$93,335.34; and

WHEREAS, Police Sergeant Anthony Fugnitti is exercising his option as per Section 15.06 of the Collective Bargaining agreement with P.B.A. Local 102 to receive this compensation in three separate payments over a period of eighteen months; and

NOW, THEREFORE, BE IT RESOLVED, that Police Sergeant Anthony Fugnitti be compensated on his retirement effective June 30th, 2021 and the Mayor and Council of the Borough of Moonachie hereby confirmed that he be compensated for 152.25 unused sick days in the total amount of \$93,335.34 to be paid in three separate payments over a period of eighteen months.

RESOLUTION #21-205

WHEREAS, Tricon Enterprises, Inc. submitted an invoice for Payment Application No. 16 for work performed and material furnished for Moonachie DPW Topography & DPW building in the amount of \$86,782.61; and

WHEREAS, Arcari+Iovino Architects PC reviewed and approved the payment as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that the payment in the amount of \$86,782.61 to Tricon Enterprises, Inc.be and is hereby approved.

RESOLUTION #21-206

WHEREAS, the current PBA contract with the Borough of Moonachie states that the clothing allowance "will be made by the Borough's voucher, made payable to the vender"; and

WHEREAS, retiring Police Sergeant Anthony Fugnitti has requested that the payment be made directly to him; and

WHEREAS, Police Sergeant Anthony Fugnitti has also requested payment of his weapon allowance in July upon his retirement as opposed to the contractually obligated payment in December; and

WHEREAS, the Mayor and Council has agreed to this request with the understanding that this is a one-time exception and does not establish a past practice; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the payment of \$262.50 for Police Sergeant Anthony Fugnitti’s clothing allowance (one-half of the annual amount) and the payment of \$150.00 for Police Sergeant Anthony Fugnitti’s weapon allowance (one-half of the annual amount) be made to Police Sergeant Anthony Fugnitti thru payroll is hereby approved.

RESOLUTION #21-207

WHEREAS, on July 20, 2021 there was a sink hole on Maple Street that required immediate repair; and

WHEREAS, therefore it was necessary to contract to repair the sink hole on Maple Street without competitive quoting so that the repair could be made immediately to ensure the health, welfare and safety of the Borough’s residents; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the award of said emergency contract to Colonnelli Brothers for the repair of the sink hole on Maple Street in accordance with N.J.S.A. 40A:11-6 in the amount of \$7,577.79 be and is hereby approved.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Moonachie that the payment in the amount of \$7,577.79 to Colonnelli Brothers be and is hereby approved.

RESOLUTION #21-208

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that Jennifer Cooney be and is hereby appointed as Deputy Emergency Management Coordinator, effective July 1st, 2021 at the annual salary of \$2,390.00, term to expire December 31st, 2021.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

BILLS:

Motion by C/Wende and second by C/Cirillo to approve the payment of bills.

CHECK	CURRENT ACCOUNT	AMOUNT
	BOROUGH OF MOONACHIE TRUST	
7066	ESC	859.90
7067	KONICA MINOLTA BUSINESS SOL.	2,032.42
7068	TRAFFIC SAFETY AND EQUIPMENT C	405.00
7069	IRON MOUNTAIN SCHINDLER ELEVATOR	1,815.81
7070	CORPORATION	485.21
7071	GALL'S INC.	157.96
7072	NAFTO	600.00
7073	DELAGE LANDEN FINANCIAL SERVIC	245.00
7074	VERIZON	1,259.60
7075	MUNICIPAL CLERKS ASSOC.	75.00
7076	MUNICIPAL CLERKS ASSOC.	100.00
7077	JOSEPH SMENTKOWSKI INC.	9,170.91
7078	VERIZON	45.90
7079	STAPLES BUSINESS ADVANTAGE	268.51

7080	STAPLES BUSINESS ADVANTAGE	4.98
7081	SHERWIN WILLIAMS	326.85
7082	TRAFFIC SAFETY AND EQUIPMENT C	450.00
7083	LOWE'S HOME CENTER INC.	1,206.55
7084	MODERN PROPANE SCHINDLER ELEVATOR	31.90
7085	CORPORATION	485.21
7086	MGL PRINTING SOLUTIONS	388.00
7087	LOWE'S HOME CENTER INC.	66.45
7088	BCB JANITORIAL SUPPLY COMP	929.73
7089	TRITEC OFFICE EQUIPMENT	219.90
7090	HERBERT & WEISS ATT. AT LAW	983.20
7091	HARRIS UNIFORMS	291.00
7092	HARRIS UNIFORMS	291.00
7093	SOME'S UNIFORMS	124.49
7094	METRO FIRE & SAFETY EQUIPMENT	260.00
7095	BERGEN COUNTY CLERK	2,819.11
7096	TREASURER, STATE OF NEW JERSEY	200.00
7097	STAPLES BUSINESS ADVANTAGE	65.83
7098	A.T. EMBLEM COMPANY	393.00
7099	ANDREW FINCH	60.00
7100	GET A CAN INC.	3,400.00
7101	ROBIN'S QUALITY LANDSCAPING	1,500.00
7102	SHERWIN WILLIAMS	26.00
7103	PITNEY BOWES-RESERVE ACCT.	96.89
7104	PRINTING ON MAIN STREET LLC	1,224.00
7106	STAPLES BUSINESS ADVANTAGE	76.12
7107	STAPLES BUSINESS ADVANTAGE	69.68
7108	AQUA FRESCA AND JAVA LLC	150.00
7109	VIP CAR WASH	127.00
7110	METRO FIRE & SAFETY EQUIPMENT	842.00
7111	AQUA FRESCA AND JAVA LLC	150.00
7112	NATURE'S CHOICE CORPORATION	610.20
7113	TRITEC OFFICE EQUIPMENT	473.36
7114	MORRIS COUNTY PUBLIC SAFETY	50.00
7115	EVANS CATERING SERVICE	29.80
7116	KEVIN C. CORRISTON, ESQ	100.00
7117	VERIZON	6.55
7118	N.J. STATE ASSOC. OF CHIEFS OF	385.00
7119	FUN EXPRESS, LLC	106.13
7120	FEDEX TECH CONNECT REVENUE SER	16.03
7121	FEDEX TECH CONNECT REVENUE SER	21.41
7122	DKL CONSULTING	1,300.50
7123	MANSFIELD OIL COMPANY	4,804.88
7124	SEGOVIA RESTAURANT	410.00
7125	TRAFFIC SAFETY AND EQUIPMENT C	1,341.25
7126	STAPLES BUSINESS ADVANTAGE	242.96
7127	STAPLES BUSINESS ADVANTAGE	15.11
7128	CAMPBELL FOUNDRY COMPANY	2,316.00
7129	STAPLES BUSINESS ADVANTAGE	321.23
7130	V.E. RALPH & SON INC.	1,843.09
7131	V.E. RALPH & SON INC.	974.20
7132	METRO FIRE & SAFETY EQUIPMENT	202.60
7133	V.E. RALPH & SON INC.	945.50
7134	GET A CAN INC.	3,150.33

7135	METRO FIRE & SAFETY EQUIPMENT	331.40
7136	SHERWIN WILLIAMS	10.70
7137	EVANS CATERING SERVICE	23.72
7138	BLUE 360 MEDIA, LLC	159.12
7139	LERCH, VINCI & HIGGINS	6,300.00
7140	SUEZ WATER NEW JERSEY	156.75
7141	PSE&G COMPANY	4,052.98
7142	ATEY AUTO BODY, INC.	4,572.30
7143	VERIZON	424.75
7144	SUEZ WATER NEW JERSEY	75.96
7145	MILLENIUM STRATEGIES	2,100.00
7146	THOMPSON RUETERS-WEST	156.35
7147	LERCH, VINCI & HIGGINS	2,373.00
7148	VERIZON	259.99
7149	SUEZ WATER NEW JERSEY	231.52
7150	LEXIS NEXIS RISK SOLUTIONS	34.00
7151	INSTITUTE FOR FORENSIC PSYCH	2,000.00
7152	PROCOMM SYSTEMS INC.	1,150.00
7153	PROCOMM SYSTEMS INC.	1,150.00
7154	TURN OUT UNIFORMS	1,121.78
7155	TURN OUT UNIFORMS	1,078.79
7156	TURN OUT UNIFORMS	1,123.78
7157	PRAXAIR DISTRIBUTION	58.65
7158	PRAXAIR DISTRIBUTION	64.88
7159	STATE TOXICOLOGY LABORATORY	90.00
7160	EAGLE POINT GUN/T J MORRIS & S	1,552.00
7161	BOSWELL ENGINEERING	292.00
7162	VERIZON	677.45
7163	REYNWOOD COMMUNICATIONS	709.60
7164	ANTHONY CIANNAMEA	221.85
7165	SUEZ WATER NEW JERSEY	289.95
7166	SUEZ WATER NEW JERSEY	5,374.45
7167	FUN TIME ENTERTAINMENT	450.00
7168	DIBELLA LANDSCAPING LLC	1,499.60
7169	DOMESTIC UNIFORM RENTAL	256.05
7170	DIBELLA LANDSCAPING LLC	1,499.60
7171	DOHRMAN PRINTING COMPANY INC.	75.00
7173	PSE&G COMPANY	542.68
7174	ZEP SALES & SERVICE	202.89
7175	STAPLES BUSINESS ADVANTAGE	249.99
7176	NORTH JERSEY MEDIA GROUP	110.70
7177	VIP CAR WASH	95.00
7178	EVANS CATERING SERVICE	29.80
7179	MGL PRINTING SOLUTIONS	126.00
7180	MIS	450.00
7181	SHRED IT USA	106.44
7183	PRINTING ON MAIN STREET LLC	1,145.00
7184	HOMETOWN AUTO PARTS	176.08
7185	A.T. EMBLEM COMPANY	786.25
7186	DESIGN-N-STITCH	213.00
7187	VERIZON	44.06
7188	VERIZON	150.64
7189	SUEZ WATER NEW JERSEY	32.62
7190	STAPLES BUSINESS ADVANTAGE	299.99
7191	PSE&G COMPANY	953.10
7192	ASSOCIATED APPRAISAL GROUP	1,500.00
7193	JESCO	376.56

7194	JESCO	916.84
7195	C&C TIRE	240.36
7196	PSE&G COMPANY	440.77
7197	ZEP SALES & SERVICE	97.59
7198	WINDSTREAM	342.56
7199	BERGEN COUNTY UTILITIES AUTHOR	4,427.49
7200	SAL'S EQUIPMENT SERVICE & REPA	187.50
7201	NATURE'S CHOICE CORPORATION	305.10
7202	PSE&G COMPANY	1,565.35
7203	HARRIS UNIFORMS	164.00
7204	NORTH JERSEY MEDIA GROUP	36.90
7205	STAPLES BUSINESS ADVANTAGE	78.94
7206	HERBERT & WEISS ATT. AT LAW	306.80
7207	HERBERT & WEISS ATT. AT LAW	106.20
7208	IRON MOUNTAIN	1,593.28
7209	V.E. RALPH & SON INC.	917.07
7210	TURN OUT UNIFORMS	332.97
7211	EVANS CATERING SERVICE	7.88
7212	EVANS CATERING SERVICE	23.72
7213	BOARD OF EDUCATION	764,004.08
7214	FIRE & SAFETY SERVICES LTD.	125.88
7215	TERMINEX	74.00
7216	DKL CONSULTING	1,173.00
7217	DKL CONSULTING	1,351.50
7218	FIRE FIGHTERS ONE	853.72
7219	SHERWIN WILLIAMS	222.14
	BERGEN MUNICIPAL EMPLOYEE	
7220	BENE	111,469.83
7221	LOWE'S HOME CENTER INC.	246.85
7222	PSE&G COMPANY	4,500.91
7223	VERIZON	6.55
7224	STATE TOXICOLOGY LABORATORY	90.00
7225	C&C TIRE	470.00
7226	VERIZON	94.61
7227	PIA, INC.	513.00
7228	BOSWELL ENGINEERING	394.00
7229	VERIZON WIRELESS	1,154.21
7230	VERIZON	620.40
7231	VERIZON	272.57
7233	MCI COMM SERVICE	173.54
7234	GREENBAUM ROWE SMITH & DAVIS	33,348.46
7235	STANDARD INSURANCE	1,885.81
7236	STAPLES BUSINESS ADVANTAGE	248.13
7237	STAPLES BUSINESS ADVANTAGE	49.65
7238	HOMETOWN AUTO PARTS	67.38
	SCHINDLER ELEVATOR	
7239	CORPORATION	485.21
7240	STAPLES BUSINESS ADVANTAGE	70.06
7241	CHERRY VALLEY TRACTOR SALES IN	363.32
7242	SOL RIVERA-VILLON	160.00
7243	TERMINEX	74.00
7244	TILCON NEW YORK INC.	81.88
7245	NATURE'S CHOICE CORPORATION	305.10
7246	TURN OUT UNIFORMS	659.97
7247	RUTGERS CENTER FOR GOV'T SERV	2,279.00
7248	TURN OUT UNIFORMS	137.97
7249	TURN OUT UNIFORMS	237.95

7250	TURN OUT UNIFORMS	187.96
7251	EVANS CATERING SERVICE	29.80
7252	TURN OUT UNIFORMS	45.00
	FEDEX TECH CONNECT REVENUE	
7253	SER	15.43
7254	NEW JERSEY REGISTRARS ASSOC.	86.00
7255	COUNTY OPEN SPACE TRUST FUND	23,411.00
7256	COUNTY OF BERGEN	557,617.00
7257	ACTION DATA SERVICES	491.36
7258	MGL PRINTING SOLUTIONS	52.00
7259	KEEHN POWER PRODUCTS INC.	355.11
TOTAL		1,626,681.67

CHECK	CURRENT ACCOUNT	AMOUNT
7105	PHILIP A. FACENDOLA	VOID
7172	PSE&G COMPANY	VOID
7182	LAWYERS DIARY & MANUAL LLC	VOID
	ADVANTAGE ENVIRONMENTAL	
7232	CORP	VOID

NON-CHECK PAYMENT	CURRENT ACCOUNT	AMOUNT
NON-CHECK PAYMENT	PRIMEFLEX	125.50
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	182,268.32
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	173,401.10
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	97,114.72
TOTAL		452,909.64

CHECK	TRUST ACCOUNT	AMOUNT
1674	BOSWELL ENGINEERING	985.00
1675	BOSWELL ENGINEERING	164.00
1676	FRANCIS MIGLIORINO, ESQ.	875.00
1677	BOSWELL ENGINEERING	394.00
TOTAL		2,418.00

CHECK	CAPITAL ACCOUNT	AMOUNT
349	MOTOROLA SOLUTIONS	8,264.70
350	TRICON ENTERPRISES	86,782.61
351	ARCARI + IOVINO ARCHITECTS, PC	11,015.00
352	BOSWELL ENGINEERING	850.00
TOTAL		106,912.31

CHECK	SEWER OPERATING ACCOUNT	AMOUNT
816	VERIZON	44.52
817	CLEARWATER SERVICES	1,150.00
818	CLEARWATER SERVICES	1,369.50
819	DKL CONSULTING	484.50

820	LERCH, VINCI & HIGGINS	1,017.00
821	LERCH, VINCI & HIGGINS	2,700.00
822	VERIZON	44.52
823	KINSLEY GROUP, INC	2,167.88
824	PSE&G COMPANY	1,924.28
825	BERGEN COUNTY UTILITIES AUTHOR	171,824.00
826	DKL CONSULTING	357.00
827	DKL CONSULTING	433.50
	BERGEN MUNICIPAL EMPLOYEE	
828	BENE	8,300.17
829	CLEARWATER SERVICES	5,509.75
830	COLONNELLI BROTHERS INC.	7,577.79
831	SUEZ WATER NEW JERSEY	135.25
832	VERIZON	44.06
833	PSE&G COMPANY	2,036.75
834	VERIZON	57.68
835	VICTORIA DIAZ	450.19
TOTAL		207,628.34

NON-CHECK

PAYMENT	SEWER OPERATING ACCOUNT	AMOUNT
NON-CHECK		
PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	11,608.47
NON-CHECK		
PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	11,095.91
NON-CHECK		
PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	10,587.45
TOTAL		33,291.83

CHECK	SEWER CAPITAL ACCOUNT	AMOUNT
113	BOSWELL ENGINEERING	246.00
TOTAL		246.00

CHECK	DOG ACCOUNT	AMOUNT
56	N.J. DEPT. OF HEALTH AND SENIO	5.40
57	BERGEN COUNTY DEPT. OF HEALTH	700.00
TOTAL		705.40

CHECK	SUMMER RECREATION ACCOUNT	AMOUNT
150	PHILIP A. FACENDOLA	288.86
151	PHILIP A. FACENDOLA	44.34
152	FUN TIME ENTERTAINMENT	450.00
153	PHILIP A. FACENDOLA	258.50
TOTAL		1,041.70

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

FINAL PASSAGE OF ORDINANCES:

ORDINANCE #2021-2

**AN ORDINANCE TO AMEND CHAPTER XXII "ZONING" OF THE REVISED
GENERAL ORDINANCE OF THE "BOROUGH OF MOONACHIE" COUNTY OF
BERGEN, STATE OF NEW JERSEY**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Moonachie in the County of Bergen, State of New Jersey as follows:

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, section 31a of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations.

Amending Section 22-4 DISTRICT REGULATIONS as follows:

SECTION 1. In accordance with Section 22-4 DISTRICT REGULATIONS, 22-4.5 is amended to include 22-4.5c as follows:

Recreational Cannabis Businesses

1. Permitted Uses:
 - a. Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
 - b. Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
 - c. Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
 - d. Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
2. Location Condition:
 - a. All facilities must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants discharged into the public wastewater and/or stormwater systems.
 - b. A list of all pesticides, fertilizers, and any other hazardous materials that are expected to be used in the cultivation process.
 - c. All facilities must be designed to minimize odors emanating from the marijuana plants.
 - d. All facilities must submit Odor Management Plan.
 - e. All facilities must maintain a secure, closed, clean environment in the room where marijuana is to be stored, grown, processed, or tested, in order to prevent outside

contamination and prevent the inadvertent and/or unauthorized removal of marijuana from the facility. All facilities must provide shower and locker room facilities for employees to ensure the provision of a clean environment.

- f. All facilities must have adequate licensed security and/or 24-hour security to prevent access to the marijuana by non-authorized personnel, including unauthorized removal. All rooms that contain marijuana, in any form, must be individually locked and accessible only to authorized personal.
- g. All drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.
- h. This section shall not be in conflict of any provisions of P.L. 2021, c. 16 (C. 24:6I-31 et. al.)

3. Designated Area:

- a. No Licensed Cannabis Cultivator (Class 1), Cannabis Manufacturer (Class 2), Cannabis Wholesaler (Class 3), or Cannabis Distributer (Class 4) shall be located within the following distances from the specified land uses listed below:
 - i. One thousand (1,000) feet from place of worship, schools, playgrounds, parks, recreational facility, residence, mobile home parks.
 - ii. One Thousand (1,000) feet from any premises serving alcohol.

SECTION 2: Enforcement: the Provisions of this section shall be enforced by the Police Chief and/or Construction Official or their designee.

SECTION 3: All Ordinances or parts inconsistent herewith are hereby repealed as to such inconsistency only. Each and every other provision of the sections and schedules not modified by this Ordinance shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect upon the passage, publications and the erection of signs as required by law.

The Borough Clerk has presented an affidavit showing that advertisement had been made according to law.

Mayor Vaccaro mentioned that the Ordinance is similar to the medical marijuana Ordinance that was adopted a few years ago, regarding zoning and locations and the State has let towns have the ability to allow certain class licenses so it will be out of residential, food church and other areas.

PUBLIC HEARING ON ORDINANCE#2021-2: No one wished to be heard.

Motion by C/Kinsella and second by C/Cirillo to close public hearing.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

Motion by C/Kinsella and second by C/Wende to adopt Ordinance#2021-2

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

ORDINANCE #2021-3

AN ORDINANCE TO AMEND CHAPTER XIII "UTILITIES" SECTION 13-14, OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF MOONACHIE, COUNTY OF BERGEN, STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Moonachie, in the County of Bergen, State of New Jersey as follows:

Chapter XIII, Section 13-14 SCHEDULE OF FEES AND CHARGES Ordinances of the Borough of Moonachie is hereby amended to read as follows:

"13-14.2 Residential Uses. Each connection for one (1) family dwelling unit shall be charged the sum of *Three Hundred Fifteen Dollars (\$315.00) per year*. Where a residence is also used as a professional office the charge shall be one and one-half (1-1/2) times the base charge of *Three Hundred Fifteen Dollars (\$315.00) per year*. Such charge shall be paid quarterly at the time and place set forth for the payment of real property taxes and shall be prorated to take effect from the date of connection to an operating sewer.

Each Mobile Home Park shall be charged in the sum of *Three Hundred Fifteen Dollars (\$315.00) per lot-pad, per year*, to be paid quarterly at the time and place set forth for the payment of real property taxes.

A two (2) family dwelling unit shall be charged the sum of *Six Hundred Thirty Dollars (\$630.00) per year*;

A three (3) family dwelling unit shall be charged the sum of *Nine Hundred Forty-Five Dollars (\$945.00) per year*;

A four (4) family dwelling unit shall be charged the sum of *One Thousand Two Hundred Sixty Dollars (\$1,260.00) per year*;

There shall be a charge of *Three Hundred Fifteen Dollars (\$315.00)* for each additional family dwelling unit over and above the four (4) family units.

A dwelling unit shall be defined as a place to be occupied exclusively by a family, having their own cooking and sanitary facilities and further being independent of and not relating to any other dwelling unit in the building. Each charge shall be paid quarterly at the time and place set forth for the payment of real property taxes and shall be prorated to take effect from the date of connection to an operating sewer. (Ord. #80-4: §§ 1&4; Ord. #82-8, §1; Ord. #83-2, §1; 1970- Code § 12-14.1; Ord.#87-1, §1a; Ord. #90-19, § 1; Ord. #92-1, §§1); (Ord. 2005-1).

The Borough Council may, from time to time, by resolution, allow a credit to senior citizens, or disabled individuals, which amount shall be subject to periodic increases by resolution.

This section of the Ordinance shall take effect *January 1, 2022* (for 1st Qtr. 2022 Usage) and shall be used to calculate that and all subsequent residential billings.

13-14.3 Commercial & Industrial Uses. Each connection for service to a commercial business or industrial establishment shall be *charged One Hundred Nine Dollars and Fifty-Five cents (\$109.55) per one thousand (1,000) cubic feet or less*, as determined from the quarterly water meter reading. However, there shall be a minimum charge of *One Thousand Ninety-Five Dollars and Forty-Nine cents (\$1,095.49) per year*.

This Section of the Ordinance shall take effect with the 3rd Quarter, 2021 billings (April-June Usage) and shall be used to calculate that and all subsequent commercial and industrial billings.

The Borough Clerk has presented an affidavit showing that advertisement had been made according to law.

PUBLIC HEARING ON ORDINANCE#2021-3: No one wished to be heard.

Motion by C/Kinsella and second by C/Surak to close public hearing.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

Motion by C/Surak and second by C/Wende to adopt Ordinance#2021-3

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

FINAL PASSAGE OF ORDINANCE:

ORDINANCE #2021-4

AN ORDINANCE TO AMEND THE BOROUGH OF MOONACHIE CODE SPECIFICALLY IN CHAPTER 19-6 TO ADOPT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S MODEL ORDINANCE FOR STORMWATER CONTROL

WHEREAS, the Borough of Moonachie regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP" or the "Department") has adopted amended stormwater management regulations and requires municipalities to revise their stormwater control ordinances in accordance with the regulations.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Moonachie, in the County of Bergen and State of New Jersey, as follows:

Under Chapter 19 "Flood Damage Prevention", Section 19-6 "Stormwater Control" Ordinance No. 2006-1 and Ordinance No. 2007-8, is hereby repealed and replaced, with the revised Chapter to read as follows:

§19-6.1: Scope and Purpose

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §19-6.2

C. Applicability

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

D. Compatibility with Other Permit and Ordinance Requirements

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

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

§19-6.2: Definitions

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing,

in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §19-6.4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§19-6.3: Design and Performance Standards for Stormwater Management Measures

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

§19-6.3A: Nonstructural Stormwater Strategies

- A. Standards for nonstructural management measures are as follows:
 1. Buffers. Buffer areas are required along all lot and street lines separating residential uses from arterial and collector streets, separating a nonresidential use from either a residential use or residential zoning district line, and along all street lines where loading and storage areas can be seen from the street. The buffer area shall use native vegetation, which requires less fertilization and watering than nonnative species. Buffer areas may be used for stormwater management by disconnecting impervious surfaces and treating runoff from these impervious surfaces. Preservation of natural wood tracts and limiting land disturbance for new construction shall be incorporated where practical.
 2. Curbs and gutters. Curb cuts or flush curbs with curb stops are encouraged where practical to allow vegetated swales to be used for

stormwater conveyance and to allow the disconnection of impervious areas where practical.

3. Drainage systems. An existing ordinance may require that all streets be provided with inlets and pipes where the same are necessary for proper drainage. The use of natural vegetated swales in lieu of inlets and pipes are encouraged where practical.
4. Driveways and accessways. The use of pervious paving materials to minimize stormwater runoff and promote groundwater recharge should be considered for driveways and access ways where practical. Consideration should be given for subsurface soil conditions. The use of crowned driveways is also encouraged to promote disconnectivity between impervious surfaces and grass areas to promote groundwater recharge.
5. Natural features. Natural features, such as trees, brooks, swamps, hilltops, and views, are to be preserved whenever possible, and that care be taken to preserve selected trees to enhance soil stability and landscaped treatment of the area. In addition, forested areas shall be maintained to ensure that leaf litter and other beneficial aspects of the forest are maintained in addition to the trees.
6. Nonconforming uses, structures or lots. The existing ordinance may allow an applicant/owner of an existing use to propose additions or alterations that exceed the permitted building and/or lot coverage percentages. The applicant should mitigate the impact of the additional impervious surfaces unless the stormwater management plan for the development provided for these increases in impervious surfaces. This mitigation effort must address water quality, flooding and groundwater recharge.
7. Off-site and off-tract improvements. Any off-site and off-tract stormwater management and drainage improvements must conform to the design and performance standards described.
8. Off-street parking and loading. Parking lots with more than 10 spaces and all loading areas should allow for flush curb with curb stop, or curbing with curb cuts to encourage developers to allow for the discharge of impervious areas into landscaped areas for stormwater management. The use of natural vegetated swales for the water quality design storm, with overflow for larger storm events into storm sewers should be utilized where practical. A developer may demonstrate that fewer spaces would be required, provided area is set aside for additional spaces if necessary. Pervious paving could be provided for overflow parking areas.
9. Performance standards. This section can provide for pollution source control and must be evaluated in order to prohibit materials or wastes from being deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, evaporation or wind. Materials and wastes that might create a pollutant or a hazard shall be enclosed in appropriate containers.
10. Shade trees. The existing ordinance may require a minimum of shade trees per lot to be planted in the front yard. In addition to this subsection, the Borough may have a Tree Preservation Ordinance that restricts and otherwise controls the removal of mature trees throughout the Borough. This section should recognize that the preservation of mature trees and forested areas must be considered in the management of environmental resources, particularly watershed management, air quality, and ambient heating and cooling. A critical disturbance area that extends beyond the driveway and building footprint where clearing of trees cannot occur shall be depicted on the plan minimizing land disturbance. Identification of forested areas and the percentage of wooded areas to be protected from disturbance shall also be provided.

11. Sidewalks. Sidewalks should be designed to discharge stormwater to neighboring lawns where feasible to disconnect these impervious surfaces or use permeable paving materials where appropriate.
 12. Soil erosion and sediment control. The applicant shall comply with the New Jersey Soil Erosion and Sediment Control Standards and should incorporate signs to retain and protect natural vegetation; minimize and retain water runoff to facilitate groundwater recharge; and install diversions, sediment basins, and similar required structures prior to any on-site grading or disturbance.
- B. Further guidance on the implementation of these strategies can be found in the New Jersey Department of Environmental Protection Stormwater Best Management Practices Manual, April 2004, as amended.

§19-6.4: Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §19-6.10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §19-6.4.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §19-6.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §19-6.4.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of §19-6.4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §19-6.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §19-6.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §19-6.4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best

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

https://njstormwater.org/bmp_manual2.htm.

- 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.

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

(Notes corresponding to annotations ^(a) through ^(g) are found under Table 3)

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

(Notes corresponding to annotations ^(b) through ^(d) are found under Table 3)

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

- Notes to Tables 1, 2, and 3:
- (a) subject to the applicable contributory drainage area limitation specified at §19-6.4.O.2;
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot-wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at §19-6.2;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at §19-6.2.

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 §19-6.6.B. Alternative stormwater management measures may be used to satisfy the requirements at §19-6.4.O only if the measures meet the definition of green infrastructure at §19-6.2. 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 §19-6.4.D is granted from §19-6.4.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §19-6.8.C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §19-6.8; and
 - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §19-6.2 may be used only under the circumstances described at §19-6.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at §19-6.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §19-6.4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §19-6.4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Bergen County Clerk’s Office located at: 1 Bergen County Plaza, Hackensack, NJ 07601. 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 §19-6.4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §19-6.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §19-6.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Clerk of the County of Bergen 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 §19-6.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §19-6.4.F. and/or an alternative stormwater management measure approved in accordance with §19-6.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §19-6.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §19-6.4.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §19-6.4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §19-6.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §19-6.4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §19-6.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §19-6.4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §19-6.5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development.

Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

B = the TSS Percent Removal Rate applicable to the second BMP.
6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §19-6.4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

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

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §19-6.5, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§19-6.5: Calculation of Stormwater Runoff and Groundwater Recharge

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

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

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

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §19-6.5.A.1.i and the Rational and Modified Rational Methods at §19-6.5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

§19-6.6: Sources for Technical Guidance

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

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

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

https://www.njstormwater.org/maintenance_guidance.htm.

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

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

§19-6.7: Solids and Floatable Materials Control Standards

- A. Site design features identified under §19-6.4.F above, or alternative designs in accordance with §19-6.4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §19-6.7.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.

§19-6.8: Safety Standards for Stormwater Management Basins

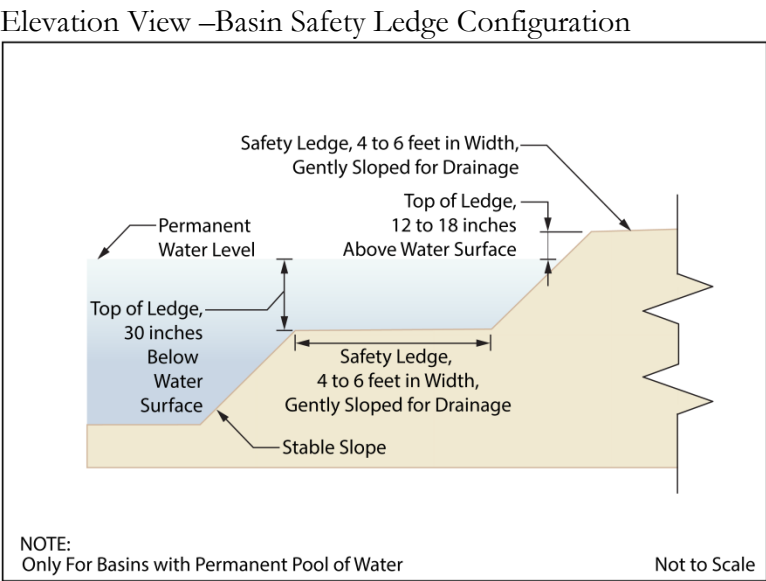
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §19-6.8.C.1, §19-6.8.C.2, and §19-6.8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

- 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §19-6.8.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 §19-6.8.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration



§19-6.9: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §19-6.9.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit the requisite number of copies of the materials listed in the checklist for site development stormwater plans in accordance with §19-6.9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §19-6.3 through §19-6.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations
 - i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §19-6.4 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 §19-6.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §19-6.9.C.1 through §19-6.9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§19-6.10: Maintenance and Repair

A. Applicability

Projects subject to review as in §19-6.1.C of this ordinance shall comply with the requirements of §19-6.10.B and §19-6.10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). 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 §19-6.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on §19-6.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under §19-6.10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §19-6.10.B.6 and B.7 above.
 8. The requirements of §19-6.10.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.
 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.

§19-6.11: Penalties

- A. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the following penalties:
1. First offense up to \$1,000 fine or six months in jail.

2. Second offense or any subsequent offense up to \$1,250 fine or six months in jail.

§19-6.12: Enforcement

The provisions of this section shall be enforced by the Moonachie Construction Code Official of the Borough of Moonachie.

§19-6.13: 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.

§19-6.14: Effective Date

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

The Borough Clerk has presented an affidavit showing that advertisement had been made according to law.

PUBLIC HEARING ON ORDINANCE#2021-4:

Motion by C/Cirillo and second by C/Kinsella to close public hearing.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

Motion by C/Cirillo and second by C/Kinsella to adopt Ordinance#2021-4

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

INTRODUCTION OF ORDINANCES

Motion by C/Cirillo and second by C/Wende

BE IT RESOLVED that the following ordinances:

ORDINANCE #2021-5

**AN ORDINANCE OF THE BOROUGH OF
MOONACHIE, IN THE COUNTY OF BERGEN, NEW
JERSEY, APPROPRIATING \$600,000 FOR THE
ACQUISITION AND INSTALLATION OF PARK
EQUIPMENT AT THE JOSEPH STREET PARK**

ORDINANCE #2021-6

**AN ORDINANCE AMENDING CHAPTER 17 ENTITLED GRANTING
MUNICIPAL CONSENT TO THE RENEWAL OF A FRANCHISE TO SPECTRUM
NEW JERSEY, LLC, TO CONSTRUCT, OWN, OPERATE, AND MAINTAIN A
CABLE TV SYSTEM IN THE BOROUGH OF MOONACHIE, COUNTY OF
BERGEN, STATE OF NEW JERSEY.**

heretofore introduced, do now pass on first reading, and those said ordinances be further considered for final passage at a meeting to be held on the 26th day of August, 2021 at 7 :00 P.M. or as soon thereafter as the matter can be reached, at the regular meeting of the Mayor and Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinances, and that the Borough Clerk be and hereby is, authorized and directed to publish said ordinances according to law with a notice of introduction and passage on first reading and of the time and place when and where said ordinances will be further considered for final passage.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

Motion by C/Surak and second by C/Kinsella to approve following Resolutions:

RESOLUTION #21-209

BE IT RESOLVED, by the Mayor and Council that the award of a contract with Ben Shaffer Recreation for the Surfacing of the Joseph Street Park in preparation for the installation of the playground equipment in the amount of \$279,394.25 through ESCNJ 20/21-02; Co-Operative #65MCESCCPS be and is hereby approved; and

RESOLUTION #21-210

BE IT RESOLVED, by the Mayor and Council that the purchase and installation of Playground Equipment for the Joseph Street Park in the amount of \$245,096.92 from Ben Shaffer Recreation be and is hereby authorized through ESCNJ 20-21/22; Co-Operative #65MCESCCPS.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

PUBLIC HEARING:

Peter Meyers, 17 Frederick Street- spoke applying for a variance to the Planning Board, and received of 3 bills from Boswell Engineering. Mentioned that the bills were not itemized for what kind of work was being charged. Spoke about the work he was doing on his home would make the lot more conforming.

Mayor Vaccaro mentioned that the ordinance allows the Borough Engineer to review the plans for the Planning Board. Mentioned seeing Mr. Meyer's letter with his concerns, the Mayor and Council will instruct Boswell to send an itemized bill for reviewing his plans and the Borough Attorney will send Mr. Meyers a letter that itemized bill was requested from Boswell, it will be sent to Mr. Meyers.

Mr. Meyers asked why does the engineer set what amount has to be put into the escrow account.

Mayor Vaccaro mentioned that the Engineer reviews the plans and typically knows how much time will be spent on the plans and the amount would cover the Planning Board Attorney's cost.

Motion by C/Kinsella and second by C/Cirillo to close Public Hearing.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

Mayor Vaccaro opened the public hearing.

Bayan Najar 341 Maple Street- mentioned that their neighbors sump pump puts water out in front of their home.

Mayor Vaccaro mentioned that the town's ordinance requires that the water from the sump pump has to be put into the street. He will speak with the DPW Superintendent to go over and look into the issue.

Motion by C/Kinsella and second by C/Cirillo to close Public Hearing.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.

All ayes. So ordered.

Motion by C/Kinsella and second by C/Cirillo to the following Resolution:

RESOLUTION #21-211

WHEREAS, N.J. S.A. 10:4-12 allow for a public body to go into closed session during a public meeting, and

WHEREAS, the Mayor and Council of the Borough of Moonachie has deemed it necessary to go into closed session to discuss certain matters which are exempt from the public, and

WHEREAS, the regular meeting of this governing body will reconvene,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Moonachie will go into closed session for the following reason as outlined in N.J.S.A. 10:4-12:

* Any pending or anticipated litigation or contract negotiation.

* Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual requests a public meeting.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

Attorney Migliorino mentioned that the earliest one of items would be discussed in public would be at the August meeting.

Mayor Vaccaro mentioned that there are two items that need to be discussed in closed session, and usually once discussions are done, they will discuss what was mentioned in closed session, and if any actions need to be taken, it will be in public or later on.

Motion by C/Cirillo and second by C/Kinsella to close closed session at 8:38 P.M.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

Mayor Vaccaro mentioned that in closed session two items were discussed regarding anticipated litigation and personnel matter and there is no further action to be taken.

Mentioned that on Saturday August 7th is Family Fun Day and in the Morning there will be dedication of a plaque to someone that was born in Moonachie at Borough Hall, information will be put on Facebook and the website.

Motion by C/Kinsella and second by C/Cirillo to adjourn the meeting at 8:39 P.M.

ROLL CALL: Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

ATTEST:

Supriya Sanyal
Borough Clerk