

## OCTOBER 16, 2024 MEETING MINUTES

Mr. Cusick read the following:

**ADEQUATE NOTICE HAS BEEN GIVEN OF THIS MEETING BY NOTIFICATION TO THE ASBURY PARK PRESS AND POSTED ON THE BULLETIN BOARD AND THE OFFICIAL WEBSITE OF THE BOROUGH OF KEANSBURG.**

Mr. Cusick asked all to rise and recite:

**Salute to the Flag**

Mr. Cusick took:

**Roll Call**

|                      |                  |                    |                  |                 |
|----------------------|------------------|--------------------|------------------|-----------------|
| <b>Mr. Donaldson</b> | <b>Mr. Tonne</b> | <b>Mr. Cocuzza</b> | <b>Mr. Foley</b> | <b>Mr. Hoff</b> |
| ✓                    | ✓                | ✓                  | ✓                | <b>Excused</b>  |

Mr. Cusick asked all to observe a Moment of Silence

**In Memoriam:**



***Former Keansburg Businessman  
and Election Board Worker***  
**Joe Longo**

***Former Fire Chief***  
**Frank DeGennaro**



## OCTOBER 16, 2024 MEETING MINUTES

**Presentation:**

*The Deputy Mayor and Council presented:*

Keelen Family – 60<sup>th</sup> Anniversary Keelen’s Bar

**Meeting Minutes:**

Meeting Minutes September 18, 2024

Mr. Cusick asked for a roll call vote to accept the minutes and to place same on file:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     | ✓     |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**Ordinances:**

**Second Reading:**

**Ordinance #1730 – Tree Removal – Replacement**

**WITHDRAWN**

Mr. Cusick asked for a roll call vote to WITHDRAW Ordinance #1730:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

## OCTOBER 16, 2024 MEETING MINUTES

### Ordinance #1727 – Sale of Borough Undersized Real Property

ORDINANCE AUTHORIZING THE SALE OF CERTAIN UNDERSIZED PROPERTIES OWNED BY THE BOROUGH TO CONTIGUOUS PROPERTY OWNERS OF IN ACCORDANCE WITH N.J.S.A. 40A:12-13

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A.* 40A:12-13 authorizes the Borough to sell municipally owned real property at a private sale to owner of real property contiguous thereto where the Borough owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, the Mayor and Council of the Borough of Keansburg have determined that the following properties on the Tax Map of the Borough of Keansburg, County of Monmouth, State of New Jersey are not needed for public use

| <u>Block</u> | <u>Lot</u> | <u>Street Address</u>                                      |
|--------------|------------|--|
| 29           | 32         | 11 Grove Place   |
| 36           | 7          | Beaconlight Avenue (between Shore Blvd and Woodland Avenue |
| 54           | 12.01      | 90 Raritan Avenue  |
| 55           | 3          | 109 Raritan Avenue   |
| 55           | 5          | 117 Raritan Avenue   |
| 56           | 17         | 138 Center Avenue  |
| 107          | 2          | 9 Forest Place   |
| 107          | 58         | 136 Main Street  |
| 108          | 4          | 29 Forest Avenue   |

hereinafter referred to as “the Properties”; and

WHEREAS, the subject properties are without capital improvements thereon and are less than the minimum size required for development in those zones; and

WHEREAS, *N.J.S.A.* 40A:12-13 further provides that where there is more than one (1) owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of said real property.

NOW, THEREFORE, BE IT RESOLVED by the by the Mayor and Council of the Borough of Keansburg, County of Monmouth, in the State of New Jersey that:

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1. The Properties as delineated on the Tax Map of the Borough of Keansburg, County of Monmouth, State of New Jersey, shall be offered for sale at a private sale to the highest bidder of the contiguous property owners pursuant to *N.J.S.A. 40A:12-13*.
2. The minimum price for bidding shall be as follows:

| <u>Block</u> | <u>Lot</u> | <u>Street Address</u>                                       | <u>Minimum Bid*</u> |
|--------------|------------|---|---------------------|
| 29           | 32         | 11 Grove Place  | \$15,000.00         |
| 36           | 7          | Beaconlight Avenue (between Shore Blvd and Woodland Avenue) | \$5,000.00          |
| 54           | 12.01      | 90 Raritan Avenue   | \$15,000.00         |
| 55           | 3          | 109 Raritan Avenue  | \$15,000.00         |
| 55           | 5          | 117 Raritan Avenue  | \$15,000.00         |
| 56           | 17         | 138 Center Avenue   | \$15,000.00         |
| 107          | 2          | 9 Forest Place  | \$15,000.00         |
| 107          | 58         | 136 Main Street   | \$7,500.00          |
| 108          | 4          | 29 Forest Avenue  | \$15,000.00         |

\*Subject to confirmation by Tax Assessor

Pursuant to the Borough Tax Assessor, the price set is considered to be fair market value of each property. In the event that there are no bids received for the Properties, the Borough Council may revise the minimum bid by Resolution.

3. Notice of the Borough's intention to sell the property shall be advertised in a publication circulating in the municipality within (5) days following the enactment of this Ordinance. Said Notice shall additionally be posted on the Borough of Keansburg website.

4. Any offer for "the Properties" may be thereafter made to the Borough Clerk for a period of twenty (20) days following the above newspaper advertisement, for not less than the minimum price provided herein.

5. The sale of the Properties shall be made to the highest bidder, after the legal advertisement of this Ordinance and notification to contiguous property owners.

6. The Borough does not warrant or certify title to any of the properties and in no event shall the Borough be liable for any damages to the successful bidder if title is found to be unmarketable for any reason. The successful bidder therefore waives and all rights in damages or by way of liens against the Borough of Keansburg.

7. As all of the properties are non-conforming, the successful bidder shall be required to merge the lot with the bidder's existing contiguous lot by Deed at the time of closing with the Borough.

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8. The Borough Council reserves the right to reconsider its decision to sell the properties within thirty (30) days after the enactment of this Ordinance and either offer the property for sale at a public sale pursuant to *N.J.S.A.* 40A:12-13(a) or reject all bids and retain the property for Borough use.

9. If the properties are awarded, full payment for the property shall be made by certified check or bank check within thirty (30) days after the award of the bid, which shall be done by further action of the Borough Council.

10. The Borough offers no warranty as to any environmental conditions which may exist on any said properties. All real property may be subject to the provisions of ISRA (Industrial Site Recovery Act), CERCLA (Comprehensive Environmental Response Compensation and Liability Act, commonly known as Superfund) or other environmental laws or regulations. The Borough makes no representations as to the development potential or physical condition of the property.

11. The successful bidder(s) for the properties shall reimburse the Borough for any costs for the preparation of the Deed of Conveyance and for review by the Borough Attorney. This deed shall also contain a current metes and bounds description of the property.

12. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

13. This Ordinance shall take effect upon final passage and publication in accordance with the law.

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Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1727:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson | ✓     |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

Michael Bonney, 92 Raritan Avenue, stated that he was informed that a structure could not be built on this lot. What uses would be allowed?

Mr. Cusick replied that he is correct and that a stand-alone structure could not be built on these undersized lots. The purpose is to allow homeowners to add to their existing property. Allowable uses would be construction of driveways, patios, pools as well as addition to the original structure. All future improvements would be subject to the restrictions of the development regulations in those particular areas.

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1727:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     | ✓     |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1727:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       | ✓        | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

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### **Ordinance #1729 – Bond Ordinance – Beaconlight and Beachway**

BOND ORDINANCE PROVIDING FOR THE BEACHWAY (WEST) ROAD RECONSTRUCTION PROJECT AND THE BEACONLIGHT AVENUE DRAINAGE AND ROAD RECONSTRUCTION PROJECT, APPROPRIATING \$1,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$962,809 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,350,000, said sum being inclusive of all appropriations heretofore made therefor, including \$191,000 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) and \$167,000 grant funds expected to be received from the Monmouth County Community Development Block Grant (CDBG) Program, and the sum of \$29,191 as down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$962,809, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the:

i) Beachway (West) Road Reconstruction Project, with a total appropriation and estimated cost of \$570,000 including grant funds expected to be received from the NJDOT in the amount of \$191,000, an estimated maximum amount of bonds or notes therefor of \$379,000, and an average period of usefulness of twenty (20) years; and

ii) Beaconlight Avenue Drainage and Road Reconstruction Project, with a total appropriation and estimated cost of \$780,000 including grant funds expected to be received

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from the Monmouth County CDBG Program in the amount of \$167,000, an estimated maximum amount of bonds or notes therefor of \$583,809, and an average period of usefulness of twenty (20) years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$962,809, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,350,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,350,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$191,000 grant funds expected to be received from the NJDOT for the Beachway (West) Road Reconstruction Project, \$167,000 grant funds expected to be received from the Monmouth County CDBG Program for the Beaconlight Avenue Drainage and Road Reconstruction Project, and the sum of \$29,191 as down payment for said purposes.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may



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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$962,809 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

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

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

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond

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ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1729:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson | ✓     |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

***NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME***

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1729:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     | ✓     |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1729:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       | ✓        | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

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### Ordinance #1730 – Tree Removal – Replacement

**WITHDRAWN – Action taken earlier in the meeting**

### Ordinance #1731 – Stormwater Management – Development 2024

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG, CHAPTER XXVII STORMWATER CONTROL.

### Ordinance #1731 [*Chapter 27-1 to 27-13*] – Stormwater Control

#### Section I. Scope and Purpose:

##### A. Policy Statement

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

##### B. Purpose

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.

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2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Keansburg.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.
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.

### Section II. Definitions:

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be

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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.

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

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

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

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

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

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

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

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

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the

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Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

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

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

“Municipality” means any city, borough, town, township, or village.

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

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"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.

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“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.

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

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

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

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

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

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

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

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

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“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:

Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

1. Designated as CAFRA Centers, Cores or Nodes;
2. Designated as Urban Enterprise Zones; and
3. Designated as Urban Coordinating Council Empowerment Neighborhoods.

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

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

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

### **Section III. Design and Performance Standards for Stormwater Management**

#### **Measures**

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

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- 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.

### Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys 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 IV.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 IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;

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3. The applicant demonstrates that, in order to meet the requirements of Section IV.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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.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 IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

<https://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.

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

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(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-14)

| <b>Table 2</b>  |   |                                   |   |   |
|---|---|-----------------------------------|---|---|
| <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> |   |                                   |   |   |
| <b>Best Management Practice</b>                                 | <b>Stormwater Runoff Quality TSS Removal Rate (percent)</b> | <b>Stormwater Runoff Quantity</b> | <b>Groundwater Recharge</b>             | <b>Minimum Separation from Seasonal High Water Table (feet)</b> |
| Bioretention System   | 80 or 90  | Yes                               | Yes <sup>(b)</sup><br>No <sup>(c)</sup> | 2 <sup>(b)</sup><br>1 <sup>(c)</sup>                            |
| Infiltration Basin  | 80  | Yes                               | Yes                                     | 2   |
| Sand Filter <sup>(b)</sup>                                      | 80  | Yes                               | Yes                                     | 2   |
| Standard Constructed Wetland                                    | 90  | Yes                               | No                                      | N/A   |
| Wet Pond <sup>(d)</sup>   | 50-90   | Yes                               | No                                      | N/A   |

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)



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

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)*

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.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;

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- (e) designed with a slope of less than two percent;
  - (f) designed with a slope of equal to or greater than two percent;
  - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
  - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:

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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); Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
  2. 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;
  3. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
  4. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be

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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 Office of the County Clerk or the Monmouth County registrar of deeds and mortgages.

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

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV 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 Office of the County Clerk or the Monmouth County registrar of deeds and mortgages 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.

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### O. Green Infrastructure Standards

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

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

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-

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of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

### P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
  - 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 V.D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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- 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.

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4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.
5. **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                       |



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6. 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.

7. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
8. 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.
9. 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.
10. 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.
11. 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.

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### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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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.

### Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

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

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

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume

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of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

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

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

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

<https://www.nj.gov/dep/njgs/pricelst/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 two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

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

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](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.

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Table 5: Current Precipitation Adjustment Factors

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

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency

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Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

| County     | Future Precipitation Adjustment Factors |                         |                          |
|------------|---|-------------------------|--------------------------|
|            | 2-year<br>Design Storm                  | 10-year<br>Design Storm | 100-year<br>Design Storm |
| Atlantic   | 1.22                                    | 1.24                    | 1.39                     |
| Bergen     | 1.20                                    | 1.23                    | 1.37                     |
| Burlington | 1.17                                    | 1.18                    | 1.32                     |
| Camden     | 1.18                                    | 1.22                    | 1.39                     |
| Cape May   | 1.21                                    | 1.24                    | 1.32                     |
| Cumberland | 1.20                                    | 1.21                    | 1.39                     |
| Essex      | 1.19                                    | 1.22                    | 1.33                     |
| Gloucester | 1.19                                    | 1.23                    | 1.41                     |
| Hudson     | 1.19                                    | 1.19                    | 1.23                     |
| Hunterdon  | 1.19                                    | 1.23                    | 1.42                     |
| Mercer     | 1.16                                    | 1.17                    | 1.36                     |
| Middlesex  | 1.19                                    | 1.21                    | 1.33                     |
| Monmouth   | 1.19                                    | 1.19                    | 1.26                     |
| Morris     | 1.23                                    | 1.28                    | 1.46                     |
| Ocean      | 1.18                                    | 1.19                    | 1.24                     |
| Passaic    | 1.21                                    | 1.27                    | 1.50                     |
| Salem      | 1.20                                    | 1.23                    | 1.32                     |
| Somerset   | 1.19                                    | 1.24                    | 1.48                     |
| Sussex     | 1.24                                    | 1.29                    | 1.50                     |
| Union      | 1.20                                    | 1.23                    | 1.35                     |
| Warren     | 1.20                                    | 1.25                    | 1.37                     |

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### Section VI. Sources for Technical Guidance:

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

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

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

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

### Section VII. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

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

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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. W  
here 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



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- 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.

### **Section VIII. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management 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 VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
    - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
    - 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:

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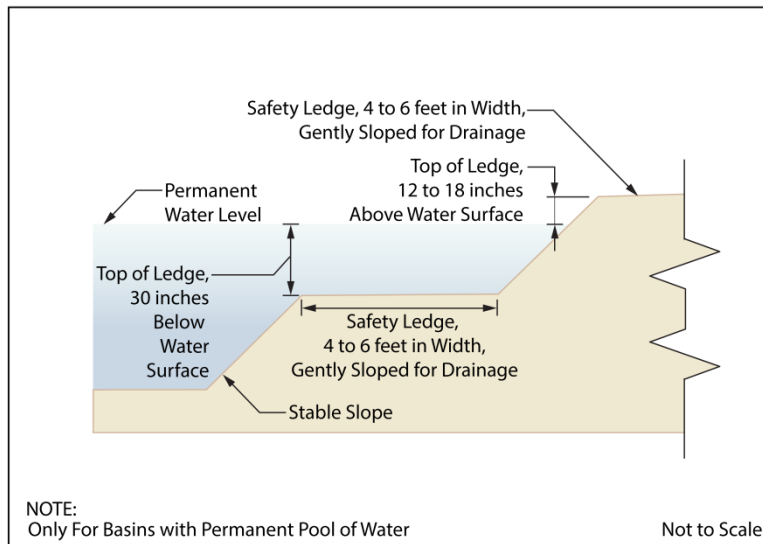
- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
    - iii. The overflow grate shall be constructed and installed to be rigid, durable,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

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

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### E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



### Section IX. Requirements for a Site Development Stormwater Plan:

#### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit seventeen (17) hard copies and one (1) electronic copy of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.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.

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### 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 III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

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### 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 IV 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 X.

### 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 IX.C.1 through IX.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.

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### Section X. Maintenance and Repair:

#### A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.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 X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration

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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 X.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 X.B.6 and B.7 above.
  - iv. Submit a copy of the annual maintenance records and inspections to the Stormwater Coordinator no later than March 1st every year.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

<https://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.



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**Section XI. 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. Fine not to exceed two thousand (\$2,000.00) dollars.

**Section XII. Severability:**

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

**Section XIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1731:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson | ✓     |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME**

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1731:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     | ✓     |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |





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Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1731:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       | ✓        | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**Ordinance #1732 – Bond Ordinance - Friendship Park Improvement – Monmouth County Park System Grant**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO FRIENDSHIP PARK, AND APPROPRIATING \$190,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$104,761 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$190,000, said sum being inclusive of all appropriations heretofore made therefor, including grant funds expected to be received from the Monmouth County Municipal Open Space Grant Program (MOSGP) in the amount of \$80,000, and the sum of \$5,239 as down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$104,761, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of various improvements to Friendship Park located in the Borough, together



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with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$104,761, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$190,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$190,000 over the estimated maximum amount of bonds or notes to be issued therefor being the sum of \$5,239 as down payment for said purposes and the \$80,000 grant funds expected to be received from the MOSGP.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as 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 or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds



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and notes provided in this bond ordinance by \$104,761 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

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

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

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

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

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1732:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson | ✓     |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |



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**NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME**

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1732:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     | ✓     |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1732:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       | ✓        | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**Ordinance #1733 – Traffic – Stop Intersection – Forest Avenue**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII (TRAFFIC), SECTION 6.2 (STOP INTERSECTIONS), SCHEDULE VIII (STOP INTERSECTIONS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

Section 1:

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg that Schedule VIII (Stop Intersections) of Chapter VII (Traffic), Section 6.2 (Stop Intersections) be amended and supplemented as follows:

RESCIND ORDINANCE #1720 in its entirety:

Section 2:

ADD:

Stop Sign STOP sign shall be installed on:

|                          |   |
|--------------------------|---|
| Northbound Forest Avenue | Placement of a Stop Sign along Forest Avenue northbound at Parkside Place |
|--------------------------|---|



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Northbound Forest Avenue                      Placement of a Stop Sign along Forest Avenue northbound at Park Avenue (East)

Southbound Forest Avenue                      Placement of a Stop Sign along Forest Avenue southbound approximately three hundred eighty-five (385') feet south of Park Avenue (West)

Southbound Forest Avenue                      Placement of a Stop Sign along Forest Avenue southbound approximately one hundred fifty (150') feet south of Park Avenue (West)

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described in Schedule VIII attached to and made a part of this Chapter are hereby designated as Stop Intersections. STOP signs shall be installed as provided therein. STOP signs to be placed along Forest Avenue.

Section 3:        REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 4:        INCONSISTENT ORDINANCES. All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

Section 5:        SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 6:        EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication according to law and approval by the Department of Transportation.

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1733:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson | ✓     |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |



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**NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME**

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1733:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     | ✓     |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1733:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       | ✓        | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**Ordinance #1734 – Authorize Easement with Wil-Jac LLC, 64 Church Street 2024**

ORDINANCE AUTHORIZING THE CONVEYANCE OF EASEMENT RIGHTS IN A PORTION OF THE WOOD AVENUE RIGHT-OF-WAY TO WIL-JAC, LLC AND AUTHORIZING THE EXECUTION OF ANY EASEMENT AGREEMENTS AND OTHER DOCUMENTS NECESSARY TO IMPLEMENT THE COJNVEYANCE OF THESE RIGHTS

**Section 1:**

**WHEREAS**, the Borough is the owner of certain right-of-way known as Wood Avenue which is a paper street which is not used by the Borough; and

**WHEREAS**, Wil-Jac, LLC is the owner of certain property identified on the Borough tax map as Block 162, Lot 14 (the “Wil-Jac Property”) which is directly adjacent to the Wood Avenue right-of-way; and

**WHEREAS**, Wil-Jac, LLC owns and operates a bar and restaurant commonly known as Jackie Keelen’s Bar & Grill (“Keelen’s”) on the Wil-Jac Property; and

**WHEREAS**, the Borough has discovered that Keelen’s’ outdoor patio area encroaches onto the Borough’s Wood Avenue right-of-way; and



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**WHEREAS**, Wil-Jac has requested that the Borough grant Wil-Jac an easement to allow the existing Keelen's outdoor patio to remain in its present location and to continue to be used; and

**WHEREAS**, specifically, Wil-Jac has requested that the Borough grant Wil-Jac an easement to allow it to use an approximately 1,598.37 square foot portion of the Wood Avenue right-of-way as delineated within a proposed access easement plat prepared by James B. Goddard, P.L.S. dated April 20, 2022 and a metes and bounds description also prepared by James B. Goddard, P.L.S. revised June 21, 2024 (collectively, the "Easement Area") for its outdoor patio; and

**WHEREAS**, the Borough is willing to allow Wil-Jac and its successors to use the Easement Area for this purpose so long as they agree to defend and indemnify the Borough from any claims arising from such use, to carry adequate insurance to cover any claims arising from their use of the Easement Area, and to enter into any agreements or other documents deemed necessary by the Borough to memorialize the parties respective rights and responsibilities with regard to the Easement Area; and

**WHEREAS**, the Mayor and Borough Council want to authorize the Borough's grant of easement rights in the Easement Area to Wil-Jac and to authorize the Mayor and Borough Clerk to sign any easement agreements and other documents necessary to effectuate the grant of these easement rights, so long as such documents are in forms acceptable to the Borough Manager and the Borough's special counsel

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Keansburg, in the County of Monmouth, that the Borough hereby authorizes the Borough's conveyance of easement rights in the Easement Area to Wil-Jac for its continued use as an outdoor patio and hereby authorizes the Mayor and Borough Clerk to sign any easement agreements and other documents necessary to effectuate the grant of these easement rights, so long as such documents are in forms acceptable to the Borough Manager and the Borough's special counsel.

**Section 2:** REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**Section 3:** INCONSISTENT ORDINANCES. All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

**Section 4:** SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**Section 5:** EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication according to law.



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Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1734:

### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson | ✓     |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME**

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1734:

### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   |       | ✓        | ✓    |      |        |         |
| Mr. Foley     | ✓     |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1734:

### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     |       | ✓        | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |





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### First Reading:

#### **Ordinance #1735 – Kearsburg EMS Services Fee – Care Facilities**

ORDINANCE ESTABLISHING SECTION 2-21C OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG, TITLED “EMERGENCY MEDICAL SERVICES FOR PATIENT CARE FACILITIES”

**WHEREAS**, the Kearsburg First Aid Squad, Inc. is a non-profit corporation operating pursuant to the provisions of Kearsburg Borough Ordinance 2-21.1, comprised of volunteers that serve as first responders for first aid calls, benefiting the residents of the Borough of Kearsburg (“Borough”); and

**WHEREAS**, the Borough has become aware that certain patient care facilities located in the Borough have engaged in a practice of placing emergency calls for transportation of its patients, summoning the services of the Kearsburg EMS, when in fact the calls are for non-emergency medical care; and

**WHEREAS**, this use of the Borough’s first responders for non-emergency medical care is injurious to the health, safety, and welfare of the Borough’s residents, in that it deprives first responders of the ability to respond to true emergencies; and

**WHEREAS**, the Borough Council seeks to ensure that such practices are discouraged by requiring private care facilities to have available private ambulance providers for non-emergency calls and requiring reimbursement in the form of a fee for the dispatch of dispatches the volunteer first aid squads for non-emergency medical care calls made to patient care facilities.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Mayor Council of the Borough of Kearsburg in the County of Monmouth, State of New Jersey that the Revised General Ordinances of the Borough of Kearsburg be and are hereby amended as follows:

SECTION 1.

**Section 2-21C is hereby established [NEW SECTION]:**

#### **2-21 C Emergency Medical Services for Patient Care Facilities**

a. The purpose of this subsection is to preserve and enhance the availability of volunteer emergency services for legitimate medical emergency situations in the Borough by regulating the use of volunteer first aid squad services in certain non-emergency situations.



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b. For purposes of this subsection, the following definition applies:

*Patient care facility* is defined as all state-licensed nursing homes, rest homes, health maintenance organizations, assisted living facilities, health-care facilities providing in-patient services, and other licensed or unlicensed medical care providers with the capacity to treat 10 or more outpatients simultaneously.

c. All patient care facilities located within the Borough are hereby required to own, lease, rent or have promptly available by contract sufficient appropriately staffed private ambulance services for the treatment and transport of patients in need of non-emergency medical care. Such ambulance services shall be available 365 days per year and 24 hours per day.

d. In order to satisfy the requirements of subsection (c), each patient care facility subject to this chapter shall file proof of the availability of private ambulance services with the Borough Clerk within 60 days after final passage of this chapter, and on or before September 1 of each year thereafter. For purposes of this subchapter, proof of private ambulance availability shall consist of a contract with no less than two private ambulance service providers under which such providers are obliged to respond promptly to the patient care facility. Alternatively, if a patient care facility elects to own and operate its own ambulance(s), such proof shall consist of documentation of the make, model, year, color, serial number, license plate number, location, and staffing of such ambulance(s). As part of the proofs required under this section, the resident director, manager or authorized corporate officer of each patient care facility shall make and file with the Borough Clerk a signed certification that adequate private ambulance services are available, and that all agents and employees of such facility involved with patient care have been apprised of and trained in the use of such private ambulance services. The failure of a patient care facility to comply with the requirements of this subsection shall constitute an ordinance violation by the patient care facility and its resident director, manager, or authorized corporate officer punishable by a fine not to exceed one thousand dollars (\$1,000).

e. In the event that an employee or agent of a patient care facility located in the Borough takes actions resulting in the dispatch of a volunteer first aid squad regulated pursuant to the provisions of Section 2-21.1, and the responding volunteer first aid squad determines in its sole discretion that the basis for dispatch did not constitute circumstances requiring the use of an advanced life support or paramedic unit, the volunteer first aid squad shall certify accordingly to the Borough and the private care facility shall be subject to a volunteer Emergency Medical Services dispatch fee of \$750.00. This fee shall be payable to the Borough of Keansburg. The Borough of Keansburg may contribute fee revenue generated under this subsection to the volunteer first aid squads, consistent with Section 2-21.1.

### Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance will require patient care facilities located in the Borough to certify having available private ambulance services for the treatment and transport of patients in need of non-emergency



## OCTOBER 16, 2024 MEETING MINUTES

medical care. It will also impose a fee of \$750 for the non-emergency dispatch of a volunteer first aid squad to a patient care facility.

### SECTION 2. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

### SECTION 3. Repealer.

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

### SECTION 4. Effective Date.

This ordinance shall take effect after final adoption and approval pursuant to law.

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1735 and set for public hearing on Wednesday, November 13, 2024 at 7pm.

#### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     | ✓     |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |



## OCTOBER 16, 2024 MEETING MINUTES

### Ordinance #1736 – Short Term Rentals 2024

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG ADDING CHAPTER 3-13A OF THE BOROUGH OF KEANSBURG'S CODE CONCERNING SHORT-TERM RENTALS

**WHEREAS** the governing body of the Borough of Keansburg has determined that Short-Term Rentals (STR) are on the increase, and the current Code that defines Short-Term Rentals needs to be updated and more clearly defined. The added changes will ensure improved health and safety of these rentals, and.

**WHEREAS** the governing body of the Borough of Keansburg has determined that it is in the best interest of the residents to establish an improved permitting process for the short-term rental of residential properties.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Keansburg as follows:

#### SECTION I.

The following Section of Chapter 3, Section 13A entitled "**SHORT-TERM RENTALS**" shall be added to the Borough Code and will read as follows:

#### **3-13A.1 SHORT-TERM RENTALS Purpose and Scope.**

This Section will regulate the practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests.

#### **3-13A.2 Definitions.**

As used in this Section (3-13A), the following terms shall have the meanings indicated below:

**OWNER** shall mean an individual or entity holding title to a property proposed for short-term rental through a legally recorded Deed.

**PROPERTY** shall mean a parcel of real property located within the boundaries of the Borough of Keansburg.

**RESPONSIBLE PARTY** shall mean both the short-term rental property owner and a person (or property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property or the conduct and acts of occupants of the short-term rental property, and, in the case of the



## OCTOBER 16, 2024 MEETING MINUTES

property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

**SHORT-TERM RENTAL** (also referenced as “STR”) shall mean the accessory use of a dwelling unit for occupancy by someone other than the unit’s owner or permanent resident for a period of thirty (30) or fewer consecutive days.

**SHORT-TERM RENTAL PROPERTY** (also referenced as “STRP”) shall mean a dwelling unit as defined in Section 3-13A.2 of the Code of the Borough of Keansburg, that is used and/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this chapter.

**TRANSIENT OCCUPANT** shall mean any person or a guest or invitee of such person who, in exchange for compensation, occupies or is in actual or apparent control or possession of the residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as an occupant or guest of an occupant of the short-term rental is a transient occupant.

The number of approved Transient occupants is one (1) person for each 50 Square Foot of Bedroom space. Only bedrooms will be designated for sleeping purposes. The approved number will be placed on the STR Permit. Advertising more occupants than the units approved for is a violation.

### 3-13A.3 Regulations About Short-Term Rentals.

a. It shall be unlawful for any property owner within the geographic bounds of the Borough of Keansburg to rent or operate a short-term rental contrary to the procedures and regulations established in this Section, or applicable State statute.

b. Short-term rentals shall be permitted to be conducted in the following classifications of property in the Borough of Keansburg:

1. Condominium units, where the Condominium Association By-Laws and Master Deed do not prohibit a short-term rental. Proof of the association’s approval by their by-laws or an approval letter to the individual unit owner.
2. Individually or collectively owned single-family residences, which one of the owners legally identifies as the address.
3. Individually or collectively owned two-unit residences, which one of the owners legally identifies as the address, both units are permitted. The designated unit(s) must be identified on the application and permit.



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4. Not more than one designated unit in any multi-family residential dwelling consisting of three units or more

5. Not more than one room within a single-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling unit is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein.

c. Notwithstanding the provisions of subparagraph (b) above, short-term rentals shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short term rental of the following properties is prohibited:

1. Condominiums or townhomes, where the Condominium Association By-Laws or Master Deed, or Condominium Rules and Regulations do not permit such short-term rental of condominium units in the development.

2. Two or more units in a multi-family residential dwelling consisting of three units or more,

3. A room within a single-family, two-family, or multi-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the dwelling unit in which it is located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence.

4. Two or more individual rooms within a single-family, two-family or multi-family residential dwelling unit, where the rooms share common kitchen and bathroom facilities with the occupant(s) of the dwelling unit(s) in which they are located,

d. The provisions of this Section shall apply to short-term rentals as defined in above. The following do not qualify as a privately-owned residential dwelling unit, as that term is used herein, and therefore do not need to obtain a short-term rental permit pursuant to this Section: any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed and breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.



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### 3-13A.4 Short-Term Rental Permit, Permit Registration Fee/Application, and Certificate of Occupancy.

a. In addition to any land use requirement(s) set forth by the Zoning and Land Use Regulations of the Borough of Keansburg, the owner/operator of a STRP shall obtain a short-term rental permit from the Borough of Keansburg Zoning Office, before renting or advertising for rent any short-term rental.

b. No person or entity shall operate a STRP or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STRP permit issued by the Borough of Keansburg Zoning Office. The failure to obtain a valid STRP permit before advertising the short-term rental property in any print, digital, or internet advertisement or web-based platform and/or in the MLS or any realtor's property listing shall violate this Ordinance. No STRP permit issued under this Section may be transferred, assigned, or used by any person or entity other than the owner to whom it is issued or at any property location or dwelling unit other than the property for which it is issued.

c. An owner of property intended to serve as a short-term rental property, as defined herein, or any agent acting on behalf of the owner, shall submit to the Borough of Keansburg Zoning Office, a short-term rental permit application provided by the Borough, along with an annual application/registration fee as defined in Keansburg Ordinances

The annual application/registration fee shall be non-refundable. A checklist will be provided for the inspection and a report shall be given at the completion of the inspection. The fee shall also constitute the required fee for the rental Certificate of Occupancy application, referenced below.

d. The short-term rental permit, if granted, shall be valid for one commencing on January 1<sup>st</sup> of each year.

The fees are not pro-rated.

e. The owner of a short-term rental property, as defined herein, or any agent acting on behalf of the owner, who intends to rent all of the property, or any permitted part thereof as a short-term rental, shall make an application to the Zoning Office, in conjunction with the short-term rental permit application, for the issuance of a rental Certificate of Occupancy for the short-term rental property, proof of \$500,000 liability insurance and any forms required by that Department must be completed, submitted and approved before any STR shall be advertised.

f. A short-term rental permit and rental Certificate of Occupancy shall be renewed annually by submitting to the Zoning Office a short-term rental permit application and rental Certificate of Occupancy application and a registration fee as outlined herein.



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g. The short-term rental permit shall expire automatically when the short-term rental property changes ownership and a new initial application and first-time registration fee will be required if the new owner intends to use the property as a short-term rental property.

A new application and registration fee shall also be required for any short-term rental with its short-term rental permit revoked or suspended.

### **3-13A.5 Application Process for Short-Term Rental Permit and Inspections.**

a. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the Borough of Keansburg Zoning Office. The application shall be furnished, under oath, on a form specified by the Zoning Office accompanied by the non-refundable application fee as outlined in above. Such application shall include:

1. The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including the address and telephone numbers for each of them.
2. The address is to be used as a short-term rental.
3. A copy of the driver's license or State Identification Card of the owner of the short-term rental property, confirming, as outlined above, that the property is under their authority, as that term is defined herein, of the owner making application for the STR permit;
4. The owner's sworn acknowledgement that they comply with the requirement that the short-term rental property constitutes the owner's principal residence, as defined in Section 3-13A.2 above;
5. The name, address, telephone number, and email address of the short-term rental property responsible party or management company shall constitute his or her 7-day-a-week, 24-hour-a-day contact information.
6. The owner's sworn acknowledgment that he or she has received a copy of this Ordinance, has reviewed it, understands its requirements, and certifies, under oath, the accuracy of all information provided in the permit application.
- 7.a. The number and location of all parking spaces available to the premises shall include the number of legal off-street and on-street parking spaces directly adjacent to the premises. The driveway must be used for parking if one exists. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street





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parking in the neighborhood in which the short-term rental is located, resulting from excessive vehicles generated by the short-term rental of the property, to avoid a shortage of parking for residents in the surrounding neighborhood.

7.b. The number of parking spaces must be on the advertisement based on the permitted number of approved occupants placed on the Short-Term Rental Occupancy Certificate.

8. The owner's agreement that all renters of the short-term rental property shall be limited to one (1) vehicle per four (4) occupants in the short-term rental property.

9. The owner's agreement to use his or her best efforts to assure that use of the premises by all Transient Occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

10. Any other information this Chapter requires a property owner to provide to the Borough concerning an application for a rental certificate of occupancy. The Borough Manager, his or her designee shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Chapter.

b. Every application for a short-term rental permit shall require inspections as defined in Keansburg Ordinance.

c. For a condominium short-term rental permit application, a letter of approval by the condominium association must be submitted with the application.

d. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the Borough of Keansburg Zoning and Land Use Regulations, shall be required.

e. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license. In this event, a license shall not be issued, which denial may be appealed as provided hereinafter.

f. Attached to and concurrent with the submission of the permit application described in this Section (3-13A), the owner shall provide:

1. Proof of the owner's current ownership of the short-term rental unit.



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2. Proof of general liability insurance in a minimum amount of \$500,000.00 for properties that are LLC's as defined by State Statute; for business owners and rental unit owners,

and

3. Written certification from the responsible party that they agree to perform all the duties specified in this Section (3-13A).

g. The STRP owner/permit holder shall publish the short-term rental permit number and number of parking spaces issued by the Borough in every print, digital, or internet advertisement and/or in the Multiple Listing Services or Short-Term Rental sites. (hereinafter "MLS") or other real estate listings of a real estate agent licensed by the NJ State Real Estate Commission, in which the short-term rental property is advertised for rent on a short-term basis.

hi. In no event shall a short-term rental property be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over twenty-one (21), and must be the party who will occupy the property during the term of the short-term rental. The primary occupant may have guests under twenty-one (21) who will share and occupy the property. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision and shall both be liable for a violation where at least one adult does not occupy the property over the age of twenty-one during the term of the short-term rental;

### **3-13A.6 Issuance of Permit and Appeal Procedure.**

a. Once an application is submitted, complete with all required information and documentation, and fees, the Zoning Office, following any necessary investigation for compliance with this Section (3-13A), shall either issue the short-term rental permit and Certificate of Occupancy or issue a written denial of the permit application (with the reasons for such denial being stated therein), within ten (10) business days.

b. If denied, the applicant shall have ten (10) business days to appeal in writing to the Borough Manager by filing the appeal with the Borough Manager's Office.

c. Within thirty (30) days thereafter, the Borough Manager or his or her designee shall hear and decide the appeal.

### **3-13A.7 Short-Term Rental Operational Requirements.**



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- a. All short-term rentals must comply with all applicable rules, regulations, and ordinances of the Borough of Keansburg and all applicable rules, regulations, and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules, and regulations about the use and occupancy of a short-term rental.
- b. A dwelling unit shall be limited to a single short-term rental contract.
- c. The owner of an STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.
- d. Transient Occupants of the STRP shall comply with all ordinances of the Borough of Keansburg, including, but not limited to, those ordinances regulating noise and nuisance conduct. Failure of Transient Occupants to comply shall subject the Transient Occupants, the owner of the STRP, and the Responsible Party listed in the short-term rental permit application to the issuance of fines and/or penalties and the possibility of the revocation or suspension of the STRP permit.
- e. The owner of an STRP shall post the following information in a prominent location within the short-term rental:
  1. Emergency Phone numbers.
  2. The maximum number of parking spaces available onsite.
  3. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling.
- f. Occupancy taxes will be collected as defined in Keansburg Ordinance #1728 Occupancy Tax 2024

### **3-13A.8 Violations and Penalties.**

A violation of any provision within Section (3-13A) may subject the STRP owner, Transient Occupant(s), and the Responsible Party or their agents to fines assessed by the Court to be less than \$200 and up to \$2,000.00 per violation per day that the violation exists.

**SECTION II. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this

Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

**SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect January 1<sup>st</sup>, 2025



## OCTOBER 16, 2024 MEETING MINUTES

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1736 and set for public hearing on Wednesday, November 13, 2024 at 7pm.

### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       |          | ✓    |      |        |         |
| Mr. Tonne     | ✓     |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       | ✓        | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

### Resolutions:

**RESOLUTION # 24-112**                      Payment of Bills (10/16/24)

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and

**BE IT FURTHER RESOLVED** that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law.

Mr. Cusick asked for a roll call vote:

### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       | ✓        | ✓    |      |        |         |
| Mr. Tonne     | ✓     |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |



## OCTOBER 16, 2024 MEETING MINUTES

**RESOLUTION # 24-113**                      Best Practices 2024

### AUTHORIZING THE SUBMISSION OF THE BEST PRACTICE INVENTORY

**WHEREAS**, the State of New Jersey, Division of Local Government Services is requiring all Municipalities to file a best practice inventory worksheet; and

**WHEREAS**, the Borough of Keansburg has complied with that request.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Keansburg submit the completed best practice inventory worksheet to the DLGS by the required October 25, 2024 due date and that the Chief Finance Officer and Municipal Clerk prepare the necessary certifications.

Mr. Cusick asked for a roll call:

#### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       | ✓        | ✓    |      |        |         |
| Mr. Tonne     | ✓     |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**RESOLUTION # 24-114**                      Payment of Bills (10/16/24) No. 2

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and

**BE IT FURTHER RESOLVED** that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law.

Mr. Cusick asked for a roll call vote:

#### Roll Call

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       | ✓        | ✓    |      |        |         |
| Mr. Tonne     | ✓     |          | ✓    |      |        |         |
| Mr. Cocuzza   |       |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |



## OCTOBER 16, 2024 MEETING MINUTES

**Communications:**

**Mr. Cusick announced:**

- **UPCOMING MEETINGS:**
  - November 13, 2024 – Second Wednesday
  - December 18, 2024 – Third Wednesday
  - January 8, 2025 – Second Wednesday
  - January 29, 2025 – Fourth Wednesday

- **Keansburg Fire Department**  
New Members

|  |   |
|--|---|
| Cody Tybroski<br>Ella Sutton<br>Tiffany Rogers | New Point Comfort Fire Company<br>Keansburg EMS Cadets<br>Keansburg EMS |
|--|---|

Mr. Cusick asked for a roll call to accept and place this communication on file:

**Roll Call**

|               | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|---------------|-------|----------|------|------|--------|---------|
| Mr. Donaldson |       | ✓        | ✓    |      |        |         |
| Mr. Tonne     |       |          | ✓    |      |        |         |
| Mr. Cocuzza   | ✓     |          | ✓    |      |        |         |
| Mr. Foley     |       |          | ✓    |      |        |         |
| Mr. Hoff      |       |          |      |      | ✓      |         |

**Discussion:**

**Department Reports:**

Steve Ussmann, Water Plant Superintendent, had nothing to report at this time.

Chief Adrew Gogan, who was in attendance, submitted a written report to the Mayor and Council.

Cliff Moore, Economic Community Development Coordinator, reported that two Air BNB meetings have been held which resulted in the ordinance being introduced this evening. He attended a Monmouth County Tourism Board meeting recently at Bell Works. Also participated in the virtual meeting and vote for the Community Development Block Grant Program on behalf of Keansburg. The 7-11 Plaza on Main Street has been sold and he is working with the new owner in regard to



## OCTOBER 16, 2024 MEETING MINUTES

businesses and new leases. A new café, the Hookah Lounge, GeoGreen, Keansburg Market and Bagel Spot are all in various stages of progress.

There will be a ribbon-cutting at Hill Street Park next Tuesday (10/22/24) at 5 p.m.

Robert Yuro, P.E., Borough Engineer, reported on the bid specifications being prepared for the reconstruction of the western portion of Beachway (Laurel Avenue to Bay Avenue) and that it should be out to bid with a possible award at the November meeting. The award should be made by the end of the year as to comply with the conditions of the grant awarded by NJ Department of Transportation. A \$ 75,000.00 grant was awarded to the Borough for construction at Collins Field. The re-bid for a pickleball court at that location will be out shortly.

At this time Mr. Cusick announced that the Borough will be conducting a public auction on property (owned by the Borough) located at 139 Shore Boulevard. The auction will be held at Borough Hall on Wednesday, October 23, 2024 at 7 p.m.

There were no additional reports or announcements from the Mayor and Council.

### Open to the Public:

Upon a motion by Mr. Foley, seconded by Mr. Donaldson, the meeting was open to public comment. All in favor.

Cristina Onciu, 82 Frances Place, inquired into the details of Ordinances 1735 and 1736 which were introduced this evening.

Ordinance # 1735 pertains to regulations of ambulance service from the nursing facilities and assisted-living facilities in the Borough. The facility needs to have an ambulance service for transport of its residents. EMS should only be responding to emergency calls. Routine transports made by the local EMS impact the service that they provide to the Community by these volunteers. The ordinance is modeled after Holmdel Township which recently put these regulations into effect.

Ordinance # 1736 regulates Air BNBS (short term rentals) in town.

Mr. Cusick stated that these ordinances would be posted on the Borough website prior to next month's meeting.

Kevin Gubelman, 1 Carlo Drive, asked if the Borough would consider installing a baby changing station in the men's restroom at the library. It is only available in the ladies' restroom at that facility.

Rochelle Ryder, 835 Leonardville Road, Leonardo, NJ inquired into the possibility of a sober living facility at 121 Main Street (the former St. Ann's Day Care Center).



## OCTOBER 16, 2024 MEETING MINUTES

Christopher Hoff, Code Enforcer, stated that there is a maximum number of sites imposed by the State based on the Borough's population. At this time the Borough is at the maximum number allowable for facilities operating in the Borough.

Upon a motion by Mr. Tonne, seconded by Mr. Foley, a motion was made to close the public portion.

All in favor.

### Adjournment

At this time there was a motion by Mr. Tonne, seconded by Mr. Foley, to adjourn the Meeting.

All in favor



I, Jo-Ann O'Brien, Municipal Clerk of the Borough of Keansburg, in the County of Monmouth, New Jersey, do hereby certify that the foregoing is a true copy of meeting minutes of a regularly scheduled public meeting held on **October 16, 2024**

**Attest:**

**Jo-Ann O'Brien**  
*Deputy Municipal Clerk*  
*Borough of Keansburg*