



BOROUGH OF UNION BEACH
AGENDA
Council Meeting
APRIL 18, 2024 – 7:30 PM
650 Poole Avenue
Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Cocuzza at ____ p.m.

ANNOUNCEMENT: By Mayor Cocuzza of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor Cocuzza

SUNSHINE LAW NOTICE: Announced by Borough Clerk

Adequate notice has been given to the public and press on the date, time and place of this meeting, in accordance with P.L 1975, chapter 231, “open public meetings act.” -

ROLL CALL: Council Members

- Mr. Wicki
- Mr. Riccardi
- Mrs. Roche
- Mrs. Woodruff
- Mr. Andreuzzi
- Mr. Lewandowski

Also Present:

- Mayor Charles W. Cocuzza
- Bernard M. Reilly, Esq.- Attorney
- Robert M. Howard, Jr. Borough Administrator
- Anne Marie Friscia, Borough Clerk
- Alexandra Sweeney, Deputy Clerk

2024 BUDGET HEARING

RESOLUTION 2024-79: TO AMEND BUDGET AS REQUESTED BY STATE OF NJ

WHEREAS, the Local Municipal Budget for the Year 2024 was approved on the 21st day of March, 2024, and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend said approved Budget, now

THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Union Beach, County of Monmouth that the following amendments to the approved Budget of 2024 be made:

	(((
	((Abstained	(
	(((
<u>Recorded</u>					
<u>Vote</u>	Ayes	(Nays	(
		(((
		(Absent	(
		((

	<u>From</u>	<u>To</u>
<u>General Revenues</u>		
3. Miscellaneous Revenues - Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations (N.J.S.A. 40A:4-36 and N.J.A.C. 5:23-4.17):		
Uniform Construction Code Fees	\$ 100,000.00	\$ 104,536.00
Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations	100,000.00	104,536.00
<u>Summary of Revenues</u>		
3. Miscellaneous Revenues:		
Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations	100,000.00	104,536.00

Total Miscellaneous Revenues	1,509,366.40	1,513,902.40
5. Sub-Total General Revenues (Items 1, 2, 3 and 4)	2,509,366.40	2,513,902.40
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	10,420,350.34	10,394,776.04
Total Amount to be Raised by Taxes for Support of Municipal Budget	10,420,350.34	10,394,776.04
7. TOTAL GENERAL REVENUES	<u>\$12,929,716.74</u>	<u>\$12,908,678.44</u>
8. <u>General Appropriations</u>		
(A) Operations - Excluded from "CAPS"		
Shared Service Agreements:		
911/Dispatch Services - County of Monmouth	\$ 135,000.00	\$ 137,000.00
Total Interlocal Municipal Service Agreements	141,000.00	143,000.00
Total Operations - Excluded from "CAPS"	280,046.65	282,046.65
Detail:		
Other Expenses	267,656.65	269,656.65
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	1,982,525.65	1,984,525.65
(O) Total General Appropriations - Excluded from "CAPS"	1,982,525.65	1,984,525.65
(L) Sub-Total General Appropriations {Items (H-1) and (O)}	12,396,275.56	12,398,275.56
(M) Reserve for Uncollected Taxes	533,441.18	510,402.88
9. Total General Appropriations	<u>\$12,929,716.74</u>	<u>\$12,908,678.44</u>
	<u>From</u>	<u>To</u>
<u>General Appropriations</u>		
Summary of Appropriations		
(A) Operations - Excluded from "CAPS":		
Shared Service Agreements	\$ 141,000.00	\$ 143,000.00
Total Operations Excluded from "CAPS"	280,046.65	282,046.65
(M) Reserve for Uncollected Taxes	533,441.18	510,402.88
TOTAL GENERAL APPROPRIATIONS	<u>\$12,929,716.74</u>	<u>\$12,908,678.44</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for his certification of the 2024 Local Municipal Budget so amended.

It is hereby certified that this is a true copy of a resolution amending the Budget, adopted by the Governing Body on the 18th day of April, 2024.

boroughclerk@unionbeachnj.gov

Anne Marie Friscia, Borough Clerk

It is hereby certified that all changes are in proof and the budget remains in balance.

rah@monmouth.com

Robert A. Hulsart, RMA

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Riccardi						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

BOROUGH OF UNION BEACH

**SUGGESTED PROCEDURE FOR BUDGET HEARING
ON THE BUDGET AND TAX RESOLUTION**

Clerk: Mayor, this is the time fixed for the public hearing on the 2024 Amended Municipal Budget. The Budget was approved by the Governing Body on March 21, 2024, was advertised as required by law on March 27, 2024, together with notice of hearing for this time.

Clerk: Mayor, I have a Resolution regarding the Reading of the Budget by Title Only.

RESOLUTION 2024-80: Budget Resolution Authorizing non-reading of Budget in full:

Clerk: (READS FULL RESOLUTION REGARDING NONREADING OF BUDGET.)

Whereas, NJSA 40a:4-8 as amended provides that the Budget shall be read in full at the public hearing or that it may be read by its title only if:

- 1, At least one week prior to the date of the hearing a complete copy of the approved Budget:
 - (a) Shall be made available for public inspection,
 - (b) Is made available to each person requesting the same, during said week and during the public hearing which has been available on-line on the Borough's website.

Now, Therefore be it Resolved, by the Governing Body of the Borough of Union Beach, that it is hereby declared that the conditions of NJSA 40A:4-8, as amended set for the in subsections 1 (a) and 1 (b) have been met and therefore the Budget for the Calendar Year 2023 shall be read by title only.

_____: I offer the foregoing resolution and move its adoption.

_____: I second the motion. Roll call vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Riccardi						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

Mayor: Resolution is adopted.

Mayor: Before opening this hearing, I wish to outline the procedure. Each person desiring to be heard will give his or her name and address. I will recognize one speaker at a time, in order of requesting to speak, as nearly as I can determine.

Address all questions to the Chair; where necessary they will be referred to individual members of the Governing Body or Municipal Officials.

Questions must be confined solely to the Municipal Budget before us; School or County matters are not proper subjects of this hearing and cannot be discussed or answered here tonight.

I now declare open the public hearing on the 2024 Municipal Budget.

_____ (list name of speakers)

Mayor: Observing no further speakers, I will entertain a motion to close the hearing.

CLERK READS SECTION 2. FROM BUDGET

SECTION 2 - UPON ADOPTION FOR YEAR 2024

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH of UNION BEACH, County of MONMOUTH that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 10,394,776.04 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes

Nays

Abstained

Absent

1. General Revenues

SUMMARY OF REVENUES

Surplus Anticipated	08-100	\$	600,000.00
Miscellaneous Revenues Anticipated	13-099	\$	1,513,902.40
Receipts from Delinquent Taxes	15-499	\$	400,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	10,394,776.04
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			
\$ -			
4. To Be Added to the Certificate for the Amount to be Raised by Taxation for Schools in Type II School Districts Only:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX			
	07-192	\$	-
Total Revenues	13-299	\$	12,908,678.44

Sheet 41

_____: I offer the forgoing resolution and move its adoption
 _____: Second

ROLL CALL VOTE:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Riccardi						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

Mayor: The 2024 Budget Resolution is adopted as Amended.

PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:

The Clerk presented affidavit of publication showing that the following ordinances were duly advertised in accordance with law in the Asbury Park Press in the issue of March 27, 2024.

Clerk requests permission of Mayor Cocuzza to read the following Ordinances by Title only, advising that said Ordinances were posted on the Bulletin Board at the Municipal Building and on the Borough’s Website at least one week in advance of this Public Meeting, and that copies of said Ordinances are made available to the General Public upon request.

CLERK READS ORDINANCE TITLE #2024-335

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2024-335 AT ____ P.M.
MAYOR COCUZZA CLOSSES THE MEETING TO THE PUBLIC AT ____ P.M.

ORDINANCE NO.: 2024 -335:

Meeting of April 18, 2024

An Ordinance Amending and Supplementing Ordinance No. 2021-310 Adopted December 16, 2021 Fixing the Minimum and Maximum Salary Ranges of Certain Officials and Employees of the Borough of Union Beach, County of Monmouth, State of New Jersey.

WHEREAS, the Borough of Union Beach has adopted Salary Ordinance No. 2021-310 which establishes a minimum and maximum salary range for certain positions within the Borough; and

WHEREAS, the Borough finds it necessary to amend and supplement said Ordinance No. 2021-310 as shown below.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Union Beach that Ordinance No. 2021-310 adopted on December 16, 2021 is amended and supplemented as follows:

Section 1. The following title along with the salary range is ADDED:

	<u>Minimum</u>	<u>Maximum</u>
Confidential Assistant- Human Resources	\$50,000.00	\$95,000.00

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. Pursuant to the provisions of N.J.S.A. 40:69A-181 (b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

CLERK READS ORDINANCE TITLE 2024-337:

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2024-337 AT ____ P.M.
MAYOR COCUZZA CLOSSES THE MEETING TO THE PUBLIC AT ____ P.M.

ORDINANCE NO. 2024- 337

AN ORDINANCE AMENDING CHAPTER XII (STREETS AND SANITATION) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO ESTABLISH REQUIREMENTS FOR PRIVATELY OWNED SALT STORAGE.

WHEREAS, as part of MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP-mandated regulations for privately owned salt storage; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the model ordinance provided by NJDEP and recommend adoption; and

WHEREAS, the Borough Council desires to adopt the NJDEP model ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, as follows:

Chapter 12 (Streets and Sanitation) of the Borough Code is hereby amended to establish Chapter 12-8 Privately Owned Salt Storage, to read as follows:

Chapter 12-8 Privately Owned Salt Storage

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Union Beach to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent 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.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. “Resident” means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - f. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - g. Containers must be sealed when not in use; and
 - h. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. All temporary and/or permanent structures must also comply with all local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Union Beach Code Enforcement official during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows:

- a) Any person who violates any provision of this section shall, upon conviction thereof in

Municipal Court, be punishable by imposition of a fine not less than \$100 nor more than \$2,000.

- b) Each instance of engaging in a separate regulated activity, in violation of this chapter shall be deemed a separate offense.
- c) In addition, the Borough may institute civil action for injunctive or other relief to enforce the provisions of this section.

SECTION VII. Severability:

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

SECTION VIII. Effective Date:

This ordinance shall take effect immediately upon final adoption in accordance with law.

BE IT FURTHER ORDAINED, that if any provisions, paragraph, section or subsection of this be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity,

CLERK READS ORDINANCE TITLE 2024-338:

*MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2024-338 AT ____ P.M.
MAYOR COCUZZA CLOSSES THE MEETING TO THE PUBLIC AT ____ P.M.*

ORDINANCE NO. 2024- 338 MEETING OF APRIL 18, 2024

AN ORDINANCE AMENDING CHAPTER XII (STREETS AND SANITATION) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO ESTABLISH REQUIREMENTS FOR TREE REMOVAL AND REPLACEMENT.

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Chapter XII (Streets and Sanitation) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

Chapter 12-9 Tree Removal and Replacement

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in the **Borough of Union Beach** to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety and welfare.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

“Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.

“Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.

“Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.

“Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that

do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

- a. Has an infectious disease or insect infestation;
- b. Is dead or dying;
- c. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- d. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- e. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

“Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

“Planting strip” means the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

“Resident” means an individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

“Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

“Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

“Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

“Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III. Regulated Activities:

A. Application Process:

1. Any person planning to remove a street tree with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Zoning Floodplain Development Application to Construction Department. **No tree shall be removed until municipal officials have reviewed and approved the removal.**
2. Applicants will be subject to an application fee as follows:
 - a) Residential Lot - \$15.00 per tree up to a maximum \$300.00
 - b) New residential subdivisions - \$15.00 per tree up to a maximum of \$600.00 per acre.
 - c) All other properties - \$15.00 per tree up to a maximum of \$600.00 per acre.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, other than a resident, who removes one or more tree(s) with a DBH of 6” or more per acre, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below. The number of trees is a rolling count across a five (5) year period.

3. The selection of plant species to be used shall be appropriate in terms of function and size and shall be hardy for the climatic zone in which the Borough is located. Consideration shall be given to the soil condition, availability of water, exposure to sunlight and other existing conditions. The types of replacement tree shall be approved by the Borough prior to installation.
4. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
5. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
6. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
7. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirement Table			
Trees to be removed caliper	Number of replacement trees	Caliper of replacement tree	Value of replacement tree
Greater than 6 inch & up to 12 inches	One (1) tree per tree removed	2-2 ½ inch	\$240 per tree
Greater than 12 inch & up to 18 inches	Two (2) trees per tree removed	2-2 ½ inch	\$440 per tree
Greater than 18 inch & up to 24 inches	Two (2) trees per tree removed	3 inches	\$840 per tree
Greater than 24 inches	Four (4) trees per tree removed	3 inches	\$1,840 per tree

C. Replacement Alternatives:

1. If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a) Plant replacement trees in a separate area(s) approved by the Borough.
 - b) Pay a fee as outlined above in the Tree Replacement Requirement Table. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Borough by all persons claiming an exemption. The justification shall include, but not limited to, photos or statement from a NJ Licensed certified Tree Expert (CTE) or arborist.

1. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.
2. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
4. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
5. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
6. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
7. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement:

This ordinance shall be enforced by the Union Beach Code Enforcement official during the course

of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine in the amount of the value of the tree replacement outlined in the Tree Replacement Requirement Table above.

SECTION VII. Severability:

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

SECTION VIII. Effective Date:

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

BE IT FURTHER ORDAINED, that if any provisions, paragraph, section or subsection of this be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity.

CLERK READS BOND ORDINANCE TITLE 2024-339:

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON BOND ORDINANCE NUMBER 2024-339 AT ____ P.M.

MAYOR COCUZZA CLOSSES THE MEETING TO THE PUBLIC AT ____ P.M.

BOND ORDINANCE 2024-339:

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,310,000 FOR VARIOUS CAPTIAL IMPROVEMENTS FOR AND BY THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$827,172.00 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATIONS

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, 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 (the “Improvements”) are hereby authorized to be undertaken by the Borough of Union Beach, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,310,000, such sum includes the sum of (a) \$314,292 expected to be received as a grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(i); (b) \$125,000 expected to be received as a Monmouth County Open Space Grant in connection with the improvement described in Section 3(a)(iv) (the “Grants”) and (c) \$43,536 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements and grant not covered by the application of the Down Payment and the Grants, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$827,172 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$827,172 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the

estimated maximum amount of bond or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvement of Purpose	Appropriation and Estimated Cost	Maximum Amount of Bonds or Notes	Period of Usefulness
(i) Reconstruction of Park Avenue – Phase II, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	\$525,000	\$200,172	20 Years
(ii) Reconstruction of 8th Street, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	295,000	280,250	20 Years
(iii) Construction of Pickleball Courts, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	160,000	152,000	15 Years
(iv) Improvements to Scholer Park – Phase IX, including but not limited to walking path and lighting and including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	330,000	194,750	15 Years
TOTAL	\$1,310,000	\$827,172	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$827,172.

(c) The estimated cost of the Improvements is \$1,310,000 which amount represents the initial appropriation made by the Borough.

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 (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. 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 Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must 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 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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general 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, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 17.90 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, Division of Local Government Services, Department of Community Affairs, 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 \$827,172 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and 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 of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$827,172.

SECTION 11: This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk presented affidavit of publication showing that the ordinance was duly advertised in accordance with law in the Asbury Park Press in the issue of March 29, 2024.

Clerk requests permission of Mayor Cocuzza to read the following Ordinances by Title only, advising that said Ordinances were posted on the Bulletin Board at the Municipal Building and on the Borough's Website at least one week in advance of this Public Meeting, and that copies of said Ordinances are made available to the General Public upon request.

CLERK READS ORDINANCE TITLE 2024-334:

*MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2024-334 AT ____ P.M.
MAYOR COCUZZA CLOSES THE MEETING TO THE PUBLIC AT ____ P.M.*

ORDINANCE NO. 2024-334 Meeting of April 18, 2024

AN ORDINANCE AMENDING CHAPTER 16 (PARKS AND RECREATION AREAS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO REVISE CHAPTER 16-7 ENTITLED "UNION BEACH-SHORE PROTECTION BULKHEAD AND WALKWAY".

WHEREAS, the Borough of Union Beach desires to remove Chapter 16-7 (Union Beach-Shore Protection Bulkhead and Walkway) in its entirety and replace it with Chapter 16-7 (Shore Protection Bulkhead, Walkway and Dune Areas).

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, State of New Jersey as follows:

Chapter 16 (Parks and Recreation Areas) of the General Ordinances of the Borough of Union Beach be amended to remove existing Chapter 16 Section 7 and replace it with the following:

16-7. Shore Protection Bulkhead, Walkway and Dune Areas

1. The Union Beach Shore Protection Bulkhead, Walkway and Dune Areas shall be considered a borough park and shall be subject to the provisions of this Chapter 16. Parks and Recreation Areas.

The borough is hereby empowered to adopt, rescind and amend by resolution, regulations relating to the Union Beach Shore Protection Bulkhead, Walkway, Dune Areas and its adjacent borough owned property, including but not limited to the following:

- a. Hours of use;
 - b. Curfews;
 - c. Prohibitions and/or restrictions of the use of motor vehicles, motorcycles, mopeds, bicycles, skateboards, and any other means of conveyance and the parking of same;
 - d. Prohibiting or otherwise limiting the presence of domestic animals;
 - e. Prohibiting the possession and or playing of any radio, boom-box, audio recording players of any type or any other similar equipment; and
 - f. The erection, design and location of appropriate signs concerning any and/or all of the above prohibitions, limitations, rules, regulations or restrictions.
2. In addition to the above empowerments, the borough specifically adopts the following regulations and/or prohibitions for Dune Areas

a. Definitions

For the purpose of this chapter, the following terms shall have the meanings given herein:

DUNE

A wind or wave deposited or man-made formation of vegetated or drifting windblown sand.

DUNE AREA

Shall mean that area between the bayward edge of the dune as exists or as established by the USACE Beachfill and Dune Project or as may advance northerly through natural accretion from that initial point and the landward edge of the dune as exists, is constructed as part of the USACE Beachfill and Dune Project or as may be created by natural migration of the dune to the south. The Dune area is generally contained completely within a sand fence.

SAND FENCE

Shall include the term “snow fence” or “dune fence” of a barricade type established in a line or a pattern to accumulate sand and aid in the formation of a dune, such as picket construction consisting of wooden lath held together by wire and affixed to wooden posts. Alternate types of “sand fence” may be utilized if approved by the Borough.

b. Regulations for Dune Areas

1. No person shall be in the dune area unless upon an approved, pathway, walkway, crossover, or dune platform.
2. No person shall operate any bicycle or motor vehicle of any kind on or across the dune areas of the Borough.
3. No person shall remove or destroy the planted vegetation, the natural vegetation, sand fences or other types of dune protective devices in the dune areas of the Borough.

c. Exceptions. This section is not intended to prohibit the officers and employees of the Borough and other authorized personnel from entering into and upon the dune areas for the purpose of cleaning, maintenance, repair, restoration and planting in order to preserve and to protect the dune areas in the Borough.

d. Any person violating any of the provisions of this section, or any rule or regulation promulgated pursuant hereto, shall be subject to fines and penalties under this Chapter 16, Parks and Recreation Areas, section 16-6 Penalties.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that all other sections of the ordinance remain in full force and effect; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law

CLERK READS ORDINANCE TITLE 2024-336:

*MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2024-336 AT ____ P.M.
MAYOR COCUZZA CLOSSES THE MEETING TO THE PUBLIC AT ____ P.M.*

ORDINANCE NO. 2024- 336

MEETING OF APRIL 18, 2024

AN ORDINANCE AMENDING CHAPTER 13 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO ADD CHAPTER 13-2.6 DEFINITIONS PERTAINING TO DUNE

**CROSSOVERS, AMEND CHAPTER 13-3.4 FEES AND ADD CHAPTER 13-8.36
DUNE CROSSOVERS.**

WHEREAS, the United States Army Corps of Engineers (USACE), in conjunction with New Jersey Department of Environmental Protection (NJDEP) and the Borough of Union Beach (Borough) has constructed a Coastal Storm Risk Management Project in the Borough consisting of two (2) terminal groins, sand dunes, berms, three (3) public pedestrian crossovers and one (1) vehicular maintenance crossover, and

WHEREAS, in order to construct said project, Perpetual Beach Storm Damage Reduction Easements were acquired affecting the following eleven (11) residential parcels:

- | | | | |
|------------|------------|---------------|-----------------|
| 1) Block 1 | Lot 1 | 7) Block 1 | Lot 9 |
| 2) Block 1 | Lot 2 | 8) Block 1 | Lot 10 |
| 3) Block 1 | Lots 3 & 4 | 9) Block 29 | Lots 11 thru 13 |
| 4) Block 1 | Lot 5 | 10) Block 29 | Lot 14.01 |
| 5) Block 1 | Lot 6 | 11) Block 251 | Lot 2.01 |
| 6) Block 1 | Lots 7 & 8 | | |

WHEREAS, in granting said easements, the Grantors reserved a right to construct a private dune crossover in accordance with any applicable Federal, State or Local laws or regulations with prior approval of the plans and specifications from the Borough and NJDEP, and

WHEREAS, the Borough wishes to provide guidance, regulations and restrictions for said approvals.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, State of New Jersey as follows:

1. 13-2.6 Definitions Pertaining to Dune Crossovers is added as follows:
13-2.6 Definitions Pertaining to Dune Crossovers

BEACH AREA

That area between the mean high waterline of the Raritan Bay and the seaward edge of the dune.

CROSSOVER OR WALKWAY

A constructed means of crossing the dune area in accordance with plans and specifications approved by the Borough's administrative officer.

DUNE

A wind or wave deposited or man-made formation of vegetated or drifting windblown sand.

DUNE AREA

Shall mean that area between the bayward edge of the dune as exists or as established by the USACE Beachfill and Dune Project or as may advance northerly through natural accretion from that initial point and the landward edge of the dune as exists, is constructed as part of the USACE Beachfill and Dune Project or as may be created by natural migration of the dune to the south. The Dune area is generally contained completely within a sand fence.

NATURAL VEGETATION

Includes the terms "native vegetation" or indigenous vegetation." Specifically, it shall include such plants as beach grass (*Ammophila breviligulata*), dusty miller (*Artemisia stelleriana*), sea rocket (*Cakile edentula*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Myrica pensylvanica*), beach pea (*Lathyrus japonicus*), salt spray rose (*Rosa rugosa*) or seaside spurge (*Euphorbia polygonifolia*), which normally grow or may be planted on the slopes of dunes, no distinction being made as to how such plants are introduced into their location.

SAND FENCE

Shall include the term “snow fence” or “dune fence” of a barricade type established in a line or a pattern to accumulate sand and aid in the formation of a dune, such as picket construction consisting of wooden lath held together by wire an affixed to wooden posts. Alternate types of “sand fence” may be utilized if approved by the Borough.

WALKWAY OR CROSSOVER

A constructed means of crossing the dune area in accordance with plans and specifications approved by the Borough’s administrative officer.

2. Chapter 13-3.4 Fees is amended as follows:

APPENDIX A ZONING/DEVELOPMENT Fees under 13-3.4 (a) Application for a Zoning/Development Permit is amended to include:

Dune Crossover	\$75
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3. Chapter 13 (Land Use and Development Regulations) is amended to include Chapter 13-

8.36 Dune Crossovers
13-8.36 Dune Crossovers

a. In granting Storm Damage Reduction Easements for the construction of the Union Beach Coastal Storm Risk Management Project, the right to construct a private dune crossover was reserved for the following residential parcels:

- | | |
|-----------------------|-----------------------------|
| 1) Block 1 Lot 1 | 7) Block 1 Lot 9 |
| 2) Block 1 Lot 2 | 8) Block 1 Lot 10 |
| 3) Block 1 Lots 3 & 4 | 9) Block 29 Lots 11 thru 13 |
| 4) Block 1 Lot 5 | 10) Block 29 Lot 14.01 |
| 5) Block 1 Lot 6 | 11) Block 251 Lot 2.01 |
| 6) Block 1 Lots 7 & 8 | |

Construction of a crossover on these parcels is subject to the following:

- b. Only one (1) crossover or walkway across the dune area is permitted for each parcel. It shall run, generally, the shortest practical course between the landward edge or toe of the dune and the bayward edge or toe of the dune, and shall not exceed four (4) feet in width. The surface of the crossover is to remain the natural composition of the dune or a sand/gravel mixture acceptable to the Borough. The crossover shall be fenced on both sides through the use of sand fencing and connect with the existing sand fence enveloping the dune. Any grading or excavation associated with the installation of the crossover shall not result in the lowering of the beach or dune design specifications. In the event that any crossover shall be or become, in the opinion of the Borough, a substantial detriment to the development and maintenance of the continuous protective dune, the owner of the premises shall be required to repair and/or replace approved materials sufficient to return the dune to its designed specifications.
- c. The removal, cutting, burning or destruction of natural or planted vegetation, sand fence or such other types of dune protection devices in the dune area is prohibited, except as necessary for and within the approved crossover area.
- d. The removal and grading of sand from the beach area, dune area or areas south of the dune area is prohibited.
- e. he length of the crossover is strictly confined to the area between the landward edge or toe of the dune and the bayward edge or toe of the dune generally defined by the location of existing sand fencing. As the crossovers can be constructed as private for each parcel, gates are allowed at each end of the crossover.
- f. A permit application, with the appropriate fee, must be submitted. An approval of the plans and specifications by the Borough’s administrative officer must be granted before construction can begin.
- g. Any person violating any of the provisions of this section, or any rule or regulation promulgated pursuant hereto, shall be subject to fines and penalties as follows:

1. Fines. Any person who is convicted of a violation of this chapter shall be subject to a fine not to exceed \$2,000 and/or a term of imprisonment not to exceed 90 days or a period of community service not exceeding 90 days, or both.
2. Restitution. In addition to the penalties imposed pursuant to paragraph 1 above any person may be directed by the municipal court or any court of competent jurisdiction to pay to the borough the cost of the repair, replacement or restoration of any damaged park property.
3. Each day that a violation shall continue to exist shall constitute a separate offense.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that all other sections of the ordinance remain in full force and effect; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Motion to adopt Ordinance 2024-334, 2024-335, 2024-336, 2024-337, 2024-338 and Bond Ordinance 2024-339 on Second Reading by _____ seconded by _____ and approved by the following Roll Call Vote;

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION 2024 -81: AUTHORIZING FINAL ADOPTION OF ORDINANCE 2024-334, 2024-335, 2024-336, 2024-337, 2024-338 AND BOND ORDINANCE 2024-339 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF FINAL ADOPTION OF THESE ORDINANCES IN THE ASBURY PARK PRESS.

Paper: The Asbury Park Press, issue of April __, 2024
 Time: Commencing at 7:30 pm
 Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

APPROVAL OF MINUTES OF THE MEETING OF: March 21, 2024 Council Meeting.
 Motion moved by _____, seconded by _____. Approved by voice vote.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Wicki
Councilman Riccardi
Councilwoman Roche
Councilwoman Woodruff
Councilman Andreuzzi
Councilman Lewandowski

Finance, Personnel, Administration, Special Grants & Shared Services
Seniors, Library, Community Alliance & Health
Board of Education, American Legion & Public Affairs
Public Works, Building and Grounds & Recreation & UBSA
Construction, Code Enforcement, Environmental & Planning Board
Public Safety, Court, OEM, Fire Dept., EMS

Robert M. Howard, Jr.- Borough Administrator

MEETING OPEN FOR PUBLIC DISCUSSION: April 18, 2024

Meeting opens for Public Discussion at ____ p.m.
 Meeting closes for Public Discussion at ____ p.m.

NEW BUSINESS AND DISCUSSION:

FINANCIAL DISCLOSURES DUE APRIL 30TH

Move meeting times to 7pm as of June Meetings

INTRODUCTION OF ORDINANCES: (#340, 341, 342, 343)

ORDINANCE NO.: 2024 -340:

MEETING OF

An Ordinance Amending Chapter 12 (Streets and Sanitation) of the Borough of Union Beach, County of Monmouth, State of New Jersey to Amend Chapter 12-1.3.

WHEREAS, the Borough of Union Beach expends a large amount of taxpayer funds to maintain a structurally efficient and safe roadway system within its municipal boundaries; and

WHEREAS, the Borough recognizes the need, from time to time , for its roadways to be opened for repair and/or utility work beneath the road surface; and

WHEREAS, the Borough desires the roadway surfaces to be returned to proper condition after said work is completed; and

WHEREAS, to ensure the satisfactory restoration of impacted road surfaces, the Borough wishes to amend said chapter and also correct certain typographical errors in the Ordinance.

NOW THEREFORE, BE IT ORDAINED, Chapter 12-1.3 is amended as follows:

1. The first sentence of 12-1.3a.9. Specifications is amended to read: The New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 2019, shall serve as the standard for pavement repair.

2. Chapter 12-1.3d.1 (c) is amended to read:

(c) Following the period of settlement, the permittee shall be required to mill the excavation work area surface a minimum of one foot beyond the outer edges of the excavation or if the distance from the edge of excavation work to the existing curb or roadway edge is less than two feet, the permittee shall be required to mill to the curb or edge of roadway and install no less than two inches of Hot Mix Asphalt 9.5M64 surface course. (See Detail B) [2]
The permittee shall also be required to provide a tack coat on all existing bituminous concrete surfaces and a hot-poured, rubber asphalt joint sealer per Section 401 of DOT Standard Specifications for Roads and Bridges.

[2] Editors Note: Detail "B" referred to herein may be found on file in the office of the Director of Public Works.

3. Chapter 12-1.3.d.1(d) is amended to read:

(d) All longitudinal excavations or utility work undertaken by a public or private utility or contractor, which work involves placing of new or replacing or repairing existing utility infrastructure, including but not limited to gas lines, water lines, electrical lines and sewer lines, or any disturbance of the roadway surface, where the area to be trenched is greater than fifty (50) linear feet, or where multiple small openings in the pavement are made within a fifty (50) linear-foot or greater length of a roadway, upon completion or within a reasonable amount of time as determined by the Borough Engineer, the permittee shall mill and repave the entire pavement surface from edge to edge or curb to curb for the full length of the excavation, at their cost, in accordance with the Borough Design Standards and Details, and specifications of and at the direction of the Borough Engineer but no less than two inches of Hot Mix Asphalt 9.5M64 surface course.

In the case of main replacements and for streets where multiple service connections are made, after the backfill is placed/compacted and approved settling time is completed, the road shall be milled and paved from curb to curb for the entire length of the trench with no less than two inches of Hot Mix Asphalt 9.5M64 surface course.

4. Chapter 12-1.3d.1 (g) is amended to read:

(g) With department of public works or borough engineer's approval, the centerline of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line striping or markouts.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Pursuant to the provisions of N.J.S.A. 40:69A-181 (b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

Motion to introduce Ordinance 2024-341 on First Reading by _____ seconded by _____ and approved by the following roll call vote;

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

ORDINANCE NO.: 2024 -341:

MEETING OF

An Ordinance Amending Chapter 8 (Municipal Parking Lots) of the General Ordinances of the Borough of Union Beach, County of Monmouth, State of New Jersey to Amend the Chapter Title, Add Chapter 8-5 Beachfront Area Parking and Amend Chapter 8-1 (h)

WHEREAS, the Borough is in the process of expanding municipal parking in the beachfront area necessitating revisions to the existing ordinance

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of Union Beach, County of Monmouth, State of New Jersey as follows:

- 5. The Title of Chapter 8 is amended to read: Chapter 8 MUNICIPAL PARKING
- 6. Chapter 8 is amended to include Section 8-5 Beachfront Area Parking as follows:

8.5 BEACHFRONT AREA PARKING

- a. Municipal parking in the beachfront area along Front Street and any other area streets will be designated by a numbered parking spot.
 - b. These parking spots shall be subject to the same rules and regulations contained within Sections 8-1 and 8-2.
7. Chapter 8-1 (h.) is amended to read:
- h. Residents must affix the Resident Parking Permit Decal on the inside of the windshield in the area of the rear view mirror visible to the outside.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Pursuant to the provisions of N.J.S.A. 40:69A-181 (b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

Motion to introduce Ordinance 2024-341 on First Reading by _____ seconded by _____ and approved by the following roll call vote;

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

ORDINANCE NO.: 2024 -342

AN ORDINANCE AMENDING CHAPTER XIX (ENVIRONMENTAL PROTECTION) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING STORMWATER MANAGEMENT AND CONTROL.

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Chapter XIX (Environmental Protection) for Stormwater Management and Control as recommended by the New Jersey State Environmental Protection Agency.

Chapter XIX (Environmental Protection) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented in its entirety as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter XIX (Environmental Protection), Section 19-1 shall be amended ~~in its entirety~~ as follows:

§19-1 Stormwater Management and Control

§19-1.1 Stormwater Management and Control

This section shall be known as and may be cited as the “Stormwater Management Ordinance of the Borough of Union Beach.”

§19-1.2 Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved using 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 II.

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 Union Beach.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to May 18, 2024, shall be subject to the stormwater management requirements in effect on May 17, 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 May 18, 2024, shall be subject to the stormwater management requirements in effect on May 17, 2024.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

§19-1.3 Definitions:

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

number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or

land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since the effective date of this ordinance.
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 19-1.5 (F) of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

“Pollutant” includes both hazardous and nonhazardous pollutants.

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

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

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

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

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is

- constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
 4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

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

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

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

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

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

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

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

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

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

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

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

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

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

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the 2-, 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 2-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

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

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

vegetation.

§19-1.4 Design and Performance Standards for Stormwater Management Measures

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

§19-1.5 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 19-1.11.
- 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 muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 19-1.5 (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 19-1.5 (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 alternative’s analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 19-1.5 (O, P, Q and R) to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 19-1.5 (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 Section 19-1.5 (D).3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 19-1.5 (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 19-1.5 (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 on Page D-15)

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 on Page D-15)

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 19-1 (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 specified at Section 19-1.3;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure specified at Section 19-1.3.

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 19-1.7 (B). Alternative stormwater management measures may be used to satisfy the requirements at Section 19-1.5 (O) only if the measures meet the definition of green infrastructure at Section 19-1.3. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 19-1.5 (O).2 are subject to the contributory drainage area limitation specified at Section 19-1.5 (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 19-1.5 (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 19-1.5 (D) is granted from Section 19-1.5 (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 19-1.5 (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 19-1.9; 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 19-1.3 may be used only under the circumstances described at Section 19-1.5 (O).4.

- K. Any application for a new agricultural development that meets the definition of major development at Section 19-1.3 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 19-1.5 (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 19-1.5 (.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 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 19-1.5 (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 19-1.11(B).5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 19-1.5 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 19-1.5(P and Q), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 19-1.5 (F). and/or an alternative stormwater management measure approved in accordance with Section 19-1.5 (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 19-1.5 (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 19-1.5 (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 19-1.5(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 19-1.5 (G) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 19-1.5 (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 19-1.5 (P, Q and R), unless the project is granted a waiver from strict compliance in accordance with Section 19-1.5 (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 19-1.6, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 19-1.6 of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:226C, or Department landfill closure plan and areas; and

areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 19-1.5 (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 19-1.6, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 19-1.6 (C and D), respectfully, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section 19-1.6 (C and D), respectfully, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section 19-1.5(C and D), respectfully, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

- iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§19-1.6 Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

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

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

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

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

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

2. For the purpose of calculating ~~runoff coefficients~~ 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 coefficient”~~ “curve number” applies to ~~both the NRCS methodology above at Section 19-1.6(A).1.i and the Rational and Modified Rational Methods at Section V.A.1.ii.~~ A ~~runoff coefficient~~ curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall consider 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/gsreport/gsr32.pdf>

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

C. The precipitation depths of the current 2-, 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 2-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected 2-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the 2-, 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 6 below.

Table 6: Future Precipitation Change Factors

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

§19-1.7 Sources for Technical Guidance:

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

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

<http://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 08625-0420.

§19-1.8 Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section 19-1.5(F) above, or alternative designs in accordance with Section 19-1.5(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 19-1.8(A).2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and

grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

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

§19-1.9 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 19-1.9 (C).1, 19-1.9 (C).2, and 19-1.9 (C).3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

- 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no ~~less~~ greater than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 19-1.9(C), a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 19-1.9(E) for an illustration of safety ledges in a stormwater management BMP; and

- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

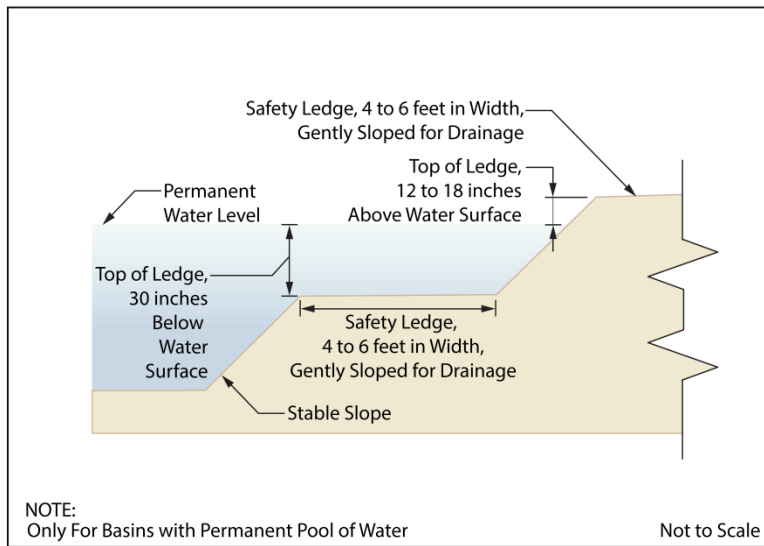
D. Variance or Exemption from Safety Standard

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

a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§19-1.10 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 19-1.10(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, in accordance with Section 13-6, of the materials listed in the checklist for site development stormwater plans in accordance with Section 19-1.10(C) of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review

engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 19-1.4 through Section 19-1.6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater

quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 19-1.5 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 19-1.11.

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 19-1.10(C).1 through 19-1.10(C).6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§19-1.11 Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 19-1.10(C) of this ordinance shall comply with the requirements of Section 19-1.11(B) and 19-1.11(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 19-1.11(B).3 above is not a public agency, the maintenance plan and any future revisions based on Section 19-1.11 (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 19-1.11(B).3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 19-1.11(B).6 and 19-1.11 (B).7 above.

8. The requirements of Section 19-1.11(B).3 and 19-1.11(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.

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

<http://dep.nj.gov/stormwater/maintenance-guidance/>.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§19-1.12 Violations and Penalties:

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

- a) Any person who violates any provision of this section shall, upon conviction thereof in Municipal Court, be punishable by imposition of a fine not less than \$100 nor more than \$2,000.
- b) Each instance of engaging in a separate regulated activity, in violation of this chapter shall be deemed a separate offense.
- c) In addition, the Borough may institute civil action for injunctive or other relief to enforce the provisions of this section.

SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk

shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Motion to introduce Ordinance 2024-342 on First Reading by Councilman _____ seconded by _____ and approved by the following roll call vote;

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

ORDINANCE NO. 2024- 343:

AN ORDINANCE OF THE BOROUGH OF UNION BEACH AMENDING THE PREVIOUSLY APPROVED ORDINANCE CREATING THE BAYSHORE REGIONAL SEWERAGE AUTHORITY THROUGH PARALLEL ORDINANCES ADOPTED BY THE BOROUGH OF UNION BEACH, AND THE TOWNSHIPS OF HAZLET AND HOLMDEL, PURSUANT TO THE PROVISIONS OF THE NEW JERSEY SEWERAGE AUTHORITIES LAW.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) was created by Parallel Ordinances adopted by the Borough of Union Beach, and the Townships of Hazlet and Holmdel in accordance with the provisions of the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented); and

WHEREAS the Ordinance adopted by the Borough of Union Beach was codified at Chapter 11, Section 4 entitled “The Bayshore Regional Sewerage Authority” in the Borough Code of the Borough Union Beach; and

WHEREAS, Chapter 11, Section 4.4 of the Borough Code of the Borough of Union Beach entitled “Composition” provides that the Authority shall consist of six members and two of the members shall be appointed by the governing body of each of said municipalities in accordance with the provisions of the Sewerage Authority Law. The Bayshore Regional Sewerage Authority shall be authorized to establish an annual salary for each of its members of not more than \$3,000; and

WHEREAS, the members/Commissioners of the Authority have adopted a resolution requesting a change in the limits and method of computing their annual compensation, which pursuant to the Sewerage Authorities Law, must be approved by Parallel Ordinances adopted by each of the Authority’s member municipalities to become effective; and

WHEREAS, the Borough Council of the Borough of Union Beach recognizes that the duties and responsibilities of the members/Commissioners of the Authority have grown substantially from the inception of the Authority, and wish to establish a salary format that will allow for periodic future changes in the maximum salary allowed to be received by each member/Commissioner of the Authority;

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Union Beach in the County of Monmouth, in the State of New Jersey, as follows:

- I. Chapter 11 entitled “Sewer and Water”, Section 4 entitled “The Bayshore Regional Sewerage Authority”, Subsection 4.4 entitled “Composition” of the Borough Code of the Borough Union Beach is hereby amended to read as follows (Amendments are shown with additions in **bold** and deletions in ~~brackets~~):

Section 11-4.4. Composition.

The Bayshore Regional Sewerage Authority shall consist of six members and two of the members shall be appointed by the governing body of each of said municipalities in accordance with the provisions of the Sewerage Authority Law. The Bayshore Regional Sewerage Authority shall be authorized to establish an annual salary for each of its members ~~[of not more than \$3,000.]~~ **for the year 2024 of not more than Three Thousand Five Hundred (\$3,500) Dollars. For each year thereafter, the maximum annual salary for each member shall be computed by applying a factor, based upon the annual increase or decrease in the Cost of Living Adjustment (COLA) to the maximum salary for the prior year to determine the yearly adjusted maximum salary of each member. The annual salary of the Board of Commissioners shall be reviewed by The Bayshore Regional Sewerage Authority member municipalities every 10 years to determine if a change to the maximum salary allowed is appropriate.**

- II. The remainder of Chapter 11 entitled “Sewer and Water”, Section 4 entitled “The Bayshore Regional Sewerage Authority” remains unchanged.
- III. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- IV. If any section, sub-paragraph, sentence, clause or phrase of this Ordinance shall subsequently be held to be invalid, such decision shall not invalidate the remaining portion of the Ordinance, or the Ordinance which it amends; except that if the entire Ordinance shall be deemed to be invalid, then in such event, the prior Ordinance shall be reinstated.

This Ordinance shall take effect upon the last to occur of the final adoption of Parallel Ordinances by the remaining municipality members of the Bayshore Regional Sewerage Authority and upon publication and final adoption of this Ordinance according to law.

Motion to introduce Ordinance 2024-343 on First Reading by Councilman

_____ seconded by _____ and approved by the following roll call vote;

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

**RESOLUTION 2024-82: AUTHORIZING INTRODUCTION OF ORDINANCE 2024-340 ,
ORDINANCE 2024-341, ORDINANCE 2024-342, AND ORDINANCE 2024-343 AND FURTHER
AUTHORIZING CLERK TO ADVERTISE NOTICE OF PUBLIC HEARING OF ORDINANCE
2024-340, 2024-341, 2024-342 AND ORDINANCE 2024-343 IN ASBURY PARK PRESS FOR
NOTICE OF PUBLIC HEARINGS TO BE HELD ON MAY 16, 2024 AT 7:30 PM**

Paper: The Asbury Park Press, issue of April _____, 2024
Time: Commencing at 7:30 pm
Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTIONS: (#83-#93)

RESOLUTION NO. 2024-83:

*Resolution Authorizing Execution of Employment Agreement
Between the Borough and the Captain of Police*

Whereas, the position of Captain of Police is a managerial position in the Borough Police Department that is attained after years of service in various ranks/positions within the Department, and

Whereas, as a managerial position and as per State Law, the Captain’s position is not within the scope and coverage of the Borough /PBA Collective Bargaining Agreement establishing the terms and conditions of employment for Borough Police Officers, and

Whereas, Police Captain Shawn Gilkison was promoted to and attained the position as of April 1, 2024, and

Whereas, it is recommended that an Employment Agreement be negotiated and executed with the Police Captain setting forth the terms and conditions of employment for that position, and such Agreement has been negotiated and its execution is recommended in order to properly detail the terms of that position and employment;

Now Therefore be It Resolved, by the Governing Body of the Borough of Union Beach that the Mayor and Borough Clerk are authorized to execute the “Employment Agreement – Borough /Police Captain” effective April 1, 2024 on behalf of the Borough; said Agreement to remain in effect until modified by further Agreement as set forth in said Agreement.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION NO. 2024-84:

**RESOLUTION APPROVING TAX EXEMPTION
PURSUANT TO N.J.S.A. 54:4-3.30 ET SEQ.**

WHEREAS, Pursuant To Chapter 398 Of The Law Of 1971, (N.J.S.A. 54:4-31.31. Chapter 259 Of The Laws Of 1948) The Governing Body By The Appropriate Resolution Shall Allow A Full Exemption To A 100% Permanently Disabled Eligible Veteran Entitled To The Same; And

WHEREAS, Zachary T. Zellner, A 100% Disabled Veteran, Has Applied For The Deduction For Property Known As Block #41, Lot #10.01, For The Premises At 930 Pine Street, Union Beach, New Jersey; And

WHEREAS, The Borough Tax Assessor, Michael Del Re, Has Researched Mr. Zellner’s Request And Recommends The 100% Deduction For Block #41, Lot #10.01, 930 Pine Street, Union Beach, New Jersey, Be Granted.

NOW, THEREFORE, BE IT RESOLVED, By Mayor And Council Of The Borough Of Union Beach, That In Accordance With The Recommendation Of The Tax Assessor, Michael Del Re, The Tax Assessor Is Hereby Authorized To Apply A Full Exemption To A 100% Permanently Disabled Veteran, Zachary T. Zellner, For Property Located At 930 Pine Street, Union Beach, New Jersey, Block #41, Lot #10.01, For The Period Commencing **With The Second Quarter 2024**.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION NO. 2024-85:

**A RESOLUTION AUTHORIZING SETTLEMENT
IN BOROUGH OF UNION BEACH v. MARTINEZ, KNOTEK ET AL.**

WHEREAS, the Borough of Union Beach has entered into an agreement with the State of New Jersey (hereinafter the State) and the United States Army Corps of Engineers (hereinafter the USACE) to construct a Storm Damage Reduction Project in the Borough of Union Beach and,

WHEREAS, the Borough on April 15, 2021, adopted Resolution 2021-88, directing the Borough Attorney to institute condemnation litigation to acquire the necessary property interests in Block 1, lots 7 & 8 and others, and

WHEREAS, the Borough filed a Complaint Borough of Union Beach v. Ivan Martinez, Holly Knotek and Residential Home Mortgage Corporation, Docket No.MON-L2124-21, and Condemnation Commissioners were appointed by Assignment Judge and directed to report to her the fair value of the taking, and

WHEREAS, the Borough filed an Appeal from the Commissioners Report and requested a Trial by Jury, and,

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to end this litigation through an amicable settlement with Ivan Martinez, Holly Knotek et al.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Union Beach as follows:

1. The Borough agrees to pay Ivan Martinez and Holly Knotek a total amount of \$120,000.00 as just and final compensation for the easement located on her property for construction of the Storm Damage Reduction Project.

The Borough Attorney is authorized to execute any and all documents necessary to effectuate this settlement and dismiss this Complaint.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION 2024- 86:

A RESOLUTION AUTHORIZING SETTLEMENT

IN BOROUGH OF UNION BEACH v. GATEWAY TOWNHOUSES AT UNION BEACH, INC.

WHEREAS, the Borough of Union Beach has entered into an agreement with the State of New Jersey (hereinafter the State) and the United States Army Corps of Engineers (hereinafter the USACE) to construct a Storm Damage Reduction Project in the Borough of Union Beach and,

WHEREAS, the Borough on April 15, 2021, adopted Resolution 2021-88, directing the Borough Attorney to institute condemnation litigation to acquire the necessary property interests in Block 29, lot 14.01 and others, and

WHEREAS, the Borough filed a Complaint Borough of Union Beach v. Gateway Townhouses at Union Beach, Inc., Docket No.MON-L-3500-21, and Condemnation Commissioners were appointed by Assignment Judge and directed to report to her the fair value of the taking, and

WHEREAS, the Borough filed an Appeal from the Commissioners Report and requested a Trial by Jury, and,

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to end this litigation through an amicable settlement with Gateway Townhouses at Union Beach, Inc.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Union Beach as follows:

2. The Borough agrees to pay Gateway Townhouses at Union Beach, Inc. a total amount of \$10,000.00 as just and final compensation for the easement located on her property for construction of the Storm Damage Reduction Project.
3. The Borough Attorney is authorized to execute any and all documents necessary to effectuate this settlement and dismiss this Complaint.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION 2024-87:

Resolution waiving the Fire Inspection Fee for the Bayshore Sports and Recreation Parade– April 27, 2024.

Whereas, the Bayshore Sports and Recreation is hosting a Opening Day Parade on April 27, 2024; and

Whereas, Fire inspections are necessary for this event; and

Now, Therefore be it resolved, the Mayor and Council respectfully request the Fire Inspector to waive the fee for the inspections required for this Borough Event.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION NO. 2024- 88:

AUTHORIZING AWARD OF THE BID FOR THE 2024 ROAD IMPROVEMENT PROGRAM

Whereas, bids were received and opened in public on Tuesday, April 9, 2024 at 10 a.m. at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey, for the project “**2024 Road Improvement Program**” and;

Whereas, in letter dated April 11, 2024, from the Borough Engineer, Edward G. Broberg P.E. of T&M Associates, Middletown, New Jersey recommending award of bid to: Fiore Paving Company, Inc., 4 Fiore Court, Oceanport, NJ 07757, (low bidder) as follows:

<u>BIDDER:</u>	<u>BASE BID</u>
Fiore Paving Company, Inc. 4 Fiore Court Oceanport, NJ 07757	\$604,034.87

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Union Beach, that the contract for the project “**2024 Road Improvement Program**” be awarded to Fiore Paving Company, Inc., 4 Fiore Court, Oceanport, NJ 07757 on their low base bid of \$604,034.87 for the project, “**2024-**

Road Improvement Program” in accordance with the recommendations of the Borough Engineer, Edward G. Broberg, P.E. of T&M Associates, Middletown, New Jersey, and:

Be it Further Resolved, that said award be subject to funds being available; the approval of the Borough Attorney and the New Jersey Dept. of Labor, Office of Wage and Hour Compliance.

Be it also resolved, that the Mayor is authorized to sign said contract on behalf of the Governing Body of the Borough of Union Beach and Clerk is hereby authorized to attest to same.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION NO. 2024-89:

AUTHORIZING AWARD OF THE BID FOR THE SCHOLER PARK IMPROVEMENT PHASE IX

Whereas, bids were received and opened in public on Tuesday, April 9, 2024 at 11 a.m. at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey, for the project “**Scholer Park Improvement Phase IX**” and;

Whereas, in letter dated April 11, 2024, from the Borough Engineer, Edward G. Broberg P.E. of T&M Associates, Middletown, New Jersey recommending award of bid to: Shoretop Construction, 23 Yellowbrook Road, Freehold, NJ 07728, (low bidder) as follows:

BIDDER:	BASE BID
Shoretap Construction	\$390,480.00
23 Yellowbrook Road	
Freehold, NJ 07728	

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Union Beach, that the contract for the project “**Scholer Park Improvement Phase IX**” be awarded to Shoretop Construction, 23 Yellowbrook Road, Freehold, NJ 07728 on their low base bid of \$390,480.00 for the project, “**Scholer Park Improvement Phase IX**” in accordance with the recommendations of the Borough Engineer, Edward G. Broberg, P.E. of T&M Associates, Middletown, New Jersey, and:

Be it Further Resolved, that said award be subject to funds being available; the approval of the Borough Attorney and the New Jersey Dept. of Labor, Office of Wage and Hour Compliance.

Be it also resolved, that the Mayor is authorized to sign said contract on behalf of the Governing Body of the Borough of Union Beach and Clerk is hereby authorized to attest to same.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION NO. 2024 -90:

April 18, 2024

Resolution Revising the Hourly Fee to Park in Municipal Beachfront Parking Lots and Designated Streets in the Beachfront Area

Whereas, under Chapter VIII of the General Ordinances of the Borough of Union Beach, the Borough has designated two (2) municipal parking lots adjacent to the beachfront and any beachfront areas street with numbered parking spaces as “paid” parking; and

Whereas, within Section 8-1b. of said Chapter VIII of the General Ordinances of the Borough of Union Beach, an hourly fee for parking was promulgated; and

Whereas, by Ordinance No. 2020-293 adopted on August 20, 2020, the above mentioned, Section 8-1b. was amended to allow revisions in the hourly fee for parking by Resolution of the Governing Body; and

Whereas, the Governing Body of the Borough of Union Beach wishes to amend the hourly fee for parking as shown in the said Section 8-1b.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey as follows:

1. The hourly fee for parking in the two (2) municipal parking lots designated under Section 8-1a. and street parking under Section 8-5 of Chapter VIII of the General Ordinances of the Borough of Union Beach shall be three dollars (\$3.00).
2. The effective date of said revised hourly parking fee is May 1, 2024 or such date as the beachfront parking meters are put in operation for the 2024 season.
3. That a certified copy of this resolution be forwarded to the Borough’s Police Department and Finance Department.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Riccardi						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

Borough of Union Beach

RESOLUTION 2024 -91:

APRIL 18, 2024

Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a

WHEREAS, the Borough of Union Beach, in the County of Monmouth and State of New Jersey, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough has the need on a timely basis to purchase goods and services utilizing State contracts; and

WHEREAS, the Borough adopted Resolution 2024-76 on March 21, 2024 to authorize the purchase of 2 Police Vehicles, and the Borough has been notified that 1 of the vehicles will not be delivered until an unknown subsequent date, the Borough hereby cancels the aforementioned resolution; and

WHEREAS, the Borough intends to enter into contracts with:

Winner Ford - #20-Fleet-01189 – (1) Ford 150 Police Vehicle with upfitting and Equipment - \$69,068.03 Financing with Tax Exempt Leasing Corp in the amount of \$6,502.44;

through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Borough authorizes the purchase of certain goods as indicated above, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Union Beach pursuant to N.J.A.C. 5:30-5.5(b), the Chief Financial Officer hereby certify that funds are available as follows - \$20,000.00 in Trust and \$55,570.47 in 2025-27 Police Other Expenses; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough and the Referenced State Contract Vendors shall be from April 18, 2024 to December 31, 2024.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Riccardi						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION NO. 2024-92:

RESOLUTION AUTHORIZING THE HIRING OF CLASS I, SPECIAL POLICE OFFICERS IN THE UNION BEACH POLICE DEPARTMENT

WHEREAS, a vacancy exists for the position of Class I Police Officer in the Union Beach Police Department; and,

WHEREAS, the Mayor and Council of the Borough of Union Beach have received a request and recommendation dated April 15, 2024 from Police Chief Woodrow to fill this position effective upon successful completion of May 2024 Police Academy Special Officer Training;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Union Beach that the appointment of the following named person as Class I Special Police Officers, (Part-Time) in the Police Department, at a salary as indicated in the current Salary Resolution (2023), not to exceed 28 hours per week. This appointment is effective as of successful completion of the May 2024 Police Academy Special Officer Training in accordance with the recommendations of the Police Chief, and the same is hereby approved and confirmed:

Nicholas Zajac- Union Beach

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

RESOLUTION NO. 2024-93:

APPROVAL OF VOUCHERS AND PAYMENT OF BILLS:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

*Councilman Lewandowski abstains on all Fire Department Vouchers/Purchase Orders.

** Councilman Riccardi abstains on all Board of Education and T&M Vouchers.

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF APRIL 18, 2024:

Mayor Cocuzza calls for a **Motion to Add:** Introduction of the Following Business to the Agenda:

1. RESOLUTION NO. 2024-:

Motion to add business to Agenda moved by _____ seconded by _____, voice vote.

PROPOSED RESOLUTION 2024- : (If necessary)

EXECUTIVE SESSION: RESOLUTION NO. 2024- : MEETING OF APRIL 2024,

Be it Resolved, by the Governing Body of the Borough of Union Beach that;

The Governing Body retire into Closed Session for the exclusion of public subject matter of discussion under N.J.S.A 10:4-12 (_____) Same to be determined by the Governing Body as to the time when and the circumstances under which the closed session discussion of the Governing Body can be made public.

Motion moved by _____ seconded by _____ and approved by unanimous voice vote.

The Governing Body retired into executive session for a matter of _____ at _____ **p.m.**

RECONVENE MEETING: ___ pm

Motion to reconvene meeting moved by _____, seconded by _____ and approved by unanimous voice vote.

ROLL CALL: Council Members

Also Present:

ATTORNEY: PURPOSE OF CLOSED SESSION:

PROPOSED RESOLUTION 2024: (if necessary)

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mr. Riccardi						
Mrs. Roche						
Mrs. Woodruff						
Mr. Andreuzzi						
Mr. Lewandowski						

ADJOURNMENT: Motion moved by _____, seconded by _____ and approved by unanimous Voice Vote. _____ P.M.