ORDINANCE 2024-1

ORDINANCE REPEALING § 164-3, § 164-4, § 164-5, § 164-9, § 164-10, § 164-11, § 164-12, § 164-13, § 164-14, § 164-15, § 164-17, § 164-20, AND § 164-23 OF CHAPTER 16 "PEACE AND GOOD ORDER" OF THE CODE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY

WHEREAS, over time, changes have arisen in state and federal law that impact the Code of Colts Neck Township ("Township Code"); and

WHEREAS, decisions by the New Jersey Judiciary and changes to the state's criminal code by the New Jersey legislature have invalidated loitering ordinances such as that found in § 164-9 of the Township Code; and

WHEREAS, public intoxication ordinances such as that found in § 164-14 of the Township Code have been invalidated by the enactment of state statutes relating to the treatment of alcoholism; and

WHEREAS, review by the federal judiciary of local laws outside of New Jersey bearing significantly similar language to § 164-10 of the Township Code has led to such laws being overturned for First Amendment purposes under the United States Constitution; and

WHEREAS, decisions by the New Jersey Judiciary and changes to the state's criminal code by the New Jersey legislature indicate local ordinances such as those found in § 164-3, § 164-4, § 164-5, § 164-11, § 164-12, § 164-13, § 164-15, § 164-17, § 164-20, and § 164-23 of the Township Code are no longer valid exercises of municipal authority; and

WHEREAS, N.J.S.A. 2C:33 of the New Jersey criminal code was enacted by the New Jersey legislature with the intention to address the disorderly conduct concerns which are at the root of § 164-3, § 164-4, § 164-5, § 164-11, § 164-12, § 164-13, § 164-15, § 164-17, § 164-20, and § 164-23 of the Township Code.

NOW THEREFORE BE IT ORDAINED, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION 1. Chapter 164 of the Code of Colts Neck Township is hereby amended as follows:

§ 164-1 Bathing or swimming in ponds, streams or lakes.

No person shall, within the limits of said township, bathe, swim or be found in a state of nudity in the waters of any pond, stream or lake located therein. In addition, no person shall bathe or swim in any pond, stream or lake located on township property.

§ 164-2 Disrobing in parked vehicles.

No person shall, within the limits of said township, disrobe in any automobile, truck or vehicle while the same is upon any parking place, street, road, avenue, park or other public place.

~~§ 164-3 Indecent, lewd pictures, books, exhibits, plays.~~

~~No person shall, within the limits of said township, sell or offer to sell any indecent or lewd picture, book or thing or exhibit, or perform any indecent, immoral or lewd play or other representation.~~

~~§ 164-4 Disorderly houses; houses of ill fame.~~

~~No person shall, within the limits of said township, keep or maintain a disorderly house or a house of ill fame or allow or permit any house, shop, store or other building or structure owned or occupied by him or her to be used as a disorderly house or house of ill fame.~~

~~§ 164-5 Structures frequented by disorderly persons.~~

~~No person shall, within the limits of said township, permit any house, shop, store or other building or structure owned or occupied by him or her to be frequented or resorted to by noisy, riotous or disorderly persons or by prostitutes, gamblers or vagrants.~~

§ 164-6 Sound-producing devices.

No person shall, within the limits of said township, operate or use any radio receiving set, phonograph, horn or other sound-producing instrument, device or apparatus in such manner that the sound thereof shall annoy any person or persons or disturb the comfort, rest or repose of any person or persons being in his, her or their place or places of abode.

§ 164-7 Unnecessary and disturbing noise.

No person shall, within the limits of said township, make or continue or cause to be made or continued, or permit, any unnecessary noise which shall disturb the comfort, rest or repose of any person or persons or annoy any person or persons being in his, her or their place or places of abode.

§ 164-8 Deposit of refuse.

No person shall, within the limits of said township, discard, deposit, throw or leave any wastepaper, tin cans, bottles, garbage, waste or refuse of any kind whatsoever upon any parking place, street, road, avenue, park or other public place or upon any lot or other premises, except in receptacles or containers provided for such purpose.

~~§ 164-9 Loitering; improper language; interfering with passersby.~~

~~A. Definitions. As used in this article, the following terms shall have the meanings indicated:~~

> ~~LOITERING~~
> ~~Remaining idle or walking aimlessly about in essentially one location.~~
>
> ~~PARENT or GUARDIAN~~
> ~~Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.~~
>
> ~~PUBLIC PLACE~~
> ~~A place to which the public has access and shall include any public building and grounds, street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business, and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his parents or guardian.~~

~~B. Certain types of loitering prohibited. No person shall loiter in a public place in such a manner as to:~~

> ~~(1) Create or cause to be created a danger of a breach of the peace.~~
> ~~(2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.~~
> ~~(3) Obstruct the free passage of pedestrians or vehicles.~~

(4) Obstruct, molest or interfere with any person lawfully in a public place. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

C. Throwing objects. In addition to the conduct described § 164-9B the throwing of stones, snowballs or other objects at any person or vehicle shall be deemed to be a violation of this article.

D. Failure to obey order to move. Any person violating the provisions of § 164-9 shall be ordered to move on by a police officer. Any person who fails to move on after being ordered to do so shall be guilty of a violation of this article.

E. Loitering by minors. No parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this article. Whenever any minor under the age of 18 years is charged with a violation of this article, his parent or guardian shall be notified of this fact by the ranking police official or any other person designated by the Chief of Police to give such notice If at any time within 30 days following the giving of notice the minor to whom such notice relates again violates this article, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

§ 164-10 Gathering alms.

No person shall, within the limits of said township, go about from door to door or place himself or herself in any street or streets or other public place or places to beg or gather alms, except upon obtaining a written permit from the Police Department.

§ 164-11 Destruction or damage of property.

No person shall, within the limits of said township, maliciously destroy, damage or injure any property.

§ 164-12 Interfering with schools, children, teachers.

No person shall, within the limits of said township, enter the building or go upon the lands of any public school and break, injure or deface such building or any part thereof, or the fences, structures or outhouses belonging to or connected with such building or lands, and no person shall disturb the exercises of any public school or molest or give annoyance to the children attending such school, or annoy any teacher therein.

§ 164-13 Peace and quiet in public buildings.

No person shall, within the limits of said township, disturb the quiet and peace of any public library reading room or other public building.

§ 164-14 Intoxicated persons.

No person shall, within the limits of said township, be intoxicated or drunk and disorderly in any street, highway, thoroughfare or public place, or in any private house or in any hotel, boardinghouse, store, restaurant or other quasi-public place, to the annoyance of any person or persons.

§ 164-15 Interfering with township officials.

No person shall, within the limits of said township, hinder or obstruct any township officer in the performance of his or her duties; nor shall any person knowingly resist or oppose any officer or person authorized by law in serving or attempting to serve any writ, bill, order or process, or when making any arrest, either with or without a warrant.

§ 164-16 Interfering with abatement of fires or emergency medical service calls.

No person shall, within the limits of said township, during an alarm of fire, or while first aid or emergency medical personnel are in response to a medical emergency, hinder, prevent or deter by any device whatsoever any fireman, police officer, first aid or emergency medical personnel or other person from rendering lawful assistance in abating or quelling such fire, or delivering medical emergency services, or hinder or interfere with any fireman, police officer or first aid or emergency medical personnel from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds, or from providing first aid or emergency medical services; nor shall any person hinder or obstruct the passage of any fire engine, hook-and-ladder truck, hose cart or any fire apparatus or ambulance or emergency medical vehicle in going to or from the place from which an alarm of fire proceeds, or where any building or other property may be burning or any medical emergency exists.

~~§ 164-17 Interfering with streetlights, poles or fixtures.~~

~~No person shall in any way injure, destroy, break, mutilate, deface or tamper with any streetlight, pole or fixture or any part thereof in any street, highway, park or other public place within the limits of said township.~~

§ 164-18 Posting of notices, advertisements on private property.

No person shall paste, write, clip, paint, print, nail, clamp or otherwise fasten, inscribe or affix any notice, placard or advertisement against or upon any way, gate, house, store, shop, shed, fence, rock, stump, tree, shrub, bush, building or structure without the written consent of the owner or occupant of the same, except when done by a public officer in the performance of his or her duties.

§ 164-19 Posting of notices on public property.

No person shall paste, clip, paint, nail, clamp or otherwise fasten, inscribe or affix any notice, placard or advertisement upon any public building, sidewalk, fence, curbstone, wall, bulletin board, park or other public property or place within the limits of said township, except with the permission of the Police Department.

~~§ 164-20 Interfering with fire hydrants.~~

~~No person shall open, injure, destroy, deface, mutilate, break or tamper with any fire hydrant in any public street or public place within the limits of said township, except members of the Township Fire Department actually engaged in the performance of their duties.~~

§ 164-21 Discharging paintball or other guns.

No person shall, within the limits of the township, on any public property, including but not limited to public parks, playgrounds, open space, recreation facilities or any other public facility, discharge or set off any air guns, pellet guns or paintball guns or any other instrument which propels projectiles.

§ 164-22 All-terrain vehicles, snowmobiles and dirt bikes.

The use or operation by any person of all-terrain vehicles, snowmobiles and dirt bikes on township-owned property is strictly prohibited at all times.

~~§ 164-23 Other disorderly acts.~~

~~Riotous conduct, indecent conduct, breaches of the peace, vagrancy, and prostitution not hereinbefore mentioned are hereby prohibited within the limits of said township.~~

§ 164-24 Word usage, definitions.

A. The term "person" and the term "persons," as used in this article, shall, wherever appropriate, in connection with the context, include "corporation" and "corporations," respectively.

B. As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE A motor vehicle, designed to travel over any terrain, of a type possessing between three and six rubber tires and powered by a gasoline engine.

DIRT BIKE A motor-powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Department of Motor Vesicles.

SNOWMOBILE A motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled-type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment or any military vehicle.

§ 164-25 Disposition of fines.

All fines imposed and collected under and by virtue of this article shall be paid into the treasury of said township.

§ 164-26 Violations and penalties.

A violation of any provision of this article shall be punishable as provided in § 1-9 of this Code.

Article II Nuisances

§ 164-27 Acts declared nuisances.
The following acts, among others, are declared to be a nuisance in violation of this article:

A. Construction. The operation of any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets or appurtenances thereto in residential or commercial land use zones on weekdays between the hours of 7:00 p.m. and 7:00 a.m. the following day, or between 7:00 p.m. Saturday night and 7:00 a.m. Monday morning and on legal holidays, except in the case of urgent necessity in the interest of public health and safety and then only with permission from the Township Council.

B. Landscaping equipment. The operation of power mowers and power tools used in landscaping outdoors between the hours of 8:00 p.m. and 8:00 a.m. the following day.

C. Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, recycling containers or similar objects between the hours of 7:00 p.m. and 7:00 a.m. the following day.

D. Refuse-compacting vehicles. Operating or permitting the operation of any motor vehicle which can compact refuse and which creates, during the compacting cycle, a disturbing noise between 7:00 p.m. and 7:00 a.m. the following day.

E. Solid waste/recycling collection. The collection of solid waste or recyclable materials between the hours of 7:00 p.m. and 7:00 a.m. the following day.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

I, Trina Lindsey, hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE 2024-2

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE I OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE EXPRESS AUTO SPA (BLOCK 48, LOT 6)

WHEREAS, 297 S.R. 34, L.L.C. is the record owner of certain real property to be known as "Express Auto Spa" and designated as Block 48, Lot 6 on the Colts Neck Township Tax Map, in Colts Neck Township, County of Monmouth and the State of New Jersey (herein refereed to as the "Property"); and

WHEREAS, "Express Auto Spa" property (Block 48, Lot 6) was the subject of certain development application(s) to the Colts Neck Township Planning Board (ZB1093); and

WHEREAS, 297 S.R. 34, L.L.C. has filed a written request dated November 7, 2023 pursuant to N.J.S.A. 39:5A-1 with the Township Administrator of Colts Neck Township seeking application of the provisions of Subtitle I of Title 39 of the Revised Statues of New Jersey to the semi-public roads, streets, driveways and parking areas which are opened to or used by the public, tenants and/or employees at Express Auto Spa; and

WHEREAS, the Mayor and Township Committee, having considered same, now wish to make the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey applicable to the Property.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth and the State of New Jersey, that 297 S.R. 34, L.L.C. has filed a written consent dated November 7, 2023 with Colts Neck Township that the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking areas which are opened to and used by the public, tenants and/or employees at "Express Auto Spa" (Block 48, Lot 6), located in Colts Neck Township, County of Monmouth and the following regulations shall be enforceable:

A. Pursuant to the authority vested in Colts Neck Township pursuant to N.J.S.A. 39:5A-1 and pursuant to a request by 297 S.R. 34, L.L.C. dated November 7, 2023 the Township Committee hereby ordains that the subject premises Block 48, Lot 6 in the Colts Neck Township shall have all their semi-public or private roads, streets driveways, access isles and parking areas subject to subtitle I of Title 39 of the Revised Statues of New Jersey.

B. General Parking

1. All vehicles must park in designated areas and between the lines provided.

2. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below:

Name of Street	Sides	Hours	Location
All Roads	Both	All	Entire Length

3. Handicapped Parking. All stalls shall be 12 feet wide as shown on the site plan on file in the Office of the Township Clerk and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permits by the Division of Motor Vehicles.

C. Speed Limits

1. The speed limit for both directions of traffic in the parking lot(s) shall be 15 miles per hour.

2. The speed limit for both directions of travel on the following roadways are:

Name of Street	Speed Limit (mph)	Limits
1. All Roads	25	Entire

3. Regulatory and warning signs shall be erected and maintained to affect the above designated speed limits authorized by the Department of Transportation.

D. Tow Away Zones

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

E. Signs

All signs, posts or other necessary materials to be installed shall be paid for by the property owner. All signage shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-68 and N.J.S.A. 39:4-183.27.

F. Violations and Penalties

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this Article or any supplement thereto shall be liable to a penalty of not more than ($1,000) one thousand dollars or imprisonment for a term not exceeding (15) days or both.

G. Effect of Regulations

If any part of this regulation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the regulation.

BE IT FURTHER ORDAINED, that Chapter 222, "Vehicles and Traffic", of the "Code of Colts Neck Township" is hereby amended and supplemented in order to incorporate the provisions referenced herein under a new Article XI entitled "Express Auto Spa".

BE IT FURTHER ORDAINED that the traffic regulations established herein shall be enforceable under the new Article XI of Chapter 222 of the "Code of Colts Neck Township".

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of the Ordinance shall be deemed severable therefrom and shall not be affected.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the New Jersey Department of Transportation.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 10th day of January, 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veteran's Way.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE 2024-3

ORDINANCE AUTHORIZING AN EASEMENT VACATION AND SWAP INVOLVING BLOCK 22, LOT 18 (f/k/a LOTS 11, 12, 13, 14)

WHEREAS, the Township of Colts Neck ("Township") Planning Board ("Planning Board") granted Preliminary and Final Major Site Plan Approval to Colts Neck Building Associates, LLC ("CNBA") by adoption of a resolution on November 9, 2004, permitting construction of residential townhomes (the "Prior Approval") at property identified as Block 22, Lot 18 (f/k/a Lots 11, 12, 13, 14) on the Township Tax Map ("Property"); and

WHEREAS, the Planning Board subsequently granted CNBA Preliminary and Final Major Site Plan Approval With Variances and Design Standard Waivers by adoption of a resolution dated December 14, 2021 permitting construction of an inclusionary residential development at the Property, and by resolution dated December 12, 2023 ("Current Approval"), which supersedes the Prior Approval; and

WHEREAS, pursuant to the Prior Approval, CNBA conveyed certain easement rights to the Township; and

WHEREAS, the Current Approval's building and improvement layout differs from the Prior Approval, requiring modifications to the easement rights previously conveyed to the Township; and

WHEREAS, pursuant to the conditions of the Current Approval, CNBA must amend and record the easement rights granted to the Township; and

WHEREAS, CNBA now requests that the Township vacate certain easement rights that it was granted pursuant to the Prior Approval, as set forth in the description attached hereto as Exhibits A, A-1 and A-2, in exchange for CNBA granting deeds of easement over the Property as set forth in the description attached hereto as Exhibits B, B-1 and B-2; and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibits A-1 and A-2 and Exhibits B-1 and B-2 from an engineering standpoint; and

WHEREAS, the Township's Tax Assessor has certified that the "full and fair value" of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.

2. The Mayor and Township Clerk are hereby authorized to execute Deeds vacating, extinguishing and terminating the easements over the property described in Exhibits A, A-1, and A-2 in exchange for Deeds granting to the Township Easements over the property described in Exhibits B, B-1, and B-2. The form and substance of the Deeds have been reviewed and approved by the Planning Board Attorney and Engineer.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.

4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

5. This Ordinance shall take effect upon passage and publication in accordance with law.

I, Trina Lindsey, hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

EXHIBIT A

EASEMENTS TO BE VACATED BY THE TOWNSHIP:

Deed of Conservation, Open Space, Drainage, and Utility Right of Way Easement recorded in the Monmouth County Clerk's Office on or about August 27, 2007, at Deed Book OR-8674, Page 837, attached hereto as Exhibit A1.

Deed of Landscape Buffer and Open Space Conservation Easement recorded in the Monmouth County Clerk's Office on or about August 27, 2007, at Deed Book OR-8674, Page 862, attached hereto as Exhibit A2.

EXHIBIT A-1

EXHIBIT A-2

EXHIBIT B

EASEMENTS TO BE GRANTED TO THE TOWNSHIP:

Deed of Conservation, Open Space, Drainage, and Utility Right of Way Easement encumbering the property identified as Block 22, Lot 18 (f/k/a Lots 11, 12, 13, 14), attached hereto as Exhibit B1.

Deed of Landscape Buffer and Open Space Conservation Easement encumbering the property identified as Block 22, Lot 18 (f/k/a Lots 11, 12, 13, 14), attached hereto as Exhibit B2.

EXHIBIT B-1

EXHIBIT B-2

ORDINANCE 2024-4

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING ORDINANCE 2023-11 AN ORDINANCE SETTING THE SALARY AND WAGE RANGES FOR TOWNSHIP EMPLOYEES

BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth, State of New Jersey that the purpose of this Ordinance is to set the salary and wage ranges paid within the Township as follows:

SECTION ONE: The minimum and maximum salary range for employees employed on an annual salary basis in the following positions within Colts Neck Township, in the County of Monmouth, are hereby fixed as follows:

Title	Department	Minimum	Maximum
Temporary Laborer	Public Works	$25,000	$120,000
Temporary Laborer	Public Works	$25/hour	$250/hour

SECTION TWO: The Township reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such position and not necessarily the minimum salary.

SECTION THREE: The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any employee of Colts Neck Township, and the salaries and compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Committee may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance.

SECTION FOUR: A resolution of the Township Committee establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted or may establish a date on which the salary shall take effect.

SECTION FIVE: All ordinances or parts of ordinances, which may be inconsistent with the terms of this ordinance, are to the extent of such inconsistency hereby repealed.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE 2024-5

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY REPEALING SECTION 102-46.4 "STORMWATER CONTROL"AND REESTABLISHING NEW SECTION 46.4 ENTITLED "STORMWATER CONTROL" IN ARTICLE VI, CHAPTER 102 DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF COLTS NECK

WHEREAS; Colts Neck Township is a "Tier A MS4" Municipal Stormwater Community and holds a New Jersey Pollution Discharge Elimination System Permit # NJG0151564 / PID# 172078; and

WHEREAS, on July 17, 2023 the New Jersey Department of Environmental Protection amended its Stormwater Management Rules at N.J.A.C. 7:8, and

WHEREAS, the new rules require Tier A MS4 communities to adopt new stormwater management and control ordinances that meet or exceed that State's Model Stormwater Control Ordinance on or before July 18, 2024, and

WHEREAS, The Township Committee of Colts Neck Township finds that it is in the best interest of the Township to adopt the State's Model Stormwater Control ordinance.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows:

SECTION I: That Section 102-46.4 "Stormwater control" is hereby repealed.

SECTION II: That new Section 102-46.4 "Stormwater control" is hereby established as follows:

§102-46.4 Stormwater control

A Scope and Purpose:

1. 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.

2. Purpose

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

3. Applicability

   a) This ordinance shall be applicable to the following major developments:

      1) Non-residential major developments; and
      2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

   b) This ordinance shall also be applicable to all major developments undertaken by Colts Neck Township.

   c) An application required by ordinance pursuant to 3(a) above that has been submitted prior to ***{adoption date of this ordinance}***, shall be subject to the stormwater management requirements in effect on *{1 day prior to the adoption date of this ordinance}*.

   d) An application required by ordinance for approval pursuant to 3(a) above that has been submitted on or after March 2, 2021, but prior to *{adoption date of this ordinance}*, shall be subject to the stormwater management requirements in effect on *{1 day prior to the adoption date of this ordinance}*.

   e) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

4. Compatibility with Other Permit and Ordinance Requirements

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

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

B Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated

under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C Design and Performance Standards for Stormwater Management Measures

1. 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:

   a) 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.
   b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

D Stormwater Management Requirements for Major Development

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section J.

2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section D.16, 17 and 18:

   a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
   b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
   c) 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.

4. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section D.15, 16, 17 and 18 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

   a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
   b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section D.15, 16, 17 and 18 to the maximum extent practicable;
   c) The applicant demonstrates that, in order to meet the requirements of Section D.15, 16, 17 and 18, existing structures currently in use, such as homes and buildings, would need to be condemned; and
   d) 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 D.4.c above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section D.15, 16, 17 and 18 that were not achievable onsite.

5. 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 D.15, 16, 17 and 18. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the

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

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

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

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

(Notes corresponding to annotations [a] through [g] are found after Table 3)

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

(Notes corresponding to annotations [b] through [d] are found after Table 3)

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

(Notes corresponding to annotations [b] through [d] are on the next page)

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section D.15.b;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at Section B;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section B.

7. 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 F.2. Alternative stormwater management measures may be used to satisfy the requirements at Section D.15 only if the measures meet the definition of green infrastructure at Section B. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 15(b) are subject to the contributory drainage area limitation specified at Section 15(b) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 15(b) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section D.4 is granted from Section D.15.

8. 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.

9. Design standards for stormwater management measures are as follows:

   a) 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);
   b) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section H.3;
   c) 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;
   d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
   e) 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.

10. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section B may be used only under the circumstances described at Section D.15.d.

11. 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 D.15, 16, 17 and 18 and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section D.16, 17 and 18 shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Monmouth County Clerk's Office. 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 D.15, 16, 17 and 18 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section J.2.e. 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.

14. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 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 Monmouth County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with 13 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.

15. Green Infrastructure Standards

    a) 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.

    b) To satisfy the groundwater recharge and stormwater runoff quality standards at Section D.16 and 17, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section D.6. and/or an alternative stormwater management measure approved in accordance with Section D.7. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow 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

c) To satisfy the stormwater runoff quantity standards at Section D.18, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section D.7.

d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section D.4 is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section D.7 may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section D.16, 17 and 18.

e) 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 D.16, 17 and 18, unless the project is granted a waiver from strict compliance in accordance with Section D.4.

16. Groundwater Recharge Standards

a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section E, either:

1) 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
2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section E.4 of this ordinance is infiltrated.

c) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to d below.
d) The following types of stormwater shall not be recharged:

1) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

2) 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.

17. Stormwater Runoff Quality Standards

a) 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.

b) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

1) 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.
2) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

c) 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 b 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.

d) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

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

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

f) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section D.16, 17 and 18.

g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

h) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

i) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

j) The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

18. Stormwater Runoff Quantity Standards

a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section E, complete one of the following:

1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section E.3 and 4, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section E.3 and 4, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

3) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section E.3 and 4, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with b)1, 2 and 3 above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

E Calculation of Stormwater Runoff and Groundwater Recharge:

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

a) The design engineer shall calculate runoff using the following method:

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

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

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

b) For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section E.1.a. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

c) 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.

d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

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

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

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

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

Table 5: Current Precipitation Adjustment Factors

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

4. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (3)a above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41

Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

F Sources for Technical Guidance:

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

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

   a) 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.

   b) Additional maintenance guidance is available on the Department's website at:

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

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

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

G Solids and Floatable Materials Control Standards:

1. Site design features identified under Section D.6 above, or alternative designs in accordance with Section D.7 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section G.1.b below.

   a) 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:

      1) 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
      2) 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.

3) 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.

b) The standard in 1.a above does not apply:

1) 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;
2) 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;
3) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

I. 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
II. 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).

4) 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

5) 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.

H Safety Standards for Stormwater Management Basins:

1. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

2. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section H.3.a, H.3.b, and H.3.c for trash racks, overflow grates, and escape provisions at outlet structures.

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

a) 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:

1) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
2) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

3) 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
4) 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.

b) 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:

1) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
2) The overflow grate spacing shall be no greater than two inches across the smallest dimension
3) 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.

c) Stormwater management BMPs shall include escape provisions as follows:

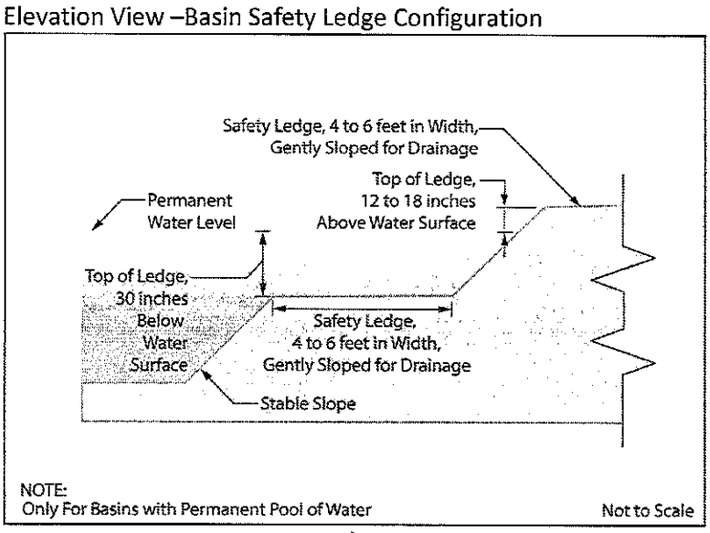
1) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to H.3, a free-standing outlet structure may be exempted from this requirement;
2) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See H.5 for an illustration of safety ledges in a stormwater management BMP; and
3) 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.

4. Variance or Exemption from Safety Standard

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

5. Safety Ledge Illustration

   Elevation View –Basin Safety Ledge Configuration



I Requirements for a Site Development Stormwater Plan:

1. Submission of Site Development Stormwater Plan

   a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section I.3 below as part of the submission of the application for approval.

   b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

   c) The applicant shall submit ten copies of the materials listed in the checklist for site development stormwater plans in accordance with Section I.3 of this ordinance.

2. Site Development Stormwater Plan Approval

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

3. Submission of Site Development Stormwater Plan

The following information shall be required:

a) Topographic Base Map

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

b) Environmental Site Analysis

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

c) Project Description and Site Plans

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

d) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections C through E 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.

e) Stormwater Management Facilities Map

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

1) 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.
2) 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.

f) Calculations

1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
2) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of

required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

g) Maintenance and Repair Plan

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

h) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section I.3.a through I.3.f of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

J Maintenance and Repair:

1. Applicability

Projects subject to review as in Section A.3 of this ordinance shall comply with the requirements of Section J.2 and J.3.

2. General Maintenance

a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

b) 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.

c) 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.

d) 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.

e) If the party responsible for maintenance identified under Section J.2.c above is not a public agency, the maintenance plan and any future revisions based on Section J.2.g below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

f) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

g) The party responsible for maintenance identified under Section J.2.c above shall perform all of the following requirements:

1) 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;
2) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
3) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section J.2.f and J.2.g above.

h) The requirements of Section J.2.c and J.2.d 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. Stormwater management facilities not owned and operated by Colts Neck Township shall post a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

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

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

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

SECTION III Severability.

If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION IV Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION V Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VI This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE NO. 2024-6

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 87 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "BRUSH, WEEDS AND PLANT LIFE"

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, proper sight lines (aka sight triangles) at road intersections are critical to prevent accidents as well as ensuring the efficient flow of traffic, and maintaining a clear line of sight at intersections plays a pivotal role in achieving this goal; and

WHEREAS, the obstruction of sight lines at road intersections due to landscaping, fences, or other structures poses a significant risk to public safety by increasing the likelihood of traffic accidents and limiting visibility for drivers and pedestrians; and

WHEREAS, establishing regulations promoting clear sight lines and sight triangles at road intersections promotes public safety and aligns with the Township's commitment to improving the quality of life for its residents; and

WHEREAS, adoption of an ordinance to address sight lines and sight triangles at road intersections and to provide guidelines for their maintenance will serve to protect the public welfare by reducing accidents and creating safer road conditions; and

WHEREAS, the Colts Neck Township Committee recognizes the need to balance property rights and public safety concerns, and therefore seeks to develop a fair and practical approach to address sight lines at road intersections that accommodates both individual landowners and the greater community; and

WHEREAS, the Colts Neck Township Committee finds it is in the best interest of the Township and its citizens to implement an ordinance that establishes requirements for clear sight lines at road intersections and outlines the responsibilities of property owners to ensure a safer and more harmonious environment for all.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline deletions to text indicated by ~~strikeout~~).

SECTION I: That Chapter 87, "Brush, Weeds and Plant Life" is hereby amended and supplemented as follows.

Chapter 87. Brush, Weeds, ~~and~~ Plant Life, Trees, Fences and Walls at Intersections

§ 87-1. Findings.

The Township Committee hereby finds and declares that the existence of brush, weeds, trees, plant life, fences and walls within 25 feet of the intersection of two or more roadways at a height in excess of 2½ feet is adverse to the preservation of public safety and general welfare and is likely to constitute a traffic hazard.

§ 87-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PLANT LIFE
Includes any brush, hedge, tree, weed and/or other plant life on lands within the Township.

FENCE
A construction, usually made of posts, wire, wood, plastic or iron, used as a barrier to enclose or border an area, or to prevent entrance, or to confine, or to mark a boundary or for decorative or landscaping purposes.

WALL
A structure forming a physical barrier between two areas or border an area to prevent entrance, or to confine, or to mark a boundary or for decorative or landscaping purposes.

§ 87-~~1~~3. Restriction on height; duty of owner or tenant.

A. The owner or tenant of lands lying withing the limits of the Township of Colts Neck shall keep all brush, hedges, trees, weeds and other plant life growing within a triangle formed at ~~25 feet of~~ the intersection of two or more roadways measured 25 feet along the edge of pavement or curb line cut to a height of not more than 2½ feet.

B. No fence, wall or structure greater than 2½ feet in height shall be installed or erected within a triangle formed at the intersection of two or more roadways measured 25 feet along the edge of pavement or curb line.

§87-~~2~~4. Notice; failure to comply; cost of work to become lien.

Upon the failure or refusal of the owner or tenant to cut or lower any brush, hedge, tree or other plant life, fence, wall or structure within the limitations of § **87-~~1~~3** hereof within 10 days after written notice to cut the same has been served upon him, either by registered mail or by personal service, by the Zoning Officer, Code Enforcement Officer ~~of the Township~~ or ~~his or her~~ their designee, the Zoning Officer, Code Enforcement Officer or ~~his or her~~ their designee may himself, or under his or her direction, provide for the cutting of the same. The Zoning Officer, Code Enforcement Officer or ~~his or her~~ their designee shall certify the costs thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; or, in the event that such costs are excessive, to cause the reasonable costs thereof to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

§87-~~3~~5. Violations and penalties.

A. A violation of any provision of this Chapter shall be punishable as provided in § **1-9** of this Code.

B. The imposition and collection of any penalty imposed by the provisions of Subsection **A** of this section shall not constitute any bar to the right of the Township to collect the cost of removal as provided in § **87-4.**

§87-~~4~~6. County designated as additional enforcement agency.

For the purposes of this chapter, in addition to the Zoning Officer, Code Enforcement Officer ~~of the Township of Colts Neck~~ or ~~his or her~~ their designee, the County of Monmouth is hereby designated as an officer of the Township of Colts Neck empowered to carry out the provisions of this chapter on all county roads and at all intersections of county roads.

SECTION II Severability.

If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded	X - indicates vote				NV - Not Voting			Ab - Absent				

ORDINANCE No. 2024-7

ORDINANCE AUTHORIZING A PARTIAL DRAINAGE EASEMENT VACATION AND SWAP INVOLVING BLOCK 7.02, LOT 35.05 COMMONLY KNOWN AS 3 PREAKNESS WAY

WHEREAS, the Colts Neck Planning Board ("Planning Board") granted Preliminary and Final Major Subdivision Approval to John Kling by adoption of a Resolution on April 13, 2021, permitting a seven lot single family subdivision at property identified as Block 7.02, Lots 34.01 and 34.12 on the Township Tax Map ("Property"); and

WHEREAS, the Final Major Subdivision Approval was perfected and certain drainage easements were dedicated to Colts Neck Township by filing the "Final Plat Major Subdivision, Block 7.02, Lots 34.01 and 34.13 – Tax Map Sheet No. 1.01, Township of Colts Neck, Monmouth County, New Jersey," prepared by Kurtz Engineers, Planners, Land Surveyors dated November 11, 2021 revised February 8, 2022 with the Office of the Monmouth County Clerk on April 26, 2022 in Case Number 323-21; and

WHEREAS, said Drainage Easements were also dedicated to Colts Neck Township by recording a Deed of Drainage Easement dated February 28, 2022 recorded in the Office of the Monmouth County Clerk on March 29. 2022 in Book OR-9587, Page 1211; and

WHEREAS, the current property owner of Block 7.02, Lot 35.05 commonly known as 3 Preakness Way now requests that the stormwater bubble basin be relocated and the Township vacate portions drainage easement rights that it was granted pursuant to the Final Plat and Deed of Drainage Easement, as set forth in the Partial Release of Drainage Easement attached hereto as Exhibit A, in exchange for granting a new drainage easement over the Property as set forth in the Deed of Drainage Easement attached hereto as Exhibit B; and

WHEREAS, The Colts Neck Township Committee reviewed the requested easement swap on March 8, 2023 and expressed no objection to the relocation of the stormwater bubble basin, and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibits A and B from an engineering standpoint; and

WHEREAS, the Township's Tax Assessor has certified that the "full and fair value" of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.

2. The Mayor and Township Clerk are hereby authorized to execute Deeds vacating, extinguishing and terminating the easements over the property described in Exhibit A, in exchange for a Deed granting to the Township a new Drainage Easement over the property described in Exhibit B. The form and substance of the Deeds have been reviewed and approved by the Planning Board Attorney, Engineer, and Planner.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.

4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

5. This Ordinance shall take effect upon passage and publication in accordance with law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

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Deputy Mayor Buss												
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Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

EXHIBIT A

PARTIAL EASEMENT TO BE VACATED BY THE TOWNSHIP:

EXHIBIT B

DRAINAGE EASEMENT TO BE GRANTED TO THE TOWNSHIP: