

DRAFT
BOROUGH OF ROOSEVELT
33 N. Rochdale Ave, Roosevelt Borough, NJ 08555

COUNCIL REGULAR MEETING AGENDA
APRIL 15, 2024 @ 7:00 P.M.

TIME IN _____

Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 3, 2024 which was posted on the Bulletin Board Roosevelt Post Office and in the Borough Hall. The notice was transmitted to The Times and Asbury Park Press.

ROLL CALL

- Councilmember Louis Esakoff
- Councilmember Michael Hamilton
- Councilmember Constance Herrstrom
- Councilmember Kristine Kaufman-Marut
- Councilmember Steven Macher
- Councilmember Joseph Trammell
- Mayor Peggy Malkin

MAYOR'S REPORT:

PUBLIC COMMENT: (Agenda items only)

MINUTES:

1. Regular Meeting Minutes – April 1, 2024
2. Closed Meeting Minutes – April 1, 2024

CORRESPONDENCE:

1. Letter from Roberts Engineering Group, LLC, dated April 12, 2024, recommending bid award for Improvements to Tamara Drive.

ORDINANCES:

FIRST READING

2024-03

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS ALONG NORTH VALLEY ROAD, APPROPRIATING \$59,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$56,100 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Second reading and public hearing scheduled for May 6, 2024 at Borough Hall, 33 North Rochdale Avenue, Roosevelt, NJ.

FIRST READING

2024-04

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE BOROUGH OF ROOSEVELT AT ARTICLE VI: "SUPPLEMENTARY REGULATIONS" TO UPDATE THE BOROUGH'S STORMWATER REGULATIONS IN ACCORDANCE WITH UPDATED NJDEP STORMWATER REQUIREMENTS

Second reading and public hearing scheduled for June 17, 2024 at Borough Hall, 33 North Rochdale Avenue, Roosevelt, NJ.

FIRST READING

2024-05

AN ORDINANCE OF THE BOROUGH OF ROOSEVELT AMENDING CHAPTER 19: "TREE PROTECTION" TO UPDATE REGULATIONS AS TO THE REMOVAL OF TREES FROM LANDS WITHIN THE BOROUGH IN ORDER TO COMPLY WITH UPDATED NJDEP STORMWATER REGULATIONS

Second reading and public hearing scheduled for May 6, 2024 at Borough Hall, 33 North Rochdale Avenue, Roosevelt, NJ.

RESOLUTION:

Resolution 24-58 Resolution Approving New Jersey Uniform Fire Code Administration and Enforcement Shared Services Agreement with Millstone Township Fire District No. 1 to Provide Fire Official and Fire Inspection Services Within the Borough

CONSENT AGENDA RESOLUTIONS:

Resolution 24-60 Payment of Bills – April 15, 2024
Resolution 24-61 Resolution Awarding Contract for Maintenance of Public Lands in the Borough to Kyle's Lawn and Landscaping
Resolution 24-62 Resolution Authorizing Execution of Municipal Open Space Program Grant Agreement with Monmouth County for the Restoration of Franklin Delano Roosevelt Memorial Amphitheater and Grounds

RESOLUTION:

Resolution 24-63 Resolution Authorizing Temporary Emergency Appropriations #3

RESOLUTION:

Resolution 24-64 A Resolution of the Borough Council of the Borough of Roosevelt Awarding a Contract for Improvements to Tamara Drive

REPORTS OF COMMITTEE CHAIRS:

Councilmember Kaufman-Marut Envi, Health & Safety
Councilmember Esakoff Administration
Councilmember Hamilton Finance
Councilmember Herrstrom Community Dev/Code

Councilmember Macher
Councilmember Trammell

Public Works
Utilities

REPORTS OF BOROUGH OFFICIALS:

OLD BUSINESS:

1. Improvements to Lake Drive and Spruce Lane

NEW BUSINESS:

1. Bulk Trash Pickup – May 6, 2024

GOOD AND WELFARE:

PUBLIC COMMENT: (Any item)

M/Malkin opens the public comment at _____

M/Malkin closes the public comment at _____

CLOSED SESSION:

Resolution 24-xxx Providing for a Private Executive Meeting that Excludes the Public

ADJOURNMENT

TIME OUT: _____



Roberts
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April 12, 2024

Mayor and Council
 33 North Rochdale Avenue
 P.O. Box 128
 Roosevelt, New Jersey 08555

Re: Award Recommendation Letter
 Improvements to Tamara Drive
 Borough of Roosevelt, Monmouth County, New Jersey
 Our File No.: R4413

Dear Mayor and Council:

Bids were received for the Improvements to Tamara Drive Project on Tuesday, April 9, 2024. A total of eight (8) bidders obtained plans and specifications and five (5) contractors submitted bids. The bid results are as follows:

	<u>Bid</u>
1. P.M. Construction Corp. Hillside, New Jersey 07205	\$982,058.79
2. Earle Companies Farmingdale, New Jersey 07727	\$1,062,513.13
3. Berto Construction, Inc. Rahway, New Jersey 07065	\$1,283,029.73
4. S. Brothers General Contractors South River, New Jersey 08882	\$1,299,613.75
5. Roman E & G Corp. Newark, New Jersey 07104	\$1,558,851.06
6. <i>Engineer's Estimate</i>	\$906,449.50

This project is being funded through a FY2021 Municipal Aid Program grant as administered by the New Jersey Department of Transportation (NJDOT) in the amount of \$173,700.00 as well as loan financing through the NJ Water Bank for the water main improvements. The Engineer's Estimate for this contract is \$906,449.50. The low bidder amount of \$982,058.79 is \$75,609.29 (8.3%) above the Engineer's Estimate.

A breakdown of the costs are as follows:

	<u>Engineer's Estimate</u>	<u>Low Bidder</u>
- Roadway Improvements	\$404,498.50	\$428,338.79
- Water and Sewer Improvements	\$501,951.00	\$553,720.00

Award Recommendation Letter
Improvements to Tamara Drive
Borough of Roosevelt, Monmouth County, New Jersey
Our File No.: R4413
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Much of the increase in cost appears to be related to water improvements. The unit prices for site clearing, test pits, water main by way of horizontal directional drilling, cut and transfer of water services, insertion valves, concrete encasement, and concrete sloping curb are inflated when compared to the Engineer's Estimate. The unit prices except for test pits and concrete encasement as submitted by all bidders are greater than estimated value.

We typically prepare Engineer's Estimates by utilizing recent bidding data. This project is no exception as the unit prices were determined using bid summaries as recent as November 2023 (four months before the Authorization to Advertise).

In reviewing with the low bidder and other Contractors, it appears that piping and concrete material costs have increased since January 2024 due to high demand in both public and private sectors. Various Contractors have indicated that material supply is sufficient, but vendors have increased costs and have favored private development. As a result, the cost for public improvements has increased drastically since the beginning of January 2024.

Based on our review with Contractors, I do not anticipate more favorable bids will be received should the Borough choose to reject the bids and readvertise the contract.

I have reviewed the bid submitted by P.M. Construction Corp. All conditions set forth in the bid proposal have been satisfied and the Contractor is not on the current list of debarred contractors.

We have worked with P.M. Construction in the past and have found them to be responsive, efficient, and experienced.

Please be aware that a contract must be awarded by April 22, 2024 as required by the NJ Water Bank.

Therefore, it is my recommendation that a contract be awarded to P.M. Construction Corp., of Hillside, New Jersey for the Improvements to Tamara Drove Project in the amount of \$982,058.79, subject to the approval by the New Jersey Department of Transportation, NJ Infrastructure Bank and the Borough Attorney.

By way of this letter, I am returning the original bids to the Clerk.

Should you have any questions, please do not hesitate to contact this office.

Very truly yours,



Carmela Roberts, P.E., C.M.E., C.P.W.M.
Borough Engineer

cc: Kathleen Hart, RMC, CMR, Borough Clerk
Ana Debevec, Borough Treasurer
Gregory Cannon, Esq., Borough Attorney
Cameron Corini, P.E., C.M.E., C.P.W.M., Roberts Engineering Group, LLC
Kelly Pham, E.I.T., Roberts Engineering Group, LLC

**BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH**

**BOND ORDINANCE NO. 2024-03
INTRODUCED DATE: 04-15-2024
PUBLIC HEARING DATE: 05-06-2024**

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS ALONG NORTH VALLEY ROAD, APPROPRIATING \$59,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$56,100 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as Water/Sewer Utility improvements to be undertaken in and by the Borough of Roosevelt, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$59,000, said sum being inclusive of all appropriations heretofore made therefor, including \$2,900 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$56,100, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of various Sewer Utility improvements along North Valley Road, including, but not limited to, sanitary sewer main and lateral replacement and manhole repair, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$56,100, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$59,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$59,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$2,900 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as Water/Sewer Utility improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$56,100 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$9,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE 2024-04
INTRODUCTION DATE: 04-15-2024
PUBLIC HEARING DATE: 06-17-2024

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE BOROUGH OF ROOSEVELT AT ARTICLE VI: "SUPPLEMENTARY REGULATIONS" TO UPDATE THE BOROUGH'S STORMWATER REGULATIONS IN ACCORDANCE WITH UPDATED NJDEP STORMWATER REQUIREMENTS

C/ _____ offered the following Ordinance and moved its introduction, which was seconded by C/ _____.

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has amended its state-wide Stormwater Management Rules, N.J.A.C. 7:8, *et seq.*; and

WHEREAS, the Borough of Roosevelt (the "Borough") maintains its municipal stormwater management regulations within its Zoning Ordinances at Sections 6.160-6.171; and

WHEREAS, pursuant to the recommendation and instruction of the Borough Engineer, the Borough must now amend its local stormwater management regulations within the Borough Zoning Ordinances to be consistent with NJDEP amendments and mandates;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roosevelt that Sections 6.160 through 6.171 of Article VI: "Supplementary Regulations" of the Borough Zoning Ordinances are hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

6.160 STORMWATER MANAGEMENT.

6.161 Purpose, Policy, Applicability and Compatibility with Other Permit and Ordinance Requirements.

- 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 6.162.

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 Roosevelt.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to June 17, 2024, shall be subject to the stormwater management requirements in effect on June 16, 2024.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to June 17, 2024, shall be subject to the stormwater management requirements in effect on June 16, 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 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.

6.162. Definitions.

For purposes of this Section, the following terms, phrases, words and derivations shall have the meanings stated herein unless their use in the text of this Section 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 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.* For 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 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 IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“*Node*” 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 (PAI)*” 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 basin*” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration 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.

6.163. 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.

6.164. 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 6.170.
- 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 6.164.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 6.164.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 6.164.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of Section 6.164.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 6.164.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 6.164.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 6.164.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm. <https://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 Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)

Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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

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

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

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 6.164.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 6.162;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 6.162.

- 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 6.166.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 6.164.O only if the measures meet the definition of green infrastructure at Section 6.162. 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 6.164.D is granted from Section 6.164.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 6.168.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 6.168; 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 II may be used only under the circumstances described at Section 6.164.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 6.162 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 6.164.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 6.164.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 Monmouth County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 6.164.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 6.170.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 Borough.

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 6.164 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Monmouth County Clerk’s Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with 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 6.164.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 6.164.F. and/or an alternative stormwater management measure approved in accordance with Section 6.164.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 6.164.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 6.164.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 6.164.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 6.164.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 6.164.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 6.164.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 6.165, either:
 - a. 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
 - b. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 6.165(D) hereinbelow, 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:
 - a. 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. 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

- b. 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:
 - a. 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.
 - b. 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,

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

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 6.164.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 6.165, complete one of the following:

- a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 6.165(C) and (D) hereinbelow, respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - b. 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 in Section 6.165(C) and (D) hereinbelow, respectively, 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;
 - c. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - d. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.a, b and c above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

6.165. Calculation of Stormwater Runoff and Groundwater Recharge.

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

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

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf
<https://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 New Jersey State Office.; or

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

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

2. For the purpose of calculating ~~runoff coefficients~~ 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 "~~runoff coefficients~~ curve numbers" applies to both the NRCS methodology above at Section 6.165.A.1.i and the Rational and Modified Rational Methods at Section 6.165.A.1.ii. A ~~runoff coefficients~~ curve numbers or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover ~~have~~ 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/njgs/pricelst/greport/gsr32.pdf>

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

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

<u>County</u>	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>10-year Design Storm</u>
<u>Monmouth</u>	<u>1.19</u>	<u>1.19</u>	<u>1.26</u>

6.166. Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:
http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
<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://www.njstormwater.org/maintenance_guidance.htm.
<https://dep.nj.gov/stormwater/maintenance-guidance/>.
- B. Submissions required for review by the Department should be mailed to:
~~The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.~~
The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625.

6.167. Solids and Floatable Materials Control Standards.

- A. Site design features identified under Section 6.164.F above, or alternative designs in accordance with Section 6.164.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 6.167.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:

- a. 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
 - b. 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.
 - c. 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:
- a. 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;
 - b. 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;
 - c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.

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

- e. 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.

6.168. Safety Standards for Stormwater Management Basins.

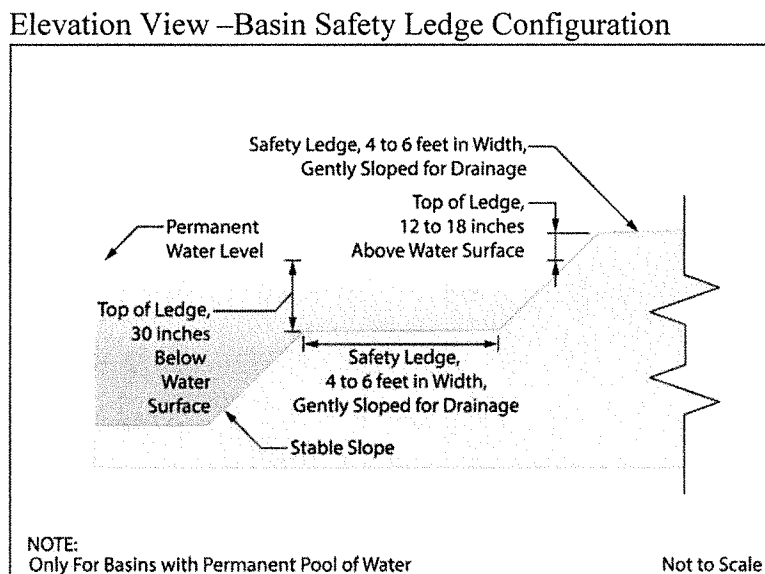
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in Section 6.168.C.1, 6.168.C.2, and 6.168.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 basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - c. 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
 - d. 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:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no ~~less~~greater than two inches across the smallest dimension

- c. 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 basins shall include escape provisions as follows:
- a. If a stormwater management basin 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 basins. With the prior approval of the municipality pursuant to 6.168.C, a free-standing outlet structure may be exempted from this requirement;
 - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins 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 6.168.E for an illustration of safety ledges in a stormwater management basin; and
 - c. In new stormwater management basins, 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 basins 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



6.169. 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 6.169.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 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 6.169.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 determine if the project meets the standards set forth herein.

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 6.163 through 6.165 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:

- a. 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.
- b. 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

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 6.164 of this ordinance.
- b. 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 6.170.

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 6.169.C.1 through 6.169.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.

6.170. Maintenance and Repair

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section 6.170.B and 6.170.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 6.170.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration 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 6.170.B.3 above shall perform all of the following requirements:
 - a. 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;
 - b. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - c. 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 6.170.B.6 and B.7 above.
 8. The requirements of Section 6.170.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

6.171. 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 punished in accordance with Section 11.700.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that, after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning/Zoning Board of the Borough of Roosevelt for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough’s Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

BE IT FURTHER ORDAINED that, after adoption of this Ordinance, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the County of Monmouth for its review and approval in accordance with N.J.S.A. 40:55D-97.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) approval by the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-97.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the _____ day of _____ 2024, at a meeting of the Mayor and Council of the Borough of Roosevelt and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Council of the Borough of Roosevelt to be held on the _____ day of _____ 2024 at the Municipal Building at 33 N. Rochdale Avenue, Roosevelt, New Jersey.

Kathleen Hart, Borough Clerk

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**ORDINANCE 2024-05
INTRODUCTION DATE: 04-15-2024
PUBLIC HEARING DATE: 05-06-2024**

**AN ORDINANCE OF THE BOROUGH OF ROOSEVELT AMENDING
CHAPTER 19: “TREE PROTECTION” TO UPDATE REGULATIONS AS TO
THE REMOVAL OF TREES FROM LANDS WITHIN THE BOROUGH IN ORDER
TO COMPLY WITH UPDATED NJDEP STORMWATER REQUIREMENTS**

C/_____ offered the following Ordinance and moved its introduction, which was seconded by C/_____.

WHEREAS, the Borough of Roosevelt (the “Borough”), pursuant to recently revised stormwater regulations promulgated by the New Jersey Department of Environmental Protection, seeks to implement new regulations within Borough to provide procedures for the replacement of removed trees within the Borough; and

WHEREAS, trees play a critical role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction and thermal effects; and

WHEREAS, this Ordinance seeks to ensure that the Borough protects trees as an asset to its stormwater management and mitigation efforts; and

WHEREAS, the Borough’s MS4 Permit Renewal requires permittees to adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties where the Borough has jurisdiction;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that Chapter 19: “Protection of Trees” of the Borough’s Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

**CHAPTER 19
TREE PROTECTION**

§ 19-1 Title.

This Chapter shall be known as and may be cited as the “Environmental Tree Protection Ordinance of the Borough of Roosevelt.”

§ 19-2 Purpose.

The purpose of this chapter is to preserve trees and woodlands throughout the Borough of Roosevelt, and to restrict the removal of trees, thereby maintaining the beauty and character of the Borough, preventing erosion, and restricting any action that could create a hazard to persons or properties.

§ 19-3 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Applicant shall mean any person making application to the Tree Conservation Officer for a Tree Removal Permit.

Clear cutting shall mean the removal of more than twenty (20%) percent of the total number of trees, six (6) inches in DBH or greater of any type of trees on a lot and located outside of the necessary footprint as defined below.

Diameter at breast height (DBH) shall mean the diameter of a tree measured at breast height, which is approximately four and one-half (4 1/2) feet above the ground. The diameter of a multi-trunked tree shall be two-thirds (2/3) of the sum of the diameters of all trunks but not less than the diameter of the largest trunk. Diameter shall be calculated to be one-third (1/3) of the circumference for the purpose of this definition.

Emergency shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

Mitigation plan shall mean a plan prepared by a qualified person acceptable to the Tree Conservation Officer showing the planting of replacement trees on the property on which tree removal activity is taking place or on other properties within the Borough. Said plan must depict, in a manner acceptable to the Tree Conservation Officer, a reasonable scheme for the ultimate full replacement of trees removed.

Necessary footprint shall mean the portion of the lot located within a line drawn fifteen (15) feet outside the limits of any existing principal structure or any proposed principal structure for which site plan approval has been granted or a valid building permit or other necessary municipal approval exists; and within five (5) feet outside the limit of any existing accessory structure or any proposed accessory building and/or accessory structure for which site plan approval has been granted or a valid building permit or other necessary municipal approval exists.

Ornamental tree - *See Tree, ornamental.*

Permittee shall mean any person who has been issued a permit pursuant to the terms and conditions of this section and who is obligated to fulfill all the terms of this section.

Person shall mean any person, firm, partnership, association, corporation, company, or public or private organization of any kind other than those exempted from the provisions of this section.

Specimen tree or significant specimen tree shall mean any tree or ornamental tree with a diameter at breast height (DBH) exceeding sixty (60%) percent of that of the largest similar tree listed in either of these references: Monmouth County's Largest Trees, prepared and updated annually by the Monmouth County Shade Tree Commission of New Jersey's Big Trees, prepared and updated biannually by the Division of Parks and Forestry of the New Jersey Department of Environmental Protection.

Street tree - *See Tree, street.*

Thinning shall mean the removal of undesirable, competitive, diseased or damaged trees so as to improve the development of the remaining trees on a lot.

Tree shall mean any living deciduous or coniferous (evergreen) tree which is six (6) inches in DBH or greater, with a normally anticipated mature height of twenty (20) feet or greater.

Tree Conservation Officer shall mean the person designated by resolution of the Borough Council to administer and enforce this section. If no such person is designated, the Borough Clerk or the Clerk's designee shall act as Tree Conservation Officer.

Tree expert shall mean a specialist in trees or tree care whose qualifications are acceptable to the Tree Conservation Officer.

Tree, ornamental shall mean any living Dogwood, American Holly, Native Laurel and any other small decorative tree with a normally anticipated mature height of six (6) feet or greater (including, but not limited to: Birch, Japanese Maple, Cherry, Crabapple, and Magnolia).

Tree, street shall mean any deciduous hardwood shade tree whose center point at ground level is located within the Borough or County right-of-way.

§ 19-4 **Prohibited Activity.**

The activities described in this Chapter and any substantially similar activity are prohibited activities:

a. Removing, causing or permitting the removal of any significant specimen tree as defined in Section 19-3 above without first obtaining variance relief.

b. Removing, causing or permitting the removal of any tree having a trunk diameter of six (6) inches DBH or larger without first obtaining a tree removal permit.

c. Removing, causing or permitting the removal of any ornamental tree having a size as follows:

1. Three (3) inches DBH or larger for any Dogwood (*Cornus Florida*) or American Holly (*Illex Opaca*);
2. Four (4) inches DBH or larger for any other ornamental tree.

d. Clear cutting or the removal of more than twenty (20%) percent of the total number of trees, six (6) inches in DBH or greater of any size or type of trees within an area on a lot and located outside of the necessary footprint as defined in Section 19-3 or removal of twenty (20%) percent of the trees on slopes steeper than fifteen (15%) percent.

e. Undertaking, causing or permitting any activities including occupancy, demolition or construction on, or adjacent to, any lot which may damage; or otherwise causing or permitting any damage, injury or disfigurement to any tree or ornamental tree described in paragraph a. above.

f. Removing or damaging any street tree without authorization from the Borough of Roosevelt.

§ 19-5 Permit Required.

a. No person shall engage in, nor allow, permit or direct any person to engage in, the removal of any tree six (6) inches in DBH or greater unless a tree removal permit is first obtained from the Tree Conservation Officer.

b. No person shall engage in, nor allow, permit or direct any person to engage in, any prohibited activity as defined in Section 19-4 above unless a variance is first obtained from the Planning Board and a tree removal permit is subsequently obtained from the Tree Conservation Officer.

§ 19-6 Permit Application Requirements.

a. Application for a tree removal permit shall consist of:

1. A fully and accurately completed application form provided by the Borough.

2. A plan showing the location of all existing trees six (6) inches in DBH and greater within ten (10) feet of the proposed limits of disturbance (including all trees located within the necessary footprint) and all proposed tree removal in sufficient detail to identify the nature and limits of the proposed tree removal, including but not limited to the location, species and diameter of all tree removals and the limits of all existing and proposed principal structure's accessory structures in relation to any removals and any proposed grade changes. All trees described in subsection 19-4a,1 or 2 shall be shown on a plan if construction or any disturbance is proposed within ten (10) feet of the canopy line of such trees. For removals of five (5) or fewer trees on a lot where the principal use is an existing single-family dwelling, the plan may be provided using a legible sketch, detailed narrative, a tax map reproduction, a copy of an existing survey or similar drawing with field measurements and dimensions provided by the property owner or the owner's agent. For other removals, the plan shall be prepared by a qualified professional, acceptable to the Tree Conservation Officer.

3. A narrative description of the property owner's reasons for removing the trees, including a description of any alternates considered.

4. A signed evaluation and recommendation from a tree expert, whose qualifications are acceptable to the Tree Conservation Officer, shall be provided if the reasons for the removal include the removal of dead or diseased trees or a horticulturally advantageous thinning or overgrown area.

5. A tree removal permit application fee:

(a) For applications on a lot containing an existing single-family dwelling, not subject to a contract to sell, an option or agreement to buy or a similar agreement, and where no change of title has taken place within the prior calendar year:

- (1) Ten (\$10.00) dollars for removal of five (5) or fewer trees; or
- (2) Fifty (\$50.00) dollars for removal of between six (6) and ten (10) trees; or
- (3) One hundred (\$100.00) dollars for removal of between eleven (11) and twenty (20) trees; or
- (4) One hundred fifty (\$150.00) dollars for removal of over twenty (20) trees; or

(b) For all other applications:

- (1) One hundred fifty (\$150.00) dollars for removal of five (5) or fewer trees; or
- (2) One hundred fifty (\$150.00) dollars, plus twenty-five (\$25.00) dollars for each tree removed over five (5) trees.

(c) Fees may be waived or modified by the Borough Council for charitable, public or quasi-public agencies or for eleemosynary institutions or in unusual and exceptional circumstances.

(d) Cost for the Borough's Independent Expert evaluation shall be borne by the applicant.

b. The applicant will place or cause to be placed, in a highly visible manner, a one (1) inch wide yellow paint dot that is marked on the trunk of each tree proposed for removal, to aid the Borough in evaluating the proposed removals.

c. The Tree Conservation Officer may seek the advice of such Borough officials, agencies, committees, boards, commissions, and independent Borough Tree Expert, as the Officer may believe necessary in evaluating a permit application.

d. After evaluation of an application, the Tree Conservation Officer will take one (1) of the following actions within the time set forth:

1. If the Officer determines that the permit application is incomplete, unclear, inaccurate or otherwise deficient, the Officer shall so advise the applicant and return the permit application within ten (10) days of the date of application. The applicant may revise, supplement and/or resubmit the application, which will then be treated as a new application except no additional fee is required.

2. If the Officer determines that the proposed activity is permitted by the standards set forth in Section 19-7, a permit shall be, respectively, issued within thirty (30) days of the date of application.

3. If the Officer determines that the proposed activity is prohibited by the standards set forth in subsection 19-4, the application may be referred to the Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-25b(3) within sixty (60) days of the date of application. The Officer shall issue or deny a permit for a prohibited activity within ninety (90) days of the application.

4. In issuing permits under this section, the Officer and or Planning Board may impose reasonable permit conditions necessary to effectuate the purposes of this section.

e. Any applicant aggrieved by any decision taken by the Tree Conservation Officer in the administration and/or enforcement of this section may, within ten (10) days of the date of action of the Officer, appeal to the Planning Board. The Planning Board may establish procedures to hear such appeals and shall render a decision affirming, reversing and/or modifying the decision or action of the Tree Conservation Officer within ninety (90) days of the date of appeal. In hearing such appeals, the Planning Board may seek the opinion of the Shade Tree Committee, the Environmental Commission or any other State, County or municipal agency or official.

§ 19-7 Review of Applications.

a. When reviewing applications, the Tree Conservation Officer will, after inspecting and evaluating the conditions on the site and adjacent properties and consulting with such other officials, agencies, committees, boards and commissions as the Officer deems appropriate, determine if the activity proposed is prohibited, or permitted in accordance with this section.

1. Prohibited activities include:

- (a) Clear cutting as defined by Section 19-4 of this chapter.
- (b) Removal of a significant specimen tree.
- (c) Any action which will substantially increase the potential of erosion as defined by the applicable Soil Conservation District Standards.
- (d) Any action inconsistent with other land use approvals or regulations affecting the site.
- (e) Any action which would create a potential hazard to persons or properties.

2. Permitted activities include:

- (a) Removal and or thinning of trees and ornamental trees smaller than those identified in Section 19-4(b) and Section 19-4(c).
- (b) Tree removal within the necessary footprint as defined in Section 19-3.
- (c) Any action, including tree removals, required or permitted pursuant to subdivision, site plan and/or variance approval granted by a municipal agency acting under the Municipal Land Use Law and local ordinances.
- (d) Removal of dead, dying or diseased trees or which constitutes a horticulturally advantageous thinning of an existing overgrown area with the approval of the Borough's Tree Conservation Officer.

3. Restricted activities include:

- (a) All tree removal activities, which are not permitted, are prohibited. Applications may propose a combination of prohibited, and permitted activities. In such cases, the Tree Conservation Officer may segregate the activities proposed and take the appropriate action on each type of activity.
- (b) Applications for restricted activities shall be referred to the Planning Board for recommendation to the Tree Conservation Officer.

b. The Planning Board shall consider these factors in making a recommendation to the Tree Conservation Officer concerning a restricted activity:

- 1. Whether the proposed cutting or removal would impair the growth and redevelopment of the remaining trees on the applicant's property or adjacent property.
- 2. Whether the proposed cutting or removal would change existing drainage patterns.
- 3. Whether the proposed removal would allow soil erosion or increase dust.
- 4. Whether the proposed removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the aspect of the lot as viewed from the adjacent public road.
- 5. The overall effect of removal of such tree(s) on the physical and aesthetic value of the property and the neighborhood.
- 6. Whether proposed changes in the topography of the area where such tree(s) are located will result in a land configuration which shall be deemed injurious to the trees or other trees located nearby so as to require welling, construction of an aerification system, or tree removal or replacement.
- 7. Whether the proposed changes in topography are required to comply with the minimum Base Flood Elevation as shown on the FEMA Flood Insurance Rate Maps.
- 8. Whether a mitigation plan is required. The purpose of such a plan shall be the ultimate replacement on the property of the trees being removed, giving due consideration to a reasonable maturity period for new plantings, and the maintenance at all times of at least twenty (20%) percent of the existing trees (outside of the necessary footprint) on a lot in the existing state.
- 9. Whether alternative plans, which eliminate or reduce undesirable impacts, but provide reasonable use of the property are possible, technically practicable and financially feasible. In particular, the Board will consider if the removal of any trees is unavoidable and whether tree removal in excess of twenty (20%) percent is unavoidable.
- 10. Whether reasonable application of the standards of this section creates a substantial hardship for the applicant, prohibiting reasonable use of the property consistent with the Planning and Development Regulations, and whether, therefore, one (1) or more of the standards should be waived.

11. In appropriate circumstances, an applicant may be required to post performance guarantees, performance cash bonds and/or maintenance guarantees assuring compliance with the provisions of any tree removal permit and this section and assuring provision of replacement plantings required by any mitigation plan or damaged or removed contrary to the terms of any tree removal permit or this section.

c. The Tree Conservation Officer shall give due deference to the recommendations of the Planning Board with regard to an application for a permit to allow a restricted activity. The Officer may only act contrary to, or significantly modify, the recommendations of the Planning Board if the Officer finds that the recommendations are based on incomplete or inaccurate information, are unreasonable or impracticable or would produce results contrary to the intent of this section. The Officer shall provide the Planning Board with a copy of the Officer's final action on all permits for a restricted activity for their approval.

§ 19-8 Tree Mitigation Requirements.

a. ~~Not more than the number of tree(s) as set forth in Exhibit A~~ No tree(s) shall be removed on any lot unless the tree(s) are replaced with tree(s) the total DBH of which is equal to at least thirty (30%) percent of the total DBH inches of the tree(s) removed in accordance with the Tree Replacement Requirements Table hereinbelow.

Exhibit A

~~MAXIMUM NUMBER OF TREES THAT CAN BE REMOVED WITHOUT TREE MITIGATION~~

R-40 Residential District	One (1) Tree
R-AG 400 Residential/Agricultural District	Three (3) Trees or Less
R-100 Residential Conservation District	Two (2) Trees or Less
AH Affordable Housing	Two (2) Trees or Less
C-40 Retail Business District	One (1) Tree
I-80 Industrial District	Two (2) Trees or Less

Tree Replacement Requirements Table

<u>Category</u>	<u>Tree Removed (DBH)</u>	<u>Tree Replacement Requirement</u>
<u>1</u>	<u>DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"</u>	<u>Replant One (1) Tree</u>
<u>2</u>	<u>DBH of 13" to 22.99"</u>	<u>Replant Two (2) Trees</u>
<u>3</u>	<u>DBH of 23" to 32.99"</u>	<u>Replant Three (3) Trees</u>

4	<u>DBH of 33" or greater</u>	<u>Replant Four (4) Trees</u>

b. No replacement tree shall have a DBH less than two (2) inches and all replacement trees shall be selected from the list of approved replacement tree species established by the Environmental Commission.

c. All replacement trees shall be installed on the subject site. If in the opinion of the Tree Conservation Officer, sufficient space is not available on the subject property, the trees may be installed on an alternate site within the Borough, acceptable to the Tree Conservation Officer; however, the Tree Conservation Officer may waive this requirement when in its opinion it is in the best interest of the Borough, subject to the applicant posting a contribution in the amount of five hundred (\$500.00) dollars per tree. Funds collected by the Borough from applicants as a result of waivers shall be maintained in ~~a shade tree account~~ the Shade Tree Trust Fund established pursuant to Section 19-14 hereinbelow, the proceeds of which shall be available to install and maintain shade trees throughout the Borough.

d. Tree replacement and/or tree mitigation shall be shown on a landscape plan or other document shall be prepared by a qualified professional, acceptable to the Tree Conservation Officer.

e. The Tree Conservation Officer shall seek the advice of such Borough officials, agencies, committees, boards, commissions, or independent Borough Tree Experts, as the Officer may believe necessary in evaluating the mitigation plan.

f. An applicant shall be required to post performance cash and maintenance guarantees to assure compliance with the provisions of any tree removal permit and this section and assuring provision of replacement plantings required by any mitigation plan or trees damaged or trees removed contrary to the terms of any tree removal permit or this section.

§ 19-9 Protection of Existing Trees and Street Trees.

In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Tree Conservation Officer, shall be placed around trees and street trees that are not to be removed. The protective barrier shall be placed at the drip line (or canopy line) of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction material shall be placed within any areas so protected by barriers. Any landscaping or utility activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor. Tree protection measures shall be in place prior to the issuance of any tree removal permit or building permit.

§ 19-10 Emergency Action.

In the event of an emergency, any person, otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, unhealthy or obnoxious conditions resulting from the emergency may, without first applying for and obtaining a permit under this section, take any lawful action which is otherwise a tree removal activity. However, such person, or the agent or designee of such person shall apply for a tree removal permit not later than the end of the second succeeding business day after

any tree removal activity takes place and may not proceed with non-emergency work including restoration until a permit is obtained.

§ 19-11 Persons Exempt.

This Chapter shall not apply to prohibited activities by:

- a. The Borough or those acting under the control and direction of the Borough including any person acting pursuant to a specific agreement or contract approved by the Borough Council.
- b. Federal, State or County agencies or those acting under their control and direction.
- c. Entities, having by their charters and the Laws of the State, authority to engage in a prohibited activity without the consent of the Borough but only insofar as the purpose to which such authority extends; in all other respects, such entities shall comply with this section.
- d. Commercial nurseries and similar established legally operating uses.
- e. Properties operating under a silviculture or forestry management plan approved by the State of New Jersey.
- f. Utility companies with public rights-of-way when such companies are operating under the jurisdiction of the public agency controlling the rights-of-way.

§ 19-12 Violations and Penalties.

- a. Any person(s), firm(s), or corporation(s) who violates any provision of this section shall, upon conviction thereof in Municipal Court, be punished by imposition of the penalties set forth in Chapter 1, Section 1-5 and replacement of the tree(s), consistent with the chapter requirements. Each instance of engaging in a separate tree removal activity, in violation of this section, including specifically each tree removed, shall be deemed a separate offense.
- b. In addition, the Borough may institute civil action for injunctive or other relief to enforce the provisions of this section including requiring the replacement of all trees illegally removed and/or, at the option of the Borough, the payment of a contribution to allow equivalent mitigation on public land.

§ 19-13 Enforcement.

This Chapter shall be enforced by the Zoning Officer and the Code Enforcement Officer in the ordinary course of their respective duties.

§ 19-14 Shade Tree Trust Fund.

There is hereby established a Shade Tree Trust Fund which shall receive contributions in accordance with this Chapter. The Shade Tree Trust Fund shall be administered in accordance with applicable local government finance laws and be used for the purposes of planting new shade trees and maintaining existing shade trees on public property within the Borough of Roosevelt. The Borough CFO shall administer the Shade Tree Trust Fund.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of

this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect upon final passage and publication, according to law.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the _____ day of _____ 2024, at a meeting of the Mayor and Council of the Borough of Roosevelt and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Council of the Borough of Roosevelt to be held on the _____ day of _____ 2024 at the Municipal Building at 33 N. Rochdale Avenue, Roosevelt, New Jersey.

Kathleen Hart, Borough Clerk

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**RESOLUTION NO. 24-58
MEETING DATE: 04-15-2024**

RESOLUTION APPROVING NEW JERSEY UNIFORM FIRE CODE ADMINISTRATION AND ENFORCEMENT SHARED SERVICES AGREEMENT WITH MILLSTONE TOWNSHIP FIRE DISTRICT NO. 1 TO PROVIDE FIRE OFFICIAL AND FIRE INSPECTION SERVICES WITHIN THE BOROUGH

C/ _____ offered the following resolution and moved its adoption, which was seconded by C/ _____.

WHEREAS, the Borough of Roosevelt, County of Monmouth, State of New Jersey (the “Borough”) and the Millstone Township Fire District No. 1 (the “District”) have entered into a shared services agreement for the provision of fire protection and emergency medical services by the District to the Borough; and

WHEREAS, the Borough also has a duty and responsibility under the New Jersey Uniform Fire Code, N.J.A.C. 5:70, *et seq.*, to provide Fire Official and Fire Inspection services to its residents; and

WHEREAS, the District has various personnel qualified to provide Fire Official and Fire Inspection services to the Borough, and the Borough desires to accept such services and to expand its existing relationship with the District; and

WHEREAS, the District and the Borough desire to enter into the Shared Services Agreement attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey that the Shared Services Agreement, which is attached hereto as Exhibit A, is hereby approved by the Borough; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement, which is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the Chief Financial Officer, Purchasing Agent, and Millstone Township Fire District No. 1.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on April 15, 2024.

Kathleen Hart
Borough Clerk

NEW JERSEY UNIFORM FIRE CODE ADMINISTRATION AND ENFORCEMENT

SHARED SERVICES AGREEMENT

BETWEEN

MILLSTONE TOWNSHIP FIRE DISTRICT NO. 1

AND

THE BOROUGH OF ROOSEVELT

THIS SHARED SERVICES AGREEMENT (“Agreement”) is made and entered into on this ___ day of _____, 2024 by and between MILLSTONE TOWNSHIP FIRE DISTRICT NO. 1 (hereinafter referred to as “Provider”), a body politic and corporate of the State of New Jersey, having offices at 461 Stagecoach Road, Millstone, New Jersey 08510 and the BOROUGH OF ROOSEVELT (hereinafter referred to as “Recipient”), a body politic and corporate of the State of New Jersey, having offices at 33 North Rochdale Avenue , Roosevelt, New Jersey 08555;

RECITALS

WHEREAS, the Recipient has a duty and responsibility under the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et seq. to provide Fire Official and Fire Inspection services to residents of the Borough of Roosevelt; and

WHEREAS, the Provider has various personnel qualified to provide said services and is already engaged in a Shared Services Agreement with the Recipient whereby the Provider provides the Recipient with fire suppression services; and

WHEREAS, this Agreement is established in accordance with the Uniform Shared Service and Consolidation Act, N.J.S.A. 40A:65-1, et seq.

NOW, THEREFORE, in consideration of the promises and mutual covenants set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, it is agreed by and between the parties as follows:

ARTICLE I: SCOPE OF SERVICES

A. Designation as General Representative.

1. The Provider is hereby designated as the representative of the Recipient to furnish Code Administration and Enforcement services under the New Jersey Uniform Fire Code, N.J.A.C. 5:70, et seq. and the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, et seq.

2. Additional municipalities may be added as new participants to this service arrangement at the sole discretion of the Provider. The additional new participants shall not affect the level of services being provided to the Recipient.

B. Responsibility

1. All employees of the Provider, including the Fire Official and all inspectors shall be employees of the Millstone Fire District and therefore the Provider shall at all times herein be responsible for its employees. The Provider shall maintain insurance as described herein for all of its employees and be solely responsible for all compensation, salary, benefits, pension, disability, and payroll taxes and deductions for its employees. No employee of the Provider, including the Fire Official and any inspector shall be considered an employee of the Borough of Roosevelt.

2. Under the terms of this Agreement, the Recipient is contracting for shared services from the Provider, which services shall be provided by the Provider with its own employees. The Provider shall indemnify, defend and hold the Borough of Roosevelt harmless from any and all claims arising from the Provider's employment relations with its employees. Provider shall also indemnify, defend and hold the Borough of Roosevelt

harmless from any and all claims arising from acts or omissions of employees of the Provider committed pursuant to or in furtherance of this Agreement.

3. All citizen inquiries and/or complaint resolutions shall be handled through the Provider.

C. Supervision and Director of Staff

1. The Provider shall conduct operations from the Millstone Township Fire District offices during its normal business hours.

2. The Fire Official, furnished by the Provider, shall be responsible for the operation and supervision of the Bureau of Fire Prevention and shall direct and supervise all activities and employees of the Bureau.

3. The staff, furnished by the Provider, shall be properly licensed code enforcement officials and/or inspectors as appropriate.

4. The Provider shall furnish appropriate clerical support staff, if needed, as determined by its Fire Official.

5. All personnel providing the outlined services to the Recipient under this Agreement shall continue to remain employees of the Provider. Any problem or concern that should arise relative to any aspect of this Agreement shall be directed to the Millstone Township Board of Fire Commissioners through the Fire Official.

D. Designation as Code Officials and Inspectors.

The Provider shall designate the Fire Official, as well as any inspectors, for the enforcement of the State of New Jersey Uniform Fire Code and related ordinances of the Recipient. The Fire Official and any inspectors shall be duly licensed by the State of New Jersey Department of Community Affairs, Division of Fire Safety.

ARTICLE II: ACTIVITIES

A. Services to be Provided.

1. The Provider shall utilize the following enforcement staff to carry out the terms of this Agreement:

- a. Fire Official and inspectors, if any.

2. The following services shall be provided to the Recipient by the staff of the Provider:

- a. Perform all functions of a municipal Fire Official and fire prevention services as required and set forth in the Uniform Fire Safety Act, N.J.S.A. 52:27-192, et seq., on behalf of the Recipient.

- b. Carry out the periodic, semi-annual and quarterly inspections of “life hazard” uses required by the Uniform Fire Code.

- c. Properly issue all fire prevention related permits in the Borough of Roosevelt.

- d. Collect all fees for permits in the Borough of Roosevelt and keep accurate records of same which shall be made available for review by the Recipient upon request.

- e. Maintain a separate accounting for the deposit of checks received for permits and inspections within the Borough of Roosevelt, as well as any State LEA rebates or reimbursements related thereto.

- f. Remit to Recipient at the end of every quarter under this Agreement the sum which is in excess of the Fee for Services together with a reconciliation statement.

g. In addition to the registrations and permits required by the Uniform Fire Code, all other uses subject to Uniform Fire Code inspections (“non-life hazard uses”) shall register with the Millstone Township Fire District Bureau of Fire Prevention.

h. Carr out the periodic inspections of “non-life hazard” uses once per year as required by ordinance.

i. Provide on-call assistance by the Fire Official twenty-four hours per day, seven days per week, to address any fire safety concerns discovered by the Roosevelt Borough Volunteer Fire Company or the Millstone Township Fire District’s firefighters in connection with their fire suppression services.

B. Hours of Operation.

The Fire Official shall be available for consultation with the public during the Millstone Fire District’s normal business hours at scheduled times to be determined by the Fire Official. The hours shall be set in such a manner as to provide the public with reasonable access to the Official/inspectors. The Fire Official will also be available, under special circumstances, at no additional charge for appointments or calls relative to emergencies or court appearances.

C. Place of Operation.

Main business for Millstone Fire District No. 1 shall be conducted in the Provider’s District offices.

D. Maintenance of Records

The Fire Official and inspectors, if any, shall maintain documented records of activity on forms approved by the Fire Official and/or the New Jersey Department of Community Affairs, recording all inspections and activities. The records shall be specific with regard to the municipality, address, dates and hours of service. All forms shall be submitted to the Recipient’s

Clerk for approval unless standard forms are required by the New Jersey Department of Community Affairs. Provider shall abide by and satisfy all relevant state standards for record keeping and reporting.

E. Operational Needs.

Millstone Fire District No. 1 will provide for all operational needs of the department that are utilized to perform the services set out in this Agreement.

ARTICLE III: EMPLOYEES

A. Licensed Personnel and Staff.

The Provider shall furnish duly licensed personnel and support staff.

ARTICLE IV: ENFORCEMENT

A. Investigations and Inspections.

The Fire Official shall conduct investigations and inspections or supervise personnel in making same and inform the Recipient regarding any violation of statutes and/or local ordinances related to the New Jersey Uniform Fire Code in the Borough of Roosevelt.

B. Coordination with Municipal Attorney.

The Fire Official shall provide the Recipient with evidence of violations and assist the Borough's municipal attorney in obtaining compliance and enforcing compliance with the law. Recipient shall be solely responsible for its own enforcement actions. The cost of enforcement activities including but not limited to legal actions and collection of any fines and/or penalties assessed as a result of a legal action shall be borne solely by the Borough of Roosevelt for violations which occur within the Borough of Roosevelt. The Fire Official and/or Bureau of Fire Prevention shall make themselves available to testify and provide documentation in support of the investigation(s) they have undertaken, including the results of any such investigation.

C. Violations.

The Fire Official and/or appropriate inspectors shall have the power to issue notices and summonses for violations on behalf of the Provider and the Recipient.

ARTICLE V: PROPERTY AND EQUIPMENT

A. Costs.

During the life of this Agreement, the costs of all equipment and/or vehicles acquired specifically for the Millstone Fire District's Bureau of Fire Prevention shall be the responsibility of the Provider.

ARTICLE VI: PAYMENTS AND COMPENSATION

A. Permit and Inspection Fees.

All inspection fees, permit fees and other fees collected by personnel on behalf of the Provider for services rendered in the Borough of Roosevelt shall be retained by the Provider and reflected in separate accounting. Collection of such fees shall be the responsibility of the Provider. Staff personnel of the Provider shall cause all checks for permits and/or inspections performed in the Borough of Roosevelt to be issued to the Provider. Said checks shall be promptly deposited and reflected in a separate accounting detailing the transaction. The Provider shall charge fees per the uniform schedule established by the Millstone Township Board of Fire Commissioners, subject to approval by the Recipient which shall not be unreasonably withheld. Any proposed changes to the fee structure shall be first provided to the Recipient fourteen (14) days in advance of adoption. Quarterly reports of revenues received by the Provider for the Recipient shall be provided to the Recipient.

B. Fees for Services.

1. The Provider shall receive one-hundred (100%) percent of all fees collected

from third parties for the services provided in this Agreement.

2. The Provider shall also receive one-hundred percent of LEA Rebates, which are rebates from the State of New Jersey for fire inspections of large commercial properties.

ARTICLE VII: INSURANCE AND INDEMNIFICATION

A. Mutual Obligations.

Each party agrees to release indemnify, defend and hold harmless the other Party, its agents, officers and employees, from and against any and all claims, demands, losses, expenses, attorney fees, causes of action, judgments, lawsuits, proceedings, damages and liability which may be asserted or claimed and which relate in any way to, or arise in any way from, any acts or omissions of the negligent Part, its agents, officers and employees, resulting from this Agreement. Both parties shall be responsible to maintain appropriate insurance to cover the activities as set forth in this Agreement.

ARTICLE VIII: DURATION OF AGREEMENT AND TERMINATION

A. Term.

The Term of the Agreement shall be for five (5) years beginning on April 1, 2024 and ending on March 31, 2029. The term will automatically renew for an additional one year term on April 1 of each year beginning in 2029 unless the Agreement is terminated as set out in Section B of this Article.

B. Termination.

Either party may terminate this Agreement upon ninety (90) days written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the date and year first above written.

ATTEST:

MILLSTONE TOWNSHIP FIRE DISTRICT

Anthony Marra, Chairman of the Board

ATTEST:

BOROUGH OF ROOSEVELT

Clerk

, Mayor

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**RESOLUTION NO. 24-60
MEETING DATE: 04-15-2024**

PAYMENT OF BILLS FOR APRIL 15, 2024

C/ _____ offered the following resolution and moved its adoption, which was second by C/ _____.

WHEREAS, the attached list of bills have been submitted to the Council for payment approval; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the payment of bills.

NOW, THEREFORE, BE IT RESOLVED that the bills on the attached bill list be paid.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on April 15, 2024.

Kathleen Hart
Borough Clerk

April 11, 2024
12:29 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

4-15-24 BILL LIST

P.O. Type: All
 Range: First to Last
 Format: Condensed
 Vendors: All
 Rcvd Batch Id Range: First to Last
 Open: N Paid: N Void: N
 Rcvd: Y Held: Y Aprv: N
 Bid: Y State: Y Other: Y Exempt: Y
 Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AMFAR005	A & M FARMS & GARDEN CENTER	24-00194	04/01/24	PANSIES FOR BORO HALL	Open	20.00	0.00		
BISDI005	BIS DIGITAL, INC.	24-00209	04/05/24	RECORDER ON-SITE SUPPORT	Open	600.00	0.00		
BOROU005	BOROUGH OF HIGHTSTOWN	24-00205	04/04/24	SOLID WASTE CONTRACT:APR 2024	Open	6,151.17	0.00		
CANNI005	CANNIZZARO, SALVATORE	24-00203	04/04/24	TAX COLL-REIMB:INK CARTS	Open	72.48	0.00		
CANNO005	CANNON LAW FIRM, LLC	24-00197	04/02/24	LEGAL SERVICES-MAR 2024	Open	2,750.00	0.00		
CHRSF005	CHRS-FP	24-00207	04/05/24	POSTAGE FOR POSTAGE METER	Open	280.00	0.00		
COMPL010	COMPLETE CARE MAINTENANCE, LLC	24-00202	04/04/24	MAR 2024 SERVICES	Open	400.00	0.00		
GEORG005	GEORGE S COYNE CHEMICAL CO INC	24-00148	02/29/24	SEWER-2024 SODIUM ALUMINATE	Open	9,639.14	0.00		B
HOLDE005	HOLDEN, JOHN B.	24-00086	02/05/24	2024 WATER PLANT MANAGEMENT	Open	5,415.00	0.00		B
INTER015	INTERSTATE WASTE SERVICES, INC	24-00022	01/10/24	2024 RECYCLING CONTRACT	Open	3,342.92	0.00		B
JCPL0005	JCP & L	24-00208	04/05/24	W/S-MAR 2024 ELECTRIC SERVICE	Open	4,233.74	0.00		
LEAF0005	LEAF COMMERCIAL CAPITAL, INC.	24-00198	04/02/24	KYOCERA COPIER PYMT 5 OF 60	Open	171.48	0.00		
LYONS005	LYONS ENVIRONMENTAL SERV, LLC	24-00136	02/23/24	2024 SEWER PLANT MANAGEMENT	Open	9,500.00	0.00		B
		24-00219	04/10/24	TRICKLING FILTER PROJECT	Open	660.00	0.00		
		24-00220	04/10/24	BACKFLOW TEST 1/Q & WATER TEST	Open	340.00	0.00		
		24-00222	04/11/24	ADDT'L SERVICES 2/22-3/29/24	Open	1,105.00	0.00		
						<u>11,605.00</u>			
MONMO060	MONMOUTH COUNTY ASSESSORS ASSN	24-00213	04/08/24	2024 MEMBERSHIP DUES	Open	150.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ONECA005	ONE CALL CONCEPTS, INC.	24-00199	04/02/24	1/Q/2024 "CALL BEFORE YOU DIG"	Open	42.17	0.00		
ONSOL005	ONSOLVE, LLC	24-00212	04/08/24	2024 CodeRED	Open	2,929.50	0.00		
PASSA005	PASSAIC VALLEY SEWERAGE	24-00215	04/09/24	SLUDGE DISPOSAL-MAR 2024	Open	638.40	0.00		
PETTY005	PETTY CASH	24-00191	04/01/24	REIMBURSE PETTY CASH	Open	75.52	0.00		
		24-00192	04/01/24	REIMBURSE PETTY CASH	Open	50.08	0.00		
		24-00195	04/01/24	REIMBURSE PETTY CASH	Open	63.00	0.00		
		24-00196	04/01/24	REIMBURSE PETTY CASH	Open	17.05	0.00		
		24-00216	04/10/24	REIMBURSE PETTY CASH	Open	<u>75.52</u>	0.00		
						281.17			
ROBER005	ROBERTS ENGINEERING GROUP, LLC	22-00273	05/13/22	ROAD IMPROVEMENTS:PINE DRIVE	Open	786.50	0.00		B
		22-00437	07/27/22	ROAD IMPROVEMENTS:TAMARA DRIVE	Open	1,732.75	0.00		B
		23-00499	09/25/23	ROAD IMPROVEMENTS:NORTH VALLEY	Open	195.50	0.00		B
		23-00626	12/01/23	UPDATE STORMWATER MGMT PLAN	Open	1,248.00	0.00		B
		24-00090	02/07/24	REPLACE TRICKLING FILTERS	Open	4,917.50	0.00		B
		24-00189	03/27/24	DRBC YEARLY WATER AUDIT	Open	1,060.50	0.00		B
		24-00223	04/11/24	RVW INV FOR WMB ON 1/23/24	Open	165.00	0.00		
		24-00224	04/11/24	PROVIDE ALTERNATIVES RE:LAKE	Open	180.00	0.00		
		24-00225	04/11/24	TIER B TO TIER A STORMWATER	Open	195.00	0.00		
		24-00226	04/11/24	PB REVIEW-6 CEDAR COURT	Open	600.00	0.00		
		24-00227	04/11/24	ENG REVIEW-19 S. ROCHDALE	Open	<u>470.00</u>	0.00		
						11,550.75			
RUSSE005	RUSSELL REID, INC.	24-00103	02/09/24	2024 SLUDGE REMOVAL	Open	956.27	0.00		B
STATE005	STATE OF NEW JERSEY-PWT	24-00214	04/08/24	1/Q/2024 WATER TAX	Open	50.42	0.00		
SUTPH005	SUTPHEN MEMORIAL, INC.	24-00021	01/10/24	2024 CEMETERY MANAGEMENT	Open	775.00	0.00		B
TEICH005	TEICH, DAVID	24-00218	04/10/24	REIMB:LUMBER,MATERIALS,DIGGER	Open	202.05	0.00		
TOWNS015	TOWNSHIP OF MANALAPAN	24-00204	04/04/24	ANIMAL CONTROL SERV-APR 2024	Open	1,000.00	0.00		
USBAN010	U.S. BANK OPERATIONS CENTER	24-00210	04/08/24	2021 MCIA-BOND INTEREST PYMT	Open	18,549.71	0.00		
		24-00211	04/08/24	2012 MCIA-BOND INTEREST PYMT	Open	<u>2,649.85</u>	0.00		
						21,199.56			
WEBHA005	WEB HAULING & DISTRIBUTION,INC	24-00201	04/04/24	PUMP LAKE DR PUMP PIT 3/25/24	Open	274.40	0.00		

April 11, 2024
12:29 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

Page No: 3

Vendor #	Name						
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type

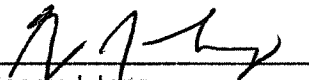
Total Purchase Orders:	44	Total P.O. Line Items:	0	Total List Amount:	84,730.62	Total Void Amount:	0.00
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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
	4-01	20,037.94	0.00	20,037.94	0.00	0.00	20,037.94
	4-09	<u>54,742.43</u>	<u>0.00</u>	<u>54,742.43</u>	<u>0.00</u>	<u>0.00</u>	<u>54,742.43</u>
Year Total:		74,780.37	0.00	74,780.37	0.00	0.00	74,780.37
	C-04	2,714.75	0.00	2,714.75	0.00	0.00	2,714.75
	C-08	<u>4,917.50</u>	<u>0.00</u>	<u>4,917.50</u>	<u>0.00</u>	<u>0.00</u>	<u>4,917.50</u>
Year Total:		7,632.25	0.00	7,632.25	0.00	0.00	7,632.25
	G-02	1,248.00	0.00	1,248.00	0.00	0.00	1,248.00
	T-12	1,070.00	0.00	1,070.00	0.00	0.00	1,070.00
Total of All Funds:		<u>84,730.62</u>	<u>0.00</u>	<u>84,730.62</u>	<u>0.00</u>	<u>0.00</u>	<u>84,730.62</u>

BOROUGH OF ROOSEVELT

I, George J. Lang, Chief Financial Officer of the Borough of Roosevelt, do hereby certify that funds are available for the following bill list to be paid:

<u>Vendor</u>	<u>Budget Account</u>	<u>Total Award</u>
4/15/24 Bill List	various	\$84,730.62



George J. Lang
Chief Financial Officer

Dated: 4/15/24

RESOLUTION NO. 24-61
MEETING DATE: 04-15-2024

**AWARDING CONTRACT FOR MAINTENANCE OF PUBLIC LANDS IN THE
BOROUGH TO KYLE'S LAWN AND LANDSCAPING**

C/_____ offered the following resolution and moved its adoption, which was second by C/_____.

WHEREAS, the Mayor and Council of the Borough of Roosevelt wish to have an agreement for landscape maintenance of public lands in the Borough; and

WHEREAS, requests were sent out for quotes and only one proposal was received as follows:

Kyle's Lawn and Landscaping, LLC \$14,344.00

WHEREAS, the Chief Financial Officer only certifies the amount in the temporary budget as available and amounts past the temporary budget are subject to sufficient funds being available in the 2024 adopted budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roosevelt that the Borough retain the services of Kyle's Lawn and Landscaping at a price not to exceed \$14,344.00, in accordance with the attached proposal.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Borough Clerk to be a true copy, be forwarded to Kyle's Lawn and Landscaping, LLC, the Certified Municipal Financial Officer, the Treasurer and the Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approve the proposal and award a contract for maintenance of public lands in the Borough to Kyle's Lawn and Landscaping, LLC in accordance with the attached specifications, for the period of April through October 2024.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Certification

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on April 15, 2024.

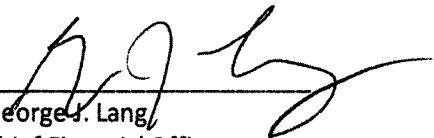
Kathleen Hart
Borough Clerk

BOROUGH OF ROOSEVELT

I, George J. Lang, Chief Financial Officer of the Borough of Roosevelt, do hereby certify that funds are available for the following contract to be awarded:

<u>Vendor</u>	<u>Budget Account</u>	<u>Temporary Budget</u>	<u>Total Award</u>
Kyle's Lawn & Landscaping, LLC	Buildings & Grounds	3,000.00	14,344.00

Only amounts in temporary budget are certified as available. Amounts past the temporary budget are subject to sufficient funds being available in the adopted budget.



George J. Lang,
Chief Financial Officer

Dated: 4/15/24



Contact Information:
Phone: (732)-890-7688
Email: Kyleslawnlandscaping@gmail.com

Kyle Peger: Owner/Operator

Kyle's Lawn and Landscaping
16 Greenbrook Drive
East Windsor, NJ 08512

NJ Tax ID: 473-042-561/000
EIN: 47-3042561
Date: 3/28/2024

Proposal for the Maintenance of Public Land

For: Borough of Roosevelt
33 N. Rochdale Avenue
Roosevelt, NJ 08555
Contact: Borough Administrator

Kyle's Lawn and Landscaping will provide a certificate of insurance for workman's compensation and general liability in the amount of \$500,000/\$1,000,000 naming Roosevelt Borough as an additional insured upon approval of this contract proposal.

Restrictions:

All services to take place between the hours of 9:00 AM and 5:00 PM Monday – Friday; no holidays
All services will take place between the dates of April 1st, 2022 and October 31st, 2023.

Itemized Public Land Maintenance Costs:

1: Lawn Mowing / Trimming:

All twenty-five (25) service areas listed in the specifications will be mowed and trimmed **two (2) times per month or done during the time periods stated in the specifications**, with 14-16 days between each service to a height of no more **than three (3) inches**. With every service all turf areas will be mowed and all obstacles trimmed around.

Includes: All service areas are included besides service area #22 (Borough Hiking Trails twice per year) and service area #25 (Eleanor Lane Branches twice per year) which are listed separately below.

Cost: \$889.00 per cut (14 Cuts)

Total estimated annual cost: \$12,446.00

2: Clearing Hiking Trails and Branches on Eleanor Lane:

One (1) time in the spring and one (1) time in the fall; fallen limbs will be removed and vegetation will be trimmed backed to maintain a **four (4) foot wide path** on all hiking trails. Branches hanging within **(3) feet** of the road up to **(10) foot** height will be cleared along Eleanor Lane and along the gravel road in the cemetery.

**** Does not include** large downed trees that require heavy equipment. These trees can be cleared for an additional cost ******

Cost: \$949.00 per service (2)

Total annual cost: \$1,898.00

Total Annual Cost: \$14,344.00

Billing:

Monthly invoices will be submitted to the Borough for payment to Kyle's Lawn and Landscaping LLC.

Thank you for your consideration.

Kyle Peger

**PROPOSAL FOR
2024 SPECIFICATION FOR MAINTENANCE OF PUBLIC LAND
FOR THE BOROUGH OF ROOSEVELT**

CUTS: TWICE PER MONTH

2 CUTS/MONTH - APRIL THROUGH OCTOBER 2024

MONTHLY FEE (MOWING) \$1,778.00	X 7 MONTHS..... \$12,446.00
HIKING TRAILS & BRANCHES \$949.00	X 2 SERVICES..... \$1,898.00
	GRAND TOTAL..... \$14,344.00

SUBMITTED BY:

COMPANY NAME: Kyle's Lawn and Landscaping LLC

ADDRESS: 16 Greenbrook Drive
East Windsor, NJ 08512

DATE: 3/28/2024

SIGNED: _____

Kyle S. Payne

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**RESOLUTION NO. 24-62
MEETING DATE: 04-15-2024**

**RESOLUTION AUTHORIZING EXECUTION OF MUNICIPAL OPEN SPACE PROGRAM
GRANT AGREEMENT WITH MONMOUTH COUNTY FOR THE RESTORATION OF
FRANKLIN DELANO ROOSEVELT MEMORIAL AMPHITHEATER AND GROUNDS**

C/ _____ offered the following resolution and moved its adoption, which was second by
C/ _____.

WHEREAS, in accordance with Resolution 23-73, duly adopted July 3, 2023, the Borough Treasurer or his/her successor was authorized to make an application to the County of Monmouth for Open Space Trust Funds in order to fund improvements to the Franklin Delano Roosevelt Memorial Amphitheater and Grounds; and

WHEREAS, in accordance with Resolution 23-73, duly adopted July 3, 2023, the Borough Treasurer was authorized to sign and execute any required documents, agreements and amendments thereto with Monmouth County for the approved Open Space Trust Funds; and

WHEREAS, by way of correspondence dated December 5, 2023, the Borough was notified that the Borough was awarded a grant for the Restoration of Franklin Delano Roosevelt Memorial Amphitheater & Grounds in the amount of \$330,000 through the Monmouth County Municipal Open Space Grant Program; and

WHEREAS, in accordance with the aforesaid award, the County has furnished a Municipal Open Space Program Grant Agreement for execution by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Roosevelt, that the Mayor be and hereby authorized to execute the aforesaid Municipal Open Space Program Grant Agreement at the appropriate time.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on April 15, 2024.

Kathleen Hart
Borough Clerk

**The County of Monmouth
Municipal Park Improvement Grant Program
Grant Agreement**

BETWEEN the Borough of Roosevelt, having official offices at, P.O. Box 128 Roosevelt, NJ 08555, hereinafter “Grantee,” and the Monmouth County Board of County Commissioners, Hall of Records Annex, One East Main Street, P.O. Box 1255, Freehold, New Jersey 07728, hereinafter “County.”

This Agreement was entered into by the Monmouth County Board of County Commissioners on:

Date: _____

WITNESSETH:

WHEREAS, Grantee has made application to the County for financial assistance under the Municipal Park Improvement Grant Program hereinafter “Program”; and

WHEREAS, the County has reviewed said application and has found it to be in conformance with the scope and intent of the Program and has approved Grantee’s request for funding;

NOW, THEREFORE, in consideration of the award of funding, and in accordance with the application heretofore filed, the County and Grantee agree to perform in accordance with the terms and conditions set forth in this agreement.

1. The Grantee agrees to perform the Restoration of Franklin D. Roosevelt Memorial Amphitheater & Grounds project in the manner set forth in this agreement and Exhibit 1 – Approved Project Description for the consideration stated herein.
2. The period of performance under this Agreement is specified as thirty months from the project selection, for which period, funds are available and allotted. There shall be no obligation on the part of the County to renew or extend this time period.
3. The amount of the award to be provided by the County under this subcontract is \$330,000. The County award is based upon the Grantee’s application #23-07 to the County for financial assistance dated July 7, 2023 and as supplemented. In the event that the anticipated amount of the Grantee’s contribution as provided for in the Program Grant Application decreases, then the County’s obligation to provide the award set forth in this paragraph shall be void by the County and at the County’s option.
4. The Grantee agrees to provide all funds necessary for completion of the Approved Project (Exhibit 1) and to complete the Approved Project in accordance with this Agreement and the conditions, specifications, plans, estimates, project proposals and maps submitted to the County and incorporated herein by reference.
5. Program funds shall be dispersed on a reimbursement basis after the satisfactory completion of the project.

6. Grantee agrees that any Program funds received from the County shall be used only for the purposes described herein.
7. Costs eligible for assistance shall be limited to those eligible costs listed in the Policy and Procedures Manual for the Program. The County award of funding specifically does not include financial assistance for any soft costs, including but not limited to, any costs for title searches, title insurance, surveys, attorney fees, recording fees, and real estate taxes.
8. The Grantee shall furnish and deliver all necessary documentation within the timeframe and in the manner requested by the County and shall grant County personnel and any authorized representatives of the County reasonable access to all records related to the Approved Project.
9. Grantee shall maintain and preserve all land and improvements described herein and provide such police protection as may be necessary.
10. Grantee shall execute and donate to the County of Monmouth at no charge a Deed of Open Space Easement, pursuant to P.L. 1979, c.378 (C) 13:8B-1 et seq. on any land to be (acquired/developed) using funds received from the Monmouth County Open Space and Farmland Preservation, Recreation and Conservation and Historic Preservation Trust Fund (N.J.S.A. 40:14-19(d)(5)), which easement shall include the following language.
 - a. It is the purpose of this Easement to guarantee that the Property will be retained forever for public park, recreation and open space uses and to prevent any use of the Property that will significantly impair or interfere with the park and open space values of the Property.
 - b. The property shall be held in trust in perpetuity and used exclusively for the purposes authorized by the Open Space and Farmland Preservation, Recreation and Conservation and Historic Preservation Act, as may be amended from time to time (N.J.S.A. 40:12-15.6b).
 - c. The Borough of Roosevelt agrees to make and keep the open space accessible to the public, unless the municipality and County determines that public accessibility would be detrimental to the lands, waters or improvements thereon, or to any natural resources associated therewith (N.J.S.A. 40:12-15.6d(3)).
 - d. The Borough of Roosevelt agrees not to lease, sell, exchange or donate the property described herein which is being acquired pursuant to P.L. 1997 c. 24, NJSA 40:12-15.6(A) except upon approval of the Monmouth County Board of County Commissioners and upon such conditions as the Monmouth County Board of County Commissioners may establish (N.J.S.A. 40:12-15.6d(4)), including but not limited to replacement with land of no less or greater utility , acreage, and value.
11. Grantee shall provide a copy of the deed of record to the Program Administrator in care of the Monmouth County Park System for recordkeeping purposes.

12. Grantee shall display a sign on the property reflecting the use of County Open Space funds for purchase of or improvement to the property, which sign shall be provided by the Program Administrator.
13. Grantee shall cause the funded property to be listed on the Municipal Recreation and Open Space Inventory at the time it is filed with the New Jersey Green Acres Program or its successor.
14. Grantee shall provide access to the facility/property for County staff to conduct an annual inspection.
15. No official or employee of the Grantee who is authorized in his/her official capacity to negotiate, make, accept or approve, or take part in such decisions regarding a contract or subcontract in connection with the Approved Project shall have any financial or other personal interest in any such contract or subcontract.
16. In the event Grantee does not perform any of the services, obligations, or responsibilities provided for under this Agreement, or in the event that the services do not attain the objectives set forth in the initial application or this agreement to the sole satisfaction of the County, then the County may withhold all, or a portion of, any payment to be made under this agreement, and in addition, may declare this subcontract null and void. In the event of termination, the County shall have no further liability to the Grantee and in no event will the County be liable to pay for services not actually rendered.
17. The County will provide a Program Administrator for the program that will advise the Grantee in performance of the required services. Contact:

Monmouth County Park System
Attn: Acquisition & Design Department
805 Newman Springs Road
Lincroft, NJ 07728-1695
732-842-4000

18. The Grantee, at the request of the County, may be required to prepare a progress report and submit to the County within 30 calendar days after the date requested. The report shall include a narrative description of the status of the Approved Project and the date on which the Approved Project will be completed.
19. The Grantee now complies with all applicable State and Federal Laws in connection with its business and activities related to the services to be provided including, without limitation, any applicable Federal or State Civil Rights Law, order or regulation.
20. The execution of this Agreement has been authorized by the Grantee's governing body and the Monmouth County Board of County Commissioners.
21. The Grantee shall indemnify and hold the County of Monmouth harmless from any and all loss, damages, suits, penalties, expenses, including but not limited to reasonable investigation and legal expenses, arising out of the operation of the program, or arising out of, or under this Agreement. The Grantee further agrees to

indemnify the County of Monmouth from suits or actions of every nature or description brought against it, or damages received or sustained by any party or parties, by or from any of the acts of the Grantee or of the Grantee's, Director's employees, agents or volunteers.

22. The Grantee shall procure and maintain at its own expense, liability insurance for any personal injury or property damage to be reviewed and accepted by the County of Monmouth caused by the Grantee in its normal and usual course of business. The Grantee expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit the Grantee's obligations assumed in this Agreement and shall not be construed to relieve the Grantee from liability in excess of such coverage.

IN WITNESS WHEREOF, the parties have executed this contract as of the day and year first above written.

ATTEST/SEAL

Date _____

Monmouth County Board of County Commissioners

BY _____

County Commissioner Director

ATTEST/SEAL

Date: _____

For the GRANTEE:

BY _____

(Name: _____)

(Title: _____)

Exhibit 1: Approved Project Description

Application #: 23-07

Grantee: Borough of Roosevelt

Address: P.O. Box 128, Roosevelt, NJ 08555

Municipally Designated Main Contact Person: Ana Debevec

E-mail: finance@rooseveltnj.us

Project Name: Restoration of Franklin D. Roosevelt Memorial Amphitheater & Grounds

Project Location(s):

2 School Lane

Block 3, Lot 33

Grant Award: \$330,000

Project Period: Thirty months from the project selection by the Board of County Commissioners, this date being June 1, 2026.

Project Scope: Restoration, replacement, and installation of various elements of existing historic amphitheater to include:

- Retaining walls, tiered seating, and handrails
- Site lighting
- Walkways and pathways
- New water service
- New landscape features
- FDR statue

Project Conditions: County grant funds are payable on a reimbursable basis. The final award shall not exceed the above grant amount or 50% of the actual eligible project costs, whichever is less.

BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

RESOLUTION NO. 24-63
MEETING DATE: 04-15-2024

RESOLUTION AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS #3

C/_____ offered the following resolution and moved its adoption, which was second by C/_____.

WHEREAS, N.J.S.A. 40A:4-20 provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year; and

WHEREAS, the total emergency resolutions adopted in the year 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$194,548.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roosevelt, that in accordance with the provisions of N.J.S.A. 40A:4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2024 Current Fund and Water Sewer Utility Operating temporary budgets and that said amount be included under the correct headings in the municipal budget as adopted:

CURRENT FUND:

General Administration– Other Expenses	4,000.00
General Liability– Other Expenses	4,000.00
Emergency Management–Other Expenses	4,000.00
Solid Waste– Other Expenses	6,000.00
Animal Control Manalapan – Other Expenses	6,000.00
Interest on Bonds-Other Expenses	1,000.00
Public Employee’s Retirement System	21,548.00

WATER-SEWER OPERATING FUND:

Interest on Bonds	21,000.00
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BE IT FURTHER RESOLVED, that one certified copy of this resolution be filed with the Director of Local Government Services and one certified copy with the Chief Financial Officer.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on April 15, 2024.

Kathleen Hart
Borough Clerk

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**RESOLUTION NO. 24-64
MEETING DATE: 04-15-2024**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
ROOSEVELT AWARDING A CONTRACT FOR IMPROVEMENTS TO
TAMARA DRIVE**

C/_____ offered the following resolution and moved its adoption, which was seconded by C/_____.

WHEREAS, the Borough Council has previously authorized the public advertisement for bids for the improvements to Tamara Drive; and

WHEREAS, five (5) sealed bid were received on April 9, 2024; and

WHEREAS, the bids received are as follows:

1. P.M. Construction Corp., Hillside, NJ	\$ 982,058.79
2. Earle Companies, Farmingdale NJ	\$1,062,513.13
3. Berto Construction, Inc., Rayway, NJ	\$1,283,029.73
4. S. Brothers General Contractors, South River, NJ	\$1,299,613.75
5. Roman E & G Corp., Newark, NJ	\$1,558,851.06

WHEREAS, the lowest responsible bid received was that of P.M. Construction Corp of Hillside, New Jersey in the amount of \$982,058.79, which has been found to comply in all respects with the terms and conditions of the specifications; and

WHEREAS, the Borough Council finds that it would, therefore, be in the best interest of the Borough of Roosevelt to award the contract to P.M. Construction Corp.; and

WHEREAS, this project is funded by the State of New Jersey Department of Transportation (NJDOT) under the Municipal Aid Grant Program; and

WHEREAS, the Chief Financial Officer of the Borough has certified to the Borough Council that funds will be available to pay the cost of the aforesaid contract, and that said funds will be available through Bond Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the appropriate Borough Officials be and are hereby authorized to execute an agreement between the Borough and P.M. Construction Corp. in an amount not to exceed \$982,058.79 for Improvements to Tamara Drive, subject to fulfillment of all conditions in the contract documents and specifications and subject to approval

of the New Jersey Department of Transportation and New Jersey Infrastructure Bank.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to:

1. P.M. Construction Corp.
2. New Jersey Department of Transportation
3. George Lang, CFO
4. Ana Debevec, Treasurer/Purchasing Agent
5. Carmela Roberts, Borough Engineer

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on April 15, 2024.

Kathleen Hart
Borough Clerk

BOROUGH OF ROOSEVELT

I, George J. Lang, Chief Financial Officer of the Borough of Roosevelt, do hereby certify that funds are available for the following contract to be awarded:

<u>Vendor</u>	<u>Budget Account</u>	<u>Total Award</u>
P.M. Construction Corp.	General Capital Bond Ord. 22-05	428,338.79
	W/S Capital Bond Ord 22-04	510,000.00
	W/S Operating Fund	43,720.00

W/S Operating Fund to be refunded by ordinance amending B/O 22-04


George J. Lang
Chief Financial Officer

Dated: 4/15/24