

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, July 10, 2024**

This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Also, Notice of this meeting time change was transmitted to the Asbury Park Press, Star Ledger and The Link News, posted on the bulletin board in Borough Hall and posted to the Borough Website. Public Comment is welcome at any time.

Mayor Talerico opened the Regular Meeting at 7:03pm, noting the Borough's compliance with the Open Public Meetings Act

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Virginia M. East
Councilmembers Danielle M. Jones, David Gindi (by phone), Meir Araman, Carl Lawson, Candace M. Faust

ALSO PRESENT: Attorney Bayer, Deputy Borough Clerk Muscillo

LATE ARRIVAL: Interim Administrator Lucia

The Flag Salute was led by C/Faust

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 6/26/2024

Motion to approve the amended minutes by C/East; seconded by C/Lawson

Voice Vote: AYE - C/East, C/Araman, C/Lawson, Mayor Talerico

ABSTAIN - C/Jones, C/Gindi, C/Faust

3. COMMUNICATIONS

- A.** Notice to Property Owners - Zoning Board of Adjustment Application, 289-291 Broad Street (Blk 1101, Lot 25)
- B.** Notice to Neighboring Landowners - Freshwater Wetlands Permit Application, Oceanport Section of Fort Monmouth
- C.** Public Notice - Zoning Board of Adjustment Application, 40 Broad St, Unit 102 (Blk 1001, Lot 8)
- D.** NJAW Notice of Public Hearings
- E.** JCP&L Notice of Public Hearing
- F.** Notice of Public Hearing, West Long Branch Borough Planning Board
- G.** ECM - Response Action Outcome, 95 Route 36
- H.** Dynamic Engineering - Flood Hazard Area Verification, Monmouth Road/Rt 36

Motion to accept communications A-H by C/Jones; seconded by C/East

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported on the excessive heat in the municipal building.

5. REPORTS OF COMMITTEES

A. EMERGENCY SERVICES - Council President East

Council President East reported on the next Fire Department Committee meeting, then reported on the number of calls that was answered by the Fire Department, including Popeyes. Council President East thanked all of the volunteers from Eatontown and the neighboring towns for putting out the Popeyes fire. Council President East then reported on the next First Aid Committee meeting. Further reported, Council President East announced that Vivica Addotta completed the hours and test requirements to become an official EMT for the Eatontown First Aid Squad. Vivica recently graduated from the Fire Academy in February 2024 and has completed memberships for both organizations. She is a very active member in both, and Council President East thanked her for her commitment and dedication to both organizations, the Borough of Eatontown and the residents. Council President East lastly reported on the next meeting of the Historical Committee.

B. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reserved her report.

C. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Gindi

Councilmember Gindi reported that he spoke with Interim Administrator Lucia regarding Public Buildings matters. Councilmember Gindi then reported that tentatively on July 25th, there will be a live, in-person Tenants Rights' meeting.

D. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

Councilmember Araman had nothing to report.

E. PARKS & RECREATION - Councilmember Lawson

Councilmember Lawson reported that there has not been a Parks and Recreation meeting since the last council meeting, and there will be no meeting in July. Councilmember Lawson then reported on the next meeting of the Recreation Advisory Committee meeting.

F. PUBLIC WORKS & INSURANCE - Councilmember Faust

Councilmember Faust reported on the Department of Public Work's leaf, brush and bulk totals and the bulk schedule. Councilmember Faust then reported that she spoke with the other councilmembers regarding Skip the Stuff Ordinance that Attorney Bayer is working on. Councilmember Faust then reported on a few projects she is working on throughout the Borough. Lastly, Councilmember Faust reported on the Shade Tree Committee meeting and the Traffic Advisory Committee meeting.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia was absent, therefore had no report.

Council President East added that National Night Out is on August 6th at Wolcott Park from 5pm-8pm.

7. PRESENTATION - CANNABIS APPLICATION - Remedy Oil, NJ

Richard Neale, Eatontown, was present for the presentation. Attorney Bayer administered the oath to Mr. Neale. Mayor Talerico asked Mr. Neale what town he lives in. Mr. Neale responded, Eatontown. Mayor Talerico asked Mr. Neale if he was looking for a resolution of support for Class I and Class II micro-licenses. Mr. Neale responded, yes. Mayor Talerico confirmed that the Zoning Officer has found Mr. Neale's location to be acceptable per the ordinance. Mayor Talerico asked Mr. Neale if he was aware that the Borough has offered more letters of support for other businesses than licenses available. Mr. Neale responded, yes. Mayor Talerico asked if Mr. Neale is aware that the licenses come as a first come first serve basis. Mr. Neale responded, yes. Mayor Talerico asked Mr. Neale to briefly describe his business, Mr. Neale then provided an overview of his business. Mayor Talerico mentioned he is aware that in the future Mr. Neale will be looking to apply for a Class V retail license. Mayor Talerico then asked Mr. Neale if he will still pursue the Class I and Class II micro-licenses if he ends up not obtaining the Class V retail license. Mr. Neale responded that he will still pursue the Class I and Class II micro-licenses. Mayor Talerico asked Mr. Neale if his business would be to sell products to Class V retailers. Mr. Neale responded, yes. Mayor Talerico asked Mr. Neale to share his background and experience with cannabis. Mr. Neale responded. Mayor Talerico asked Mr. Neale if he was aware that the State has certain stipulations when it comes to micro-licenses regarding the size of the building. Mr. Neale responded, yes. Mayor Talerico then asked Mr. Neale if he was aware that there are also stipulations regarding employees and residences for which he would have to comply as well. Mr. Neale responded, yes. Mayor Talerico asked Mr. Neale how he would give back to the community. Mr. Neale responded that he would like to do school and food drives as well as hire coaches to teach the youth basic sport skills by contributing to recreation. Mayor Talerico asked Mr. Neale what his next step would be after he potentially receives a letter of support from the council. Mr. Neale responded that he would sign the building lease, hand over his SOP to the State, have his attorney schedule a Planning Board hearing, and have his architect draw up the proposed plans. Mayor Talerico asked the council for any questions. Councilmember Araman asked Mr. Neale what the difference between his products and other companies' products is, since Mr. Neale stated his products are high quality. Mr. Neale responded. Councilmember Araman recollected that Mr. Neale previously stated that he would like to give more than 2% back to the Borough, then asked if that statement was still valid. Mr. Neale responded. Attorney Bayer questioned Mr. Neale's submitted application and his state conditional licenses. Mr. Neale responded. Mayor Talerico asked Mr. Neale if he never receives a Class V license, will he still be able to operate his business and be sufficient. Mr. Neale responded, yes. Attorney Bayer asked what Mr. Neale what his business process would be. Mr. Neale responded. Attorney Bayer recollected that other applicants were interested in transporting products. Mr. Neale responded. Councilmember Araman asked if he will be doing home deliveries. Mr. Neale responded

that he is not allowed to in the borough since the borough does not have a Class VI license. Attorney Bayer asked Mr. Neale about his prior businesses. Mr. Neale responded. Mayor Talerico asked Mr. Neale about his proposed location. Mr. Neale responded. Councilmember Araman asked if there is a distance to a school restriction. Mr. Neale responded. Attorney Bayer mentioned the conditional licenses from the state do not have the wording of Micro-Licenses and that it only mentions Class I and Class II. Mr. Neale responded that the State does not use the word Micro. Councilmember Araman asked if there is a time limit for the letters of support. Mayor Talerico responded that the letters of support do not have a time limit, but the licenses do. Mayor Talerico asked the council for a consensus to add a resolution of support to the agenda. The council consented.

8. OLD BUSINESS

A. ORDINANCE ADOPTION

- 1) **Ordinance 08-2024** - Ordinance of the Borough Amending Chapter 89 Land Use, Article XII Application Fees, Tax Map Revision Fees for Subdivisions and Escrow Fees Creating Section 89-105.2 Entitled Development Impact Fees -

Public Hearing/Adoption

Attorney Bayer read the ordinance by title.

Motion to open the meeting to public comment on the ordinance by C/East; seconded by C/Lawson

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

No comments were made.

Mayor Talerico closed the meeting to the public.

Attorney Bayer read the ordinance by title. Attorney Bayer explained the fees are the half-way point between Red Bank and Carteret. Mayor Talerico pointed out a typographical mistake in the first paragraph.

Motion to adopt the ordinance with those changes by C/Lawson; seconded by C/East

Roll Call: AYE - C/East, C/Gindi, C/Araman, C/Lawson, C/Faust

ABSTAIN - C/Jones

BOROUGH OF EATONTOWN

ORDINANCE NO. 08-2024

ORDINANCE OF THE BOROUGH AMENDING CHAPTER 89 LAND USE, ARTICLE XII APPLICATION FEES, TAX MAP REVISION FEES FOR SUBDIVISIONS AND ESCROW FEES CREATING SECTION 89-105.2 ENTITLED DEVELOPMENT IMPACT FEES

WHEREAS, the Borough is expecting substantial development and redevelopment within its borders and it is concerned about the impact of that development upon the Borough's streets, water, sewerage, drainage facilities, open space and parks within the boundaries of the Borough of Eatontown; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to establish development impact fees to ensure that the developer and property owner pay their pro rata share of the cost of improving the Borough's public facilities impacted by the development.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough Council hereby amends Chapter 89 Land Use, Article XII "Application Fees, tax Map Revision Fees for Subdivisions and Escrow Fees" creating a new section 89-105.2 entitled "Development Impact Fees" as follows:

SECTION I.

§89-105.2.1 Purpose

The purpose of this article is to establish regulations pursuant to which a developer and/or property owner, as a condition for approval of a subdivision and/or site plan, shall pay a pro rata share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, and provide for open space and park improvements, located off-tract but necessitated or required by construction or improvements within the subdivision or development.

§89-105.2.2 Impact Fees

- A. To the fullest extent permitted by New Jersey law, presently or as may be amended and supplemented from time to time, and whenever the Borough can fairly and reasonably establish, based upon appropriate traffic and utility service analyses, plans or studies and open space or park improvement plans, the proportionate or pro rata amount of the cost of the aforementioned facilities located off-tract but necessitated or required by construction or improvements within the subdivision or development that shall be borne by each developer or owner within a

related common area as provided for herein. The developer or owner shall pay said cost as a condition of approval up to the following amounts:

(1) Each square foot of new construction of warehouse space shall be assessed an impact fee of \$2.75.

(2) Each square foot of new construction of retail, commercial and/or other industrial space shall be assessed an impact fee of \$3.75.

(3) Each square foot of new construction of residential space shall be assessed an impact fee of \$2.50.

(4) Construction of new tanks above or below grade of any gallon size shall be assessed an impact fee of \$0.10/gallon. Single- and multifamily homes shall be exempt.

- B. The foregoing amounts shall apply to each square foot of lot coverage only and shall not be required for additions to existing owner-occupied residential dwellings and approvals for up to two residential dwellings.
- C. The provisions of this article notwithstanding, nothing herein shall prevent a developer or owner from voluntarily agreeing to pay its off-site development impact fee, by way of in-kind services, that the Borough and developer or owner agrees reflects the pro rata or proportionate share of the cost of providing reasonable and necessary off-tract improvements or facilities required by the construction or improvements to the be approved pursuant to a development application. In such a case, the Borough and developer or owner may enter into a developer's agreement that provides for the in-kind services in lieu of any pro rata contribution provided for pursuant to these aforesaid requirements.
- D. The Borough may waive the provisions of this Section for any duly authorized redevelopment project.
- E. Where a developer or owner pays under protest the amount determined to be his/her/its pro rata share as provided for herein, he/she/it shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be 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.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

9. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

No comments were made.

The meeting was closed to public comment on agenda items.

10. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

Motion to approve the bills, claims and bi-weekly payroll by C/Jones; seconded by C/East

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

11. NEW BUSINESS

A. ORDINANCE INTRODUCTION

- 1) **Ordinance 09-2024** - Ordinance Amending Section 89-98 of The Borough Code, Entitled "Stormwater Management and Control" - *First Reading/Introduction (Public Hearing 7/24/24)*

Attorney Bayer read the ordinance by title. Mayor Talerico explained the ordinance.

The public hearing will be held on 7/24/24.

Motion to introduce the ordinance by C/East; seconded by C/Araman

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

ORDINANCE 09-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE AMENDING SECTION 89-98 OF THE BOROUGH CODE, ENTITLED "STORMWATER MANAGEMENT AND CONTROL"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that Section 89-98 of the Borough Code, entitled "Stormwater Management and Control," shall be amended as follows:

SECTION 1. Section 89-98 of the Borough Code, entitled "Stormwater Management and Control," shall be deleted in its entirety and shall be replaced with the following:

§89-98 STORMWATER MANAGEMENT AND CONTROL

§89-98.1. Scope and Purpose.

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 98.2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Eatontown.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to July 24, 2024, shall be subject to the stormwater management requirements in effect on July 23, 2024.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to July 24, 2024, shall be subject to the stormwater management requirements in effect on July 23, 2024.
5. 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.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

§89-98.2. Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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, racetracks, and runways.

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

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 98.4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

"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.

§89-98.3. Design and Performance Standards for Stormwater Management Measures

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

§89-98.4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 98.10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 98.4.P, Q and R:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 98.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 98.4.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 98.4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 98.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 98.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 98.4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

Table 1

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Quality TSS Removal Rate	RunoffStormwater 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 Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found on beneath 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 Quality TSS Removal Rate	Runoff Quantity	Stormwater 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 beneath 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 Quality TSS Removal Rate (percent)	Runoff Quantity	Stormwater Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section 98.4.O.2;

(b) designed to infiltrate into the subsoil;

(c) designed with underdrains;

(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) designed with a slope of less than two percent;

(f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at Section 98.2;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 98.2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 98.4.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 98.4.O only if the measures meet the definition of green infrastructure at Section 98.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 98.4.D is granted from Section 98.4.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 98.8.C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 98.7; and
 - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 98.2 may be used only under the circumstances described at Section 98.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 98.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 98.4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural

development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 98.4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk.

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 98.4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 98.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 98.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

- 1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- 2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 98.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 98.4.F. and/or an alternative stormwater management measure approved in accordance with Section 98.4.G. 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

- 3. To satisfy the stormwater runoff quantity standards at Section 98.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 98.4.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 98.4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 98.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 98.4.P, Q and R.
 5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 98.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 98.4.D.
- P. Groundwater Recharge Standards
1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
 2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 98.5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm as defined and determined pursuant to 89-98.5.D of this ordinance, is infiltrated.
 3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
 4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas ; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- Q. Stormwater Runoff Quality Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
 2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 98.4.P, Q and R.
 7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 10. These stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- R. Stormwater Runoff Quantity Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 98.5, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in 89-98.5.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined pursuant to 89-98.5.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined pursuant to 89-98.5.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of

the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

§89-98.5. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

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

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

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section 89-98.5.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 - Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

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

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

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Monmouth	1.00	1.01	1.02

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Monmouth	1.19	1.19	1.26

§89-98.6. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: <https://dep.nj.gov/stormwater/bmp-manual/>.
 1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
 2. Additional maintenance guidance is available on the Department's website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.
- B. Submissions required for review by the Department should be mailed to: The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§89-98.7. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section 98.4.F above, or alternative designs in accordance with Section 98.4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 98.7.A.2 below.
 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to

prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

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

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

§89-98.8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 98.8.C.1, 98.8.C.2, and 98.8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

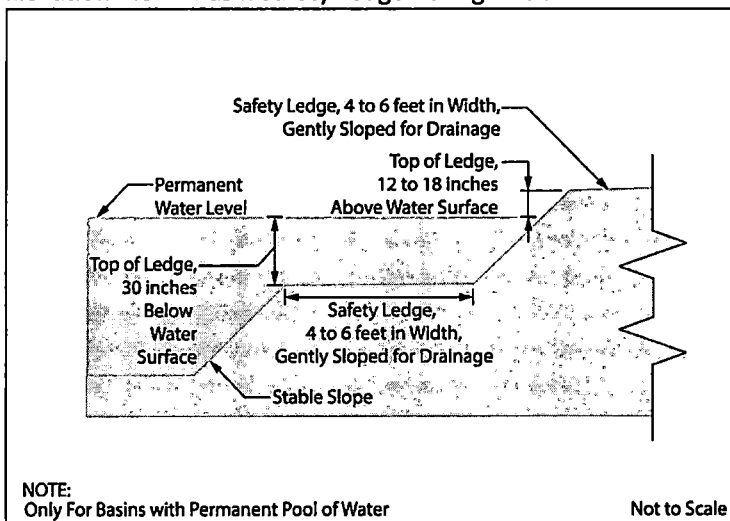
- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
- ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
- iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§89-98.9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 98.9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit fifteen copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 98.9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 98.3 through 98.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations
- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 98.6 of this ordinance.
 - ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 98.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 98.9.C.1 through 98.9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§89-98.10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 98.1.C of this ordinance shall comply with the requirements of Section 98.10.B and 98.10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 98.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 98.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 98.10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 98.10.B.6 and B.7 above.
8. The requirements of Section 98.10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property. To facilitate such inspection and maintenance, a drainage easement shall be provided to the municipality for all stormwater management BMPs. The easement shall provide the Borough the right, but not the

obligation, to access the BMPs when necessary for inspection and maintenance. In no way do such easements transfer any maintenance responsibilities to the Borough.

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

§89-98.11. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties as specified in Section 89-117 of the Land Use Ordinance.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Severability.

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

SECTION 4. Effective Date.

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

B. CONSENT AGENDA RESOLUTIONS

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request an item be removed for separate consideration).

Mayor Talerico explained that Resolution 150-2024 has been added to the Agenda.

- 1) **Resolution 143-2024** - Auth. Issuance of Class 5 Retail Cannabis License Renewal to AYR Wellness NJ, LLC
- 2) **Resolution 144-2024** - Approval to Submit a Grant Application and Execute a Grant Contract with NJDOT for Parker Road Resurfacing Project
- 3) **Resolution 145-2024** - Auth. Engineering Services, Stormwater Basin Maintenance & Repair
- 4) **Resolution 146-2024** - Auth. Revocable License and Hold Harmless Agreement for Property Designated as Block 3003, Lot 35 Bearing the Address of 28 Parker Road
- 5) **Resolution 147-2024** - Auth. Shared Service Agreement Between The Borough Of Eatontown And County Of Monmouth For Monmouth County To Serve As The Public Safety Answering Point On Behalf Of The Borough
- 6) **Resolution 148-2024** - Establishing Policies & Procedures for the Use of Procurement Cards
- 7) **Resolution 149-2024** - Auth. Contract for Professional Service, Public Defender (Cherry)
- 8) **Resolution 150-2024** - Resolution of Support to Remedy Oil, LLC to Operate a Class Cannabis Cultivator Microbusiness and a Class II Cannabis Manufacturer Microbusiness at the Property Located at One Meridian Road, Units 1 and 2

Motion to approve Consent Items 1-8 (Resolutions 143-150) as a group by C/Lawson; seconded by C/East

Roll Call: AYE - C/East, C/Gindi, C/Araman, C/Lawson, C/Faust
ABSTAIN - C/Jones

RESOLUTION 143-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING ISSUANCE OF CLASS 5 RETAIL CANNABIS LICENSE TO AYR WELLNESS NJ, LLC

WHEREAS, the Borough adopted Ordinance No. 19-2021 (the "Ordinance") authorizing and limiting cannabis business establishments in the Borough including three (3) Class 5 Cannabis Retailer Licenses in delineated areas through the Borough on August 5, 2021, and

WHEREAS, AYR seeks to renew its Borough license to operate a Class 5 Retail facility at the Property and it has represented to the Borough that the CRC has renewed its application for the time period ending June 5, 2025; and

WHEREAS, the Borough has reviewed AYR's renewal request under the applicable requirements of the Ordinance and has recommended the Borough Council approve the issuance of a Class 5 Retail license to AYR for a one-year period ending on June 30, 2025.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that it hereby authorizes the Borough Clerk to issue a Borough license AYR Wellness NJ, LLC to operate Class 5 Retail Cannabis facility at the premises located at 59 Route 35 North, Eatontown.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

- a. AYR Wellness, NJ, LLC
- b. Kathy Muscillo, Director of Planning and Zoning
- c. Dena Amoda, Chief Financial Officer

RESOLUTION 144-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PARKER ROAD RESURFACING PROJECT

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Eatontown formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2025-00547 Parker Road Resurfacing Project to the New Jersey Department of Transportation on behalf of Borough of Eatontown.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Eatontown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 145-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING BOROUGH ENGINEER TO PERFORM CONSULTING SERVICES TO EVALUATE STORMWATER BASIN PROBLEMS AND IDENTIFY POTENTIAL SOLUTIONS TO ALLEVIATE FLOODING AND WATER BACK-UP PROBLEMS THROUGHOUT EATONTOWN

WHEREAS, the stormwater basins throughout Eatontown, including but not limited to stormwater basins located on Russell Terrace and Appleby Steet, are experience flooding and damage arising from improper drainage function of these basins; and

WHEREAS, the Borough Engineer, T&M Associates, submitted a letter proposal to the Borough Administrator dated July 3, 2024 outlining the scope of work required in connection with evaluating and scoping stormwater basin problems affecting the Borough which includes evaluating problem areas and identifying potential solutions that may include support from the Department of Public Works ("DPW") work and/or outside contractors, if necessary, in the amount not to exceed \$20,000; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to authorize the Borough Engineer to evaluate stormwater basins throughout Eatontown as it is in the public interest to identify poorly functioning stormwater basins to prevent flooding and water backups impacting the Borough's residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby authorizes T&M Associates to perform the engineering consulting services outlined in its proposal to the Borough dated July 3, 2024 in connection with evaluating stormwater basins throughout Eatontown and assisting DPW or otherwise advise the Borough how to address stormwater flooding/drainage issues arising from poorly functioning stormwater basins in an amount not to exceed \$20,000.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer hereby certifies that there are available funds in the to fund this work.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Edward Herrman, P.E., T&M Associates
2. William P. Lucia, III, Interim Administrator
3. Dena Amoda, CFO

RESOLUTION 146-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH

AUTHORIZING REVOCABLE LICENSE AND HOLD HARMLESS AGREEMENT FOR PROPERTY DESIGNATED AS BLOCK 3003, LOT 35 BEARING THE ADDRESS OF 28 PARKER ROAD

WHEREAS, Michael and Maria Cecero (the "Property Owners") owns the property bearing the designation on the Eatontown Tax Map as Block 3003, Lot 35, commonly known as 28 Parker Road, Eatontown, New Jersey (the "Subject Property"); and

WHEREAS, the Property Owners filed for a Zoning Permit seeking to install a 6' privacy fence on the Subject Property within a 20' wide drainage easement owned by the Borough (the "Borough Easement"); and

WHEREAS, Section 200-6 of the Borough Code of the Borough of Eatontown authorizes the Borough to grant the Property Owners a revocable license to create an encroachment on Borough property subject to the entry of a Hold Harmless Agreement; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents to enter into a Hold Harmless Agreement with the Property Owners to permit them to construct a fence on Property within the Borough's Easement subject to entering into a Hold Harmless Agreement, which, in part, requires them to temporarily remove or permanently relocate the fence, or any portion thereof, so that the Borough may use, access or maintain the Borough Easement at their expense.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves the Hold Harmless Agreement with Michael and Maria Cecero for the property located at 28 Parker Road, Eatontown, New Jersey and the Mayor is authorized to execute the Hold Harmless Agreement in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Michael and Maria Cecero
2. Kathy Muscillo, Zoning Officer

RESOLUTION 147-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF EATONTOWN AND COUNTY OF MONMOUTH FOR MONMOUTH COUNTY TO SERVE AS THE PUBLIC SAFETY ANSWERING POINT ON BEHALF OF THE BOROUGH

WHEREAS, the Uniform Shares Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the Borough and the County of Monmouth through the Monmouth County Sheriff's Office, Communications Division (the "County") seek to enter into a Shared Service Agreement for the County to serve as the Public Safety Answering Point on behalf of the Borough which will obligate the County to provide call service on behalf of the Borough by call, relay, transfer or direct emergency dispatch in accordance with the Borough's participation plan approved by the Police Department from July 1, 2024 through June 30, 2025; and

WHEREAS, the Borough Council believes it is be most cost-effective manner to provide such services and, in the Borough's, best interests to enter into a Shared Services Agreement with the County of Monmouth through the Monmouth County Sheriff's Office, Communications Division for Monmouth County to serve as the Public Safety Answering Point to the Borough and its residents.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves and authorizes the Mayor to execute the Shared Service Agreement between the Borough of Eatontown and the County of Monmouth through the Monmouth County Sheriff's Office, Communications Division for Monmouth County to serve as the Public Safety Answering Point on behalf of the Borough in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the Chief Financial Officer certifying the availability of funds.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be provided to each of the following:

1. Monmouth County Sheriff's Office, Communications Division
2. William P. Lucia, III, Police Chief and Interim Borough Administrator

RESOLUTION 148-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ESTABLISHING POLICIES AND PROCEDURES FOR THE USE OF PROCUREMENT CARDS

WHEREAS, the Qualified Purchasing Agent has recommended that procurement cards (P-cards) be utilized where appropriate for purchases of and/or for the Borough of Eatontown; and

WHEREAS, the use of procurement cards can be a highly beneficial tool for local governments looking to further utilize e-commerce and strengthen their purchasing controls; and

WHEREAS, the rules adopted by the Local Finance Board governing the use of procurement cards are set forth in N.J.A.C. 5:30-9A; and

WHEREAS, the Mayor and Borough Council agree with the Qualified Purchasing Agent recommendation; and find that the use of a procurement card program would be beneficial to the Borough and wish to authorize their use and establish policy and procedures for their use as required by law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Eatontown hereby adopts the following policies and procedures for the use of procurement cards for purchase of and/or for the Borough of Eatontown.

Borough of Eatontown, NJ – Policies and Procedures for Use of Procurement Cards

PROCUREMENT CARDS

A. How Procurement Cards Can Be Used

1. P-cards can be utilized for tangible supplies or non-tangible items such as services under the following conditions:
 - a. When payment to vendors is required in advance of the delivery of certain materials or services that cannot be obtained from any other source at comparable prices. (N.J.S.A. 40A:5-16(c)(1))
 - b. When ordering, billing and payment transactions for goods and services are made through a computerized electronic transaction (N.J.S.A. 40A:5-16(c)(2)
 - i. An order is placed from computer to computer, such as on the Internet or similar computer network
 - ii. Vendor requires immediate payment
 - c. When certification is not obtainable (N.J.S.A. 40A:5-16(c)(3)
 - i. Certification is not readily obtainable by the contracting unit; but such exceptions shall not include reimbursement of employee expenses or payment for personal services.
2. Transactions cannot exceed the amount designated and authorized.
3. P-Cards cannot be used for the purchase of items or services of a personal nature for employees, volunteers, or officials and shall not be used for reimbursement of employee expenses or payment for personal services

B. Procurement Card Program Oversight

1. The Qualified Purchasing agent or her/his designee shall serve in the capacity of program manager. The program manager shall be responsible for day-to-day oversight and management of supervisory review of procurement card usage. Supervisory review means confirming the propriety and accuracy of P-Card usage by all authorized users.
2. The role of a program manager in overseeing the P-Card program does not exempt that individual from accountability to those above them in the organization.
3. Should the program manager not hold a QPA certification, the maximum threshold on P-Card transactions shall not exceed 15% of the Borough's bid threshold.
4. The Business Administrator, Chief Financial Officer and Qualified Purchased Agent shall assure that internal controls are maintained concerning the integrity of vendor payments, accumulated costs for goods and services as well as other Local Public Contract Law requirements.
5. The Chief Financial Officer and program manager shall receive training in all aspects of the system.
6. The program manager in conjunction with the Chief Financial Officer will develop and administer a supervisory review process, identify, and manage all risks associated with P-Card use; as well as engage in any other oversight or management duties required to ensure their proper utilization.
7. P-Cards must be issued in the name of a specific individual upon completion of the requisite training and cannot be issued to personnel who are neither covered by a fidelity bond or a blanket honesty policy held by the local unit (or become ineligible for said coverage after being issued a P-Card).
8. Violations of policies governing P-Card use shall result in appropriate remedial or disciplinary action.
9. P-Cards shall only be issued in the names of:
 - a. Borough Administrator
 - b. Director of Public Works
 - c. Director of Recreation
 - d. Borough Clerk

- e. Chief Financial Officer and Qualified Purchasing Agent
 - f. No other employee shall have a card issued in their name or authority to use the P-card unless so authorized by the Business Administrator.
10. The individual whose name is on the card is the only person authorized to make purchases using the card. The cardholder will be held accountable for any policy infractions. The cardholder shall follow proper procedures in order to obtain authorization to make a purchase.
 11. The cardholder is responsible to determine that the price quoted for a product or service is the best price that can be obtained.
 12. Cardholders shall be responsible to ascertain that the total amount, including shipping and handling charges will not exceed the single purchase limit on the Procurement Card. Splitting a transaction into smaller amounts to avoid dollar placed on the card is prohibited.
 13. The program manager, and all authorized user of the Procurement Cards shall sign an acknowledgement of Procurement card training and agreement to abide by policies and procedures for procurement card usage and said agreement shall be retained by the Borough in their personnel file.
 14. The Program Manager in conjunction with the Chief Financial Officer shall also ensure that:
 - a. All cards have imprinted on them both, the users' names, and the name of the local unit
 - b. The merchant code is accurate
 - c. Sufficient funds are encumbered from the proper accounts to cover any charges the user is authorized to make
 - d. Program participants are aware of the program and approved vendors with whom the cards may be utilized, dependent upon contracts awarded by the governing body
 - e. When applicable and bids are advertised, the bid documents include that the payments may be made by procurement card, so the local unit receives in their bid prices any discount for timely payments. This would require authorization by Mayor and Council, as these payments under bid requirements are to be paid by purchase order
 15. Users shall expeditiously provide all receipts to the Chief Financial Officer, who will compare receipts to the computer-generated usage report provided by the card company and report his/her findings to the program manager. Returned material must be reported to the Program Manager quickly to ensure either the charge is cancelled, or the local unit receives proper credit.
- C. Nothing in this policy shall change regulations or requirements pursuant to Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.)

BE IT FURTHER RESOLVED that the Borough Administrator or his designee, including the Qualified Purchasing Agent is hereby authorized to execute a Corporate Card Program and other documentation as required to implement a procurement card program for the Borough of Eatontown.

RESOLUTION 149-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AUTHORIZING CONTRACTS FOR PROFESSIONAL SERVICES IN THE BOROUGH OF EATONTOWN

WHEREAS, the Borough of Eatontown is in need of qualified professionals for the year 2024; and

WHEREAS, the below listed appointments were made effective June 26, 2024, after selection through the "Fair and Open" process established by N.J.S.A. 19:44A-20.5 et seq. and Borough Ordinance 35-2006; and

WHEREAS, the contracts for services submitted by the below listed professionals were reviewed and approved by Andrew Bayer, Borough Attorney and William P. Lucia, III, Interim Administrator of the Borough of Eatontown.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorized the execution of contracts for the provision of services as listed below commencing July 10, 2024 and ending December 31, 2024, per the Contracts for Services on file in the Office of the Borough Clerk according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

Appointed Position

Public Defender

Firm

Anthony L. Cherry, Jr., Esq.

RESOLUTION 150-2024**BOROUGH OF EATONTOWN****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****RESOLUTION OF SUPPORT TO REMEDY OIL, LLC TO OPERATE A CLASS CANNABIS CULTIVATOR MICROBUSINESS AND A CLASS II CANNABIS MANUFACTURER MICROBUSINESS AT THE PROPERTY LOCATED AT ONE MERIDIAN ROAD, UNITS 1 AND 2**

WHEREAS, on August 5, 2021, the Borough of Eatontown adopted Ordinance No. 19-2021 (the "Cannabis Ordinance") authorizing and limiting cannabis business establishments in the Borough including two (2) Class 1 Cannabis Cultivator businesses and two (2) Class 2 Cannabis Manufacturer businesses on Industrial Way West of Route 35; and

WHEREAS, the Borough Council adopted Resolution No. 176-2021 on October 27, 2021 approving a New Marijuana Business License Application requirement for all potential Cannabis businesses seeking to do business in the Borough; and

WHEREAS, the Borough Council adopted Ordinance 16-2023 amending Ordinance 19-2021 expanding the eligible locations for Class 1 through 5 Cannabis operations, defined a "School", the manner in which the distance to a School is measured, further authorized Cannabis Microbusiness operations for Classes 1 through 4 facilities, and increased the number of Class 5 licenses from three to four; and

WHEREAS, the Borough Council adopted Ordinance 01-2024 modifying the permitted hours of operation by Cannabis Class and further allowing a Class 5 microbusiness while also authorizing Class 1, 2, 3, and 4 Microbusinesses to be located on Industrial Way, West, Industrial Way East to Wall Street, Meridian Road, Corbett Way, Christopher Way and James Way (Ordinances 19-2021, Ordinance 16-2023 and Ordinance 1-2024 shall be collectively referred to as the "Cannabis Ordinance"); and

WHEREAS, Remedy Oil, LLC ("Remedy Oil") filed a New Marijuana Business License Application with the Borough to operate both a Class 1 Cannabis Cultivator Microbusiness and a Class 2 Cannabis Manufacturer Microbusiness at the property bearing the address 1 Meridian Road, Units 1 and 2, Eatontown, New Jersey (the "Property"); and

WHEREAS, the Zoning Officer found that the proposed location and operation of Remedy Oil's Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer Microbusinesses were consistent with the Borough's zoning requirements for such cannabis operations; and

WHEREAS, the Borough Council reviewed Remedy Oil's application and held a public hearing on July 10, 2024 wherein it considered the sworn testimony of Richard Neale, and the Borough Council having found that Remedy Oil meets the criteria to obtain a Resolution of Support for the operation of both a Class 1 Cultivator Microbusiness and Class 2 Manufacturer Microbusiness at the Property.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby issues this Resolution of Support to Remedy Oil, LLC to operate a Class 1 Cultivator Microbusiness and Class 2 Cannabis Manufacturer Microbusiness at the property located at 1 Meridian Road, Units 1 and 2, Eatontown, New Jersey; and

BE IT FURTHER RESOLVED as follows:

1. Remedy Oil, LLC is registered to do business in the State of New Jersey.
2. The Borough of Eatontown has authorized up to one Class 1 Cultivator Microbusiness and one Class 2 Cannabis Manufacturer Microbusiness through the adoption of the Cannabis Ordinance.
3. The Borough Council reserves the right to issue additional Resolutions of Support to other Class 1 Cultivator Microbusiness applicants and Class 2 Cannabis Manufacturer Microbusiness applicants which apply for such licenses, and the Borough shall ultimately issue a license to locate and operate a Class 1 Cultivator Microbusiness and Class 2 Cannabis Manufacturer Microbusiness to an applicant which meets the criteria to obtain a Cannabis license from the Borough in conformance with the requirements of the Cannabis Ordinance.

BE IT FURTHER RESOLVED A copy of this Resolution shall be forwarded to the following:

- a. Remedy Oil, LLC
- b. Kathy Muscillo, Director of Planning and Zoning

C. CONSENT AGENDA MOTIONS

1) Acceptance of Tax Collector Report, June 2024

2) Acceptance of Planning/Zoning Report, June 2024

Motion to accept Consent Agenda Motions 1-2 by C/Araman; seconded by C/Lawson

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

12. REMARKS OF COUNCIL AND CITIZENS

Councilmember Faust mentioned that the Department of Public Works was able to find a tombstone remediation company for the cemetery behind QuickChek. Councilmember Faust then commented on the Veterans Mental Health mission.

Councilmember Jones thanked the residents and council for their support while she was on Sabbatical due to illness. Councilmember Jones then wished the best to Janaea Morgan, secretary to the Mayor and Administrator since she will be leaving the Borough. Councilmember Jones then wished a Happy Birthday to people in her life and thanked the First Responders for the Popeyes fire.

The meeting was open to the public.

Robert November, Eatontown business owner, questioned the distance from a Class V location to a school. Mayor Talerico responded. Mr. November then questioned the Zoning approval for the Class I and Class II locations. Mayor Talerico responded.

Councilmember Gindi welcomed the out-of-state guests and publicly stated that Eatontown is a beautiful town and would like visitors to respect Eatontown's laws. Councilmember Gindi then thanked Chief Lucia and the entire Police Department for upholding the laws in town.

There being no further comments, the meeting was closed to the public.

13. ADJOURNMENT – 7:49pm

Motion to adjourn by C/East; seconded by C/Araman

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust



By: Kathleen Muscillo, Deputy Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJS 47:3-15 *et seq* and approved by the State Records Committee. Audio is available on the Borough website.

Approval 07/24/2024

July 9, 2024
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Bill List By Vendor Id

Page No: 1

P.O. Type: All

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Range: First to Last

Format: Condensed

Vendors: All

Include Non-Budgeted: Y

Rcvd Batch Id Range: First to Last

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ACTIO005	ACTION UNIFORM CO, LLC								
		23-02804	11/14/23	2023 Police Uniforms	Open	930.00	0.00		B
ADAMS005	BUCHAN & PALO, LLC								
		24-01332	06/12/24	BORO PUBLIC DEFENDER SERVICE	Open	1,000.00	0.00		
ADD003	ATLANTIC DETROIT DIESEL								
		24-00980	04/19/24	EMERG REPAIR FIRE LADDER 11-92	Open	7,216.18	0.00		
		24-01097	05/09/24	FIRE DEPT EMERG REPAIR 11-92	Open	1,003.35	0.00		
						8,219.53			
AHFE001	ALL HANDS FIRE EQUIPMENT								
		24-01255	05/29/24	FIRE DEPT FIREFIGHTER EQUIP	Open	1,164.44	0.00		
AMAZ001	AMAZON.COM SERVICES, INC								
		24-00299	01/26/24	SUNLITE 41780 LED OUTDOOR HIGH	Open	35.21	0.00		
		24-01382	06/18/24	HANES BOYS UNDERSHIRT X-SM	Open	343.10	0.00		
						378.31			
NH001	ANN HOWELL								
		24-00296	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
APP002	GANNETT NJ NEWSPAPERS								
		24-01020	04/29/24	Legal Advertisements	Open	104.72	0.00		B
ASFI001	ATLANTIC SECURITY & FIRE, INC.								
		24-01291	06/06/24		Open	506.85	0.00		
BAND001	BANDAG, INC								
		24-01078	05/07/24	DPW TRUCK CAPS AND CASING	Open	3,077.12	0.00		
		24-01090	05/08/24	DPW MASON DUMPS	Open	942.98	0.00		
						4,020.10			
BEN002	DALE BENNETT								
		24-00282	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
BENNG01	GWEN E BENNETT								
		24-00283	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
BTF001	BOROUGH OF TINTON FALLS								
		24-01512	07/08/24	SHARED SERV MUNICIPAL COURT	Open	78,742.50	0.00		
CGPH001	CGP&H, LLC								
		24-01344	06/13/24	HOUSING REHABILITATION PROGRAM	Open	550.00	0.00		
EM001	CHEM-TEK INDUSTRIES INC.								
		24-01173	05/17/24	FRESH BREEZE	open	787.20	0.00		

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Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
CIOK001	PEGGY CIOK								
		24-00290	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
CIOK002	ROBERT S CIOK								
		24-00291	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
COMC004	COMCAST								
		24-01496	07/03/24	BORO VIDEO/CABLE ACCOUNT	Open	135.46	0.00		
		24-01501	07/03/24	LEWIS ST INTERNET SERVICES	Open	182.90	0.00		
						318.36			
CSUT001	CAROL SUTPHIN								
		24-00312	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
DEADY002	FLORA DEADY								
		24-00494	02/21/24	MEDICARE INS REIMBURSE 2024	Open	524.10	0.00		B
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		24-01415	06/20/24	COMM CTR COPIER LEASE	Open	146.85	0.00		
		24-01416	06/20/24	MAILROOM COPIER LEASE	Open	146.85	0.00		
						293.70			
DOBR001	JOHN DOBROWOLSKI								
		24-00292	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
DWOM001	DORIS M. WOMBOUGH								
		24-00313	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	455.10	0.00		B
EDM001	EDMUNDS & ASSOCIATES, INC.								
		24-01115	05/10/24	Blank Tax Bills 2024-2025	Open	339.00	0.00		
EPG001	EAGLE POINT GUN								
		24-00945	04/17/24	2024 Ammo	Open	16,901.00	0.00		B
FERRUGIA	LINDA G FERRUGIA								
		24-00492	02/21/24	MEDICARE INS REIMBURSEMENT 24	Open	524.10	0.00		B
FIRE001	FIREFIGHTER ONE								
		24-00765	03/20/24	FIRE DEPT FOAM FOR EQUIPMENT	Open	2,402.68	0.00		
FOLE002	FOLEY, INCORPORATED								
		24-00456	02/15/24	LOADER BUCKET COUPLER	Open	2,054.00	0.00		
FOO001	SAKER SHOPRITES, INC.								
		24-01067	05/06/24	JUNE BINGO SUPPLIES	Open	50.98	0.00		
		24-01294	06/06/24	JULY BINGO SUPPLIES	Open	54.69	0.00		
		24-01385	06/18/24	Orientation Camp Supplies	Open	175.62	0.00		
		24-01417	06/20/24	COUNCIL MEETING ROOM WATER	Open	43.92	0.00		
						325.21			
FUNEX001	FUN EXPRESS, LLC								
		24-01387	06/18/24	ITEM #1D-39/139	Open	194.13	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
FUNSER01	FUN SERVICES								
		24-01169	05/16/24	Eatontown Fun Day Performers	Open	1,525.00	0.00		
FWWEB005	F.W. WEBB COMPANY								
		24-01212	05/22/24		Open	180.99	0.00		B
GASK001	GASKO'S FAMILY FARM & GREENHOU								
		24-00886	04/09/24	BEAUTIFY EATONTOWN GARDENS	Open	163.86	0.00		B
GEN001	GENERAL CODE PUBLISHERS CORP.								
		24-01463	06/28/24	Supplement Project	Open	1,799.00	0.00		
GKNJ001	GABRIELLI KENWORTH OF NJ LLC								
		24-00224	01/19/24	DPW#93 - AUXILIARY COO	Open	2,391.08	0.00		
GPC001	GENUINE PARTS COMPANY INC								
		24-00014	01/05/24	OPEN FOR 2024	Open	61.64	0.00		B
		24-00525	02/22/24	OPEN FOR 2024	Open	70.20	0.00		B
						131.84			
GSB002	GARDEN STATE BOBCAT, INC								
		24-00947	04/17/24	BOBCAT SWEEPER BROOMS	Open	1,145.90	0.00		
HOFFM011	HOFFMAN EQUIPMENT CO								
		24-00672	03/11/24	DPW TUB GRINDER CLUTCH	Open	8,907.76	0.00		
HOMED01	HOME DEPOT/6035322538819545								
		24-00358	02/02/24	2024 purchases	Open	69.41	0.00		B
HOW001	WALTER HOWELL								
		24-00297	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
JAMM001	JAMM PRINTING								
		24-00099	01/10/24	AUTOMATED RECYCLING FLYERS	Open	80.00	0.00		
JENG001	JOYCE ENGLEHART								
		24-00295	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
JERS001	JCP&L								
		24-01498	07/03/24	BORO MONTHLY ELECTRIC USAGE	Open	533.09	0.00		
JRCAMP01	John R. Campbell								
		24-00285	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
JSPOT01	JOHNNY ON THE SPOT, LLC								
		24-00020	01/05/24	OPEN FOR 2024	Open	94.50	0.00		B
KAT001	KATHLEEN STAUFFER								
		24-00310	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
W001	CHARLES KAWAS								
		24-00298	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
KEPWE005	KEPWE SPRING WATER CO, INC	24-00046	01/08/24		Open	55.00	0.00		B
KLEIN1	KENNETH KLEINMAN	24-01419	06/20/24	MEDICARE INSURANCE REIMBURSE	Open	174.70	0.00		
KLEINE01	EILEEN KLEINMAN	24-01418	06/20/24	MEDICARE INSURANCE REIMBURSE	Open	174.70	0.00		
KSTAUF01	KATHLEEN M. STAUFFER	24-00330	01/30/24	2024 SHBP REIMBURSEMENT RETIREE	Open	2,426.89	0.00		B
LECK001	LECKSTEIN & LECKSTEIN, LLC	24-01406	06/19/24	PB2023-09 Escrow #1615	Open	800.00	0.00		
LEE003	LEES EMERGENCY EQUIPMENT, INC.	24-01358	06/17/24	FIRE TRUCK REPAIRS ENG 11-72	Open	7,055.80	0.00		
LERT002	LERTCH RECYCLING CO, INC	24-00260	01/24/24	OPEN FOR 2024 - INCOMING	Open	164.35	0.00		B
LOU001	LOUIS R. MICELI	24-00305	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
MACA001	PETER MACALUSO	24-00301	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
MAZ003	MAZZA RECYCLING SERVICES INC	24-01045	05/02/24	BULKY WASTE APRIL 2024	Open	6,740.90	0.00		
MCK001	MARY ANN MCKEAN	24-00303	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
MCT001	MONMOUTH COUNTY TREASURER	24-01259	05/30/24	MUNICIPAL WASTE	Open	3,926.04	0.00		
MCTR001	MONMOUTH COUNTY TREASURER	24-01470	07/01/24	Postage for Primary 2024	Open	1,063.10	0.00		
MEGIL001	FRED MEGILL	24-00304	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
MOMU001	MONMOUTH MUSEUM	24-01179	05/17/24	MUSEUM TOUR	Open	240.00	0.00		
MON002	MONMOUTH BUILDING CENTER	24-00768	03/20/24		Open	84.97	0.00		B
		24-00825	04/02/24	OPEN FOR 2024	Open	43.96	0.00		B
						128.93			
MONMO005	MONMOUTH COUNTY PUBLIC WORKS	24-01189	05/20/24	VEHICLE WASH	Open	100.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
MONMO020	MONMOUTH COUNTY ARTS COUNCIL								
		24-01017	04/25/24	Art Therapy 2 sessions	open	1,000.00	0.00		
MOR002	LINDA MORGAN								
		24-00495	02/21/24	MEDICARE INS REIMBURSE 2024	open	733.80	0.00		B
MRH00L	MONMOUTH REGIONAL H.S. BD. OF								
		24-01379	06/18/24	Field Hockey Clinic 6/25-6/27	open	1,265.00	0.00		
MURAK005	MURAKATA, LINDA ANN								
		24-01346	06/14/24	REFUND OVERPAYMENT	open	152.60	0.00		
MUSCI005	MUSCILLO, KATHY								
		24-01453	06/27/24	Conference Travel Expenses	open	24.64	0.00		
NEWJE010	NEW JERSEY STATE POLICE								
		24-01206	05/21/24	Radio user fees 2nd semi annua	open	5,625.00	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER								
		24-01500	07/03/24	BORO FIRE HYDRANTS USAGE	open	16,433.88	0.00		
NJBIKE	NJ BIKE & WALK COALITION								
		24-01215	05/22/24	ADMISSION FEE NJ BIKE/WALK	open	75.00	0.00		
DH001	NJ DEPT OF HEALTH AND SENIOR S								
		24-01465	06/28/24	June Dog Report	open	19.80	0.00		
NJN001	NJ NATURAL GAS CO.								
		24-01499	07/03/24	BORO MONTHLY GAS USAGE	open	1,786.31	0.00		
NOZ001	NOLZE GARAGE DOOR, LLC								
		23-01741	07/14/23		open	206.00	0.00		B
		24-00052	01/08/24		open	716.50	0.00		B
						922.50			
NRPA006	NRPA								
		24-01147	05/15/24	2024 VIRTUAL CONF. MEM#149671	open	305.00	0.00		
ODELL001	KAREN A ODELL								
		24-00306	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
OTOOL005	O'TOOLE SCRIVO, LLC								
		24-01208	05/21/24	LABOR COUNSEL FEES	open	1,462.50	0.00		
PAY003	LOUISE M. PAYNE								
		24-01420	06/20/24	MEDICARE INSURANCE REIMBURSE	open	380.01	0.00		
PCAMP001	Patricia Campbell								
		24-00287	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
REC002	JANICE GRASSO								
		24-01422	06/21/24	Petty Cash reconcile	open	182.57	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PEL002	JOSEPH PELELLA JR	24-00307	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
PEL003	SHERYL PELELLA	24-00308	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
PIR002	JERSEY SHORE PIRATES	24-01342	06/13/24	Camp Trip Balance 7.18.24	Open	399.00	0.00		
REL001	RELANCE GRAPHICS	24-01313	06/10/24	2024 PRIMARY ELECTION BALLOTS	Open	4,266.00	0.00		
REPT001	REPUBLIC SERVICES	24-01399	06/19/24	TONNAGE JUNE 2024	Open	22,212.40	0.00		
RSTA001	ROBERT G. STAUFFER	24-00311	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
SCH001	T&M ASSOCIATES	24-01428	06/25/24	76 Broad Escrow #1640	Open	18,778.75	0.00		
		24-01429	06/25/24	Minas Grill Escrow #1520	Open	<u>2,012.25</u>	0.00		
						20,791.00			
SDL001	SPATIAL DATA LOGIC INC	24-01337	06/12/24	ENTERPRISE LICENSE YEARLY FEE	Open	29,440.00	0.00		
SHORE002	THE HOSE SHOP, INC.	24-00031	01/05/24	OPEN FOR 2024	Open	237.52	0.00		B
SNEAK005	SNEAKERS PLUS OF WALL	24-01312	06/07/24	Summer Camp Staff shirts	Open	714.00	0.00		
		24-01328	06/11/24	Summer Camp Camper Shirts	Open	<u>920.00</u>	0.00		
						1,634.00			
SSW001	S&S WORLDWIDE	24-01338	06/12/24	Rec Summer Camp Supplies	Open	722.51	0.00		
STA001	STAVOLA CONTRACTING CO. INC.	24-00625	03/06/24	OPEN FOR 2024	Open	1,467.85	0.00		B
STAP003	STAPLES ADVANTAGE	24-01364	06/17/24	ZONING/PLANNING OFFICE SUPPLY	Open	76.25	0.00		
		24-01365	06/17/24	ADMINISTRATION OFFICE SUPPLIES	Open	<u>84.15</u>	0.00		
						160.40			
SWOMB001	SHARON WOMBOUGH	24-00315	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
TARGE005	TARGETED TECHNOLOGIES LLC	24-01412	06/20/24	Dell Optiplex Computer	Open	1,195.00	0.00		
TAXC001	MONMOUTH COUNTY TREASURER	24-01469	07/01/24	COUNTY TAX AUGUST 2024	Open	1,634,380.47	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
TAXH001	MONMOUTH COUNTY TREASURER	24-01472	07/01/24	COUNTY HEALTH TAX AUGUST 2024	Open	28,859.33	0.00		
TAXL001	MONMOUTH COUNTY TREASURER	24-01471	07/01/24	COUNTY LIBRARY TAX AUGUST 2024	Open	104,087.76	0.00		
TAXO001	MONMOUTH COUNTY TREASURER	24-01473	07/01/24	COUNTY OPEN SPACE TAX AUG 2024	Open	249,469.06	0.00		
TEPS001	STATE OF NJ DEPT OF TREASURY	24-01515	07/09/24	SHBP CONTRIBUTION JULY 2024	Open	313,682.45	0.00		
TERM001	TERMINATOR TERMITE & PEST MGT	24-01003	04/24/24		Open	75.00	0.00		B
TNJ001	TREASURER, STATE OF NJ	24-01466	06/28/24	MARRIAGE 2ND QUARTER REPORT	Open	700.00	0.00		
TNJ002	TREASURER, STATE OF NJ	24-01474	07/01/24	2ND QTR DCA FEES - 2024	Open	9,492.00	0.00		
TURF001	TURF TRADE	24-00926	04/15/24	GUIDE LINE WHITE (50LB BAG)	Open	879.44	0.00		
WOM001	THOMAS C. WOMBOUGH III	24-00314	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
UGIEN005	UGI ENERGY SERVICE, LLC	24-01497	07/03/24	BORO MONTHLY GAS USUAGE	Open	573.10	0.00		
ULINE001	ULINE	24-01094	05/09/24	HEAVY DUTY ROLLING Z RACK	Open	186.25	0.00		
VER003	V.E. RALPH & SON, INC.	23-00982	04/06/23	FIRST AID OPEN MEDICAL SUPPLY	Open	29.54	0.00		B
WAR001	WARSHAUER ELECTRIC SUPPLY CO. I	24-01007	04/24/24		Open	414.88	0.00		B
WHITE006	WHITE DOVE CLEANERS	24-01321	06/11/24	5/14/24-5/20/24 Dry Cleaning	Open	120.21	0.00		
		24-01322	06/11/24	5/21-5/27 Dry Cleaning	Open	536.53	0.00		
		24-01323	06/11/24	5/28-6/3 Dry Cleaning	Open	345.29	0.00		
		24-01324	06/11/24	6/4-6/10 Dry Cleaning	Open	260.24	0.00		
						1,262.27			
WOO004	RONNIE L. WOODS	24-01373	06/18/24	EYEGLASS REIMBURSEMENT	Open	259.50	0.00		

Total Purchase Orders: 128 Total P.O. Line Items: 0 Total List Amount: 2,630,736.61 Total Void Amount: 0.00

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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	3-01	1,165.54	0.00	1,165.54	0.00	0.00	1,165.54
CURRENT FUND:	4-01	2,615,361.27	0.00	2,615,361.27	0.00	0.00	2,615,361.27
GRANT FUND	G-02	1,605.00	0.00	1,605.00	0.00	0.00	1,605.00
	T-12	19.80	0.00	19.80	0.00	0.00	19.80
	T-15	1,550.00	0.00	1,550.00	0.00	0.00	1,550.00
	T-17	11,035.00	0.00	11,035.00	0.00	0.00	11,035.00
Year Total:		12,604.80	0.00	12,604.80	0.00	0.00	12,604.80
Total of All Funds:		2,630,736.61	0.00	2,630,736.61	0.00	0.00	2,630,736.61