

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**

**Meeting Minutes - Tuesday, February 23, 2021**

**\*\*This meeting will be conducted via teleconferencing due to the Coronavirus Disease (COVID-19). CALL IN INSTRUCTIONS (978) 990-5000 Access Code 424062#\*\***

**7:00pm – PUBLIC SESSION**

Statement of Open Public Meetings Act Compliance read by Mayor

In accordance with the Open Public Meetings Act and the Emergency Remote Meeting Protocol for Local Public Bodies, adequate and electronic notice of this telephonic meeting have been provided by mailing, emailing and/or faxing notice to the Daily Record and the Citizen, posting notice on the Township website and posting notice on the outside front door & bulletin boards of the Municipal Building, 195 Changebridge Road, Montville, NJ 07045.

Members of the public will be kept on mute during the meeting. The phone lines will be unmuted during the public comment portion. Once the public portion is completed, the phone lines will be muted again for the remainder of the meeting. There is a 3-minute limit on all public comments.

Roll Call Township Committee

Present: Matthew S. Kayne, Committeeman  
June Witty, Committeewoman  
Rich Cook, Deputy Mayor  
Richard D. Conklin, Committeeman  
Frank W. Cooney, Chairman

Also present: Victor M. Canning, Township Administrator  
June E. Hercek, Assistant Administrator  
Fred Semrau, Esq., Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Prayer read by Committeeman Conklin

Encouraging statement regarding the decrease in new COVID cases in the Township. This also assists with Health Department staff being able to focus more on confirming cleared cases, rather than being overwhelmed with contact tracing. More interest in getting vaccines and increase of vaccines being administered, along with new vaccines being manufactured help set our sights on a more hopeful future. A reminder to stay vigilant and to continue take safety measures.

Moment of silence for all those lost to COVID19

Phone lines muted

**APPROVAL OF MEETING MINUTES**

February 9, 2021 Township Committee Regular Meeting Minutes

February 9, 2021 Township Committee Closed Executive Session Meeting Minutes

Motion by Witty second by Kayne to approve above listed minutes

All in favor – Motion Carried

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**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

**Ordinance 2021-04** Ordinance of the Township Committee of the Township of Montville, County of Morris, State of New Jersey, authorizing the acceptance of an Access Easement Agreement in favor of Alfa Investments, LLC for a portion of the property designated as Block 59.1, Lot 8.08, on the Montville Township Tax Map

Motion by Conklin second by Witty to open public hearing on Ordinance 2021-04

All in Favor - Motion Carried

Phone lines unmuted

*No Public Comments*

Motion by Conklin second by Cook to close public hearing on Ordinance 2021-04

All in Favor - Motion Carried

Motion by Cook second by Kayne to adopt Ordinance 2021-04

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**Ordinance 2021-05** Ordinance of the Township of Montville, County of Morris, and State of New Jersey repealing Chapter 230 “Land Use Development”, Part 3 “Stormwater Management Requirements” of the Code of the Township of Montville and replacing it with a new Part 3 in accordance with revised New Jersey Department of Environmental Protection Regulations

Motion by Kayne second by Cook to open public hearing on Ordinance 2021-05

All in Favor - Motion Carried

*No Public Comments*

Motion by Conklin second by Witty to close public hearing on Ordinance 2021-05

All in Favor - Motion Carried

Phone lines muted

Motion by Cook second by Kayne to adopt Ordinance 2021-05

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**REPORTS**

**Administrators Report**

**COVID**

Today: 7 new cases / 15 cleared cases / 34 current cases / 1198 total cleared / 1332 total cases from beginning

Reminder to stay vigilant and continue with safety protocols

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2021 Budget

CFO submitted and filed the Financial Statement with the State, will move forward with budget.

Kayne questions the impact on budget and future debt service with the recent increase in interest rates.

Canning confirms that due to the Township's AAA Bond Rating, he anticipates little to no impact on the Township.

**Attorney report**

Altice to be discussed in Closed Executive Session

**Township Committee liaison reports and comments**

Cook

No report

Conklin

HPRC met February 22, 2021 – Mandatory training to be taken (Administration advises that funds are budgeted for this purpose). Looking to finalize signage for Yueng's field. Interest in the Historical Society to resume.

Witty

Rockaway River Watershed Cabinet – held a meeting / plan to do a web meeting next month. Updated to the website.

Drug Awareness/Municipal Alliance – Planning reorganization meeting in March. Concerns over the legalization of marijuana.

Environmental Commission – (attended as alternate for Kayne, who could not attend) Sets goals of community education and engagement. Styrofoam and plastic bags/plastic utensil recycling discussed. Questions if battery recycling can be included in Township Shredding Events.

VFW – to meet in March

Housing – no report

Relay for Life – dates set for June 16 and 17, 2021

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Kayne

Echoes positivity of reduction of COVID cases

One Montville – successful online Book Club Event, possibility of a similar event in 6 months

Altice – BPU Complaint – Finds the lack of response very disappointing. Believes further action will be necessary.

Cooney

Planning Board - meeting Thursday, February 25, 2021

EDC – Would like Township Committee and/or Administration to report any projects they would like the EDC to assist in. Frank suggests EDC to assist the efforts of the Chamber of Commerce with their “Shop Local” Movement. Administration reports funds are budgeted for this committee as well to assist in their efforts)

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**ORDINANCE INTRODUCTIONS**

**Ordinance 2021-06** Ordinance to establish and preserve a Cap Bank (calendar year 2021)

Motion by Cook second by Conklin to introduce Ordinance 2021-06

All in favor – Motion Carried

Clerk set public hearing date for March 9, 2021

**Ordinance 2021-07** Ordinance establishing the 2021 salaries or wages of officials and employees of the Township of Montville in the County of Morris and method of payment of such salaries and wages – Unrepresented Recreation Services

Motion by Cook second by Conklin to introduce Ordinance 2021-07

All in favor – Motion Carried

Clerk set public hearing date for March 9, 2021

**Ordinance 2021-08** Bond Ordinance providing for the Old Lane Sewer Expansion Project and related work in and by the Township of Montville, in the County of Morris, New Jersey,

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appropriating \$4,250,000 therefor and authorizing the issuance of \$4,250,000 bonds or notes of the Township to finance the cost thereof

Motion by Cook second by Conklin to introduce Ordinance 2021-08  
Kayne recused / Cook, Conklin, Witty, Cooney in favor – Motion Carried  
Clerk set public hearing date for March 9, 2021

**PUBLIC PORTION**

Motion by Kayne second by Cook to open public portion

All in favor - Motion carried

Phone lines unmuted

*Public Comments*

Marc Newman – 11 Stafford Place, Towaco

Asks for explanation of Introduction of Ordinance 2021-08 in relation to the Old Lane Sewer Expansion Project. Confusion over purpose of Public Hearing held on January 26, 2021 for the project. Concern of the recusal of Kayne.

Administration confirms that the Public Hearing held on January 26, 2021 was being held in accordance with the requirements for the loan application with the State. The introduction of tonight's Ordinance was for a Bond Ordinance to appropriate funds for the project. Attorney confirms that Kayne's recusal is in accordance with the law, at the advice of counsel.

Motion by Cook Second by Witty to close public portion

All in favor - Motion carried

Phone lines muted

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA04**

**Resolution 2021-69** Resolution authorizing appointments to Environmental Commission, Planning Board and Housing Committee

RESOLVED, that the Township Committee make the following Board and Commission appointments:

**ENVIRONMENTAL COMMISSION:**

Pam Misiewicz – appoint as permanent member, unexpired term ending 01/01/2022  
Jonathan Antal – move to Alternate #1, unexpired term ending 01/01/2023

**HOUSING COMMITTEE:**

Corlas Ann Lorino – appoint as permanent member, unexpired term ending 01/01/2023

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**Resolution 2021-70** Resolution approving request from Tax Collector for refund of overpayment (Tax Appeals)

WHEREAS, The TAX COURT OF NJ has entered judgment on appeals filed by taxpayers in the Township of Montville;

WHEREAS, The judgment reduced assessments and cancelled tax creating an overpayment of taxes for the years 2012, 2013 and 2014

NOW, THEREFORE, BE IT RESOLVED that the treasurer be authorized to draw checks in the amount of overpayment to:

Brach Eichler LLC & Torch, Joseph & Barbara  
Abbott Rd                      Block 39.6 Lot 99.3

2012 Tax Appeal	\$ 9,380.83
2013 Tax Appeal	\$ 9,541.67
2014 Tax Appeal	<u>\$ 9,672.08</u>
TOTAL REFUND	\$28,594.58

Ventura, Miesowitz et al Trust Account for Porcello Properties LLC  
12 Maple Ave                      Block 167 Lot 25

2012 Tax Appeal	\$15,158.34
2013 Tax Appeal	\$ 5,533.60
2014 Tax Appeal	<u>\$ 5,611.75</u>
TOTAL REFUND	\$26,303.69

**Resolution 2021-71** Resolution for the Computation of Reserve for Uncollected Taxes – 2021 Budget

WHEREAS, pursuant to N.J.S.A. 40A:4-41, a municipality must include an appropriation for “Reserve for Uncollected Taxes” in its annual budget where less than 100% of current tax collections may be and are anticipated; and

WHEREAS, receipts from the collection of taxes levied or to be levied in the municipality and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year; and

WHEREAS, if tax appeal judgments of the county tax board pursuant to R.S. 54:3-21 et seq. and/or the State tax court pursuant to R.S. 54:48-1 et seq. result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments; and

WHEREAS, Sheet 22 of the Township’s Annual Financial Statement for the year 2020 reflects reductions due to tax appeals of \$69,087 which when reduced from the 2020 tax levy results in the 2020 tax collection rate being 99.06 percent; and

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WHEREAS, the election of this choice to calculate the “Reserve for Uncollected Taxes” for the 2021 municipal budget shall be made by resolution approved by a majority of the full membership of the governing body prior to the introduction of the 2021 municipal budget pursuant to N.J.S.A. 40A:4-5.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville elects to calculate the “Reserve for Uncollected Taxes” appropriation for the 2021 municipal budget by reducing the certified tax levy of the prior year by the amount of tax levy adjustments of the county tax board pursuant to R.S. 54:3-21 et seq., and State tax court pursuant to R.S. 54:48-1 et seq., in order to calculate the prior year tax collection rate.

**Resolution 2021-72** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing adoption of the 2021 Recreation Fee Schedule

WHEREAS, pursuant to Section 169-6 of the Township Code, the Recreation Department sets the fees for its programs, services and use of its facilities; and

WHEREAS, the fees for 2021 are being amended to include fees for sixteen (16) new programs, the removal of eight (8) programs, structure changes and increased program costs; and

WHEREAS, Exhibit A and Exhibit B of the Recreation fees for 2021 are attached to this Resolution; and

WHEREAS, the fees schedule shall be retroactive to January 1, 2021; and

WHEREAS, the Township Administration and Committee have reviewed the fees and approved of same.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. The Township of Montville hereby adopts the 2021 Recreation Department Fee Schedule as set forth in the attached.
2. A copy of the fee schedule shall be retained by the Township Clerk and the Recreation Department.

This Resolution shall take effect immediately.

**Resolution 2021-73** Resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing an amendment to Developer’s Agreement between the Township of Montville and Kokora Avenue, LLC

WHEREAS, Green Meadows at Montville, LLC (the “Former Developer”) received preliminary and final site plan approval with attendant variances and waivers and soil movement approval from the Montville Township Planning Board, pursuant to Application No. PMSP/F 97-06 and entered into a Developer’s Agreement with the Township on August 28, 2001, which terms and conditions are incorporated hereto as if set forth fully herein; and

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WHEREAS, all of the lots subject to the Planning Board Resolution of Approval have not been developed and there remain outstanding items as noted by the Township Engineer in a memorandum dated July 31, 2020; and

WHEREAS, the Property was purchased by Kokora Avenue, LLC (the "Subsequent Developer") on November 9, 2020, the terms of said transaction included the requirement that the Subsequent Developer enter into an Amendment to the Developer's Agreement and post required bonds; and

WHEREAS, the Subsequent Developer and the Township desire to enter into an Amendment to the Developer's Agreement, which Amendment would provide for the completion of the various outstanding required improvements, satisfaction of conditions and obligations required by the approval and accordingly, the parties wish to express by this Amendment their acceptance of the conditions, safeguards and limitations under which any on-site and/or any off-site construction, or contributions in lieu thereof, will proceed;

WHEREAS, the Subsequent Developer is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, the Subsequent Developer and the Township desire to enter into an amendment to the original agreement setting forth the rights, duties and obligations of the parties in connection with the approvals received; and

WHEREAS, the Township and Kokora Avenue, L.L.C. have negotiated an acceptable Amendment to Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Amendment to Developer's Agreement between the Township of Montville and Kokora Avenue, L.L.C.
2. A copy of this resolution shall be provided to the Township Planning Department and Kokora Avenue, L.L.C., for their information and guidance.
3. A copy of the Amendment to Developer's Agreement shall remain on file in the Township Clerk's office and available for public inspection.

This Resolution shall take effect immediately.

**Resolution 2021-74** Resolution authorizing the renewal of liquor license 2020-2021

WHEREAS, applications have been filed online by holders of liquor licenses within the Township of Montville seeking renewal for the period July 1, 2020 – June 30, 2021; and

WHEREAS, the applications have been reviewed by the office of the Township Clerk, Chief of Police; and the Fire Districts; and



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WHEREAS, all fees have been paid and the licenses have met the requirements for license renewal;

WHEREAS, applicant must comply with the requirements of the Health and Construction Departments;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the following liquor license is renewed for the years 2020 through 2021, effective 07/01/20 – 06/30/21:

1421-33-015-003 Vathiavira, LLC, d/b/a Pine Brook Tavern, 71 Old Bloomfield Ave., Pine Brook

Motion by Cook second by Conklin to adopt consent agenda resolutions, Resolution 2021-69 through Resolution 2021-74

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**RESOLUTIONS**

Motion by Kayne second by Witty to adopt [Resolution](#) approving listing of bills and signing of checks for February 23, 2021

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

[Resolution 2021-75](#) Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the award of a Professional Services Contract without competitive bidding to Christopher P. Statile, P.A. to provide professional engineering services for Montville Township

WHEREAS, there exists a need for professional engineering services in connection with the Cliff Road Drainage Improvement Project in Montville Township; and

WHEREAS, the Township wishes to retain Christopher P. Statile, P.A. to perform such services; and

WHEREAS, the maximum amount for Phase I and Phase II of the proposed services under this contract shall not exceed \$13,700.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, as follows:

Section 1. The contract with Christopher P. Statile, P.A. is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Christopher P. Statile, P.A. shall provide professional engineering services to the Township as set forth in its proposal of January 29, 2021.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Montville as required by law.

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to Christopher P. Statile, P.A., 3 Fir Court, Oakland, New Jersey 07430, for their information and guidance.

Section 5. Funds for these services are available through the following account:  
Engineering Professional Fees; 1-01-20-165-227; not to exceed \$13,700

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-75

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**[Resolution 2021-76](#)** Resolution authorizing the award of a Professional Services Contract without competitive bidding to The Great Meadows Design Group, LLC to perform engineering services for Montville Township

WHEREAS, there exists a need for professional engineering services for the Township, including but not limited to the electrical, plumbing and mechanical engineering required for the replacement of the existing chiller supporting the Township Municipal Building; and

WHEREAS, the Township wishes to retain The Great Meadows Design Group, LLC to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed \$39,890.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, as follows:

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Section 1. The contract with The Great Meadows Design Group, LLC is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. The Great Meadows Design Group, LLC shall provide engineering services to the Township as set forth in its proposal of October 26, 2020.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Montville as required by law.

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to The Great Meadows Design Group, LLC, 24 Far View Road, Great Meadows, New Jersey 07838, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
2020-18 Fac: HVAC Replacement-Muni Bldg; C-04-56-147-012; not to exceed \$39,890.00

This Resolution shall take effect immediately.

Motion by Witty second by Kayne to adopt Resolution 2021-76

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**Resolution 2021-77** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of a sewer pump for the Sewer Department under the North Jersey Wastewater Cooperative Pricing System Contract B195-4

WHEREAS, the Montville Township Sewer Department wishes to purchase two (2) Sulzer/ABS XFP206J-CB2 PE210/6 Wet/Dry Pit Submersible Pumps to replace the primary pump and serve as a backup pump for the Manchester Pump Station; and

WHEREAS, Reiner Pump Systems, 53 US Highway 206, Stanhope, New Jersey, 07874 has a valid Contract through the North Jersey Wastewater Cooperative Pricing System – Contract #B195-4 for Sulzer sewer pumps; and

WHEREAS, the Township's Water and Sewer Departments Director recommends this purchase; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this project.

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NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey authorize the purchase of two (2) Sulzer/ABS XFP206J-CB2 PE210/6 Wet/Dry Pit Submersible Pumps to replace the primary pump and serve as a backup pump for the Manchester Pump Station for the Sewer Department under the North Jersey Wastewater Cooperative Pricing System Contract #B195-4.

BE IT FURTHER RESOLVED, the Township would like to purchase the pumps as follows:

- Reiner Pump Systems, 53 US Highway 206, Stanhope, New Jersey, 07874 - \$77,400.00 (North Jersey Wastewater Cooperative Pricing System Contract #B195-4, two (2) pumps at \$38,700.00 per pump)

and;

BE IT FURTHER RESOLVED that the Township's Chief Financial Officer has certified the availability of funds for this purchase.

BE IT FURTHER RESOLVED that the account to be used for this purchase is the following:

- #2020-12, Pumps, Comminutors, Meters, etc., C-08-55-568-501, \$77,400.00

BE IT FURTHER RESOLVED that this resolution shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2021-77

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**[Resolution 2021-78](#)** Resolution providing for a 2021 Temporary Sewer Capital Budget to include the Old Lane Sewer Expansion Project in its entirety in the Sewer Capital Budget

WHEREAS, the Township of Montville deems it necessary and desirable to provide for an increased amount in the Capital Budget for the Old Lane Sewer Expansion Project not previously reflected in its entirety in the 2018 and 2019 Capital Budgets of said municipality, and

WHEREAS, the Township of Montville previously included \$1,000,000 in the 2018 Sewer Capital Budget and \$1,000,000 in the 2019 Sewer Capital Budget for the Old Lane Sewer Expansion Project, and

WHEREAS, of this \$2,000,000 accounted for in the 2018 and 2019 Capital Budgets, the Township appropriated \$210,000 in Ordinances specific to the Design/Planning of the sewer infrastructure project (Ordinance 2018-31 and Ordinance 2019-39), and

WHEREAS, Ordinance 2021-08 will appropriate \$4,250,000 for the Old Lane Sewer Expansion Project, and

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WHEREAS, the Sewer Capital Budget and Plan will need to be increased by \$2,460,000 to accommodate the projected total cost of the Old Lane Sewer Expansion Project, and

WHEREAS, N.J. A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the 2021 Temporary Sewer Capital Budget shall be adopted to reflect the addition of Ordinance 2021 – Old Lane Sewer Expansion Project, not previously provided in its entirety in the Capital Budget and Plan.

BE IT FURTHER RESOLVED that the attached form, as promulgated by the Local Finance Board shall represent the 2021 Temporary Capital Budget (SEWER) for the year 2021 to reflect the Old Lane Sewer Project in its entirety.

Motion by Cook second by Witty to adopt Resolution 2021-78

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**REVIEW OF MEETING ACTION ITEMS**

Administration

Further clarification that Administration is still awaiting the approval from the State for the Old Lane Sewer Project Loan Application. And confirms that the Township Committee fully supports the project and the introduction of Ordinance 2021-08 is a result of that support.

Attorney

No report

Township Committee

Kayne asks Administration of any plans to return to in person meetings and/or additional “open to public” hours at Town Hall.

Administration states that these things are being reviewed with the Health Department, but no additional plans are confirmed at this time.

**Resolution authorizing Closed Executive Session to discuss the following matters as permitted pursuant to NJSA 10:4-12:**

**Contract Negotiations**

Open Space (Peace Valley Road)

**Litigation**

None

**Personnel**

None

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**Attorney-Client Privilege/Potential Litigation**

Rt. 202/Changebridge; Altice; B. 139.5 L 9; add – water/sewer connection fees

Motion by Conklin second by Kayne to adopt Closed Executive Session Resolution and move into closed session

All in favor – Motion carried

Time 7:33pm

*CLOSED SESSION*

Motion by Witty second by Conklin to ADJOURN

All in favor – Motion carried

**ADJOURNMENT** at 8:44pm

Respectfully submitted,

Approved:  
Montville Township Committee

\_\_\_\_\_  
Stacy Sullivan-Gruca, Township Clerk

\_\_\_\_\_  
Frank W. Cooney, Mayor

Next Regular Meeting: March 9, 2021, 7pm

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TOWNSHIP OF MONTVILLE

ORDINANCE NO. 2021-04

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF AN ACCESS EASEMENT AGREEMENT IN FAVOR OF ALFA INVESTMENTS, LLC FOR A PORTION OF THE PROPERTY DESIGNATED AS BLOCK 59.1, LOT 8.08, ON THE MONTVILLE TOWNSHIP TAX MAP**

**WHEREAS**, the Township Committee of the Township of Montville, in the County of Morris, State of New Jersey, wishes to grant an Access Easement in favor of ALFA Investments, LLC for a portion of property located at Block 59.1, Lot 8.08 by the Township of Montville; and

**WHEREAS**, this conveyance is being made to formalize a right-of-way which has been in existence for many years and documented on site plans as a right-of-way; and

**WHEREAS**, the Township Attorney and Township Engineer have reviewed the Access Easement Agreement and found same acceptable in all respects; and

**WHEREAS**, the Access Easement Agreement shall be recorded with the Morris County Clerk's Office.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Montville, in the County of Morris, State of New Jersey as follows:

**SECTION 1.** The Township Committee of the Township of Montville hereby authorizes grant of the Access Easement in favor of ALFA Investments, LLC for a portion of property located at Block 59.1, Lot 8.08 by the Township of Montville.

**SECTION 2.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

**SECTION 3.** All ordinances of the Township of Montville which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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**SECTION 4.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 5.** This Ordinance may be renumbered for purposes of codification.



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**TOWNSHIP OF MONTVILLE**

**ORDINANCE NO. 2021 – 05**

**AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY REPEALING CHAPTER 230 “LAND USE DEVELOPMENT”, PART 3 “STORMWATER MANAGEMENT REQUIREMENTS” OF THE CODE OF THE TOWNSHIP OF MONTVILLE AND REPLACING IT WITH A NEW PART 3 IN ACCORDANCE WITH REVISED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS**

**WHEREAS**, the Township Code contains a section regarding stormwater management in accordance with regulations promulgated by the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, in 2020 the NJDEP issued amendments to update the regulations pertaining to stormwater management, specifically N.J.A.C. 7:8; and

**WHEREAS**, the Township Engineer has reviewed the Code and recommended changes in accordance with the amendments to the stormwater management regulations; and

**WHEREAS**, the Township Committee has reviewed the current Code, the amendments issued by NJDEP and the recommendations of the Township Engineer and determined that it is necessary to amend the Code to ensure that the Township’s Code is in compliance with the NJDEP regulations; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Montville, Morris County, New Jersey, that Part 3 entitled “Stormwater Management Requirements” of Chapter 230 of the Code of the Township of Montville be and is hereby repealed in its entirety.

**NOW THEREFORE BE IT FURTHER ORDAINED**, by the Township Committee of the Township of Montville, Morris County, New Jersey, that a new Part 3 entitled “Stormwater Management Requirements” of Chapter 230 of the Code of the Township of Montville be and is hereby adopted to read as follows:

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**SECTION 1. Part 3 Stormwater Management Requirements**

**ARTICLE XII. Stormwater Management Requirements for Major Development**

**§ 230-102. Section I. - Scope and purpose.**

- A. Policy statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. It is the purpose of this article to establish minimum stormwater management requirements and controls for major development, as defined in Article VIII of this chapter.
- C. Applicability.
  - 1) This article shall be applicable to the following major developments:
    - a) Nonresidential major developments.
    - b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
  - 2) This article shall also be applicable to all major developments undertaken by the Township of Montville.
- D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process 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 article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinances, rules or regulations, statutes, or other provision of law, except that, where any provision of this article 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.

**§ 230-103 Section II. - Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future,

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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.

**CARBONATE ROCK AREA** – Shall mean an area where rock consisting chiefly of calcium and magnesium carbonates, such as limestone and dolomite, has been identified.

**COMMUNITY BASIN** – Shall mean 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** — Shall mean the increase in soil bulk density.

**CONTRIBUTARY DRAINAGE AREA** – Shall mean the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

**CORE** — Shall mean a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

**COUNTY REVIEW AGENCY** — Shall mean an agency designated by the County Board of Chosen Commissioners to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be:

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

**CURRENT DEFICIT AREA** – Shall mean any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

**DEPARTMENT** — Shall mean the New Jersey Department of Environmental Protection.

**DESIGN ENGINEER** — Shall mean 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.

**DESIGNATED CENTER** — Shall mean a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

**DEVELOPMENT** — Shall mean the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any

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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, by any person, 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 lands, 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** - Shall mean 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** — Shall mean 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** - Shall mean 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 AREAS** — Shall mean an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat 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 NEIGHBORHOOD** – Shall mean 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** — Shall mean the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**GREEN INFRASTRUCTURE** – Shall mean 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.

**HIGHLANDS OPEN WATERS** – Shall mean all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

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HUC 14 or HYDROLOGIC UNIT CODE 14 – Shall mean 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 – HIGHLANDS PRESERVATION AREA – Shall mean any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption

IMPERVIOUS SURFACE — Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — Shall mean the process by which water seeps into the soil from precipitation.

KARST – Shall mean a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

LEAD PLANNING AGENCY – Shall mean 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 – Shall mean an individual “development,” as well as multiple developments that individually or collectively result in:

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

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

MITIGATION – Shall mean an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in NJAC 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a

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contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

MOTOR VEHICLE -Shall mean 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 – Shall mean 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 — Shall mean any city, borough, town, township, or village.

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

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

NON-EXEMPT PROJECT – Shall mean any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

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

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, the Township of Chatham, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Shall mean 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

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residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

PRESERVATION AREA – Shall mean lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

PRIME GROUND WATER RECHARGE AREA – Shall mean lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

RECHARGE — Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGIONAL MASTER PLAN – Shall mean the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

REGULATED IMPERVIOUS SURFACE – Shall mean 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 – Shall mean 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 — Shall mean 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 — Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL — Shall mean all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) – Shall mean 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 — Shall mean the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

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

**STORMWATER MANAGEMENT MEASURE** — Shall mean any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration of groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

**STORMWATER RUNOFF** — Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

**STORMWATER MANAGEMENT PLANNING AGENCY** – Shall mean a public body authorized by legislation to prepare stormwater management plans.

**STORMWATER MANAGEMENT PLANNING AREA** – Shall mean 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.

**URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD** – Shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

**URBAN ENTERPRISE ZONES** – Shall mean 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** - Shall be 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** – Shall mean 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** — Shall mean 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.



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WETLANDS OR WETLAND —Shall mean an area that is inundated or saturated by surface water or groundwater 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.

**§ 230-104. Section III. Design and performance standards for stormwater management measures.**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  - 1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  - 2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
  
- B. The standards in this article 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.

**§ 230-105. Section IV. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
  
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
  
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections IV. P, Q & 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 groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections IV. P, Q & 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:

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- (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 nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections IV. P, Q & R to the maximum extent practicable;
  - (3) The applicant demonstrates that, in order to meet the requirements of Sections IV. P, Q & 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 Section IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections IV. P, Q & R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV. O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: [https://njstormwater.org/bmp\\_manual2.htm](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.

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

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

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

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page X)*

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

Notes to Tables 1, 2, and 3:

- a. subject to the applicable contributory drainage area limitation specified at §194-50(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 §230-103 – Section II;
  - h. manufactured treatment devices that do not meet the definition of green infrastructure at §230-103 – Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section IV.B. Alternative stormwater management measures may be used to satisfy the requirements at

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

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
  - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
  - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and

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5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
  
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
  
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
  
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
  
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Morris County Clerk. A form of deed notice shall be submitted to the A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
  
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and

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performance standards pursuant to Section d of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the {insert appropriate Office of the Morris County Clerk or the registrar of deeds and mortgages, as applies} and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

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

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

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge,



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stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
3.
  - 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.

Additional standards set forth in iii. and iv. below may apply as required.

- iii. Non-Exempt Projects located in the Preservation Area and in a Current Deficit Area: Where the project is located in the Preservation Area and in a Current Deficit Area as identified in Exhibit A, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
- iv. Non-Exempt Projects located in the Preservation Area and in a Prime Ground Water Recharge Area: Where the project is located in the Preservation Area and in a Prime Ground Water Recharge Area as identified in Exhibit B, the following standards shall apply:
  - a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of a Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.

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- b. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
- 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.
  - iii. Carbonate Rock Areas in the Preservation Area. Where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater. (Note: the mere presence of carbonate bedrock does not constitute a karst feature)
- 5. Enhanced Recharge Standards: Non-Exempt Projects that are subject to the enhanced recharge requirements by P.2.iii. or P.2.iv above, shall apply the following standards, either:
  - i. Recharge 125 percent of the percentage of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. In addition to complying with the recharge requirements of section IV.P, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDV), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the recharge requirement will not result in retention of the full SWQDV, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.
- 6. Mitigation Required for Non-Exempt Projects in the Preservation Area: In lieu of on-site recharge, the applicant shall be responsible for providing mitigation of the groundwater

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recharge volume in the required amount. The applicant should provide mitigation within the following areas, in order of priority:

- i. the same development site where feasible;
- ii. the same HUC14 subwatershed, or
- iii. an interrelated HUC14 subwatershed where no feasible option exists in the same HUC14 subwatershed.

If none of the above options are feasible or achievable, then the applicant shall comply with the mitigation requirements set forth in 7.

7. Mitigation Required for Non-Exempt Projects in the Preservation Area: A waiver from strict compliance with the requirements of the Municipal Stormwater ordinance shall be approved by the municipality only in those cases where an applicant has demonstrated the inability to strictly comply with any standard of the municipal stormwater ordinance. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical, within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

**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 postconstruction 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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into

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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 postconstruction 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 Section V, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 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

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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.

**§ 230-106. Section V - Calculation of stormwater runoff and groundwater recharge.**

- A. Stormwater runoff shall be calculated in accordance with the following:
  - 1) The design engineer shall calculate runoff using one of the following methods:
    - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf) or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
    - ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:  
<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
  - 2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction 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 at Subsection A(1)(i) above and the Rational and Modified Rational Methods at Subsection 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 has existed on the site during the five years immediately prior

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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 and 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 Ground-Water 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.

**§ 230-107. Section VI. - Sources for technical guidance.**

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: [http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).
  - 1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
  2. Additional maintenance guidance is available on the Department's website at: [https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm). 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.

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**§ 230-108. Section VII. - Solids and Floatable Materials Control Standards:**

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.
- 1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
    - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
    - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains.

Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
    - iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
  
  - 2) The standard in A.1. above does not apply:
    - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
    - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
    - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a



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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.

**§ 230-109. Section VIII - Safety standards for stormwater management basins.**

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

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- 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 reviewing agency identified in Subsection VIII.C, a free-standing outlet structure may be exempted from this requirement.
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four feet 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 to one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
  - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

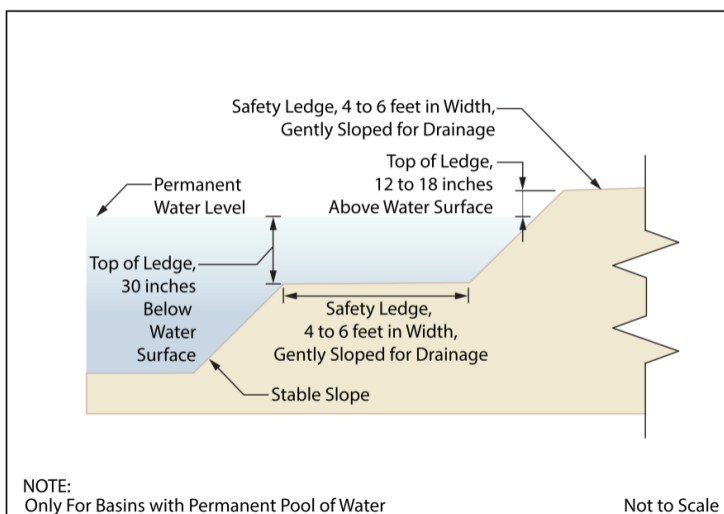
D. Variance or exemption from safety standards.

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

E. Safety Ledge Illustration

Elevation View – Basin Safety ledge Configuration

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**§ 230-110. Section IX. – Requirements for a Site development stormwater plan..**

- A. Submission of site development stormwater plan.
  - 1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection IX.C below as part of the submission of the application for approval.
  - 2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
  - 3) The applicant shall submit four copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection IX.C of this chapter.
- 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 Board 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 chapter.
- C. Checklist requirements for stormwater plans.

The following minimum information shall be required to be provided:

  - 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 one inch equals 200 feet(1"=200') or greater, showing two-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 floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures,

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roads, bearing and distances of property lines, and significant natural and man-made 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 environs. 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 plan(s). A plan (or plans) 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 plan(s) shall also clearly show areas where alterations 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 of proposed changes in natural conditions may also be provided.
- 4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- 5) Stormwater management facilities plan.  
The following information, illustrated on a plan of the same scale as the topographic base map, shall be included:
  - i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
  - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- 6) Calculations.
  - i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this article.
  - ii. When the proposed stormwater management control measures depends 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 on-site 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 Section X.

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- 8) Waiver from submission requirements. The municipal official or board reviewing an application under this article may, in consultation with the Municipality's Board Engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this section 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.

**§ 230-111. Section X - Maintenance and repair.**

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

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- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above..
- 8) The requirements of Section X.B.3 and X.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 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 section 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.

**§ 230-112. Section XI - Stormwater design standards in Critical Water Resources Districts.**

- A. The minimum design and performance standards for groundwater recharge are as follows:
  - 1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 230-106. Section V - Calculation of stormwater runoff and groundwater recharge shall:
    - a) Demonstrate through hydrologic and hydraulic analysis that a site within the Restricted Area of the CWR and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site.
    - b) Demonstrate through hydrologic and hydraulic analysis that any site within the Prime Aquifer Area of the CWR maintains 110% of the average annual pre-construction groundwater recharge volume for the site.
- B. Stormwater runoff quality standards.
  - 1) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 90% in the Restricted Area of Critical Water Resources (CWR) District and 95% within the Prime Aquifer Area of the

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CWR of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall be required for water quality control for any new impervious surface being proposed on a development site located within the CWR Districts.

- 2) If there is more than one on-site drainage area, the percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

**§ 230-113. Section XII – Penalties**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

Any person, firm or corporation violating any of the provisions of this Article shall be subject to such penalties as are provided for in Chapter 1, Article III, General Penalty.

**§ 230-114. Section XIII – 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.

**ARTICLE XIII. Stormwater Management Requirements for Minor Development, Minor Subdivisions and Individual-Single Family Properties.**

**§ 230-115 Purpose:**

It is the purpose of this article to establish minimum stormwater management requirements and controls for development not regulated by Articles IX through XII of this Chapter.

**§ 230-116 Applicability:**

- A. In order to provide against the adverse consequences of uncontrolled surface water drainage and to prevent soil erosion and control sediment deposition associated with land disturbance including, but not limited to construction activities, a lot grading and drainage plan shall be submitted and approved prior to the issuance of a construction/ zoning permit for the following activities:
  - a) All development approved by the Planning Board or Zoning Board of Adjustment that does not meet the requirement of Major Development (herein referred to as Minor Development).
  - b) All development pertaining to residential minor subdivisions approved by the Planning Board or Zoning Board of Adjustment.

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- c) The erection of any new structure, any addition, repair or renovation to an existing structure involving an extension of the foundation of the existing structure, any of which is not shown upon an approved site plan; or
  - d) Any application whereby additional impervious surfaces are being added, or the grade of the property is being altered or modified, or which involves soil movement, including but not limited to, porches, decks, driveways, retaining walls, swimming pool, etc., except as exempted as follows:
    - B. Exemptions: Any application whereby additional impervious surfaces are being added, as referenced above, shall be exempted from the requirements of this article, provided that the application conforms to all of the following criteria:
      - (1) The new impervious surface does not exceed 150 square feet in area; and
      - (2) The new impervious surface to be added is not located within the side or rear yard of the principal structure; and
      - (3) The downgradient ground surface from the new impervious surface to the nearest property line is stabilized by lawn of good quality or exists as an undisturbed wooded area; and
      - (4) The downgradient ground surface from the new impervious surface to the nearest property line has an existing grade so as to provide sheet flow for surface runoff, rather than channelized flow towards the property line; and
      - (5) The new impervious surface shall not cause adverse drainage impact to the neighboring property.
- OR**
- At the discretion of the Township Engineer.

**§ 230-117 General Standards**

- a) All applications for building permits or grading plan approval for properties applicable to this article shall contain a plan or certification providing for a zero increase in stormwater runoff for the completed project.
- b) Stormwater runoff quantities shall be calculated based on the criteria contained in the Residential Site Improvement Standards at N.J.A.C. 5:21.
- c) Zero increase in stormwater runoff shall be accomplished by implementing stormwater management techniques as contained in the Residential Site Improvement Standards at N.J.A.C. 5:21 and/or the New Jersey Department of Environmental Protection Stormwater Best Management Practices Manual (available at [www.njstormwater.org](http://www.njstormwater.org)).
- d) Where infiltration systems are designed, soil logs and/or soil analysis must be provided with a written certification from the design engineer that the soils will infiltrate the design storm within 72-hours.
- e) Where soils are not suitable for infiltration, the design engineer shall design alternate methods to attenuate or slow runoff from the property using other Best Management Practices.



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**SECTION 2.** All ordinances of the Township of Montville, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect on March 2, 2021 upon final passage, approval, and publication as required by law.