

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
WORK SESSION AGENDA**

March 10, 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 1155-25 ORDINANCE AN ORDINANCE ESTABLISHING A JOINT PLANNING BOARD AND AMENDING CHAPTER 27 ENTITLED "LAND USE PROCEDURES" OF THE REVISED GENERAL ORDINANCES OF DEMAREST BOROUGH CODE

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):

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

Mayor Bernstein asks for a motion to open the Public Hearing on Ordinance No. 1153 -25.

A motion was made by _____ and seconded by _____

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

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 open the Public Hearing on Ordinance No. 1154 -25.

A motion was made by _____ and seconded by _____

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

Work Session Discussion Items:

Engineer's Report

Consent Agenda

- | | |
|-----------------------|--|
| Resolution No. 061-25 | Supporting RevolutionNJ |
| Resolution No. 062-25 | Awarding 2024 Unimproved Road Project |
| Resolution No. 063-25 | Approving Capital Purchase – ATV for DPW |
| Resolution No. 064-25 | Bill List |

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)

A motion was made by _____ and seconded by _____

Roll Call:

Meeting Open to the Public

Closed Session *Resolution No. 2025-001*

Litigation

Contract Negotiations

Adjournment

**BOROUGH OF DEMAREST
STATE OF NEW JERSEY
ORDINANCE NO. 1155-25
AN ORDINANCE ESTABLISHING A
A JOINT PLANNING BOARD AND AMENDING
CHAPTER 27 ENTITLED "LAND USE PROCEDURES" OF
THE REVISED GENERAL ORDINANCES OF DEMAREST,
COUNTY OF BERGEN
AND STATE OF NEW JERSEY**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Demarest, County of Bergen, State of New Jersey, that Chapter 27 entitled "Land Use Procedures" of the Demarest Borough Code, is hereby amended so as to consolidate all of the powers, duties, authority and jurisdiction of the Zoning Board of Adjustment of the Borough of Demarest with those of the Planning Board of the Borough of Demarest and granting the same to the latter pursuant to and in accordance with N.J.S.A. 40:55D-25 in order that it act as the sole municipal Joint Planning Board of the Borough and further amending and supplementing related provisions of the code to effectuate the said transition and that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

WHEREAS, N.J.S.A. 40:55D-25(c) authorizes municipalities having a population of 15,000 or less to establish by Ordinance, a single nine-member Planning Board to exercise all the powers of the Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Mayor and Council, upon review and recommendation of the Ordinance Committee of the Governing Body, find that the Borough of Demarest has a population of less than 15,000 and that the adoption of an Ordinance establishing a Joint Planning Board is in the best interest of the Borough; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Demarest in the County of Bergen and State of New Jersey that nothing in this chapter shall be construed to affect the term of any of the present Planning Board members, all of whom shall continue in office until completion of the term for which they were appointed.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Mayor and Council of the Borough of Demarest in the County of Bergen and State of New Jersey that Chapter 27 is hereby repealed and replaced in its entirety as follows:

Chapter 27

LAND USE PROCEDURES

ARTICLE I

Joint Planning Board

- § 27-1. Establishment; membership.
- § 27-2. Terms of Office.
- § 27-3. Vacancies, Removal from Office
- § 27-4. Organization.
- § 27-5. Joint Planning Board Attorney.
- § 27-6. Experts and staff.
- § 27-7. General powers and duties.
- § 27-8. Applications; procedure for filing.
- § 27-9. Citizens Advisory Committee.

ARTICLE II

Administrative Provisions

- § 27-10. Compensation; membership on other boards; terms.
- § 27-11. Conflicts of interest.
- § 27-12. Meetings.
- § 27-13. Hearings.
- § 27-14. Notice requirements for hearing.
- § 27-15. List of property owners furnished.
- § 27-16. Publication of decision.
- § 27-17. Payment of taxes.
- § 27-18. Appeals to the Joint Planning Board
- § 27-19. Variance Application Checklist

ARTICLE I
Joint Planning Board

§ 27-1. Establishment; membership.

A. There is hereby created in the Borough of Demarest, pursuant to N.J.S.A. 40:55D-25c, as amended, a Joint Planning Board of nine members which Board shall have the combined powers and duties of the municipal planning board and zoning board of adjustment, and consisting of the following four classes of members:

(1) Class I: the Mayor or the Mayor's designee in the absence of the Mayor.

(2) Class II: one of the officials of the Borough of the municipality other than a member of the governing body, to be appointed by the Mayor, provided that if there be an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by Section 1 of P.L. 1968, c. 245 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Joint Planning Board member if there be among the Class IV or alternate members of the Joint Planning Board both a member of the Board of Education.

(3) Class III: a member of the governing body to be appointed by it.

(4) Class IV: six other citizens of the Borough, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that so long as the Board is comprised of nine members, one such member may be a member of the Historic Preservation Commission, and one Class IV member may be a member of the Board of Education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the Joint Planning Board, as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV Joint Planning Board member, unless there be among the Class IV or alternate members of the Joint Planning Board both a member of the historic preservation commission and a member of the board of education, in which case the member common to the Joint Planning Board and Municipal Environmental Commission shall be deemed a Class II member of the Joint Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

B. In addition to the foregoing, alternate members may be appointed to the Joint Planning Board as Class IV members, and such alternate members shall not exceed four. Alternate members shall be appointed by the Mayor for Class IV members and shall meet the qualifications of Class IV members of the nine-member Joint Planning Boards. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3" and "Alternate No. 4."

§27-2 Terms of office.

A. The term of the member composing Class I shall correspond to the Mayor's official tenure, or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official term.

B. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first.

C. The term of a Class IV member who is also a member of the Board of Education shall terminate

whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first. The terms of all Class IV members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointments; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years.

D. Alternate members.

(1) The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years.

(2) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 27-3. Vacancies, removal from office

A. If a vacancy in any class shall occur other than by expiration of the members' Joint Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.

B. A vacancy of an alternate member which occurs otherwise than by expiration of term shall be filled, by appointment as stated in §27-2, for the unexpired term.

C. Any member other than a Class I member, after a public hearing if he or she requests one, may be removed by the governing body for cause.

§ 27-4. Organization.

The Joint Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Joint Planning Board or a municipal employee designated by it.

§ 27-5. Joint Planning Board Attorney.

There is hereby created the office of Joint Planning Board Attorney. The Joint Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Joint Planning Board Attorney, who shall be an attorney other than the Municipal Attorney. The Joint Planning Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 27-6. Experts and staff.

The Joint Planning Board may employ or contract for the services of experts and other staff and services as it may deem necessary. The Joint Planning Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 27-7. General powers and duties.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. Copies of all such rules and regulations and any amendments thereto shall be filed in the office of the Borough Clerk and shall be made available to any person upon request and payment of the fee for such copy. It shall also have the following powers and duties:

A. To prepare and, after public hearing, adopt or amend a Master Plan or component parts

thereof, to guide the use of lands within the Borough in a manner which protects public health and safety and promotes the general welfare, in accordance with the provisions of N.J.S.A. 40:55D-28.

- B. To administer provisions of all development regulations of the municipality, including subdivision control and site plan review, in accordance with the provisions of said regulations and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq., as amended.
- C. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- D. To assemble data on a continuing basis as part of a continuous planning process.
- E. To consider and make report and recommendations to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Joint Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.
- F. Pursuant to N.J.S.A. 40:55D-25(c), the Joint Planning Board shall exercise, to the same extent and subject to the same restriction, all powers of a Zoning Board of Adjustment, including but not limited to those powers and duties prescribed by law to a Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70 and N.J.S.A. 40:55D-776. In exercising the powers of the Zoning Board of Adjustment, the Class I and Class III members of Joint Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d of Section 57 of P.L. 19775, c. 291 (N.J.S.A. 40:55D-70, as amended). Removal of the Class I and Class III members reduces a nine-member board to seven voting members, allowing it to function as all other boards of adjustment. This reduction in voting membership preserves the statutory scheme of N.J.S. 40:55D-70 requiring the affirmative vote of five members of the statutory seven-member board to grant a d variance.
- G. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies and officers of the municipality.

§ 27-8. Applications; procedure for filing.

Applications for development within the jurisdiction of the Joint Planning Board pursuant to the Municipal Land Use Law, as amended and supplemented, shall be filed with the Secretary of the Joint Planning Board. The applicant shall obtain all necessary forms, including any applicable checklist, from the Secretary of the Joint Planning Board as prescribed in 27-23. The Secretary of the Joint Planning Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

§ 27-9. Citizens Advisory Committee.

The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Joint Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

ARTICLE II
Administrative Provisions

§ 27-10 Compensation; membership on other boards; terms.

All members of the Joint Planning Board shall serve without compensation, and the members of Class IV shall hold no other municipal office, except that one of such members may be a member of the Board of Education and one of such members may be a member of the Environmental Commission.

§ 27-11. Conflicts of interest.

No member of the Joint Planning Board shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or personal financial interest. Whenever any such member shall disqualify himself or herself from acting on a particular matter, he or she shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto. This would include voting on a memorializing resolution relating to such matter and the decision thereon.

§ 27-12. Meetings

A. Meetings of the Joint Planning Board shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless canceled for lack business, including but not limited to a lack of applications for development to process, or appeals to be heard and decided.

B. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to the Board's members and the public in accordance with all applicable legal requirements.

C. No action shall be taken at any meeting without a quorum present.

D. All actions shall be taken by majority vote of the members present at the meeting except as otherwise required by any provisions of N.J.S.A. 40:55D-1 et seq. Failure of a motion to receive the number of votes required to approve an application for development or appeal pursuant to the exceptional vote requirements of N.J.S.A. 40:55D-34 and 40:55D-67d shall be deemed an action denying the application.

E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act (N.J.S.A. 40:4-6 et seq.). An executive session for the purpose of discussion and studying matters to come before the Joint Planning Board shall not be deemed regular or special meetings in accordance with the provisions of N.J.S.A. 40:55D-9.

§ 27-13. Hearings.

A. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.

B. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitation as to time and number of witnesses.

C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

- D. Records. Each municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall not be required to permit any interested party to listen to its recording, but the municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request, to an interested party at his expense. The municipal agency in furnishing a transcript shall not charge more than the maximum permitted by N.J.S.A. 2B:7-4. Each transcript shall be certified in writing by the transcriber to be accurate.

§ 27-14. Notice requirements for hearing.

Whenever a hearing is required on an application for development pursuant to the Municipal Land Use Law, as amended or supplemented, or pursuant to the determination of the municipal agency in question, the application shall give notice in accordance with the provisions of N.J.S.A 40:55D.

§ 27-15. List of property owners furnished.

Upon the written request of an applicant, the Tax Assessor shall, within seven days, make and certify a list from the current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to § 27-28 of this chapter. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A fee may be charged consistently with the current fee schedule adopted by the governing body for such list.

§ 27-16. Publication of decision.

A brief notice of every final decision shall be published in the official newspaper of the municipality or as otherwise permitted by law. Such publication shall be arranged by the Secretary of the Joint Planning Board with separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

§ 27-17. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Joint Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by the Board shall be conditioned upon either prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner acceptable to the municipality at the municipality's sole discretion.

§27-18. Appeals to the Joint Planning Board.

Appeals to the Joint Planning Board may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeals shall be taken within 20 days of said decision by filing a notice of appeal with the officer from whom the appeal is taken, specifying the grounds of such appeal. Said officer shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

§27-19. Variance Application Checklist

The Borough shall utilize a checklist to determine application completeness when an applicant submits an application for a variance. The Checklist shall be made available to any applicants by the Board Secretary.

§27-20. Appeals to the Governing Body

A. Any interested party may appeal to the governing body of the Borough of Demarest any final decision of the Board of Adjustment approving an application for development pursuant to Subsection (d) of Section 57 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-70). Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to Subsection (i) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10). The appeal to the governing body shall be made by serving the Municipal Clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and the name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Board of Adjustment.

B.

Notice of the meeting to review the record below shall be given by the governing body of the Borough of Demarest by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Subsection (h) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10) and to the Board of Adjustment at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body of the Borough of Demarest shall provide for verbatim recording and transcripts of such meeting pursuant to Subsection (f) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10).

C.

The appellant shall, within five days of service of the notice of appeal pursuant to Subsection A hereof, arrange for a transcript pursuant to Subsection (f) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10) for use by the governing body of the Borough of Demarest and pay a deposit of \$50 or the estimated cost of such transcript, whichever is less, or, within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the Municipal Clerk; otherwise, the appeal may be dismissed for failure to prosecute. The governing body of the Borough of Demarest shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to Subsection (i) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10), unless the applicant consents in writing to an extension of such period. Failure of the governing body of the Borough of Demarest to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the Board of Adjustment.

D.

The governing body of the Borough of Demarest may reverse, remand, or affirm with or without the imposition of conditions the final decision of the Board of Adjustment approving a variance pursuant to Subsection (d) of Section 57 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-70). The review shall be made on the record made before the Board of Adjustment.

E.

The affirmative vote of a majority of the full authorized membership of the governing body of the Borough of Demarest shall be necessary to reverse or remand to the Board of Adjustment or to impose conditions on or alter conditions to any final action of the Board of Adjustment. Otherwise, the final action of the Board of Adjustment shall be deemed to be affirmed; a tie vote of the governing body of the Borough of Demarest shall constitute affirmance of the decision of the Board of Adjustment.

F.

An appeal to the governing body of the Borough of Demarest shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the Board of Adjustment certifies to the governing body of the Borough of Demarest, after the notice of appeal shall have been filed with the Board of Adjustment, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by order of the Superior Court on application upon notice to the Board of Adjustment and on good cause shown.

G.

The governing body of the Borough of Demarest shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the Borough of Demarest, if there be one, or in a newspaper of general circulation in the Borough of Demarest. Such publication shall be arranged by the applicant unless a particular

municipal officer is so designated by ordinance, provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body of the Borough of Demarest may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by Borough of Demarest or the applicant.

H.

Nothing in this section shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Attest:

Approved:

Julie Falkenstern
Acting Borough Clerk

Brian Bernstein, Mayor

Introduction: _____

Second Reading: _____

**BOROUGH OF DEMAREST
STATE OF NEW JERSEY
ORDINANCE NO. 1155-25
AN ORDINANCE ESTABLISHING A
A JOINT PLANNING BOARD AND AMENDING
CHAPTER 27 ENTITLED "LAND USE PROCEDURES" OF
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WHEREAS, N.J.S.A. 40:55D-25(c) authorizes municipalities having a population of 15,000 or less to establish by Ordinance, a single nine-member Planning Board to exercise all the powers of the Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Mayor and Council, upon review and recommendation of the Ordinance Committee of the Governing Body, find that the Borough of Demarest has a population of less than 15,000 and that the adoption of an Ordinance establishing a Joint Planning Board is in the best interest of the Borough; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Demarest in the County of Bergen and State of New Jersey that nothing in this chapter shall be construed to affect the term of any of the present Planning Board members, all of whom shall continue in office until completion of the term for which they were appointed.

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LAND USE PROCEDURES

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- § 27-2. Terms of Office.
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ARTICLE II

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ARTICLE I
Joint Planning Board

§ 27-1. Establishment; membership.

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(2) Class II: one of the officials of the Borough of the municipality other than a member of the governing body, to be appointed by the Mayor, provided that if there be an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by Section 1 of P.L. 1968, c. 245 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Joint Planning Board member if there be among the Class IV or alternate members of the Joint Planning Board both a member of the Board of Education.

(3) Class III: a member of the governing body to be appointed by it.

(4) Class IV: six other citizens of the Borough, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that so long as the Board is comprised of nine members, one such member may be a member of the Historic Preservation Commission, and one Class IV member may be a member of the Board of Education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the Joint Planning Board, as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV Joint Planning Board member, unless there be among the Class IV or alternate members of the Joint Planning Board both a member of the historic preservation commission and a member of the board of education, in which case the member common to the Joint Planning Board and Municipal Environmental Commission shall be deemed a Class II member of the Joint Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

B. In addition to the foregoing, alternate members may be appointed to the Joint Planning Board as Class IV members, and such alternate members shall not exceed four. Alternate members shall be appointed by the Mayor for Class IV members and shall meet the qualifications of Class IV members of the nine-member Joint Planning Boards. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3" and "Alternate No. 4."

§27-2 Terms of office.

A. The term of the member composing Class I shall correspond to the Mayor's official tenure, or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official term.

B. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first.

C. The term of a Class IV member who is also a member of the Board of Education shall terminate

whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first. The terms of all Class IV members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointments; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years.

D. Alternate members.

(1) The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years.

(2) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 27-3. Vacancies, removal from office

A. If a vacancy in any class shall occur other than by expiration of the members' Joint Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.

B. A vacancy of an alternate member which occurs otherwise than by expiration of term shall be filled, by appointment as stated in §27-2, for the unexpired term.

C. Any member other than a Class I member, after a public hearing if he or she requests one, may be removed by the governing body for cause.

§ 27-4. Organization.

The Joint Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Joint Planning Board or a municipal employee designated by it.

§ 27-5. Joint Planning Board Attorney.

There is hereby created the office of Joint Planning Board Attorney. The Joint Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Joint Planning Board Attorney, who shall be an attorney other than the Municipal Attorney. The Joint Planning Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 27-6. Experts and staff.

The Joint Planning Board may employ or contract for the services of experts and other staff and services as it may deem necessary. The Joint Planning Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 27-7. General powers and duties.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. Copies of all such rules and regulations and any amendments thereto shall be filed in the office of the Borough Clerk and shall be made available to any person upon request and payment of the fee for such copy. It shall also have the following powers and duties:

A. To prepare and, after public hearing, adopt or amend a Master Plan or component parts

thereof, to guide the use of lands within the Borough in a manner which protects public health and safety and promotes the general welfare, in accordance with the provisions of N.J.S.A. 40:55D-28.

- B. To administer provisions of all development regulations of the municipality, including subdivision control and site plan review, in accordance with the provisions of said regulations and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq., as amended.
- C. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- D. To assemble data on a continuing basis as part of a continuous planning process.
- E. To consider and make report and recommendations to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Joint Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.
- F. Pursuant to N.J.S.A. 40:55D-25(c), the Joint Planning Board shall exercise, to the same extent and subject to the same restriction, all powers of a Zoning Board of Adjustment, including but not limited to those powers and duties prescribed by law to a Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70 and N.J.S.A. 40:55D-776. In exercising the powers of the Zoning Board of Adjustment, the Class I and Class III members of Joint Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d of Section 57 of P.L. 19775, c. 291 (N.J.S.A. 40:55D-70, as amended). Removal of the Class I and Class III members reduces a nine-member board to seven voting members, allowing it to function as all other boards of adjustment. This reduction in voting membership preserves the statutory scheme of N.J.S. 40:55D-70 requiring the affirmative vote of five members of the statutory seven-member board to grant a d variance.
- G. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies and officers of the municipality.

§ 27-8. Applications; procedure for filing.

Applications for development within the jurisdiction of the Joint Planning Board pursuant to the Municipal Land Use Law, as amended and supplemented, shall be filed with the Secretary of the Joint Planning Board. The applicant shall obtain all necessary forms, including any applicable checklist, from the Secretary of the Joint Planning Board as prescribed in 27-23. The Secretary of the Joint Planning Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

§ 27-9. Citizens Advisory Committee.

The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Joint Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

ARTICLE II
Administrative Provisions

§ 27-10 Compensation; membership on other boards; terms.

All members of the Joint Planning Board shall serve without compensation, and the members of Class IV shall hold no other municipal office, except that one of such members may be a member of the Board of Education and one of such members may be a member of the Environmental Commission.

§ 27-11. Conflicts of interest.

No member of the Joint Planning Board shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or personal financial interest. Whenever any such member shall disqualify himself or herself from acting on a particular matter, he or she shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto. This would include voting on a memorializing resolution relating to such matter and the decision thereon.

§ 27-12. Meetings

A. Meetings of the Joint Planning Board shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless canceled for lack business, including but not limited to a lack of applications for development to process, or appeals to be heard and decided.

B. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to the Board's members and the public in accordance with all applicable legal requirements.

C. No action shall be taken at any meeting without a quorum present.

D. All actions shall be taken by majority vote of the members present at the meeting except as otherwise required by any provisions of N.J.S.A. 40:55D-1 et seq. Failure of a motion to receive the number of votes required to approve an application for development or appeal pursuant to the exceptional vote requirements of N.J.S.A. 40:55D-34 and 40:55D-67d shall be deemed an action denying the application.

E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act (N.J.S.A. 40:4-6 et seq.). An executive session for the purpose of discussion and studying matters to come before the Joint Planning Board shall not be deemed regular or special meetings in accordance with the provisions of N.J.S.A. 40:55D-9.

§ 27-13. Hearings.

A. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.

B. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitation as to time and number of witnesses.

C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

D. Records. Each municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall not be required to permit any interested party to listen to its recording, but the municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request, to an interested party at his expense. The municipal agency in furnishing a transcript shall not charge more than the maximum permitted by N.J.S.A. 2B:7-4. Each transcript shall be certified in writing by the transcriber to be accurate.

§ 27-14. Notice requirements for hearing.

Whenever a hearing is required on an application for development pursuant to the Municipal Land Use Law, as amended or supplemented, or pursuant to the determination of the municipal agency in question, the application shall give notice in accordance with the provisions of N.J.S.A 40:55D.

§ 27-15. List of property owners furnished.

Upon the written request of an applicant, the Tax Assessor shall, within seven days, make and certify a list from the current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to § 27-28 of this chapter. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A fee may be charged consistently with the current fee schedule adopted by the governing body for such list.

§ 27-16. Publication of decision.

A brief notice of every final decision shall be published in the official newspaper of the municipality or as otherwise permitted by law. Such publication shall be arranged by the Secretary of the Joint Planning Board with separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

§ 27-17. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Joint Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by the Board shall be conditioned upon either prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner acceptable to the municipality at the municipality's sole discretion.

§27-18. Appeals to the Joint Planning Board.

Appeals to the Joint Planning Board may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeals shall be taken within 20 days of said decision by filing a notice of appeal with the officer from whom the appeal is taken, specifying the grounds of such appeal. Said officer shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

§27-19. Variance Application Checklist

The Borough shall utilize a checklist to determine application completeness when an applicant submits an application for a variance. The Checklist shall be made available to any applicants by the Board Secretary.

§27-20. Appeals to the Governing Body

A. Any interested party may appeal to the governing body of the Borough of Demarest any final decision of the Board of Adjustment approving an application for development pursuant to Subsection (d) of Section 57 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-70). Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to Subsection (i) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10). The appeal to the governing body shall be made by serving the Municipal Clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and the name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Board of Adjustment.

B.

Notice of the meeting to review the record below shall be given by the governing body of the Borough of Demarest by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Subsection (h) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10) and to the Board of Adjustment at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body of the Borough of Demarest shall provide for verbatim recording and transcripts of such meeting pursuant to Subsection (f) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10).

C.

The appellant shall, within five days of service of the notice of appeal pursuant to Subsection A hereof, arrange for a transcript pursuant to Subsection (f) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10) for use by the governing body of the Borough of Demarest and pay a deposit of \$50 or the estimated cost of such transcript, whichever is less, or, within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the Municipal Clerk; otherwise, the appeal may be dismissed for failure to prosecute. The governing body of the Borough of Demarest shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to Subsection (i) of Section 6 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-10), unless the applicant consents in writing to an extension of such period. Failure of the governing body of the Borough of Demarest to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the Board of Adjustment.

D.

The governing body of the Borough of Demarest may reverse, remand, or affirm with or without the imposition of conditions the final decision of the Board of Adjustment approving a variance pursuant to Subsection (d) of Section 57 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-70). The review shall be made on the record made before the Board of Adjustment.

E.

The affirmative vote of a majority of the full authorized membership of the governing body of the Borough of Demarest shall be necessary to reverse or remand to the Board of Adjustment or to impose conditions on or alter conditions to any final action of the Board of Adjustment. Otherwise, the final action of the Board of Adjustment shall be deemed to be affirmed; a tie vote of the governing body of the Borough of Demarest shall constitute affirmance of the decision of the Board of Adjustment.

F.

An appeal to the governing body of the Borough of Demarest shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the Board of Adjustment certifies to the governing body of the Borough of Demarest, after the notice of appeal shall have been filed with the Board of Adjustment, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by order of the Superior Court on application upon notice to the Board of Adjustment and on good cause shown.

G.

The governing body of the Borough of Demarest shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the Borough of Demarest, if there be one, or in a newspaper of general circulation in the Borough of Demarest. Such publication shall be arranged by the applicant unless a particular

municipal officer is so designated by ordinance, provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body of the Borough of Demarest may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by Borough of Demarest or the applicant.

H.

Nothing in this section shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Attest:

Approved:

Julie Falkenstern
Acting Borough Clerk

Brian Bernstein, Mayor

Introduction: _____

Second Reading: _____

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

<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>
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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)

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

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

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

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

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:

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

3. To satisfy the stormwater runoff quantity standards at 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/greport/gsr32.pdf>

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

- C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:
1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

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

2. The applicant shall utilize 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.

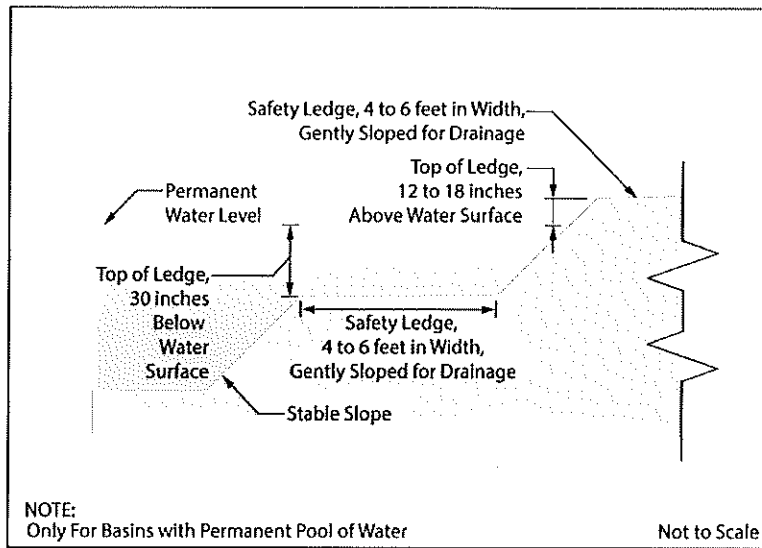
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that 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: February 24, 2025

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 $1.56 \text{ Acres} * 5,760 \text{ sq. in./acre} = 8,985.6 \text{ sq. in.}$ 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:

Approved:

Julie Falkenstern
Acting Borough Clerk

Brian Bernstein, Mayor

Introduction: February 24, 2025

Adoption:

Resolution of the Demarest Governing Body

Resolution No. 061-25

March 10, 2025

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

TITLE: A RESOLUTION OF THE DEMAREST, BERGEN COUNTY NJ SUPPORTING RevolutionNJ

=====

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey’s pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation’s past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and Borough;and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Demarest hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

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 March 10, 2025.

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 062-25

March 10, 2025

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

TITLE: RESOLUTION AWARDING 2024 UNIMPROVED ROAD PROJECT – PRESCOTT STREET AND FOREST ROAD PROJECT TO D&L PAVING CONTRACTORS, INC.

=====

WHEREAS, the Borough of Demarest (the “Borough”) upon advertisement and pursuant to specifications, solicited bid proposals for the 2024 Unimproved Road Project – Prescott Street and Forest Road project; (the “Project”); and

WHEREAS, nine (9) bid proposals were received by the Borough on February 27, 2025, the date set forth on the invitation for receipt of bid proposals; and

WHEREAS, the three lowest bids were submitted by D&L Paving Contractors Inc., submitting a total base bid of \$253,177.36, Cifelli & Son General Cont. Inc., submitting a total base bid of \$272,880.00, and AJM Contractors Inc., submitting a total base bid of \$275,294.00; and

WHEREAS, the Engineer for the Borough has determined that the bid of D&L Paving Contractors 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 D&L Paving Contractors Inc. in the amount of \$253,177.36; and

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the bid proposal submitted by D&L Paving Contractors Inc. shall be and is hereby accepted and the contract for the 2024 Unimproved Road Project – Prescott Street and Forest Road project shall be awarded D&L Paving Contractors 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 March 10, 2025.

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 063-25

March 10, 2025

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

TITLE: AUTHORIZING CAPITAL PURCHASE OF ATV FOR PUBLIC WORKS

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WHEREAS, the DPW Director is in need of an ATV with snow plowing capability; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the DPW Director has solicited quotes and recommended purchasing per proposal from Metro Group of NJ LLC through State Contract Number V00021953 ; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5013; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase a new ATV for the Department of Public Works for \$12,251.46

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 March 10, 2025

Julie Falkenstern, Acting Borough Clerk

METRO GROUP OF NJ LLC

911 Middlesex Ave.
Metuchen NJ 08840
732-491-2900

Borough of Demarest

Buyer's Order

Date _____
Order No. _____
Salesman **JOE VITALE**

+ 07627
H 201-660-4529 W C

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2025	CAN AM	1GSA	3JB3KA545SJ001318	J001318	\$9,224.10

Options:

	Manufacturer Retail Price \$10,249.00 Less Dealer Discount \$1,024.90 Dealer Unit Price \$9,224.10 Factory Options \$0.00 Added Accessories \$1,808.36 Freight \$625.00 Dealer Prep / Rigging Fee \$395.00 NJ Tire Tax \$0.00 Preferred Card \$0.00 Doc Fee- Non Taxable \$0.00 Prize Sales Tax \$0.00 NJ Tire Tax \$0.00 Temp Reg \$0.00 Service Contract \$0.00 Lifetime Battery \$0.00 GPS Tracker \$0.00 PPM \$0.00 Gap Ins- Non Taxable \$0.00 Gap Insurance \$0.00 Tire & Wheel Insuran \$0.00 T&W Ins- Non Taxable \$0.00 Theft Contract \$0.00
FRAME_PUSH KIT ATV \$449.99 D BOX_STORAGE \$491.39 D 54" STEEL PLOW KIT \$323.99 D SUPPORT_ROLLER_SNOW PLOW KIT G3 \$107.99 D Plow Installation \$435.00 D	<hr/> Cash Price \$12,052.46 Trade Allowance \$0.00 Payoff \$0.00 <hr/> Net Trade \$0.00 Net Sale (Cash Price - Net Trade) \$12,052.46 Sales Tax \$0.00 Title/License/Registration Fees \$0.00 Document or Administration Fees \$199.00 Credit Life Insurance \$0.00 Accident & Disability \$0.00 <hr/> Total Other Charges \$199.00 Sub Total (Net Sale + Other Charges) \$12,251.46 Cash Down Payment \$0.00 Amount to Pay/Finance \$12,251.46

Notes:
 Rebate for Government (10% up to \$1750)
 NJ START # V00021953
 10% off of all accessories

Trade Information

Monthly Payment of \$0.00 For 0 Months at 0.00% Interest

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.

*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.

Customer Signature _____ Dealer Signature _____

Thank You for Your Business!

Resolution of the Demarest Governing Body

Resolution No. 064-25

March 10, 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 \$ 2,962,325.21 on bill list dated March 7, 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 March 10, 2025.

Julie Falkenstern, Acting Borough Clerk

March 7, 2025
10:48 AM

Demarest Borough
Purchase Order Listing By Vendor Name

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
COLLI010 COLLIERS ENGINEERING & DESIGN									
25-00236	02/21/25	DEZ0048	109 LAKE RD	Open	813.75	0.00			
25-00237	02/21/25	DEB0065	4TH ROUND VACANT LAND	Open	1,546.25	0.00			
25-00238	02/21/25	DEB005B	4TH ROUND HOUSING ELEM	Open	1,026.25	0.00			
25-00239	02/21/25	DEB005A	HEFSP VACANT LAND ASSE	Open	570.00	0.00			
25-00240	02/21/25	DEB001A	GENERAL PLANNING	Open	142.50	0.00			
25-00267	02/28/25	DEB0062	STROM WATER MAPPING	Open	28,486.71	0.00			
25-00268	02/28/25	DEB0067	UNIMPROVED ROADS	Open	26,702.50	0.00			
25-00292	03/04/25	DEP0193	23 ANDERSON AVE	Open	175.00	0.00			
25-00293	03/04/25	DEP106	FRICK ESTATES/WOODLANDS	Open	2,250.00	0.00			
25-00294	03/04/25	DEZ0028A	68 SERPENTINE ROAD	Open	92.50	0.00			
25-00295	03/04/25	DEP0163	95 COUNTY ROAD	Open	265.00	0.00			
25-00296	03/04/25	DEP0178	48 MEADOW STREET	Open	130.00	0.00			
25-00297	03/04/25	DEP0214	242 HARDENBURGH AVE	Open	477.50	0.00			
25-00298	03/04/25	DEP0217	1 BLANCHE AVE	Open	517.50	0.00			
25-00299	03/04/25	DEP0218	54 EVERETT ROAD	Open	985.00	0.00			
25-00300	03/04/25	DEP0219	97 PRESCOTT ST	Open	480.00	0.00			
25-00301	03/04/25	DEZ0044	22 DRURY LANE	Open	610.00	0.00			
25-00302	03/04/25	DEZ0047	20 PINE HILL	Open	370.00	0.00			
25-00329	03/06/25		2025 general engineering	Open	7,320.00	0.00			
25-00330	03/06/25	DEB0067	2024 UNIMPROVED ROADS	Open	6,035.00	0.00			
25-00331	03/06/25	DEB0061	STEWART AND STELFOX	Open	4,028.75	0.00			
25-00332	03/06/25	DEB0055	MADISON AVE ROADWAY	Open	1,935.00	0.00			
25-00333	03/06/25	DEB0071	DAVIES ARBORETUM DAM I	Open	1,687.50	0.00			
					<u>86,646.71</u>				
COOPE010 COOPER POWER SYSTEMS									
25-00289	03/04/25		2025 generator maint agreement	Open	1,082.52	0.00			
25-00290	03/04/25		2025 generator maint agreement	Open	1,278.44	0.00			
					<u>2,360.96</u>				
COPS0005 COPS									
25-00233	02/21/25		2 SEATS FOR TRAINING (PD)	Open	538.00	0.00			
CROSS010 CROSSING GUARD SERVICES LLC									
25-00313	03/05/25	I#1348	Feb 2025 LutherLee	Open	1,014.16	0.00			
25-00314	03/05/25	I#1350	Feb 2025 NVRHS	Open	2,028.32	0.00			
25-00315	03/05/25	I#1349	Feb 2025 BoroHall	Open	11,155.76	0.00			
					<u>14,198.24</u>				
DECAR005 DECARLO TREE MASTERS									
24-01319	09/20/24		hazard tree removal & pruning	Open	5,015.00	0.00			
24-01692	11/22/24		removal of hazardus trees	Open	3,325.00	0.00			
24-01858	12/19/24		25 stewart st tree removal	Open	625.00	0.00			
					<u>8,965.00</u>				
DELSPO05 DEL'S PEST ARREST INC									
25-00324	03/05/25		february service	Open	300.00	0.00			
DEMARE015 DEMAREST BOARD OF EDUCATION									
25-00275	03/03/25		MARCH TAX LEVY	Open	1,449,246.00	0.00			

March 7, 2025
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Demarest Borough
Purchase Order Listing By Vendor Name

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DEMARE025	DEMAREST FIRE ASSOCIATION	25-00269	03/03/25	Ice Tech Course	Open	325.00	0.00		
EMERS005	EMERSON FENCE INC	25-00008	01/31/25	gate repair	Open	1,026.00	0.00		
EQUIT005	EQUITABLE	25-00255	02/27/25	I#1681275 Mar2025 dtd 02/11/25	Open	1,614.38	0.00		
FIRST025	FIRST STUDENT INC	25-00325	03/05/25	outstanding bills	Open	5,300.00	0.00		
GANNE005	GANNETT MEDIA CORP	25-00280	03/03/25	advertising acct#1185994	Open	191.20	0.00		
GRACI005	GRACIE & HARRINGTON CONSULTING	25-00311	03/04/25	AMEND TREE REPLACEMENT REPORT	Open	140.00	0.00		
GRAIN010	GRAINGER	25-00251	02/26/25	Grainger Supplies	Open	173.57	0.00		
		25-00252	02/26/25	Grainger Supplies	Open	405.87	0.00		
						<u>579.44</u>			
IMPAC005	IMPAC FLEET	25-00316	03/05/25	I#SQLIM-1053459 Feb 2025 Fuel	Open	5,212.84	0.00		
INSTI005	INSTITUTE FOR PROF DEVELOPMENT	25-00282	03/03/25	Webinar 05/07/25 Peter&Andrea	Open	100.00	0.00		
		25-00338	03/06/25	Be In The Know Webinar June25	Open	50.00	0.00		
						<u>150.00</u>			
INTER035	INTER CITY TIRE	25-00320	03/05/25	I#186289 4 Tires for Gator	Open	788.00	0.00		
JBLOC005	J & B LOCK & ALARM INC	25-00253	02/26/25	2025 Central Station Monitor	Open	390.00	0.00		
		25-00266	02/28/25	alarm service evaluation	Open	277.50	0.00		
						<u>667.50</u>			
LAWOF015	LAW OFFICES OF MARK D. MADAIO	25-00304	03/04/25	ATTEND BOARD MEETING	Open	250.00	0.00		
LINCO015	LINCOLN FINANCIAL GROUP	25-00270	03/03/25	AMBULANCE 2023 LOSAP (REVISED)	Open	22,253.00	0.00		
LOUIS005	LOUIS TOMASI	25-00276	03/03/25	APRIL HEALTH REIMBURSEMENT	Open	2,524.65	0.00		
MCELW005	MCELWEE & QUINN LLC	25-00339	03/07/25	FORMAT/REVIEW STATEMENT	Open	1,000.00	0.00		
NJADV005	NJ ADVANCE MEDIA, LLC	25-00323	03/05/25	online newspaper	Open	55.18	0.00		

March 7, 2025
10:48 AM

Demarest Borough
Purchase Order Listing By Vendor Name

Page No: 4

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
NJDEP005	NJ DEPT OF HEALTH	25-00326	03/05/25	february dog license report	Open	201.60	0.00		
NJEZP005	NJ E-Z PASS	25-00242	02/24/25	credit acct#1000 0000 0655 0	Open	50.00	0.00		
		25-00310	03/04/25	TOLL AND FEE	Open	61.64	0.00		
						<u>111.64</u>			
NVRHS005	NVRHS BOARD OF EDUCATION	25-00274	03/03/25	MARCH TAX LEVY	Open	1,285,292.75	0.00		
ONECA005	ONE CALL CONCEPTS	25-00281	03/03/25	february service	Open	20.02	0.00		
PASSA005	PASSAIC COUNTY POLICE ACADEMY	25-00248	02/26/25	class 1 sleo training	Open	750.00	0.00		
		25-00249	02/26/25	class 1 sleo training	Open	110.00	0.00		
						<u>860.00</u>			
PECKH005	PECKHAM INDUSTRIES INC	25-00095	02/05/25	calcium chloride	Open	2,407.90	0.00		
PETER040	PETER SUH	25-00271	03/03/25	1099 TO IRS REIMBURSEMENT FEE	Open	12.10	0.00		
POWER015	POWER PLACE, INC.	25-00264	02/28/25	full brake repair	Open	905.10	0.00		
PRECIO15	PRECISION MOWER & EQUIPMENT	25-00265	02/28/25	3 blades for toro mower	Open	90.00	0.00		
PUBLIO05	PUBLIC SERVICE GAS & ELECTRIC	25-00256	02/27/25	A#6627137100 Train 01/16-2/14	Open	406.71	0.00		
		25-00257	02/27/25	A#6739541701 DPW 01/16-02/14	Open	2,752.70	0.00		
		25-00258	02/27/25	A#7764465909 Church 1/16-02/14	Open	476.14	0.00		
		25-00259	02/27/25	A#6532685801 AMB 01/16-02/14	Open	398.93	0.00		
		25-00260	02/27/25	A#6669427409 Fire 01/16-02/14	Open	1,322.04	0.00		
						<u>5,356.52</u>			
READY005	READYREFRESH BY NESTLE	25-00337	03/06/25	I#05B0444045116 Final Bill	Open	467.59	0.00		
RUTGE030	RUTGERS THE STATE UNIVERSITY	25-00219	02/20/25	julie conference 2 day forum	Open	450.00	0.00		
STATE055	STATE OF NJ-STATE TOXICOLOGY	25-00307	03/04/25	CASE#24L014863,24L014864	Open	90.00	0.00		
		25-00308	03/04/25	CASE#24L005574	Open	45.00	0.00		
		25-00309	03/04/25	CASE#24L008752,24L008753	Open	90.00	0.00		
						<u>225.00</u>			
SUNSE005	SUNSET HAND CAR WASH	25-00286	03/03/25	Jan Feb Car wash	Open	40.00	0.00		

March 7, 2025
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Demarest Borough
Purchase Order Listing By Vendor Name

Page No: 5

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SUPER015	SUPER QUALITY OIL CO. INC	25-00228	02/21/25	400 gallons off road diesel	Open	1,275.60	0.00		
SY6TR005	SY6 TRAINING LLC	25-00273	03/03/25	TRAINING BLS COURSE(4 MEMBERS)	Open	312.00	0.00		
TMOBI005	T-MOBILE	25-00321	03/05/25	A#990625644 01/21/25-02/20/25	Open	460.19	0.00		
TCTA005	T.C.T.A OF BERGEN COUNTY	25-00244	02/24/25	regular membership psuh	Open	75.00	0.00		
		25-00283	03/03/25	1st Annual Mtg March 27th 2025	Open	100.00	0.00		
						175.00			
TCTA010	T.C.T.A. OF NJ	25-00243	02/24/25	2025 annual membership psuh	Open	100.00	0.00		
THEST005	THE STANDARD INSURANCE CO	25-00254	02/27/25	P#001481980001 Mar2025 21Lives	Open	326.53	0.00		
TRAFF015	TRAFFIC SAFETY & EQUIPMENT	25-00328	03/06/25	extruded .080 alum	Open	135.01	0.00		
TRANS010	TRANSUNION RISK AND ALTERNATIV	25-00287	03/04/25	february billing	Open	120.00	0.00		
ULINE005	ULINE SHIPPING SUPPLY	25-00291	03/04/25	stainless steel drum pump	Open	125.58	0.00		
VERIZ050	VERIZON	25-00340	03/07/25	A#156986386000196 2/28-3/27	Open	201.52	0.00		
VERIZ030	VERIZON (CALL FORWARDING)	25-00261	02/27/25	A#755939643000108 02/18-03/17	Open	195.96	0.00		
VERIZ045	VERIZON - FIRE -INTERNET	25-00285	03/03/25	Verizon Internet Feb26-March25	Open	274.00	0.00		
VERIZ010	VERIZON WIRELESS	25-00262	02/27/25	I#6105794212 01/11-02/10/25	Open	420.11	0.00		
VERIZ025	VERIZON WIRELESS (FIRE)	25-00234	02/21/25	verizon cell 1/11-2/10	Open	228.10	0.00		
WHALE005	WHALEN & IVES	25-00232	02/21/25	train station check	Open	240.00	0.00		
		25-00250	02/26/25	no heat HAS MSC	Open	240.00	0.00		
						480.00			

Total Purchase Orders: 114 Total P.O. Line Items: 0 Total List Amount: 2,962,325.21 Total Void Amount: 0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	4-01	22,253.00	0.00	0.00	22,253.00
	5-01	82,064.73	0.00	2,760,601.22	2,842,665.95
	5-05	0.00	0.00	201.60	201.60
	5-06	0.00	0.00	14,265.00	14,265.00
	5-12	0.00	0.00	3,142.50	3,142.50
Year Total:		82,064.73	0.00	2,778,210.32	2,860,275.05
	C-04	72,630.91	0.00	0.00	72,630.91
	T-13	7,166.25	0.00	0.00	7,166.25
Total of All Funds:		184,114.89	0.00	2,778,210.32	2,962,325.21