MAYOR AND COUNCIL
BOROUGH OF DEMAREST
REGULAR MEETING AGENDA
February 24, 2025
7:30 PM

The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the inclusion of the date, time and place of this meeting in the annual schedule of meetings of this Governing Body. Such schedule of meetings is posted at Borough Hall, on the Borough website and was published in the Record and Star Ledger and was filed in the office of the Borough Clerk.

Pledge of Allegiance

Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Roll Call:
Present:
Absent:
Also Present:

Ordinance (Introduction):

ORDINANCE 1153-25 ORDINANCE AMENDING AND MODIFYING CHAPTER 149 STORMWATER CONTROL OF THE DEMAREST BOROUGH CODE

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No. 1153 - 24 and it published in the Bergen Record with notice of Public Hearing to be held on March 10, 2025.

A motion was made by _____ and seconded by _____

Roll Call:

ORDINANCE 1154-25 AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS 100 LANGER PLACE, IN THE BOROUGH OF WESTWOOD AND DESIGNATED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF WESTWOOD AS BLOCK 1104 LOT 1

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No. 1154 -24 and it published in the Bergen Record with notice of Public Hearing to be held on March 10, 2025.

A motion was made by _____ and seconded by _____

Roll Call:

Ordinance Public Hearing (Adoption): (none)

Consent Agenda

Mayor Bernstein asks if any member would like to have any resolution removed from the consent agenda and voted on separately.

Mayor Bernstein asks if any member would like to abstain from voting on any resolution on the consent agenda.

Mayor Bernstein asks for a motion to accept the consent agenda (with any abstentions noted)

Consent Agenda:

Resolution No. 052-25	Release of Escrow
Resolution No. 053-25	Appointment of Municipal Representatives to CDBG
Resolution No. 054-25	Awarding Contract to DLS NJDOT FY2024 Street Improvements
Resolution No. 055-25	Release of Performance Bond
Resolution No. 056-25	Supporting Legislation to Allow Online Publications of Official Notices
Resolution No. 057-25	Approving Payment #2 (Final) for NJDOT FY2023 Madison Ave. Improvements
Resolution No. 058-25	Approving FY2026 Municipal Alliance Grant Strategic Plan
Resolution No. 059-25	Payment of Bills

A motion was made by_____ and seconded by_____

Roll Call:

Mayor's Report

Council Committee Reports

Finance & Personnel (Slowikowski)
Ordinance (Fox)
***Report of the Committee re: Proposed Land Use Board Consolidation**
DPW & Recreation (Marks)
Economic Development (Jiang)
Police and OEM (Reiss)
Fire and EMS (Collins)

Reports of Borough Officials
Borough Administrator
Borough Attorney
Borough Treasurer
Ambulance
Police Chief
Fire Chief
DPW Director

Approval of Minutes:

February 10, 2025 Work Session Meeting Minutes

Meeting Open to the Public

Closed Session Resolution

Adjournment

BOROUGH OF DEMAREST
COUNTY OF BERGEN

ORDINANCE 1153-24

ORDINANCE AMENDING AND MODIFYING CHAPTER 149 STORMWATER CONTROL OF THE DEMAREST BOROUGH CODE

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 149 pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. Chapter 149 shall be replaced in its entirety with the following:

Chapter 149 Stormwater Control

Section I. Scope and Purpose:

A. Policy Statement

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

B. Purpose

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

C. Applicability

1. This ordinance shall be applicable to the following major developments:

a. Non-residential major developments; and

b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Demarest.

3. An application required by ordinance pursuant to C.1 above that has been submitted prior to the effective date of adoption of this ordinance, shall be subject to the stormwater management requirements in effect 1 day prior thereto.

4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to adoption of this Ordinance, shall be subject to the stormwater management requirements in effect 1 day prior thereto.

5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

Section II. Definitions:

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

The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 {*or the effective date of this ordinance, whichever is earlier*}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

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

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

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

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

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

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

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock,

sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section III. Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

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

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section IV. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.

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

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well[a]	0	No	Yes	2
Grass Swale	50 or less	No	No	2[e] 1[f]
Green Roof	0	Yes	No	--
Manufactured Treatment Device[a] [g]	50 or 80	No	No	Dependent upon the device
Pervious Paving System[a]	80	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Bioretention Basin[a]	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Infiltration Basin[a]	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2

Vegetative Filter Strip	60-80	No	No	--

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

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

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A

Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device[(h)]	50 or 80	No	No	Dependent upon the device
Sand Filter[(c)]	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

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

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures

within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

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

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

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

K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the

development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

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

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

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

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

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

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

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property

or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

    i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
    ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwaters shall not be recharged:

    i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
    ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants,

solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.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. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

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

   i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and

determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

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

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

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

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

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

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

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

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

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

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

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

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

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

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

2. The applicant shall utilize the Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Bergen	1.01	1.03	1.06

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

Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Bergen	1.20	1.23	1.37

Section VI. Sources for Technical Guidance:

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

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

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

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

Section VII. Solids and Floatable Materials Control Standards:

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

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

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

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

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

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

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

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

   Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle

safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

iv. Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section VIII. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

   i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
   ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension.
   iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

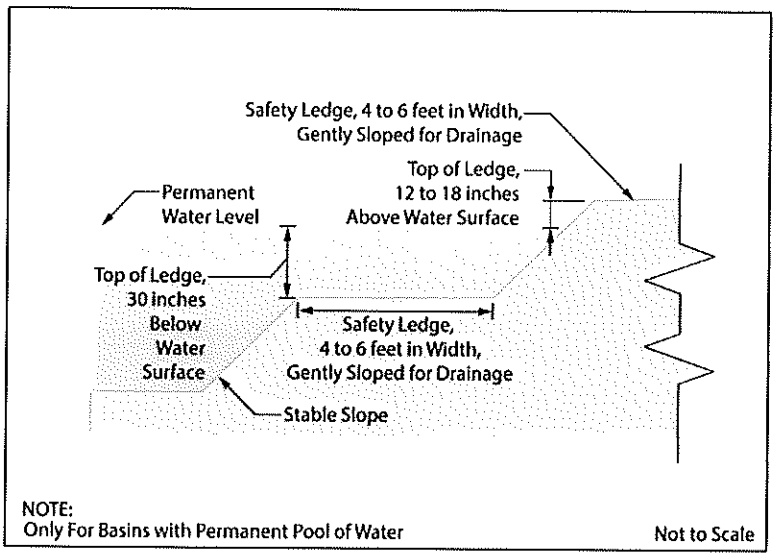
   i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
   ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
   iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit **five** copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

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

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

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

Section X. Maintenance and Repair:

A. Applicability

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

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. The maintenance plan must identify the responsible party for all maintenance. 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. In the event the responsible party fails to comply with all maintenance obligations, the Borough may perform all necessary repairs and/or maintenance and assess the cost of same to the responsible party as part of the property owner's property tax. Nothing contained herein prevents the Borough from pursuing all legal remedies available.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.).of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:

   i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
   ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
   iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.

8. The maintenance plan must include the posting of a two year maintenance bond.

   Maintenance and Inspection guidance can be found at the Department's website at:

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

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

Section XI. Penalties:

Any person who shall violate any provision of this code shall, upon conviction, be subject to a fine not to exceed $1,000 or to imprisonment in the county jail for not more than 90 days or to a period of community service not exceeding 90 days, or all of the above, in the discretion of the Judge imposing the same. Each day's failure to comply with any such provision shall constitute a separate offense.

Section XII. Severability:

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

Section XIII. Effective Date:

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

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest: Approved:

_____ _____

Municipal Clerk Mayor

Introduced: _____
Adopted: _____

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE 1154-25

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS 100 LANGER PLACE, IN THE BOROUGH OF WESTWOOD AND DESIGNATED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF WESTWOOD AS BLOCK 1104 LOT 1

STATEMENT OF PURPOSE: This ordinance is being proposed to authorize the acquisition of real property in the Borough of Westwood (the "Borough") in order to satisfy the State of New Jersey, Department of Environmental Protection's Green Acres Program ("Green Acres") requirement concerning the Borough's tree replacement obligation.

WHEREAS, pursuant to N.J.S.A. 40A:12-4 and N.J.S.A. 40A:125, the Borough has the power to acquire, by ordinance, any real property by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement; and

WHEREAS, the New Jersey Department Of Environmental Protection ("DEP") previously cited the Borough with DEP violations, beginning with an initial Notice of Violation, EA ID# PEA200002-131860, dated May 7, 2020, relating to the Borough's operation of its composting facility (the "DEP Violations") designated on the Borough's Official Tax Map as Block 99 Lot 1 (the "Site"); and

WHEREAS, Green Acres visited the Site and determined that the compost facility had been expanded upon beyond the original approval which resulting in the unauthorized clearing of trees; and

WHEREAS, Green acres required the Borough to hire a DEP certified forester to perform a forensic study of the Site to determine the approximate number of trees that had been cleared; and

WHEREAS, it was determined that the improperly cleared Basal Area (defined as the cross-sectional area of a tree measured at 4.5 feet above ground level) was approximately 40 sq. ft./acre (or 5,760 sq. in./acre); and

WHEREAS, it was further determined that 1.56 acres of previously forested area was cleared so the Green Acres tree replacement requirement is 1.56 Acres*5,760 sq. in./acre = 8,985.6 sq. in. of trees to be planted which equates to 2,860 trees if using typical 2" planting stock while the Site can only accommodate a maximum of approximately 400 trees; and

WHEREAS, as an alternative to planting trees on the Site, Green Acres will allow the Borough to offset the tree replacement requirement using replacement land which will require placing a deed restriction on unrestricted forested land; and

WHEREAS, Magnum Property, LLC is the owner of real property commonly known as 100 Langer Place, in the Borough of Westwood, State of New Jersey and designated as Block 1104, Lot 1 of the Official Tax Map of the Borough of Westwood (the "Property"); and

WHEREAS, Christopher Arp, having an address at PO Box 724, Alpine, New Jersey 07620, (the "Buyer") has entered into a contract and addendum to contract (collectively referred to as the "Contract") with Magnum Property, LLC to purchase the Property at a purchase price of Seventy Seven Thousand and 00/100ths ($77,000.00) Dollars (the "Purchase Price"); and

WHEREAS pursuant to paragraph sixteen (16) of the addendum to contract, the Buyer is permitted to assign the Contract of Sale; and

WHEREAS, the Buyer is desirous of donating the Property to the Borough; and

WHEREAS, an initial evaluation of the Westwood property by the Borough's Engineer, Colliers Engineering & Design, suggests that the Property would be an acceptable location to offset the tree replacement requirement using replacement land; and

WHEREAS, it is in the best interest of the Borough to enter into an agreement with the Buyer whereby the Buyer assigns the Contract to the Borough and the Buyer shall remain liable to pay the Purchase Price to Magnum Property, LLC thereby resulting in the Borough's acquisition of the Real Property by way of donation and at no cost to the Borough, other than attorney's fees incurred in connection with the transfer of title; and

WHEREAS, the Borough's acquisition of the Real Property shall be subject to all the terms and conditions set forth in the Contract including but not limited to the Borough's completion of its due diligence investigation which may include but not be limited to a Phase I environmental investigation, site inspection, and/or other further investigation and review; and

WHEREAS, it is in the best interest of the Borough to accept the donation from the Buyer and acquire the Property.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Demarest, Bergen County, New Jersey that the Borough is hereby authorized to accept the donation of the Property and to acquire the Property with the intention of utilizing the Property to offset the Borough's tree replacement requirement as declared by Green Acres; and

BE IT FURTHER ORDAINED, that the Mayor and Acting Clerk of the Borough of Demarest are hereby authorized to execute all necessary documents to acquire said Property.

Attest:

_____
Julie Falkenstern
Acting Borough Clerk

Approved:

_____
Brian Bernstein, Mayor

Introduction:_____

Second Reading:_____

Resolution of the Demarest Governing Body

Resolution No. 052-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION AUTHORIZING ACTION TO RELEASE ESCROW

WHEREAS, the following applicant(s) posted escrow monies with the Borough for payment to Borough professionals in conjunction with development; and

WHEREAS, Borough Professionals have determined that all required improvements have been satisfactorily completed and all fees due for services rendered have been received;

Applicant	Address	Account	Amount
Eugene Khody	42 Demarest Ave	13-8000-00-8222-11	$507.50
		13-8000-00-8222-17	$740.28
New Luxury Homes, LLC	94 Anderson Ave.	13-8000-00-8222-42	$325.00
		13-8000-00-8222-46	$793.00
		13-7000-00-7222-12	$24,660.00

NOW THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is and hereby authorized to return the balance of escrow monies to the applicant(s).

APPROVED:

_____

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 053-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: ANNUAL APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEES PY 2024 - 2025 Covering Period July 1, 2024, through June 30, 2025

WHEREAS the Municipality of Demarest has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the PY 2024-2025 term starting July 1, 2024, and ending on June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Andrea Slowikowski as its representative and Daryl Fox as its alternate and that the Mayor hereby appoints Julie Falkenstern, his representative and Michael Greco as her alternate to serve on the Community Development Regional Committee for PY 2024-2025; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 | resposito@co.bergen.nj.us

APPROVED:

_____
Mayor Brian Bernstein

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on January 27, 2025

_____
Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 054-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION AWARDING CONTRACT FOR THE NJDOT FY2024 STEWART STREET AND STELFOX STREET IMPROVEMENTS PROJECT TO DLS CONTRACTING INC.

==========

WHEREAS, the Borough of Demarest (the "Borough") upon advertisement and pursuant to specifications, solicited bid proposals for the NJDOT FY 2024 Stewart Street and Stelfox street Improvements project; (the "Project"); and

WHEREAS, ten (10) bid proposals were received by the Borough on February 11, 2025, the date set forth on the invitation for receipt of bid proposals; and

WHEREAS, the three lowest bids were submitted by DLS Contracting Inc., submitting a total base bid of $429,365.30, Cifelli & Son General Cont. Inc., submitting a total base bid of $430,156.00, and AJM Contractors Inc., submitting a total base bid of $458,034.00; and

WHEREAS, the Engineer for the Borough has determined that the bid of DLS Contracting Inc. meets the bid specifications set forth in the invitation for bid proposals and was the lowest bidder; and

WHEREAS, after reviewing all bids submitted and on the basis of the foregoing, the Engineer for the Borough has recommended the contract for the Project be awarded to DLS Contracting Inc. the Project in the amount of $429,365.30; and

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the bid proposal submitted by DLS Contracting Inc. shall be and is hereby accepted and the contract for the NJDOT FY 2024 Stewart Street and Stelfox Street Improvements project shall be awarded DLS Contracting Inc.

APPROVED:

_____

Brian Bernstein, Mayor

CERTIFICATION OF CFO

I, Peter Suh, do hereby certify the availability of funds for the expenditure referenced herein.

_____

Peter Suh, CFO

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 055-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: **RESOLUTION AUTHORIZING RELEASE OF A SURETY BOND WRITTEN BY THE SERVICE INSURANCE COMPANY OF AMERCICA IN THE AMOUNT OF TWENTY THOUSAND ($20,000,00) AND 00/100TH DOLLARS IN CONNECTION WITH BLOCK 145, LOT 6, COMMONLY KNOWN AS 4 BROOK WAY, DEMAREST, NEW JERSEY 07627**

==========

WHEREAS, on or about December 5, 2023 a performance surety bond issued by the Service Insurance Company in the amount of Twenty Thousand Dollars ($20,000.00) (the "Performance Bond") was posted with the Borough in connection with improvements made to Block 146, Lot 6 and commonly known as 4 Brook Way on the tax map of the Borough of Demarest (the "Property") ; and

WHEREAS, the Performance Bond was issued to guarantee the full completion of all required work as approved by the Borough; and performance to remain in full force and effect

WHEREAS, the Performance Bond was to remain in full force and effect until such time as all improvements covered by the bond have been approved by the Borough Engineer and a Certificate of Occupancy issued; and

WHEREAS, the Borough Engineer has confirmed that all work in connection with the Property has been completed and as a result a Certificate of Occupancy has been issued; and

WHEREAS, with the issuance of the Certificate of Occupancy, the improvements guaranteed by the Performance Bond have been completed and the Performance Bond should be released.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the performance surety bond issued by Selective Insurance Company in the amount of Twenty Thousand Dollars ($20,000.00), posted with the Borough in connection with improvements made to Block 146, Lot 6 and commonly known as 4 Brook Way on the tax map of the Borough of Demarest, is hereby released.

APPROVED:

_____
Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____
Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 056-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: **RESOLUTION TO SUPPORT PUBLISHING LEGAL NOTICES ON OFFICIAL GOVERNMENT WEBSITES**

==========

WHEREAS, the sunset provision of March 1, 2025, imposed under P.L. 2024 c.106 is fast approaching in what was a temporary solution that allowed local governments to comply with the public notice requirements under the law in time for annual reorganization meetings in January; and,

WHEREAS, local government officials serve as the stewards of property taxpayer dollars and should no longer be required to subsidize the newspaper industry with revenues collected from publishing legal notices in the press; and,

WHEREAS, long before NJ Advanced Media's announcement that it was terminating daily print publications in January of 2025, local government officials found it increasingly difficult to comply with the public notice requirements under the law as the media has become almost exclusively digitized and struggled to retain staff, resources, and publications; and,

WHEREAS, legislation that will authorize local governments to publish legal notices on a local government's official website will streamline an antiquated and overly burdensome process and save valuable time, resources, and property taxpayer dollars; and,

NOW, THERFORE, BE IT RESOLVED that the Borough of Demarest does in fact, hereby urge state leaders to pass legislation that will authorize municipalities, counties, school districts, and all local governments to publish legal notices in a clear, transparent, and timely manner on a local government's official website.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, Senator Holly T. Schepisi, Assemblymembers Robert Auth and John V. Azzariti Jr., M.D., and the New Jersey State League of Municipalities.

APPROVED:

_____

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 057-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: **APPROVING PAYMENT #2 (FINAL) FOR 4 CLEAN UP FOR NJDOT FY2023 MADISON AVE ROADWAY PROJECT**

==========

WHEREAS, a contract was awarded to 4 Clean Up for NJDOT FY2023 Madison Ave. Roadway Project; and

WHEREAS, the Borough Engineer has recommended the payment 4 Clean Up in the amount of Two Thousand, Seven Hundred and Fifty-Five Dollars and forty-five cents ($2,755.45), as reasonable and contract compliant; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available to fulfill this proposal in the Capital Account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest, County of Bergen, State of New Jersey that the payment in the amount of Two Thousand, Seven Hundred and Fifty-Five Dollars and forty-five cents ($2,755.45), be remitted by the Chief Financial Officer to 4 Clean Up.

APPROVED:

_____

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____

Julie Falkenstern, Acting Borough Clerk

300 Tice Blvd Suite 101
Woodcliff Lake, NJ 07677
Main: 877 627 3772

Colliers
Engineering & Design

Memorandum

To: Julie Falkenstern, Borough Administrator

From: Nick Chelius, P.E.

Date: February 5, 2025

Subject: NJDOT FY2023 Madison Avenue Roadway Project
Borough of Demarest, NJ
Payment No. 2 (Final)

Project No.: DEB0055

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4 Clean Up Inc., Contractor for the above-referenced project, has requested Payment #2 (Final). This payment is the second and final payment which includes the release of retainage.

Attached please find the following:

- Progress Payment No. 2 Calculation Spreadsheet, dated 12/9/24.
- Invoice from 4 Clean Up, Inc. dated 12/9/24.
- Maintenance Bond # CT028640M in the amount of $21,209.06 (15% of $141,393.70).

Our office has been monitoring construction and as-built quantities and approve of quantities submitted. To date, all the work has been completed to the satisfaction of the Borough Engineer.

Original Contract Amount	$ 197,002.41
Change Order No. 1 to adjust contract	$ (55,608.07)
Revised Contract Amount	$ 141,393.70
Total Completed to Date	$ 141,393.70
Less Retainage (2%)	$0.00
Less Previous Payment	$(138,638.25)
Amount due Payment No. 2 (Final)	**$ 2,755.45**

This office has reviewed the invoice and inspected the work performed and finds the contractor has installed the improvements in the substantial conformance with the design plans and specifications. Therefore, we hereby recommend the Mayor and Council approve Payment No. 2 (Final) in the amount of **$2,755.45** to 4 Clean Up Inc. This includes a contract change order in the amount of $55,608.07 to adjust the final contract amount to $141,393.70.

cc: Mayor & Council (via Borough Clerk)
Peter Suh, CFO (psuh@demarestnj.gov)
John Stalknecht, 4 Clean Up (john@4cleanuppaving.com)

R:\Projects\A-D\DEB\DEB0055\Project Information\Bidding and Construction\Contractor Payments\Pay App #2\250205_Payment No. 2 (Final) - Madison Avenue.docx

Resolution of the Demarest Governing Body

Resolution No. 058-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: GOVERNOR'S COUNCIL ON SUBSTANCE USE DISORDER FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2026

WHEREAS, the Governor's Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Demarest, County of Bergen, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Substance Use Disorder through the County of Bergen:

NOW, THEREFORE, BE IT RESOLVED by the Borough of Demarest County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Municipal Alliance grant for fiscal year 2026 in the amount of:

GCSUD award:	$ 2,956.76
Cash Match requirement (25%):	$ 959.08
In-Kind requirement (75%):	$ 2,877.25
Total Grant	$ 7,672.66

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED:

_____

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____

Julie Falkenstern, Acting Borough Clerk

COUNTY OF BERGEN
DEPARTMENT OF HEALTH SERVICES
One Bergen County Plaza – 4th Floor – Hackensack, NJ 07601-7076
(201) 634-2600 • FAX (201) 336-6086
www.bergenhealth.org
healthdept@co.bergen.nj.us

James J. Tedesco III
County Executive

Hansel F. Asmar
Director/Health Officer

The Honorable Brian Bernstein
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

Re: FY 2026 - Municipal Alliance Grant

Dear Mayor:

I am pleased to inform you that our Bergen County Alliance Steering Subcommittee (CASS) and the Bergen County Local Advisory Committee on Alcoholism and Drug Abuse (LACADA) voted to allocate the below funding for fiscal year 2026 which begins July 1, 2025.

In addition to the GCSUD Award, Demarest Municipal Alliance has been awarded an additional Supplemental Award. This is a one-time funding incentive based on availability of funds.

Please inform your Treasurer/CFO that pending approval of your grant application once submitted and reviewed, your Municipal Alliance funding and requirement totals for 2025/2026 are as indicated:

GCSUD award:	$ 2956.76
Supplemental Funding	$ 879.57
	$ 3836.33
Cash Match requirement (25%):	$ 959.08
In-Kind requirement (75%):	$ 2877.25
Total Grant	$ 7672.66

This letter of intent is contingent upon the availability of funds and is subject to the rules of the New Jersey Department of Treasury.

The submission and approval of the revised Municipal Alliance Plan will be required to access these funds. A sample resolution is attached is attached to this email to be placed on the agenda for the next Mayor and Council meeting. Please have the signed Resolution form back to our office no later than Monday, March 31, 2025.

Do not hesitate to reach out to me should you need additional information or have any questions. On behalf of the Bergen County Alliance staff of the Bergen County Department of Health Services, Division Of Mental Health and Addiction Services, I would like to thank you for your efforts to prevent substance abuse in your community and look forward to working with you for another successful year!

Sincerely,

Leidy Suriel
County Alliance Coordinator

Resolution of the Demarest Governing Body

Resolution No. 059-25

February 24, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: PAYMENT OF BILLS

BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest that the following bills in the sum of $ 436,733.71 on bill list dated February 20, 2025 have been approved and authorized for payment and the that the Mayor, Borough Clerk and Borough Treasurer are hereby authorized to issue warrants in payment of same.

APPROVED:

_____

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 24, 2025.

_____

Julie Falkenstern, Acting Borough Clerk

P.O. Type: All
Range: First
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last

Include Project Line Items: Yes
to Last
Received Date Range: 02/10/25 to 12/31/25
Include Non-Budgeted: Y

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

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AAAUT005	**A&A AUTOMOTIVE P&A AUTO&TRUCK**						
25-00226	02/20/25	Acct#854410 Jan 2025 Invoices	Open	1,009.12	0.00		
AMAZO005	**AMAZON CAPITAL SERVICES**						
25-00171	02/10/25	printer paper pd	Open	69.97	0.00		
25-00177	02/12/25	finance folders	Open	36.84	0.00		
25-00191	02/13/25	sweetener value pack	Open	31.68	0.00		
25-00203	02/14/25	office supplies borough	Open	250.94	0.00		
25-00204	02/14/25	Borough toner	Open	95.99	0.00		
25-00214	02/19/25	STORAGE BOXES/PRINTING PAPER	Open	445.75	0.00		
				931.17			
AMCHA005	**AMCHAR WHOLESALE, INC**						
25-00188	02/13/25	hk buttstock	Open	1,920.00	0.00		
AQUAC010	**AQUA COOLERS, LLC**						
25-00218	02/19/25	3 water systems	Open	230.31	0.00		
BCMUN015	**B C MUNICIPAL CLERKS ASSOC**						
25-00174	02/11/25	ANNUAL DUES 2025	Open	300.00	0.00		
BCPWA005	**BCPWA**						
25-00160	02/07/25	2025 dues	Open	150.00	0.00		
BCUA0005	**BCUA**						
25-00227	02/20/25	1st qtr service charge	Open	151,495.26	0.00		
BENJA005	**BENJAMIN BROS.**						
25-00212	02/19/25	January 2025 Invoices	Open	288.99	0.00		
BERGE025	**BERGEN CNTY DEPT OF HEALTH**						
25-00178	02/12/25	employee assistant program 1/2	Open	456.13	0.00		
BERGE040	**BERGEN CNTY SOIL CONSERVATION**						
25-00185	02/13/25	application fee	Open	1,025.00	0.00		
BERNA010	**BERN & ASSOCIATES LLC**						
25-00194	02/14/25	planning board legal svcs	Open	475.00	0.00		
25-00197	02/14/25	woodlands- SYCLO	Open	471.25	0.00		
				946.25			
CHASA005	**CHASAN, LAMPARELLO, MALLON & C**						
25-00193	02/14/25	Tax appeals service fees	Open	5,789.80	0.00		
CLIFF005	**CLIFFSIDE BODY CORP.**						
25-00170	02/10/25	DPW SUPPLIES	Open	304.94	0.00		

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
COLLI010	COLLIERS ENGINEERING & DESIGN						
25-00208	02/18/25	DEZ0043 17 DUCK POND RD	Open	1,820.00	0.00		
25-00209	02/18/25	DEP0171A 127 HARDENBURGH AVE	Open	92.50	0.00		
25-00210	02/18/25	DEZ0028A 68 SERPENTINE RD	Open	925.00	0.00		
				2,837.50			
DAKOT005	DAKOTA GRIFFIN						
25-00189	02/13/25	demarest day event planning	Open	3,000.00	0.00		
DELTA005	DELTA DENTAL OF NJ INC						
25-00201	02/14/25	I#PM00000001118976 March 2025	Open	3,814.24	0.00		
DEMAR025	DEMAREST FIRE ASSOCIATION						
25-00217	02/19/25	ICE RESCUE COURSE REIMBURS.	Open	2,275.00	0.00		
DEMAR020	DEMAREST FREE PUBLIC LIBRARY						
25-00163	02/10/25	4th qtr payment	Open	34,434.07	0.00		
EASTE020	EAST END PROPERTY MANAGEMENT						
24-01672	11/19/24	CHRISTMAS LIGHTS INSTALLATION	Open	6,500.00	0.00		
EUGEN005	EUGENE KHODY						
25-00221	02/20/25	ESCROW RELEASE	Open	1,247.78	0.00		
FILEB005	FILEBANK, INC						
25-00211	02/18/25	march storage	Open	1,584.02	0.00		
FIREF010	FIREFIGHTER ONE						
24-01354	09/26/24	Foam	Open	2,088.00	0.00		
FREMG005	FREMGEN'S POWER EQUIPMENT						
24-01344	09/24/24	Saws	Open	3,030.91	0.00		
HARTM005	HARTMAN EXCAVATING, LLC						
25-00205	02/18/25	wood chips	Open	400.00	0.00		
IDMME005	I.D.M. MEDICAL GAS CO.						
25-00184	02/13/25	Oxygen Rental 02/01-04/30	Open	185.25	0.00		
INTER035	INTER CITY TIRE						
25-00206	02/18/25	wheel repair	Open	459.41	0.00		
INTER040	INTERSTATE WASTE SERVICES						
25-00183	02/13/25	I#10370835 January Trash&Recy	Open	51,826.47	0.00		
LAWOF015	LAW OFFICES OF MARK D. MADAIO						
25-00164	02/10/25	20 pine hill Mia Rapaport	Open	975.00	0.00		
LAWME005	LAWMEN SUPPLY COMPANY						
25-00187	02/13/25	LEM sight	Open	7,812.80	0.00		
LERCH005	LERCH VINCI & HIGGINS						
25-00195	02/14/25	prof svcs edmunds conversion	Open	20,365.00	0.00		

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LERCH005	LERCH VINCI & HIGGINS	Continued					
25-00196	02/14/25	annual debt statement prep	Open	1,000.00	0.00		
				21,365.00			
LORIK005	LORI KIM						
25-00161	02/10/25	Mailbox reimbursement	Open	100.00	0.00		
LOUIS010	LOUIS G. DE ANGELIS, ESQ.						
25-00225	02/20/25	PUBLIC DEFENDER SERVICES	Open	965.75	0.00		
MEMBE005	MEMBERSHIP TOOLKIT, INC						
25-00166	02/10/25	yearly service subscription	Open	1,150.00	0.00		
MUNIC035	MUNICIPAL CAPITAL FINANCE						
25-00207	02/18/25	payment#15	Open	415.00	0.00		
NORTH065	NBCUA						
25-00168	02/10/25	SEWER JET CLEANING- CAROL CT	Open	542.00	0.00		
NEWLU005	NEW LUXURY HOMES						
25-00222	02/20/25	ESCROW RELEASE	Open	25,778.00	0.00		
NJSHA005	NJ SHADE TREE FEDERATION						
25-00162	02/10/25	2025 membership renewal	Open	150.00	0.00		
NJSTA010	NJ STATE FIRST AID COUNCIL, IN						
25-00202	02/14/25	Annual Dues 2025 Demarest VAC	Open	560.00	0.00		
NJPO0005	NJPO						
25-00175	02/11/25	Michael Feinstein training	Open	136.00	0.00		
NJSHB005	NJSHBP						
25-00176	02/12/25	December 2024 health charge	Open	65,256.98	0.00		
PIAZZ005	PIAZZA & ASSOCIATES, INC.						
25-00167	02/10/25	febuary 2025 consulting fee	Open	200.00	0.00		
QUADI010	QUADIENT FINANCE USA, INC.						
25-00215	02/19/25	POSTAGE FEES	Open	226.67	0.00		
RAINF005	RAIN FLOW SPRINKER SYSTEMS INC						
25-00165	02/10/25	Annual Contract 2025 Silver	Open	275.00	0.00		
ROCKL005	ROCKLAND ELECTRIC CO.						
25-00180	02/13/25	A#46060500009 129Harden 02/05	Open	178.64	0.00		
25-00182	02/13/25	A#36498040009 Tennis Cts 02/04	Open	153.33	0.00		
25-00190	02/13/25	February Electric Bill Part#1	Open	11,717.20	0.00		
25-00200	02/14/25	A#49195636086 563Piermont 2/05	Open	142.27	0.00		
				12,191.44			
RUTGE030	RUTGERS THE STATE UNIVERSITY						
25-00173	02/11/25	shivam course registration	Open	821.00	0.00		

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SIRCH005	SIRCHIE ACQUISITION COMPANY LL						
24-00959	07/26/24	supplies	Open	347.46	0.00		
SPECT005	SPECTROTEL						
25-00224	02/20/25	I#12797144 02/08/25-03/07/25	Open	1,923.75	0.00		
STATE040	STATE OF NEW JERSEY						
25-00172	02/10/25	QUARTERLY CHARGE	Open	331.11	0.00		
TOWNT005	TOWN TITLE AGENCY LLC						
25-00179	02/12/25	mar24 1wakelee dr title search	Open	2,550.00	0.00		
TREAS005	TREASURER, STATE OF N J						
25-00181	02/13/25	CMFO Certificate Andrea	Open	50.00	0.00		
VANDI005	VAN DINE MOTORS						
25-00169	02/10/25	2 CURB ENDS	Open	379.70	0.00		
VEOLI005	VEOLIA (SUEZ) WATER NEW JERSEY						
25-00213	02/19/25	February 2025 WaterBill Part#1	Open	8,844.29	0.00		
VERIZ040	VERIZON (E911 2ND LINE)						
25-00223	02/20/25	A#655938805000188 02/10-03/09	Open	227.27	0.00		
WEINE005	WEINER LAW GROUP						
25-00220	02/20/25	SPECIAL COUNSEL AH	Open	2,882.50	0.00		
WHALE005	WHALEN & IVES						
25-00198	02/14/25	no heat service	Open	535.37	0.00		
25-00216	02/19/25	HEAT EXCHANGER CLEANING	Open	1,212.00	0.00		
				1,747.37			

Total Purchase Orders: 68 Total P.O. Line Items: 0 Total List Amount: 436,733.71 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	4-01	114,073.17	0.00	0.00	114,073.17
	5-01	275,249.60	0.00	0.00	275,249.60
	5-06	0.00	0.00	150.00	150.00
	5-07	0.00	0.00	331.11	331.11
	5-08	0.00	0.00	1,150.00	1,150.00
	5-12	0.00	0.00	3,082.50	3,082.50
Year Total:		275,249.60	0.00	4,713.61	279,963.21
	C-04	11,387.80	0.00	0.00	11,387.80
	T-13	31,309.53	0.00	0.00	31,309.53
Total Of All Funds:		432,020.10	0.00	4,713.61	436,733.71

To: Mayor & Council

From: Ordinance Committee[1]

Date: February 18, 2025

Re: **Proposed Land Use Board Consolidation**

I. Background

At its 12/23/24 meeting, the Council voted to table proposed Ord. 1152-24 and commit it to the Ordinance Committee (the "Committee") for review. The ordinance would have consolidated the borough's land use boards under N.J.S.A. 40:55D-25(c)(1) by granting the powers of the Zoning Board of Adjustment ("ZB") to the Planning Board ("PB") and terminating the ZB, leaving a newly-empowered PB as the single land use board in the borough.

II. Committee Review Process

The Committee reviewed proposed Ord. 1152-24 along with relevant provisions of the New Jersey Municipal Land Use Law ("MLUL") and Chapter 27 of the Demarest Code (covering the establishment, powers, regulations and procedures of the PB and ZB). In addition, the Committee reviewed all agendas and minutes of both the PB and ZB over the past 48 months, and solicited and obtained input as follows:

- Mayor Bernstein, Borough Administrator Falkenstern and Borough Attorney Rosendahl discussed concerns with the current two-board structure and the factors considered when deciding to propose a single board in Demarest
- Six present and past officers of the PB and the ZB discussed past experiences and their perspectives on consolidation in Demarest (group meeting with the full Committee)
- Borough Engineer and Borough Planner related their experience with separate and consolidated boards and their perspectives on consolidation in Demarest
- Land use personnel in other Bergen County municipalities with a current or prior single consolidated land use board provided input about their experiences working with one board.

III. Committee Recommendations

There are advantages and disadvantages to consolidation, but the majority of the Committee believes that the advantages outweigh the disadvantages and thus recommends consolidating.

The Committee Chair and Council Land Use Liaison dissents because the boards face a significant increase in workload during the next year or two (due to anticipated affordable housing and downtown redevelopment applications and the need for a major overhaul of the Zoning Ordinance) so it is the wrong time to reduce the number of board members shouldering the additional work. Also, the most significant advantage of consolidation (consistency) can be obtained with both boards in place if the PB appoints the ZB attorney as its attorney as well.

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[1] Committee Chair and Land Use Liaison: Councilwoman Daryl Fox; Committee Members: Councilmen Jonathan Reiss and David Jiang

IV. Advantages and Disadvantages of a Consolidated Land Use Board

The following advantages and disadvantages of a two-board vs. single consolidated board land use structure were reported in the communications described above. Based on the available facts pertaining to each factor below, we have classified each factor along the following scale: Favorable (toward a consolidated board), Neutral, or Unfavorable (toward a consolidated board).

A. Consistency

The most frequently mentioned advantage of a single land use board is that it would ensure "consistency."

The PB and the ZB have different but complementary functions. The PB has a significant policy-making role in that it reviews and recommends updates and revisions to the Master Plan and the Zoning Ordinance ("ZO"); it also handles applications for approval of subdivisions and site plans that generally *comply* with borough ordinances.[2] On the other hand, the ZB has no policy-making authority[3]; it hears variance applications *to allow one specific property NOT to comply* with the ZO[4] – i.e., its purpose is to grant relief from consistent enforcement of the ordinance. In fact, "the granting of a variance to one property owner does not create precedent for the granting of a variance to other property owners" because "each variance must stand on its own peculiar factual circumstances."[5]

However, to grant a variance, N.J.S.A. 40:55D-70 requires the ZB to find that doing so "will not substantially impair the intent and purpose of the zone plan and zoning ordinance." Therefore, the members of the ZB must be knowledgeable about the Master Plan and the ZO. It was opined by one professional that since the Master Plan and ZO originate from the PB, the PB is "more knowledgeable" about their provisions than the ZB, and that having the PB hear variances would ensure that the provisions of the Master Plan and ZO are interpreted as the PB intended.[6] Further, it was stated that having one attorney advising on all land use decisions would ensure "legal consistency."

Nonetheless, another professional noted that it is possible to ensure consistency even with two boards, especially if there are shared resources. In Demarest, there is currently a single Council Land Use Liaison and a single Land Use Secretary for both boards; the boards have the same engineer and the planner; the ZB sends the PB an annual report of ZB applications and recommendations for ZO revisions; and each board's minutes and resolutions are available to the other board. However, some discussions revealed anecdotal evidence that insufficient communication between the boards has occasionally resulted in potential inconsistencies;

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[2] N.J.S.A. 40:55D-25.

[3] However, the ZB does provide an annual report to the PB with recommendations for ZO revisions based on the kinds of variances requested during the year.

[4] N.J.S.A. 40:55D-70.

[5] Cox, William M. and Stuart R. Koenig, *New Jersey Zoning & Land Use Administration* (Gann Law 2024), §28-3. This is considered by New Jersey land use practitioners to be the authoritative text on the MLUL.

[6] Despite their different roles, the volunteer members of both boards are required to attend the same mandatory MLUL training. Many current ZB members are of long standing (20+ years) and have extensive experience applying the ZO and MLUL variance requirements to properties in the borough, whereas the current PB members have little experience with variances.

therefore, maintenance of separate boards may require improvements. We understand that there is a nomination pending to appoint the current ZB attorney as the PB attorney as well, which would ensure "legal consistency" between the two boards.[7]

In summary, consistency in interpreting the zoning ordinance is very important and it would be ensured with a single land use board, but it is not necessarily a deciding factor in favor of a single board because the same level of consistency can be achieved with two cooperating boards.

CLASSIFICATION: Favorable to Neutral.

B. Cost Savings and Efficiency

Many persons reported anticipated cost savings as an advantage of consolidation, most frequently mentioning reduced meeting fees for board professionals[8] because there would presumably be only one meeting each month instead of two. Also mentioned was one less use of the borough facilities each month. However, Cox observes that although "alleged cost-cutting is put forth as the reason for the consolidation" in many municipalities, "there appears to be very little evidence of any real savings effected through board consolidation."[9]

It was reported by several current and former board members that cost savings were posited as an advantage when consolidation was considered in the past. Yet research conducted at the time established that there would be no meaningful savings. Consideration of consolidation was accordingly abandoned, but the factors leading to that conclusion remain valid. For example, when there are no matters scheduled for a particular month, the meeting is cancelled and no meeting fees are paid. In addition, with one board handling the current work of both boards, a single monthly meeting would necessarily be longer (and there could be special meetings in the event of overflow) so meeting fees would tend to increase.[10] In addition, board professionals are also paid for application review and board attorneys prepare resolutions and development agreements, so the same total number of applications would require the same work (and fees) regardless of the board from which they originated.

Cox warns that, since a consolidated board may be required to meet more often than a single PB, a municipality "should undertake a study of the number of applications being made to both boards" before it proceeds to vest the powers of the ZB in the PB.[11] For this purpose, the Committee reviewed all PB and ZB agendas and minutes for the 48 months ending December 2024. During this period:

- There were 41 ZB meetings at which the board handled 37 applications. A number of hearings for multiple and/or substantial variances stretched over several meetings to allow for board review of additional information and applicant plan revisions (generally intended to

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[7] In addition, a *future* consolidation would proceed much more smoothly if the boards had the same attorney.
[8] "Board professionals" include the board attorney, board engineer and board planner; however, the board planner does not attend ZB meetings in Demarest.
[9] Cox at §3-9.
[10] Cox observes that "in many municipalities where consolidation takes place, it is found that the members of the planning board are required to meet much more often in order to hear all of the applications formerly presented to both boards" (Cox at §3-9).
[11] Id.

require fewer and/or less extensive variances than initially requested). The ZB must hold a public hearing before approving or denying a variance, and the rationale for the board's decision must be recited in a formal resolution (approved by the ZB) detailing the testimony that fulfilled the conditions in N.J.S.A. 40:55SD-70. The board often heard testimony on more than one application at a single meeting. Further, ZB members spend a considerable amount of non-meeting time reviewing applicant submissions and visiting properties.

- The PB held 33 regular and special meetings at which the board held multi-meeting public hearings on two subdivision applications (Duck Pond Road and Meadow Street) and two site plan reviews and revisions for townhouse projects (Duane Lane and County Road); reviewed and approved proposed construction at CRS, the new gymnasium at DMS, and multi-unit affordable housing on Hardenburgh Avenue; conducted the required review, report and update of the borough's Master Plan (including several meetings with the board planner and a public hearing); reviewed and recommended the Economic Development Committee's proposed ordinance to designate the downtown of the borough as an "Area in Need of Redevelopment" (also including meetings with the planner and a public hearing); and reviewed the ZB's annual report and recommendation of ZO revisions (which were followed up by daytime sub-committee meetings about ZO improvements among the planner, Council Land Use Liaison, Borough Administrator and several PB and ZB officers).[12] There were also daytime meetings of a PB sub-committee formed to review and update the sign ordinance.

See also section C below regarding an anticipated unusual surge in the boards' workload over the next year or two.

Efficiency in administering only one board was also mentioned as an advantage of consolidation. For example, there is only one agenda and one set of minutes to prepare (even though each may be longer than for a single board). On the other hand, one board professional mentioned as a disadvantage that it can sometimes be complicated to schedule a single board's hearings. An example offered was a municipality in which the consolidated board hears subdivision and site plan applications first, after which the mayor and councilperson leave because members of the governing body do not want to vote on an individual resident's single-family addition, pool, etc. However, resident discontent can result from making homeowners sit through complex subdivision and site plan matters before their single-family residential house variances are heard.

With two boards, residents with single-family home applications do not need to attend the same hearing as full subdivision or site plan applications. There is no debate about which type of application should go first, and the separate meetings are shorter in any event.

An additional concern was expressed about the need to reduce the fees incurred by board member consultations with board professionals. Land use boards are autonomous, independent,

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[12] *Major* work is required on the Demarest Zoning Ordinance as a result of these various reviews and input from borough administration, residents and this Committee. Attention to this task has been delayed because of the planner's involvement in Affordable Housing Round 4, but efforts will recommence shortly and will require a great deal of board sub-committee time and effort outside of regular PB meetings.

quasi-judicial entities, and courts have held that they have the sole right to select their counsel.[13] Nonetheless, there are currently spending restraints in Chapter 27 of the Demarest Code which provide that board expenses "shall not, however, exceed…the amount appropriated by the governing body for its use."[14] Accordingly, a consolidated board would face the same (and no greater) restraint on spending.

In summary, whether consolidation would save costs and/or increase efficiency is unclear; it may save some costs in some municipalities – but if it fails to do so, or instead increases costs and/or impairs efficiency, or causes resident discontent, see section E below regarding the difficulty of reversing a consolidation.

CLASSIFICATION: Neutral.

C. Fewer Board Members

The board consolidation statute in the MLUL was originally designed "for the small municipality where it is difficult to obtain a sufficient number of persons to sit on two separate and distinct boards"; subsequent amendments widened the opportunity for consolidation to more municipalities, but this "has resulted in a significant number of municipalities opting for the single board for reasons having nothing to do with the intent of the original legislation," including a mistaken belief that consolidation would produce cost savings.[15]

In addition to the aforesaid "normal" workload of the boards and the required major overhaul of the ZO (*see* n.12), the Council should keep in mind that *the PB and ZB workload will likely increase significantly over the next year or two* because of Affordable Housing Round 4 requiring additional housing (including non-conforming, multi-family accommodations) and the "Area in Need of Development" designation (which is expected to attract developers). These will bring more applications, and more complex applications, than the boards have seen in recent years.

It was suggested by one board professional that an alternative to overburdening resident volunteers on a single consolidated board with major work to be done on the ZO and a significantly greater number of complex applications may be to retain the two boards at least until the surge is over – and then revisit consolidation if desired when the boards are back to their "normal" workload. One person felt this would be "kicking the can down the road," but another said it would be an appropriately cautious approach to an unusual situation.

Is it difficult to find ZB and PB board members in Demarest? It certainly seems that at least those currently serving are willing to continue doing so; and for new board members, a mayoral appointment may be considered an honor. The more relevant question is whether it may be difficult to find residents to serve on a consolidated PB – which will require, at a minimum, a broader skill set (to handle variance applications for single-family residences as well as subdivision and site plan applications), additional pre-meeting preparation (to review more

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[13] Cox at §3.5-3, *citing, Monroe Tp. Bd. of Adjustment v. Mayor, etc.*, 211 N.J. Super. 174 (App. Div. 1986).
[14] Demarest Code §§27-6 and 27-15.
[15] Cox at §3-9.

applications and visit more properties) and longer meetings or extra meetings (to handle the work previously done by two boards as well as the unusual additional work anticipated).

In summary, a single board would require fewer members than two boards (if that is a problem in Demarest), but it may be more difficult to find single consolidated board members willing and qualified to do more (and more complex) work than if they served on one of two boards. Further, unusual circumstances facing Demarest in the next year or two will significantly increase the burden on the boards and their members.

CLASSIFICATION: Neutral in theory but Unfavorable at this time due to unusual circumstances.

D. Impact on the Council's Authority Over Land Use

Appointments to the PB are made solely by the mayor, and the PB includes two elected officials as members (the mayor and one councilperson). On the other hand, mayoral appointments to the ZB require the consent of the governing body, and there are only residents (no elected officials) on the board.

Concern was expressed that if all land use decisions were made by a consolidated PB, a single person (the mayor) would have the unilateral power to appoint all persons deciding all land use matters in the borough. Cox notes that "[s]ometimes the single board option has been adopted solely to give the mayor more authority," which was not the intent of the legislation.[16] The concern about consolidation adversely impacting the Council's authority over land use matters would be mitigated if Chapter 27 were amended to require the consent of the full governing body for mayoral appointments to the PB (like ZB appointments) or to provide that the full governing body is the mayor's "designee" to make PB appointments.

Nonetheless, keeping the ZB is the only way to ensure that decisions about residents' single-family homes are made only by fellow residents with no reason to consider the potential impact of a decision on political favor or disfavor. Further, under the two-board structure, the residents-only ZB importantly has autonomy over "(d) variances" which involve a more significant level of ZO non-compliance.[17]

In summary, weighing this factor involves balancing mayoral and Council authority, and deciding whether elected officials should vote on individual residents' single-family home variances. Concerns about mayoral authority over all appointments can be resolved through an amendment to the Demarest Code.

CLASSIFICATION: Neutral.

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[16] Id.

[17] Variances under N.J.S.A. 40:55D-70(d) are commonly referred to as "(d) variances" or "use variances." In most cases, the ZB may grant a variance by a simple majority vote, but applications for "(d) variances" seek allowance for a use not otherwise permitted in a zone (such as a restaurant in a residential zone), an expansion of a pre-existing non-conforming use, relief from application of certain standards pertaining to a conditional use, floor area or density greater than that permitted, or a building height more than 10% higher than permitted.

E. Difficulty in Reversing a Consolidation

An important potential disadvantage of consolidation is that, if a single land use board structure fails to work out as expected for any reason, it is difficult and costly to undo – because a public referendum would be required under N.J.S.A. 40:55D-25(e). This was reportedly done in one local municipality – which went back to a single board years later under a different mayor – but no one could recall how the reversal was accomplished (years ago).

In summary, this is clearly a disadvantage, but it is a remote disadvantage.

CLASIFICATION: Unfavorable to Neutral.

V. Next Steps

A copy of this report will be provided to the Mayor and Council and to PB and ZB members. Discussion of this report should be placed on a Mayor and Council agenda for a thorough discussion of the pro's and con's of consolidation, including solicitation of questions and comments from the public. Considering all input, the Council should openly debate and vote either to retain the current two-board land use structure at least for the short term, or consider consolidating land use decisions into a single board at this time. The reasons for the decision should be clearly stated in the record.