

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE BUSINESS MEETING  
MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021 - 8:00 PM**

1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Melissa D. Rubenstein
2. Flag Salute
3. Invocation
4. Reading of the "Open Public Meetings Act" statement by Nancy A. Brown

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act NJSA10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Township Committee of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, this meeting of the Township Committee of the Township of Wyckoff scheduled for 8:00 pm, Tuesday, June 1, 2021 at Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ 07481 will be live-streamed via the Township of Wyckoff's YouTube channel and members of the public may call 201-891-7000, ext. #2220 should they wish to provide public comment during the public comment period. Members of the public may also email their public comments to [wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com) before 3:00 pm on the day of the meeting. These comments will be read at the meeting during the public comment period.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide to the public the ability to comment before the meeting through written comments as well as during the period for public comment which appears on the agenda for the meeting.

Township's home page [Wyckoff-nj.com](http://Wyckoff-nj.com) at the Quick Link for "Minutes & Agendas" on Friday, May 28, 2021. Please select "Township Committee" and locate the date of the meeting to view documents, such as resolutions and ordinances which would otherwise be made available.

General instructions regarding access to the meeting will be posted on the Wyckoff web site's home page at [www.wyckoff-nj.com](http://www.wyckoff-nj.com) as a "News" item on Friday, May 28, 2021 by 4:30 pm.

To view the Township Committee meeting via live-stream, please access the YouTube link which will be posted on the Wyckoff web site's home page at [www.wyckoff-nj.com](http://www.wyckoff-nj.com) as a "NEWS" item immediately prior to the commencement of the meeting at approximately, 7:55 pm on June 1, 2021.

To be notified of all future live streamed Township meetings, please create a YouTube account and subscribe to our YouTube channel, "Township of Wyckoff".

In the event the YouTube platform modifies its connectivity protocols and does not announce these critical changes again in the future, instructions on how to view each meeting via Zoom technology will be posted at the "News" section of the Township's home page, [Wyckoff-nj.com](http://Wyckoff-nj.com) before 8:10 pm. This second method is provided to ensure the continuity of government when platforms which the Township does not control establish unannounced changes and will **only** be utilized if it is not possible to conduct the meeting via livestream on YouTube. As a precaution, for this "plan B", the following instructions are provided:

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

Please locate the link posted on the "News" item announcing the Township Committee meeting on the homepage of our website and use this link for the June 1, 2021 Meeting set to begin at 8:00 pm.

This regular business meeting of the Wyckoff Township Committee is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our *annual schedule of meetings*. A copy of said annual schedule has been posted on the bulletin board in Memorial Town Hall; a copy has been filed with the Municipal Clerk, as well as The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having a general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting, the Agenda thereof was similarly posted, filed and emailed to said newspapers. The agenda with the resolutions and ordinances to be considered was posted on the township's website at "Minutes and Agendas" on the Friday prior to this meeting.

**5. Roll Call of the Township Committee Members Present:**

BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

**6. Reading of any written public comments received via email to the Municipal Clerk before 3:00 pm today.**

**7. Request motion to open the Public Comment Period:**

Public Comment period, five (5) minutes per speaker for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Township of Wyckoff.

Please call 201-891-7000, ext. #2220 if you wish to make a comment.

MOTION: SHANLEY SECOND MELCHIONNE  
BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

**Request motion to close the Public Comment Period:**

MOTION: MADIGAN SECOND MELCHIONNE  
BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

**8. Approval of the May 18, 2021 Township Committee Work Session and Regular Business meeting minutes:**

MOTION: SHANLEY SECOND BOONSTRA  
BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

**9. Consent Agenda:** All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:



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**I     Resolutions (Adoption of the following):**

- |         |                                                               |
|---------|---------------------------------------------------------------|
| #21-208 | Approval of Vouchers & Authorization to Pay Bills             |
| #21-209 | Professional Service Appointment – Mountain Ave. Paving Grant |
| #21-210 | Authorize Change Order #1 – Tree Work                         |
| #21-211 | Award of Contract – Road Paving                               |
| #21-212 | Release Performance Cash Surety – 244 Everett Avenue          |
| #21-213 | Release Performance Cash Surety – 640 Wyckoff Avenue          |
| #21-214 | Implementation of Governor's Executive Order #242             |
| #21-215 | Assignment of Risk Management                                 |

**II     Ordinances – Introduction**

**ORDINANCE #1938, AN ORDINANCE TO MODIFY AND SUPPLEMENT CHAPTER #163, "STORMWATER MANAGEMENT" IN THE CODE OF THE TOWNSHIP OF WYCKOFF TO REFLECT THE FEDERAL COMPREHENSIVE REGULATIONS KNOWN AS STORMWATER CONTROL ORDINANCE.**

**ORDINANCE #1939, AN ORDINANCE TO ESTABLISH A NEW CHAPTER IN THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 57, ENTITLED, "RESTRICTED AREAS IN BUILDINGS WHERE MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION".**

**III     Motions**

Approve and memorialize the application of Joseph J. Squillace III from Junior Firefighter to Probationary Firefighter with Company #1 effective June 1, 2021.

Approve and memorialize the application of Nicholas J. Squillace from Junior Firefighter to Probationary Firefighter with Company #1, effective June 1, 2021.

Approve and memorialize the application of Lloyd B. Sarakin as Fire Police with Company #2 effective June 1, 2021.

Clerk: May I have a motion and a second to approve the consent agenda?

**The Following vote is the vote on the Consent Agenda:**

|          |         |            |          |
|----------|---------|------------|----------|
| MOTION:  | SHANLEY | SECOND     | BOONSTRA |
| BOONSTRA | YES     | MADIGAN    | YES      |
| SHANLEY  | YES     | RUBENSTEIN | YES      |

**10.     Ordinances – Public Hearing / Further Consideration:**

NONE

**11.     Adjourn**

Chairman: May I have a motion to and a second to adjourn the Business Meeting?

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MOTION: BOONSTRA SECOND SHANLEY  
BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

**PAYMENT OF CLAIMS MAY BE PAID AT ALL TOWNSHIP COMMITTEE  
WORK SESSION MEETINGS AND ALL TOWNSHIP COMMITTEE  
REGULAR MEETINGS**

**FORMAL ACTION MAY BE TAKEN DURING THIS MEETING**

**NOTICE TO PUBLIC**

As a member of the public, participating in this public meeting, your participation will be recorded. By participating in the meeting, it is assumed your consent is given for your voice, name, address, comments and image to be broadcast and recorded.

There may be situations where, due to technical difficulties, live streaming or the recording of a meeting may not be available. For example, if the connectivity between the live streaming software and the YouTube channel is not operating; in that situation, the public's right to make public comment in written form is extended to 10:00 am the day after the meeting, to allow the meeting to be conducted and the continuity of local government to proceed. A recording of the meeting will be posted no later than the next business day after the meeting date on the Township's website where recordings are customarily posted. The Township shall not be responsible for and accepts no liability if the recording or live video streaming of the meeting is unavailable.



**TOWNSHIP OF WYCKOFF  
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The PAUSE – Municipal Clerk posted the link to the live meeting on our website's homepage.

**OPEN PUBLIC MEETINGS ACT**

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Township Committee of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the meeting of the Township Committee of the Township of Wyckoff scheduled for 7:00 pm Tuesday, June 1, 2021 at Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ 07481 will be conducted via the Township of Wyckoff's YouTube channel and members of the public may call 201-891-7000, ext. #222 should they wish to provide public comment at the time for the public comment period. Members of the public may also e-mail their public comments to [wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com) before 4:00 p.m. on the date of the meeting. These comments will be read at the meeting during the public comment period.

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Due to the Covid-19 Public Health Emergency, members of the public will not have access to Town Hall.

This Notice and Agenda have been posted on the front door of Town Hall (facing Franklin Avenue) and on the Township's Home Page [wyckoff-nj.com](http://wyckoff-nj.com) at the Quick Link for "Minutes and Agendas" on Friday, May 28, 2021. Please select "Township Committee" and locate the date of the meeting to view documents, such as resolutions and ordinances which would otherwise be made available.

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Please locate the link posted on the "News" item announcing the Township Committee meeting on the homepage of our website and use this link for the June 1, 2021 Work Session and Business Meeting set to begin at 7:00 pm.



**TOWNSHIP OF WYCKOFF  
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SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021 – 7:00 P.M.**

Mayor Melissa D. Rubenstein opened the Open Work Session Meeting at 7:00 p.m. in the second-floor municipal court room.

Nancy Brown, Acting Municipal Clerk read the Open Public Work Session statement: "This Open Public Work Session Meeting of the Wyckoff Township Committee is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our Annual Schedule of meetings. A copy of said Annual Schedule has been posted on the Bulletin Board in Memorial Town Hall; a copy has been filed with the Municipal Clerk, The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting the Agenda thereof was similarly posted, filed and mailed to said newspapers. The Agenda with the resolutions and ordinances to be considered was posted on the Township's website at "Minutes & Agendas" on the Friday prior to this evening's meeting."

**Present:** Mayor Melissa D. Rubenstein, Committeemen Rudolf E. Boonstra, Thomas J. Madigan, Peter J. Melchionne and Timothy E. Shanley

**Also Present:** Acting Municipal Clerk Nancy Brown and Township Attorney Robert Landel

**Absent:** Township Administrator Robert J. Shannon

Mayor Rubenstein confirmed that the Finance Committee has reviewed and signed vouchers.

Acting Municipal Clerk Brown advised that no written comments have been received prior to this evening's meeting.

Mayor Rubenstein opened the meeting for the ten (10) minute public comment period, two (2) minutes per speaker for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Township of Wyckoff. Please call 201-891-7000, ext. 2220 if you wish to make a public comment at this time. Motion from Committeeman Shanley, seconded by Committeeman Melchionne, all voting yes to open the ten (10) minute public comment period.

There were no public comments.

Committeeman Shanley motioned to close the public comment period, seconded by Committeeman Melchionne with an affirmative voice vote.

**Review of the 8:00 p.m. Business Agenda:**

1. As the Administrator is absent, Acting Municipal Clerk, Nancy Brown reported that this evening's Agenda is as submitted inclusive of referenced resolutions and ordinances as posted on Friday, May 28, 2021.
2. Two (2) ordinances appear on the Agenda for this evening, the first is #1938, which is an Ordinance to modify and supplement Chapter #163, Stormwater Management.
3. The second Ordinance, #1939, will establish a new chapter in the Code of the Township of Wyckoff entitled, "Restricted areas in buildings where municipal operations are conducted limited to authorized employees only to protect and safeguard public records containing personally identifiable information".



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**Policy Action Items:**

1. The Township Administrator and the Township Attorney met with a 5G Telecommunications Consultant, Mr. Peter Lupo, regarding the placement of 5G nodes on utility poles in the public right-of-way.
2. Please note that the Township Committee Meeting Schedule for the summer months has the governing body scheduled for just one (1) meeting in July, August, and September.
3. Your packet contains a resolution regarding the implementation of the Governor's Executive Order #242. We also have the Stormwater Management amendment ordinance and the ordinance with regard to restricted areas in Town Hall to protect documents which need to be safeguarded.
4. Mr. Landel reported that he received a plethora of compliments on the Memorial Day Parade, Memorial events and the Military Tribute Banners installed around town.

**Township Committee Reports:**

**Rudy Boonstra:**

1. Mr. Boonstra advised that he attended a Police Committee Meeting and there was discussion regarding the Memorial Day Parade traffic control and crowd limitations, most of which the latest Executive Order of Governor Murphy relieved.
2. The interview process is moving forward with regard to the probationary police officer to be hired to replace an officer retiring later in 2021.
3. Mr. Boonstra advised that the Parks and Recreation Advisory Board met with members of the Brackett Family at the Gardens of Wyckoff to review the work that will need to be completed now that the land exchange and subdivision of the property has been completed. A number of the waterways and the spring-fed pond have branches and debris which will require removal so that the water can flow more freely.
3. Mr. Boonstra attended a meeting with Mr. Madigan and Township Attorney, Robert Landel with the Northwest Bergen County Utilities Authority (NBCUA) regarding a potential sewer project in the Knolls Section of Wyckoff. Mr. Boonstra has stepped away from the Knolls sewer project with the approval from Mr. Madigan, a member of the Sewer Sub-Committee.
4. Mr. Boonstra is happy to report that the next meeting of the Environmental Commission will meet in person.
5. Planning Board - nothing new to report.
6. Historic Preservation nothing new to report.
7. Zabriskie House Trustees – nothing new to report.

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**Timothy Shanley:**

1. The Fireworks Display preparations are in full swing. Mr. Shanley met with Mr. Shannon, Fire Chief Vander Plaats, Police Chief Murphy, Ambulance Corps Captain, Randy Banks, DPW Manager, Scott Fisher, Traffic Safety Sgt. Brian Zivkovich and Emergency Management Sgt. Kyle Ferriera to plan for the Fireworks which are scheduled to take place on Saturday, September 25, 2021. For the 2021 event, the cost of the fireworks through Fireworks Extravaganza will be increased approximately \$1,000 to \$16,000. Additionally, it had been decided that food trucks for the event would not be available. However, it has now been suggested that perhaps the Football Boosters Association would want to prepare and sell burgers, hot dogs and drinks at the event to fundraise for the Booster program.
2. Mr. Shanley reported that Giuseppe Casio of Lakeland Bank and Larry Inserra of ShopRite have agreed to donate \$5,000 each towards the cost of the fireworks display for 2021. Mr. Shanley thanked them for their generosity to the Wyckoff community. At the next Township Committee Meeting on the 15<sup>th</sup> of June, Mr. Inserra and Mr. Cascio will each present checks to the Township Committee at 7:00 p.m.
3. The Fireworks Committee determined that any funds raised by donations would go first towards payment for this year's fireworks display, then towards payment for next year's fireworks show. Once enough monies are raised to support both events, the remainder of the donations would be distributed equally between the first responders, Police Department, Volunteer Fire Department and Volunteer Ambulance Corps.
4. Mr. Shanley had a telephone conversation with Aiden Mack, of Troop 89 who has presented his proposed Eagle Scout project to him and which was relayed to Scott Fisher, DPW Manager. The Eagle Scout proposes to complete a project at Zabriskie Pond Park which involves installing benches, repairing broken fencing along Franklin Avenue, clearing overgrown areas and replacing with wildflowers, and installing picnic tables. Mr. Fisher is in agreement with the plans and will work closely with the Eagle Scout to ensure that all improvements will be completed within the deed restrictions for Zabriskie Pond Park.
5. Mr. Shanley reported that he was notified today via the Recreation Department's e-blast that this Summer there will be a three (3) day soccer camp in conjunction with the Torpedoes Soccer Club. All children who are registered for the Wyckoff Recreation Soccer Program this Fall will qualify for this special program which is offered at no charge. The Torpedoes are providing professional trainers for this three (3) day soccer skills camp to train both boys and girls who register.
6. Mr. Landel interjected to say that he thought it would be a great idea to have the Wyckoff Recreation Program coaches attend this three (3) day camp as well to learn how to conduct a productive practice by observing the professional soccer training provided by the Torpedoes.

**Peter Melchionne:**

1. Mr. Melchionne thanked everyone who ordered the Military Tribute Banners. The DPW installed the banners this past week and they look great! For anyone who does not know the location of the banners, Mr. Melchionne advised that the installations started at Town Hall, proceeded down Wyckoff Avenue after it intersects with Franklin Avenue, then down



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Franklin Avenue to Main Street, down Main Street and then back to Town Hall. Mr. Melchionne reported that sixty (60) Military Tribute Banners were purchased and he thanked Scott Fisher and the DPW, who, even though the banners were delivered late, were able to install the banners in time for the Memorial Day services and parade in town. Mr. Melchionne offered his special thanks to Denise Capparelli who helped make the program successful by processing the orders, tracking the orders, and making sure everything ran smoothly. Just for everyone's information, the Military Tribute Banners around Town Hall are special banners. These special banners list the names of the Veterans from Wyckoff who gave their lives during a war or conflict, and they can be found right around the Town Hall building and parking lot.

2. Mr. Melchionne reported that we had a great Memorial Day Parade. The parade went very smoothly. The day began with the Wyckoff Volunteer Fire Department Memorial Service at 8:30 a.m. Then, the VFW Ceremony at Wyckoff Reformed Church was conducted at 10:00 a.m. The parade kicked off at 11:30 am.
3. Mr. Melchionne thanked the Memorial Day Parade Committee and mentioned how much he appreciated the support from Town Hall Staff. Denise Capparelli took over the responsibility this year as the Parade Coordinator and worked with the Parade Committee from the VFW. Mr. Melchionne also thanked Eric Rubenacker for whom this was the first year he served as the Chair of the Memorial Day Parade. Mr. Melchionne also thanked all the residents and others who came out to support the parade and participated in encouraging those who marched. Finally, Mr. Melchionne announced that the Environmental Commission's Fishing Derby will be held this Saturday, June 5, 2021 at 8:30 a.m. at Zabriskie Pond Park.
- 4.

**Thomas Madigan:**

1. Mr. Madigan thanked all members of the Memorial Day Parade Committee and offered a special shout out to Denise Capparelli for all her efforts in organizing the parade. Mr. Madigan also noted that everyone enjoyed the Memorial Service and appreciated the Military Tribute Banners. Mr. Madigan extends his thanks to all the members of the Parade Committee, particularly our veterans who should be proud of such a wonderful event to celebrate our freedom and patriotism.
2. Mr. Madigan went on to mention that the Military Tribute Banners looked really special and commended Committeeman Melchionne for his initiative in bringing the banners to Wyckoff. Special thanks to the DPW who did a great job in getting the banners installed.
3. Mr. Madigan pointed out that on tonight's agenda, there are two (2) brothers who are currently serving as Junior Firefighters in the Wyckoff Volunteer Fire Department. These Junior Firefighters will be approved and memorialized as Probationary Firefighters with Fire Company #1. They are Joseph Squillace III and his brother Nicholas. Mr. Madigan noted that the Township Committee will also be approving and memorializing the application of Lloyd Sarakin as Fire Police with Fire Company #2.
4. Mr. Madigan commended all of our local volunteers, as well as those actively serving in our military and those considering volunteering. He noted that Wyckoff is a great place for young men and women to have the opportunity to volunteer, learn a lot, and give back to the town. Mr.



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Madigan stated that several of our volunteer firefighters have gone ahead or are in the process of attending the Fire Academy in Jersey City.

**Mayor Rubenstein:**

1. Mayor Rubenstein echoed everyone in their thanks to Committeeman Melchionne for his initiative in bringing the banner program to Wyckoff. Mayor Rubenstein has received so much positive feedback from residents and pointed out that there were many residents who missed their opportunity this year to purchase a banner but who will be on board next year. Mayor Rubenstein conveyed to all that it was such a great celebratory addition to the town.
2. Mayor Rubenstein expressed her thanks to Denise Capparelli and to Eric Rubenacker for their efforts to bring the Memorial Day Services & Parade back to the community. The parade was huge success and it was amazing to see everyone come out and watch the parade and get back to some sense of normalcy in town.
3. Mayor Rubenstein announced that she wanted to acknowledge that today is the first day of Pride Month and invited residents to view our government speech flagpole by the Wyckoff Library to see the Pride Flag which was raised this morning. Mayor Rubenstein offered a special thank you to Joe Salerno for raising the flag early this morning.

**Township Attorney Report:**

1. Mr. Landel reported the newly revised plans for the Maple Lake Project have been prepared and is hopeful about scheduling another meeting with the Bergen County Planning Board. Mr. Landel is anticipating completion of this transaction prior to the grant deadline in September.
2. Mr. Landel reported that he and Township Administrator Shannon met with Mr. Peter Lupo last week. Mr. Lupo is a consultant who works with municipalities regarding the new 5G technology that is coming into the area. Mr. Lupo can leverage his existing relationships with the carriers and gets paid by the communication's carriers, not the municipalities. Several surrounding towns have contracted with Mr. Lupo as a telecommunications consultant for installation of the new 5G technology which will be nodes installed on existing telephone poles. Mr. Landel suggested that the Township Committee speak with Mr. Shannon regarding the creation of a subcommittee to investigate 5G nodes.

**Adjourn the Open Work Session Meeting at 7:58 p.m.**

MOTION: SHANLEY SECOND BOONSTRA  
BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

  
Melissa D. Rubenstein  
Mayor

  
Nancy A. Brown  
Acting Municipal Clerk



**TOWNSHIP OF WYCKOFF  
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SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**Meeting Called To Order**

Mayor Melissa D. Rubenstein called the regular meeting of the Wyckoff Township Committee in the Municipal Court Room to order at 8:04 pm.

**Flag Salute**

The Township Committee proceeded with the Pledge of Allegiance led by Mayor Melissa D. Rubenstein.

**Invocation**

The Invocation was given by Committeeman Rudolf E. Boonstra.

**RE:** Township Committee Meeting of Tuesday, June 1, 2021, 7:00 p.m. Work Session and 8:00 p.m. Business Meetings will be livestreamed, and public comments will be available telephonically.

**Reading of the “Open Public Meetings Act” statement by Nancy A. Brown PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act NJSA10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Township Committee of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, this meeting of the Township Committee of the Township of Wyckoff scheduled for 8:00 pm, Tuesday, June 1, 2021 at Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ 07481 will be live-streamed via the Township of Wyckoff’s YouTube channel and members of the public may call 201-891-7000, ext. #2220 should they wish to provide public comment during the public comment period. Members of the public may also email their public comments to [wyckoffclerk@wyckoff-nj.com](mailto:wyckoffclerk@wyckoff-nj.com) before 3:00 pm on the day of the meeting. These comments will be read at the meeting during the public comment period.

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Township does not control establish unannounced changes and will *only* be utilized if it is not possible to conduct the meeting via livestream on YouTube. As a precaution, for this “plan B”, the following instructions are provided:

Please locate the link posted on the “News” item announcing the Township Committee meeting on the homepage of our website and use this link for the June 1, 2021 Meeting set to begin at 8:00 pm.

This regular business meeting of the Wyckoff Township Committee is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our *annual schedule of meetings*. A copy of said annual schedule has been posted on the bulletin board in Memorial Town Hall; a copy has been filed with the Municipal Clerk, as well as The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having a general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting, the Agenda thereof was similarly posted, filed and emailed to said newspapers. The agenda with the resolutions and ordinances to be considered was posted on the township’s website at “Minutes and Agendas” on the Friday prior to this meeting.

**Attendance**

**Township Committee Present:** Mayor Melissa D. Rubenstein; Committee Present: Rudolf E. Boonstra, Peter J. Melchionne, Thomas J. Madigan and Timothy E. Shanley.

**Staff Present:** Township Administrator Robert J. Shannon; Acting Municipal Clerk Nancy Brown and Township Attorney Robert Landel.

**Meeting Open for Public Comment**

Committeeman Shanley made a motion to open the meeting for Public Comment; Seconded by Committeeman Melchionne. All voted in favor.

Mr. Richard Grosfelt, 326 Windham Court called to inquire when the Township Committee would be passing their Marijuana Ordinance. Mr. Grosfelt stated that he hoped that the Township Committee was aware of the August deadline to complete this task.

Mayor Rubenstein replied that the Township Committee is still working with the Township Attorney to complete this Ordinance and that it definitely would be completed prior to the deadline.

Committeeman Madigan made a motion to close the Public Comment Period; Seconded by Committeeman Melchionne. All voted in favor.

**Approval of the May 18, 2021 Township Committee Work Session and Regular Business meeting minutes:**

MOTION: SHANLEY \_\_\_\_\_ SECOND BOONSTRA \_\_\_\_\_  
BOONSTRA YES \_\_\_\_\_ MADIGAN YES \_\_\_\_\_ MELCHIONNE YES \_\_\_\_\_  
SHANLEY YES \_\_\_\_\_ RUBENSTEIN YES \_\_\_\_\_

**Consent Agenda:** All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:



**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**I     Resolutions (Adoption of the following):**

**#21-208     Approval of Vouchers & Authorization to Pay Bills**

**WHEREAS**, the Township of Wyckoff is a municipality in the State of New Jersey operating under the authority from NJSA 40A:63-1 et seq; and,

**WHEREAS**, the Township of Wyckoff has received vouchers in claim for payment of materials supplied and/or services rendered; and,

**WHEREAS**, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and,

**WHEREAS**, the Township Committee has a practice of each Township Committee member participating in the reviewing and signing of vouchers; and,

**WHEREAS**, the vouchers which comprise this bill list have been reviewed and signed by two (2) Township Committee members and they have found them to in order; and,

**WHEREAS**, the Township Treasurer has certified that sufficient funds are available for payment of said vouchers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff that the action of the said Finance Committee be approved; and, that the payments of these bills are hereby authorized and the Chief Financial Officer is directed to issue checks for their payments as listed on the bill list attached to this date's meeting minutes and covered by checks no. 19588 – 19628 Payroll A/C, Direct Deposit Vouchers no. 14849 - 14911, Library Payroll check nos. 1559 – 1561, Library Direct Deposit Vouchers no. 6394 – 6421, Claims check nos. 085667 – 086772, Claims Wire nos. 210504, 210505, 210506, 210601, 210602 & 210603 and Voided Claims check nos. 085627, 085773 & 085776.

**#21-209     Professional Service Appointment – Mountain Ave.  
Paving Grant**

**WHEREAS**, the Township of Wyckoff has a real need and requires the professional services of Full Service Consulting Engineering firm to implement the \$384,000 NJDOT Trust Fund grants to repave Mountain Avenue; and,

**WHEREAS**, the Township Committee has determined to appoint Boswell Engineering as its' Consulting Engineer for this engineering work due to Boswell Engineering's extensive experience with NJDOT Trust Fund grants and the thorough and complete manner they have implemented past grant programs; and,

**WHEREAS**, the Purchasing Agent and the Chief Financial Officer have determined that the cost of these services shall exceed \$17,500 and believe it is prudent to anticipate the value of these services in excess of \$17,500 to ensure compliance with NJSA 19:44A-20.5 et. seq.; and,

**WHEREAS**, each business entity has completed and submitted a Business Entity Disclosure Certification which certifies that each business entity has not made any reportable contributions (\$300 or more) to a political or candidate committee in the Township of Wyckoff with the elected officials in the previous one year, and that the contract will prohibit each business entity from making any reportable contributions (\$300 or more) through the term of the contract; and,



**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
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TUESDAY, JUNE 1, 2021**

**WHEREAS**, the Township Committee awards a one year contract for municipal Consulting Engineering Services and LSRP services in accordance with the alternate process pursuant to the provisions of NJSA 19:44A-20.5; and,

**WHEREAS**, the Local Public Contracts Law NJSA 40A:11-5 requires the resolution authorizing award of contracts for professional services without competitive bids and the contract itself to be made available for public inspection; and,

**WHEREAS**, the Chief Financial Officer, in accordance with the Local Public Contracts Law, has duly executed a Certificate of Available of Funds indicating that adequate funds have been appropriated in the 2021 Municipal Budget.

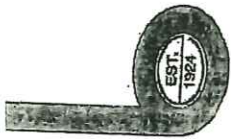
**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff that a one year contract for this calendar year is hereby awarded to Boswell Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606 for Consulting Engineering services up to \$61,000 when invoices are approved by the Township Committee.

1. The Township Committee Chairman and Clerk are hereby authorized and directed to execute contracts with each of said professionals and to take all other steps necessary to carry this resolution into effect.
2. Said appointments are made without competitive bidding under the provisions of the Local Public Contracts Law which excepts from competitive bidding "Professional Services" rendered by persons authorized law to practice a recognized profession and whose practice is regulated by law in accordance with NJSA 40A:11-1 et seq and in accordance with NJSA 19:44A-20.5 alternate process.
3. The Business Entity Disclosure Certification and the Political Contribution Disclosure Forms are in the professional services files.
4. The Municipal Clerk shall execute a public notice of said appointments in the official newspaper of the Township as required by law.

**BE IT FURTHER RESOLVED** that these contracts have been awarded to these contractors based on the merits and abilities of the contractors to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20-4 et seq. As such, the undersigned does hereby attest that these contractors, their subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of these one (1) year contracts to any political party committee in the Township of Wyckoff if a member of that political party is serving in an elective public office of the Township of Wyckoff when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Wyckoff when the contract is awarded.



TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021



**BOSWELL ENGINEERING**

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831  
ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

January 4, 2021

The Honorable Mayor and Committee  
Township of Wyckoff  
Memorial Town Hall  
Scott Plaza  
Wyckoff, NJ 07481

Attention: Mr. Robert J. Shannon, Jr., Administrator

Re: 2020/2021 NJDOT Municipal Aid Project  
Improvements to Mountain Avenue  
Township of Wyckoff  
Bergen County, New Jersey  
Our File No. WY-506

Dear Mayor Shanley and Members of the Township Committee:

This letter shall serve as Boswell Engineering's (Boswell) proposal for the preparation of construction plans and specifications and providing construction inspection for both Section 1 and Section 2 of improvements to Mountain Avenue for the above referenced project.

The 2020 NJDOT Municipal Aid Grant for Mountain Avenue Improvements Section 1 is \$197,000.00, and \$189,000.00 for Section 2. The total amount of the NJDOT grants for both Sections is \$386,000.00.

The grant from NJDOT for Section 1 requires that a contract be awarded by November 21, 2021.

The following is an outline of the scope of work and the estimated fee for our design and construction inspection services to combine both grants into a single construction project.

**SCOPE OF WORK**

The scope of work includes milling and resurfacing of Mountain Avenue from Sicomac Avenue to Sicomac Road at the North Haledon border with the exception of the sections of roadway where the culvert is being replaced. Handicap ramps will be upgraded to comply with current ADA requirements including detectable warning surfaces where required. Pavement markings will be installed in accordance with Police Department recommendations. If needed, concrete and/or

**TOWNSHIP OF WYCKOFF  
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The Honorable Mayor and Committee  
January 4, 2021  
Page 2 of 3

asphalt curb will be added at certain locations to better delineate the roadway/surface runoff and to better convey the roadway runoff to inlets.

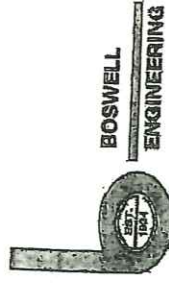
**SCOPE OF SERVICES**

Boswell will perform the following scope of services:

1. Correspond with NJDOT to accept a modification in Scope of Section 1 to be only milling and paving of Mountain Avenue.
2. Prepare roadway construction plans in accordance with current New Jersey Department of Transportation (NJDOT) requirements.
3. Prepare specifications in accordance with NJDOT and the Township of Wyckoff requirements.
4. Prepare bid documents and advertise the project.
5. Perform the necessary updates to the NJDOT's System for Administering Grants Electronically (SAGE) as the project progresses.
6. Review contractor bids and make a recommendation to the Township of Wyckoff.
7. Coordinate and attend a pre-construction meeting with appropriate Township officials, utility companies and other parties affected by the construction activities.
8. Provide periodic inspection services during the construction phase.
9. Review contractor invoices to the Township of Wyckoff.
10. Make a final inspection of the project improvements.
11. Arrange to have the requisite pavement cores taken and tested in accordance with the NJDOT specifications.
12. Prepare and submit the final NJDOT paperwork.

**FEE PROPOSAL**

Boswell will perform the services outlined in the proposal for an estimated fee not to exceed \$61,000.00 for both the design and the construction phases. The billing will be based on our hourly rates in effect at the time the work is performed. The NJDOT may reimburse the Township,





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January 4, 2021  
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through the grant received, up to 5% of the grant for design costs and up to 15% of the grant to cover construction inspection and materials testing.

**ITEMS NOT INCLUDED IN THE ENGINEERING FEE**

The following items are not anticipated to be required and are therefore excluded:

1. Soil Erosion and Sediment Control Plan Certification
2. Permit Fees
3. New Jersey Department of Environmental Protection Permits
4. Right-of-Way and/or Easement Plans or Descriptions
5. Structural Plans (Including Retaining Walls)
6. Material Testing (required by the NJDOT)

We estimate that the hot mix asphalt materials testing required by NJDOT will be approximately \$3,000.00. The Township will be billed directly by the pavement coring/testing contractor. This expense may be included in the grant should the combined construction cost, construction inspection, and material testing be less than the grant.

Additional work above and beyond what is outlined in the proposal will be performed as authorized by the Township.

Thank you for the opportunity to submit this proposal. We look forward to providing the Township of Wyckoff with our engineering services and to the successful completion of this project.

Should you have any questions or require additional information, please do not hesitate to contact Peter Ten Kate, P.E. or me.

Very truly yours,

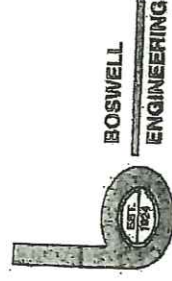
BOSWELL ENGINEERING



Stephen T. Boswell, Ph.D., P.E., SECB, LSRP

STB/PCTK/jm

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TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021

**BOSWELL ENGINEERING**



ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3452 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

January 4, 2021

The Honorable Mayor and Committee  
Township of Wyckoff  
Memorial Town Hall  
Scott Plaza  
Wyckoff, NJ 07481

Attention: Mr. Robert J. Shannon, Jr., Administrator

Re: 2020/2021 NJDOT Municipal Aid Project  
Improvements to Mountain Avenue  
Township of Wyckoff  
Bergen County, New Jersey  
Our File No. WY-506

Dear Mayor Shanley and Members of the Township Committee:

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The 2020 NJDOT Municipal Aid Grant for Mountain Avenue Improvements Section 1 is \$197,000.00, and \$189,000.00 for Section 2. The total amount of the NJDOT grants for both Sections is \$386,000.00.

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The following is an outline of the scope of work and the estimated fee for our design and construction inspection services to combine both grants into a single construction project.

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TOWNSHIP OF WYCKOFF  
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The Honorable Mayor and Committee  
January 4, 2021  
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**ITEMS NOT INCLUDED IN THE ENGINEERING FEE**

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Additional work above and beyond what is outlined in the proposal will be performed as authorized by the Township.

Thank you for the opportunity to submit this proposal. We look forward to providing the Township of Wyckoff with our engineering services and to the successful completion of this project.

Should you have any questions or require additional information, please do not hesitate to contact Peter Ten Kate, P.E. or me.

Very truly yours,

BOSWELL ENGINEERING



Stephen T. Boswell, Ph.D., P.E., SECB, LSRP

STB/PCTK/jm

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**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**#21-210     Authorize Change Order #1 – Tree Work**

**WHEREAS**, the Township Committee of the Township of Wyckoff has awarded a contract to for annual right-of-way tree service to the lowest bidder – Dujets Tree Experts, Inc., 54 Notch Road, West Paterson, New Jersey 07424 via Resolution #21-186, dated April 13, 2021 for \$32,375; and,

**WHEREAS**, the Township Administrator has filed with the Township Committee, in accordance with a recommendation from the DPW Manager, a written request for a change order in accordance with NJAC 5:34-4.4 prior to the adoption of this resolution; and,

**WHEREAS**, the Chief Financial Officer has attached a Certificate of Available Funds indicating that funds are available in the attached accounts; and,

**WHEREAS**, the Township Attorney has reviewed this information and NJAC 5:34-4 and recommends the Township Committee adopt this resolution as for form and procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the Change Order is hereby authorized in the amount of \$6,000 or 18.53% for a total contract cost of \$38,375.

**BE IT FURTHER RESOLVED** that the attached amendatory contract be approved.

**CERTIFICATE OF AVAILABLE FUNDS**

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF CERTIFY THAT SUFFICIENT FUNDS HAVE BEEN APPROPRIATED IN THE 2021 BUDGET ACCOUNT NUMBER 1-01-26-292-020 TO AUTHORIZE THIS CHANGE ORDER.

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**Robert J. Shannon, Jr.  
Township Administrator**

**TOWNSHIP OF WYCKOFF --- MEMORANDUM**

**TO:** Township Committee

**FROM:** Robert J. Shannon, Jr. Township Administrator

**DATE:** May 25, 2021

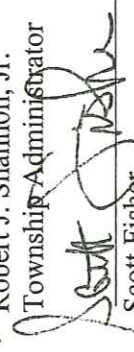
**RE:** **CHANGE ORDER #1 -BI-ANNUAL TREE SERVICE IN THE TOWNSHIP OF WYCKOFF**

This report is provided to the Township Committee to satisfy NJAC 5:34-4.4 for authorization of Change Order #1 for the provision of tree service on trees in the Township of Wyckoff right-of-way.

1. Change Order #1 is \$6,000 or a 18.53% increase in the total contract award of \$32,375. to DuJets Tree Experts, INC. on April 13, 2021.
2. The change order was requested by the Township. The Public Manager advises the need for the change order is essentially; required to add additional tree work which was not known at the time of the bid. Typically, when the tree vendor is performing work in neighborhoods, residents request work on right-of-way trees. As it relates to the work performed in change order #1, the DPW determined that this tree work was such that it was prudent to add it to the contract due to exigencies and economies of scale with the tree vendor already on site.
3. The amount is below the permitted the 20% change order threshold.

It is the recommendation of the DPW Manager and I that this change order may be approved pursuant to NJAC 5:34-4.4.

  
Robert J. Shannon, Jr.  
Township Administrator

  
Scott Fisher  
Public Works Manager

RJS:cw

Cc: Robert E. Landel, Township Attorney  
Scott Fisher, Public Works Manager



TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021

AMENDATORY CONTRACT

between

TOWNSHIP OF WYCKOFF  
Memorial Town Hall  
340 Franklin Avenue  
Wyckoff, NJ 07481

and

DuJets Tree Experts, Inc.  
54 Notch Rd.  
West Paterson, NJ 07424

WHEREAS,

both parties have signed a contract dated April 22, 2021 for \$32,375.00 tree service on right-of-way trees in the Township of Wyckoff,

WHEREAS,

the Township desires to increase said contract by 18.53% or \$6,000.00, resulting in a final contract of \$38,375.00, and

WHEREAS,

both parties affix their signatures and seals to attest to this contract revision.

  
Nancy A. Brown, Acting Municipal Clerk

  
Township of Wyckoff  
Melissa D. Rubenstein, Mayor

  
Witness

  
DuJets Tree Experts, INC.

June 1, 2021

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**#21-211      Award of Contract – Road Paving**

**WHEREAS**, the Township Committee approved the bid specifications and authorized advertised competitive sealed bidding; and,

**WHEREAS**, funds are not unlimited and the Township cannot pave every road, requiring difficult choices among valid requests; and,

**WHEREAS**, consistent with past practices, the Township Committee relies on the professional opinion of the Township Engineer, Public Works Manager and Chief of Police to determine the roads most in need of repair; and,

**WHEREAS**, a public notice soliciting bids for the Township of Wyckoff's procurement was advertised on 05/14/21 in the Ridgewood News and posted on the Township's website under the easily accessed quick link on the homepage titled, Bids and Jobs; and,

**WHEREAS**, bid specifications were made available at no cost to vendors who requested specifications; and,

**WHEREAS**, on 05/26/21 at 11:00 a.m. one (1) bid was publicly opened and its contents read aloud as indicated on the below:

| <u>Bidder</u>               | <u>Bid-Amount</u>                    |
|-----------------------------|--------------------------------------|
| D&L Paving Contractors, LLC | \$70-20 per ton of asphalt installed |
| 675 Franklin Avenue         | \$4.68 per square yard of milling    |
| Nutley, New Jersey 07110    | Total Bid \$1,307,322.00             |

**WHEREAS**, the Township's Certified Public Works Manager, after a thorough and careful review, recommends a contract award to the lowest responsive and responsible bidder, D&L Paving, 675 Franklin Avenue, Nutley, NJ 07110; and,

**WHEREAS**, the Township Administrator and Township Attorney have reviewed this procurement and concur; and,

**WHEREAS**, the Chief Financial Officer has issued a certificate of availability of funds in Ordinance #1932 account #C-04-56-999-991 Capital Budget account #C-04-56-999-993 and 2021 Annual Budget account #1-1-26-290-020.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a contract is hereby awarded to the lowest responsive and responsible bidder, D&L Paving, 675 Franklin Avenue, Nutley, NJ 07110 for a total contract based on unit prices not to exceed \$1,307,322 in accordance with bid specifications.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall provide a copy of this resolution to the Public Works Manager, Township Engineer, Police Chief, Accounts Payable Control Office and the Chief Financial Officer.

**CERTIFICATE OF AVAILABLE FUNDS**

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF, CERTIFY THAT SUFFICIENT FUNDS HAVE BEEN APPROPRIATED IN THE CAPITAL IMPROVEMENT AUTHORIZATION ORDINANCE #1932 ACCOUNT #C-04-56-999-993 AND 2021 ANNUAL BUDGET ACCOUNT #1-1-26-290-020. THESE ACCOUNTS REPRESENT THE MAXIMUM NOT TO EXCEED APPROPRIATION AS SET FORTH IN THIS RESOLUTION AND ALLOWABLE BY LAW.



TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM

TUESDAY, JUNE 1, 2021  
10:00 PM

05-26-21:12:25 ;From:

# 1/ 1

# MEMO

**TO:** Robert J. Shannon, Jr. Township Administrator

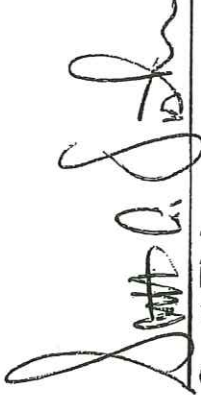
**FROM:** Scott Fisher, Public Works Manager

**DATE:** May 26, 2021

**RE:** 2021 Road Paving Bid Opening

1. Today's price of \$70.20 per ton of asphalt installed is slightly higher than last year's bid award of \$69.99.
2. The milling has increased due to increased disposal costs.

An award is recommended.



Scott Fisher  
Public Works Manager

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 1, 2021**

**#21-212      Release Performance Cash Surety – 244 Everett Avenue**

**WHEREAS**, Mr. Brian Saxton, President of Four Gems, LLC, who resides at 270 Demarest Avenue, Wyckoff NJ 07481 in an email dated May 24, 2021 has requested the release of a \$4,900 Landscape Performance Guarantee; and

WHEREAS, the Township Engineer requested a Landscape Performance Guarantee from Mr. Brian Saxton / Four Gems, LLC. in order to issue a Temporary Certificate of Occupancy for 244 Everett Avenue; and

**WHEREAS**, the Township's Engineer, Mr. Mark Di Gennaro, in a file memo, states that the final inspections have been completed for site improvements and the Performance Cash surety for landscaping can be released; and,

**WHEREAS**, Mr. Brian Saxton, President of Four Gems, LLC, who resides at 270 Demarest Avenue, Wyckoff NJ 07481 posted the following with the Municipal Clerk on February 3, 2021 for site improvements/landscaping work:

|                       |            |
|-----------------------|------------|
| Performance Cash Bond | \$4,900.00 |
|-----------------------|------------|

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they hereby accept the recommendation of the Township Engineer, Mr. Mark Di Gennaro to release the \$4,900 Performance Cash Surety.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk will forward a copy of this resolution to the Township Engineer, Mr. Mark Di Gennaro and to Mr. Brian Saxton, President of Four Gems, LLC, 270 Demarest Avenue, Wyckoff NJ 07481.

**#21-213      Release Performance Cash Surety – 640 Wyckoff Avenue**

**WHEREAS**, Jill Cascio, spouse of Aldo Cascio, owner of Aldo's Italian Restaurant, Inc., (Pane Vino), 640 Wyckoff Avenue, Wyckoff, NJ 07481, contacted Town Hall by telephone on March 8, 2021 and requested the release of Performance Cash Surety; and

**WHEREAS**, Performance Cash Surety of \$780.00 which remained following the release of the \$19,500 Performance Cash Surety has been released via Resolution #21-187 on May 18, 2021; and,

**WHEREAS**, the following performance guarantee & professional escrows were collected July 17, 2012 for Aldo's Italian Restaurant Inc., (Pane Vino) 640 Wyckoff Avenue Block 236, Lot 6:

|                     |               |
|---------------------|---------------|
| Performance Bond    | \$182,520.00  |
| Performance Cash    | \$ 20, 280.00 |
| Professional Escrow | \$ 8,450.00   |

**WHEREAS**, Mr. Peter TenKate the Township's Consulting Engineer from Boswell/McClave Engineering in a letter dated September 23, 2014 recommended the following:

|                                                       |           |
|-------------------------------------------------------|-----------|
| <u>Release Performance Guarantee:</u>                 |           |
| Performance Cash Surety                               | \$19,500  |
| <u>Posting of Two (2) Year Maintenance Guarantee:</u> |           |
| Two (2) Year Maintenance Bond                         | \$ 22,815 |
| Two (2) Year Maintenance Cash                         | \$ 2,535  |



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**WHEREAS**, by Resolution #14-224 Performance Cash Surety of \$19,500 was released; and

**WHEREAS**, the recommended two (2) year \$22,815.00 Maintenance Bond dated October 8, 2014 was received and held, but the \$2,535 Maintenance Cash Surety was not collected; and

**WHEREAS**, the Township's Chief Financial Officer has verified the funds in the account for Aldo's Italian Restaurant Inc., (Pane Vino); and

**WHEREAS**, the Township's Engineer, Mr. Mark Di Gennaro, in a file memo, states that inspections have been completed and the release of funds held in the Developer's Trust account for engineering inspection, held in an interest bearing escrow account, of \$6,232.55 plus interest to date is authorized and that this project is considered closed; and

**WHEREAS**, the Township's Consulting Engineer, Boswell Engineering, via email, states that inspections have been completed and that this project is considered closed; and

**WHEREAS**, Diana McLeod, our Chief Financial Officer, will confirm and verify the interest to date, close out the Developer Trust account for Aldo's Restaurant, and issue a check for the final balance.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they hereby accept the recommendation of the Township's Engineer, Mr. Mark Di Gennaro as well as the recommendation of Mr. Pete Ten Kate, Boswell Engineering, to release the \$6,232.55 plus interest to date held in a Developer's Trust account.

**BE IT FURTHER RESOLVED**, that the Township Clerk will forward a copy of this resolution to Mr. Aldo Cascio, Aldo's Italian Restaurant, Inc., 640 Wyckoff Avenue, Wyckoff, NJ 07481; and to both the Township Engineer, Mr. Mark Di Gennaro and Wyckoff's Chief Financial Officer, Diana McLeod.

**#21-214      Implementation of Governor's Executive Order #242**

**WHEREAS**, the Township Committee of the Township of Wyckoff has fully complied with all Executive Orders issued by the Governor relative to the efforts to combat the spread of the Covid-19 virus; and,

**WHEREAS**, Executive Order #242 returns many aspects of business and government operations to pre-pandemic procedures; and,

**WHEREAS**, the Governor's Executive Order #242 permits local governments to impose stricter requirements regarding the wearing of face masks; and,

**WHEREAS**, the Township Committee is desirous to open Town Hall to the public and move towards pre-pandemic procedures in a safe and controlled manner.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the following precautions are established:

1. Effective June 4, 2021, the 2<sup>nd</sup> floor Court Room in Town Hall can be utilized by the Township's Boards & Commissions for public meetings without numeric occupancy limitations. At such meetings opened to the public, vaccinated individuals may or may not choose to wear masks.

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Unvaccinated individuals in accordance with the Governor's Executive Order #242 should continue to wear face masks in indoor public spaces.

2. Effective, June 7, 2021, the Township's current public access by appointment and drop box option is modified to a procedure described as controlled public access Monday through Friday, 10:00 am to 3:00 pm with multiple drop-box options through September 30, 2021. Further described in the attachment.

All members of the public and all employees in indoor public spaces (hallways, stairwells, etc.) shall wear face masks. Employees who are not vaccinated should continue to wear face masks as indicated in Executive Order #242. Employees who are vaccinated do not have to wear face masks at their workstations, however, they should wear a mask if they encounter another employee within a six (6) foot radius.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall provide a copy of this resolution to all Department Managers, Town Hall Employees and to the Secretary of each Board and Commission who shall distribute it to their respective Board members.

**#21-215      Assignment of Risk Management**

**WHEREAS**, the Township of Wyckoff is a member of the Bergen Joint Insurance Fund, a consortium of municipalities formed to purchase insurance coverage; and,

**WHEREAS**, a Township of Wyckoff project team is working with our IT partners to manage risks and to establish procedures to obtain cybersecurity insurance coverage from the Bergen Joint Insurance Fund; and,

**WHEREAS**, the Joint Insurance Fund (JIF) Tier 3 program requires the assignment of tasks to in-house staff as a component of the risk management program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that in accordance with the requirements of the JIF program, the following appointments are made to the Cybersecurity Awareness Project Team (Task Force):

Governing Body Liaison - Mayor  
Compliance Coordinator – Robert J. Shannon, Municipal Administrator  
Security Coordinator – Diana McLeod, Chief Financial Officer/Tax Collector  
Police Department Compliance Coordinator – David V. Murphy, Police Chief  
Police Department Security Coordinator – Sgt. Kyle Ferreira

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall provide a certified copy of this resolution to our IT Partners and those listed above.

**II      Ordinances – Introduction**

**ORDINANCE #1938**

**AN ORDINANCE TO MODIFY AND SUPPLEMENT CHAPTER #163, "STORMWATER MANAGEMENT" IN THE CODE OF THE TOWNSHIP OF WYCKOFF TO REFLECT THE FEDERAL COMPREHENSIVE REGULATIONS KNOWN AS STORMWATER CONTROL ORDINANCE.**



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**BE IT ORDAINED** by the Township Committee of the Township of Wyckoff, in the County of Bergen and the State of New Jersey, as follows:

**Chapter 163, Stormwater Control**

**SECTION 1** Article 1 Local Regulations established by Ordinance #1447 and adopted September 16, 2003 remains as follows:

**§ 163-1 Zero increase in stormwater runoff.**

- A. It is in the best interest of the Township of Wyckoff to establish as a minimum requirement that all applications involving the construction of an in-ground pool, a new one- or two-family residence on vacant land or following the removal of an existing building or applications involving the expansion of a one- or two-family home which would result in an increase in the existing roof surface by more than 33% shall provide for a zero increase in stormwater runoff.
- B. Recent development of property within the Township of Wyckoff has increased the discharge of stormwater in the Township and specifically onto properties adjacent to such development.
- C. The construction and installation of in-ground pools has caused an increase in the discharge of stormwater in the Township and specifically onto properties adjacent to the in-ground pools.
- D. Recent development of properties within the Township of Wyckoff has resulted in the clear-cutting of trees and vegetation which has contributed to the increase in stormwater runoff.
- E. The Township of Wyckoff stormwater system has been impacted by the increase in the discharge of stormwater, which, if unregulated, will severely impede the operation of the stormwater system.
- F. Stormwater runoff created by the development of one-and two-family residential dwellings which is not subject to Planning Board review is currently unregulated.
- § 163-2 Purpose.**  
It is the purpose of this article to promote the public health, safety and general welfare to minimize public and private losses due to flood conditions and/or excessive stormwater runoff. Specifically, it is the intent of this article to:
- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize the negative impact of stormwater onto adjacent properties.

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- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by avoiding overutilization of municipal stormwater utilities.

**§ 163-3 Applicability.**

This article shall apply to:

- A. All applications for building permits for the construction of a one- or two-family residence or applications involving the tearing down of an existing one- or two-family residence.
- B. All applications for building permits for the enlargement or expansion to an existing one- or two-family residence in which the completed development shall have a roof surface area which is more than 33% greater than the existing roof area. When calculating roof surface area, all necessary structures shall be included.
- C. All applications involving the construction of in-ground pools.

**§ 163-4 Application for building permit.**

- A. All applications for a building permit for properties to which this article applies shall contain a grading plan prepared by a professional engineer which indicates topography, elevations and draining patterns. In addition, the application shall contain a written certification from a professional engineer certifying that there will be a zero increase in stormwater runoff as a result of the project.
- B. All applications for a building permit for properties to which this article applies shall contain a landscaping plan which shall depict all existing and proposed trees and vegetation as well as proposed seepage pits and/or dry wells for the project.
- C. The Township Engineer shall review each application for a building permit for properties to which this article applies and approve same if, in the opinion of the Township Engineer, after reviewing the grading and landscaping plans, there will be a zero increase in stormwater runoff.
- D. No building permit shall be issued for any project to which this article applies when, in the opinion of the Township Engineer, the applicant fails to provide for a zero increase in stormwater runoff.
- E. At the time of the application for a building permit for any project to which this article applies, the applicant shall deposit \$500 in escrow to cover or defray the cost of the Township Engineer's review of the application, grading plans and landscaping plans relative to stormwater runoff.
- F. Prior to the issuance of a certificate of occupancy or approval for construction performed in accordance with this article, the applicant's professional engineer shall certify in writing that the construction



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and/or landscaping was performed in accordance with the grading plans and that there is a zero increase in stormwater runoff.

**§ 163-5 Protection of trees.  
[Added 4-4-2017 by Ord. No. 1822]**

- A. All applications for permits as described above in § 163-3 shall contain a landscaping plan which shall depict all existing and proposed trees and vegetation as well as the location and size of proposed seepage pits and/or dry wells for the project. For purposes of this section, a tree shall be defined as a deciduous or evergreen plant having a diameter of six inches or greater as measured 4.5 feet above the natural grade.
- B. Site plans and landscaping plans shall include:
- (1) All existing trees which measure six-inches in diameter or greater as measured at 4.5 feet above natural grade.
  - (2) Demarcation of all trees proposed to be removed from the site.
  - (3) Demarcation of all trees to be preserved on the site.
  - (4) Tree preservation and protection details must be clearly shown on the plan protecting all existing trees.
  - (5) Demarcation of all trees located in the public right-of-way with details confirming such trees will be protected and only removed with Township prior written approval.
  - (6) Details of an irrigation plan.
  - (7) Soil erosion control measures, including silt fence and limit of disturbance fencing.
- C. Prior to obtaining construction permits in response to the above-referenced applications, the Township Engineer and/or Construction Official, hereinafter referred to as "Township Official," shall perform a site inspection to review the above. If in the discretion of the Township Official the removal of certain trees from the site is unnecessary, unwarranted, or would have a negative impact on stormwater management, such trees shall be preserved and will remain. A revised site plan shall be submitted consistent with the requirements of the Township Official, reflecting such change.
- D. If the applicant disagrees with the Township Official's determination, a letter of appeal may be sent to the Wyckoff Shade Tree Commission for further review, and the Shade Tree Commission shall make a final determination with regard to the treatment of such trees. Work may be suspended by the Township Official until said matter is resolved.
- E. No trees designated to be preserved pursuant to the approved landscape plan and issued permit and/or determination of the Shade

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Tree Commission shall be removed or damaged.

- F. Failure of the owner and/or agent to comply with the terms and conditions of the issued permit and approved landscape plan, including but not limited to excavation and/or stockpiling soil within a tree protection zone, shall constitute a violation.
- G. Prior to release of any permits, all soil erosion control measures, tree protection fencing and limit of disturbance fencing shall be installed to the satisfaction of the Township Official and shall be maintained throughout the construction process.
- H. Penalties for violations of site plan and/or landscape plan:

(1) If the property owner/agent violates any requirements of this § **163-5** which results in the loss of a tree(s), they shall be subject to a fine of \$2,500 per lost tree. Such fine shall be payable through the Violations Bureau. In addition, the property owner shall further be required to replant trees on the property pursuant to the Township Official's direction and discretion. All violations of this section shall be subject a stop-work order.

(2) In addition, all other violations of this § **163-5** by the property owner and/or agent, which do not result in the loss of a tree(s), shall result in a fine of \$350 per violation to the property owner and/or agent. Such fines shall be payable through the Violations Bureau. Each day that the violation shall continue to exist shall constitute a separate and individual violation of this section.

**§ 163-6 Severability.**

If any sentence, section, clause or any portion of this article or the application thereof to any person or circumstance shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not effect, impair or repeal the remainder of this article.

**SECTION 2.** **Article II Federal Regulations** is hereby repealed and replaced with the following:

**Article II Federal Regulations – Stormwater Control**

**§ 163-7 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



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quality, quantity, and groundwater recharge.

**A. Purpose.**

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in §163-8.

**B. Applicability.**

1. This ordinance shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Township of Wyckoff.

**C. 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.

**§163-8 Definitions.**

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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.*



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide



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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 §163-10(F) of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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stormwater conveyance system where the capacity of that conveyance system is increased.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a

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prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**§163-9 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.

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.

**§163-10 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 §163-16.

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

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §163-10. 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.



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D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §163-10. 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 §163-10. O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of §163-10. 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 §163-10.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §163-10. 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 §163-10. O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm)

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

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found under Table 3)

Table 2

Green Infrastructure BMPs for Stormwater Runoff Quantity  
(or for Groundwater Recharge and/or Stormwater Runoff Quality  
with a Waiver or Variance from N.J.A.C. 7:8-5.3)



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

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found under Table 3)

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

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Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §163-10. O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot-wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at §163-8;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §163-8.

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 §163-12.B. Alternative stormwater management measures may be used to satisfy the requirements at §163-10.O only if the measures meet the definition of green infrastructure at §163-8. 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 §163-10.D is granted from §163-10.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



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interference with the proper functioning of the stormwater management measure itself.

**I. Design standards for stormwater management measures are as follows:**

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §163-14.C;
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §163-14; and
5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §420-2 may be used only under the circumstances described at §163-10.O.4.

K. Any application for a new agricultural development that meets the definition of major development at §420-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §163-10.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



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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 §163-10.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Bergen County Clerk's Office located at: 1 Bergen County Plaza, Hackensack, New Jersey 07601. 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 §163.10.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 42000 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 §163-16.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 §163-10 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Clerk of the County of Bergen 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 §163-10.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §163-10.F. and/or an alternative stormwater management measure approved in accordance with §163-10.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §163-10.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 §163-10.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 §163-10.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 §163-10.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §163-10.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the

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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 §163-10.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §163-10.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 §163-11, 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 2-year storm 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 or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are



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not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

**Q. Stormwater Runoff Quality Standards**

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

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**Table 4 – Water Quality Design Storm Distribution**

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

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

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

Where

R = total TSS Percent Load Removal from application of



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both BMPs, and

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §163-10.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

**R. Stormwater Runoff Quantity Standards**

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §163-11, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff

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hydrographs for the 2-, 10-, and 100-year storm events 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 2-, 10- and 100-year storm events 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 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

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

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

**§163-11 Calculation of stormwater runoff and groundwater recharge.**

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

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

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



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*Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprd1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprd1044171.pdf)

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §163-11.A.1.i and the Rational and Modified Rational Methods at §163-11.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have 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.

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4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
  5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

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

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

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

**§163-12 Sources for technical guidance.**

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:
- [http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
  2. Additional maintenance guidance is available on the Department's website at:  
[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).
- B. Submissions required for review by the Department should be mailed to:



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The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

**§163-13 Solids and floatable materials control standards.**

A. Site design features identified under §163-10.F above, or alternative designs in accordance with §163-10.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 §163-13.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm

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drain inlets;

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

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

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

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

**§163-14 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 §163-14.C.1, 163-14.C.2, and 163-14.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



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management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

- i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no less 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 §163-14.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 §163-14.E for an illustration of safety ledges in a stormwater management BMP; and

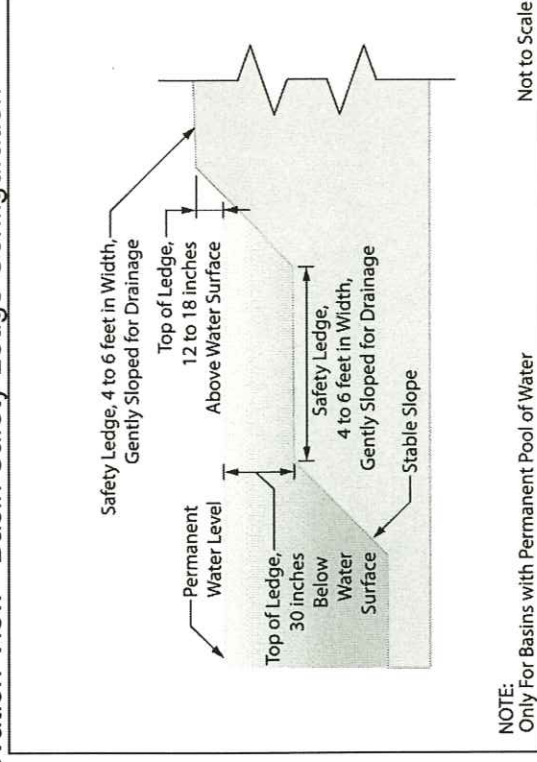
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- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

**D. Variance or Exemption from Safety Standard**

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

**E. Safety Ledge Illustration  
Elevation View –Basin Safety Ledge Configuration**



**§163-15 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 §163-15.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 three copies of the materials listed in the checklist for site development stormwater plans in accordance with §163-15.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 §163-9 through 163-11 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

**5. Stormwater Management Facilities Map**

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

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- 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 §163-10 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 §163-16.

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 §163-15.C.1 through 163-15.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.

**§163-16 Maintenance and repair.**

A. Applicability

Projects subject to review as in §163-7.C of this ordinance shall comply with the requirements of §163-16.B and 163-16.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.



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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 §163-16.B.3 above is not a public agency, the maintenance plan and any future revisions based on §163-16.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under §163-16.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;

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- 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 §163-16.B.6 and B.7 above.

8. The requirements of §163-16.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. In such event, a two-year maintenance bond, as required by N.J.S.A. 40:55D-53 shall be required, in accordance with Section C, below.

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.

**§163-17 Penalties.**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to a fine of not less than \$1,000 per violation.

**§163-18 Enforcement.**

This chapter shall be enforced by the Police Department, the Township Engineer, and or other code enforcement officials of or contracted by the Township of Wyckoff.

**SECTION 3. Repealer.** All ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

**SECTION 4. Severability.** If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitu-



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tional, such decision shall not affect the remaining provisions of this Ordinance. The Governing Body of the Township of Wyckoff declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon passage and publication according to law.

**ORDINANCE #1939**

**AN ORDINANCE TO ESTABLISH A NEW CHAPTER IN THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 57, ENTITLED, "RESTRICTED AREAS IN BUILDINGS WHERE MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION".**

**WHEREAS**, Township of Wyckoff officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information; and

**WHEREAS**, to adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required; and

**WHEREAS**, municipal officials assigned this responsibility include, but are not limited to; the Municipal Clerk, the Police Chief, the Library Director, the Chief Financial Officer, the Tax Collector, the Tax Assessor, the Construction Code Officer, the Board of Health Secretary, and the Township Administrator; and

**WHEREAS**, the responsibility for the maintenance and safeguarding of records, reports, documents and information in municipal offices may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

**WHEREAS**, securing these records maintains the integrity of this information and when an Open Public Records Act request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law; and

**WHEREAS**, securing these records prevents outsiders/trespassers from simply walking into an office, grabbing some records, and leaving the building; and

**WHEREAS**, we cannot expect our municipal employees to physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act.

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**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, as follows:

**SECTION 1**

Municipal office areas in Wyckoff Town Hall, 340 Franklin Avenue and at the Wyckoff Free Public Library, 200 Woodland Avenue, have been secured and such offices are not open to the public for the purpose of protecting documents, digital data and other written, copied or printed materials that are not subject to the Open Public Records Act, which may include, but are not limited to, personally identifiable information that is protected by the Statutes of the State of New Jersey and the Federal laws of the United States.

**SECTION 2**

The Township of Wyckoff shall be required to post signs outside of offices which read, "Stop, Restricted Area, Authorized Employees Only".

**SECTION 3**

Persons that trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3.

**SECTION 4**

This ordinance shall take effect after publication thereof and final passage as required by law.

**III     Motions**

Approve and memorialize the application of Joseph J. Squillace III from Junior Firefighter to Probationary Firefighter with Company #1 effective June 1, 2021.

Approve and memorialize the application of Nicholas J. Squillace from Junior Firefighter to Probationary Firefighter with Company #1, effective June 1, 2021.

Approve and memorialize the application of Lloyd B. Sarakin as Fire Police with Company #2 effective June 1, 2021.

Clerk: May I have a motion and a second to approve the consent agenda?

**The Following vote is the vote on the Consent Agenda:**

MOTION:    SHANLEY        SECOND    BOONSTRA  
BOONSTRA   YES        MADIGAN   YES        MELCHIONNE   YES  
SHANLEY   YES        RUBENSTEIN   YES

**Ordinances – Public Hearing / Further Consideration:**

NONE

**IV     Adjourn**



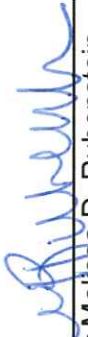
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**Meeting was adjourned at 8:18pm**

Chairman: May I have a motion to and a second to adjourn the Business Meeting?

MOTION: BOONSTRA SECOND SHANLEY  
BOONSTRA YES MADIGAN YES MELCHIONNE YES  
SHANLEY YES RUBENSTEIN YES

During the course of this live meeting there were between two and five concurrent viewers watching on YouTube.

  
\_\_\_\_\_  
Mayor Melissa D. Rubenstein

  
\_\_\_\_\_  
Nancy A. Brown, Acting Municipal Clerk

**PAYMENT OF CLAIMS MAY BE PAID AT ALL TOWNSHIP COMMITTEE  
WORK SESSION MEETINGS AND ALL TOWNSHIP COMMITTEE  
REGULAR MEETINGS**

**FORMAL ACTION MAY BE TAKEN DURING THIS MEETING**

**NOTICE TO PUBLIC**

As a member of the public, participating in this public meeting, your participation will be recorded. By participating in the meeting, it is assumed your consent is given for your voice, name, address, comments and image to be broadcast and recorded.

There may be situations where, due to technical difficulties, live streaming or the recording of a meeting may not be available. For example, if the connectivity between the live streaming software and the YouTube channel is not operating; in that situation, the public's right to make public comment in written form is extended to 10:00 am the day after the meeting, to allow the meeting to be conducted and the continuity of local government to proceed. A recording of the meeting will be posted no later than the next business day after the meeting date on the Township's website where recordings are customarily posted. The Township shall not be responsible for and accepts no liability if the recording or live video streaming of the meeting is unavailable.