JULY 22, 2024

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Mayor Magazzu, Councilman Epifanio, Councilman McHenry, Councilman Ried.

Also Present- Solicitor, Justin Strasser, CFO, Alex Davidson, Chief of Police, Louis Bordi, Township Engineer, Greg Fusco, Property Maintenance / Animal Control, Josh Shellenberger.

Absent - Council President Bodanza

Departmental Reports

No reports were heard.

SECOND READING AND PUBLIC HEARING ORDINANCE 2024-8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS AND ZONING ORDINANCE OF THE TOWNSHIP OF BERLIN AND TO ADOPT THE REVIZED OFFICIAL ZONING MAP OF THE TOWNSHIP

WHEREAS, the Township of Berlin ("Township") is a municipal entity organized and existing under the law of the State of New Jersey and located in Camden County; and

WHEREAS, the Governing Body has determined that it is in the public interest to update the current Official Zoning Map, last revised in May of 2012; and

WHEREAS, the changes to the Zoning Map are as recommended in the October 2023 Master Plan Reexamination and Amendment.

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: Section 340-25 of the Code of the Township of Berlin entitled "Zoning Map" is hereby revised, supplemented and revised to reflect the revised Zoning Map as attached hereto and on file in the office of the Township Clerk.

SECTION 2: Except as set forth in Section 1 above, the balance of the Code of the Township of Berlin shall not be affected by this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Councilman Epifanio second by Councilman Reid to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2024-8.

No comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2024-8.

Motion by Councilman Epifanio seconded by Councilman McHenry to adopt Ordinance 2024-8. Ordinance approved by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2024-9
ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, TO REPEAL AND REPLACE CHAPTER 200 ARTICLE XVIIIA, OF THE GENERAL CODE OF THE TOWNSHIP OF BERLIN ENTITLED "STORMWATER CONTROL"

WHEREAS, Chapter 200, Article XVIIIA of the Code of the Township of Berlin ("Township"), entitled "Stormwater Control", establishes Berlin's minimum stormwater management requirements and controls for major development; and

WHEREAS, N.J.A.C. 7:8 was recently amended to revise statutory minimum requirements; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and the Township Council of the Township of Berlin, County of Camden and State of New Jersey as follows:

SECTION 1: Chapter 200, Article XVIIIA, entitled, "Stormwater Control", is hereby repealed and replaced in its entirety as follows:

200-145.1. 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 200-147.2.

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 Township of Berlin.
3. This Article shall not apply to any portion(s) of the Township of Berlin which are located within the New Jersey Pinelands Area.
4. C.1 above that has been submitted prior to July 22, 2024, shall be subject to the stormwater management requirements in effect on July 21, 2024.
5. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to July 22, 2024, shall be subject to the stormwater management requirements in effect on July 21, 2024.
6. 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 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.

200-147.2. 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 subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021.
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.”

"Minor development" means any individual development as well as multiple developments at individually or collectively result in:

1. The disturbance of five thousand (5,000) square feet or more of land, but not considered to be a major development;
2. The creation of one thousand (1,000) or more square feet of "regulated impervious surface" but not considered to be a major development;
3. The creation of one thousand (1,000) or more square feet of "regulated motor vehicle surface" but is not considered to be a major development;
4. A combination of the surfaces in 2 and 3 above that consists of an aggregate area of one thousand (1,000) or more square feet but not considered to be a 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 200-145.4.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.

200-145.3. Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major and minor 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 and minor development as defined herein 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 and minor 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.

C. Major and minor development within an impounded topographic condition must manage all stormwater runoff created within the contributory watershed and the stormwater runoff created by the new major and minor development in accordance with the design standards of the Department and N.J. Pinelands, whichever is governing, to ensure that there will be no adverse stormwater impacts to the new development and the surrounding lands.

200-145.4. 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 200-145.10.

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 200-145.4.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 200-145.4.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 200-145.4.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section 200-145.4.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 200-145.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 200-145.4.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 200-145.4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management

Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

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

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

Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations [a] through [g] are after Table 3)

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

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

(Notes corresponding to annotations [(b)] through [(d)] are found after Table 3)

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

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device[(h)]	50 or 80	No	No	Dependent upon the device
Sand Filter[(c)]	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section 200-145.4.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 200-145.2;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 200-145.2.

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 200-145.6.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 200-145.4.O only if the measures meet the definition of green infrastructure at Section 200-145.2 Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 200-145.4.O.2 are subject to the contributory drainage area limitation specified at Section 200-145.4.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 200-145.4.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 200-145.4.D is granted from Section 200-145.4.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 200-145.8.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 200-145.8; 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 2 may be used only under the circumstances described at Section 200-145.4.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section 200-145.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 200-145.4.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 200-145.4.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 County Clerk. 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 200-145.4.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 200-145.5.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 4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk 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 200-145.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 200-145.4.F. and/or an alternative stormwater management measure approved in accordance with Section 200-145.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section 200-145.4.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 200-145.4.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 200-145.4.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 200-145.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 200-145.4.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 200-145.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 200-145.4.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 5, either:
   a. 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
   b. 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 200-145.5. of this ordinance, is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.

4. The following types of stormwater shall not be recharged:

   a. 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 with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
   b. 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:

   a. 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.

   b. 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 200-145.4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
   a. 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 200-145.5. of this ordinance, do not exceed, at any

point in time, the pre-construction runoff hydrographs for the same storm events;

b. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in section 200-145.5. 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;

c. 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 200-145.5. 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

d. 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.

S. Additional Standards Only Applicable to Minor Development

a. The above standards are applicable to minor development. All such development shall be subject to the review by the Township Engineer (or Planning Board Engineer, where applicable) to determine that all stormwater runoff created by the development is adequately controlled and does not cause adverse impact on the adjacent lands.

b. In such cases where it is determined that the outflow from the stormwater management system may impact an adjacent property, the outflow shall be directed to a storm drainage system, gutter, swale or other suitable stormwater runoff conveyance measure.

c. If the Township Engineer (or Planning Board Engineer, when applicable) determines that there are no provisions for outflow, which may result in

adverse impact to adjoining properties and new development, or that the outflow cannot be safely directed to a storm drainage system, gutter, swale, or other suitable stormwater runoff conveyance system the stormwater runoff from the development and contributory drainage area, the stormwater shall be retained an adequately managed on-site using green infrastructure practices or such other measures, which are determined to be acceptable by the Township Engineer (or Planning Board Engineer, when applicable).

d. When determined to be necessary by the Township Engineer (or Planning Board Engineer, when applicable), the following must be provided with the development design:

    i. Soil testing confirming the permeability of the soils, soil profile and depth to the seasonal high and ground water table.

    ii. Groundwater Mounding Analysis, in accordance with the respective N.J.D.E.P. rules and regulations, in order to assess and determine any potential adverse impacts to the new development, the adjacent lands and any improvement on those lands.

e. The stormwater management facilities shall be protected from future development and any alteration by recording a deed restriction, conservation easement or another acceptable legal measure, all recorded at the County Clerk's Office.

f. A variance from strict compliance with the requirements of this section may be granted by the Planning Board for minor development with the advisement of the Planning Board Engineer and the applicant has demonstrated the inability or impracticability of strict compliance with the stormwater management requirements of this section.

200-145.5. 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:

    a. 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 200-145.5.A.1.a. 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://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422

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 Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	**Current Precipitation Adjustment Factors**		
	2-Year Design Storm	**10-Year Design Storm**	**100-Year Design Storm**
Atlantic	1.01	1.02	1.03
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Gloucester	1.05	1.06	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 Adjustment Factors

County	**Future Precipitation Adjustment Factors**		
	2-Year Design Storm	**10-Year Design Storm**	**100-Year Design Storm**
Atlantic	1.22	1.24	1.39
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Gloucester	1.19	1.23	1.41

200-145.6. 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.

200-145.7. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 200-145.4.F above, or alternative designs in accordance with Section 200-145.4.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 200-145.7.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:

   a. 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
   b. 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.

   c. 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:

a. 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;
b. 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;
c. 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:

   i. 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
   ii. 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).

d. 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

e. 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.

200-145.8. 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 200-145.8.C.1, 8.C.2, and 8.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:

    a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    c. 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
    d. 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:

    a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    b. The overflow grate spacing shall be no greater than two inches across the smallest dimension
    c. 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:

    a. 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 8.C, a free-standing outlet structure may be exempted from this requirement;
    b. 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 8.E for an illustration of safety ledges in a stormwater management BMP; and

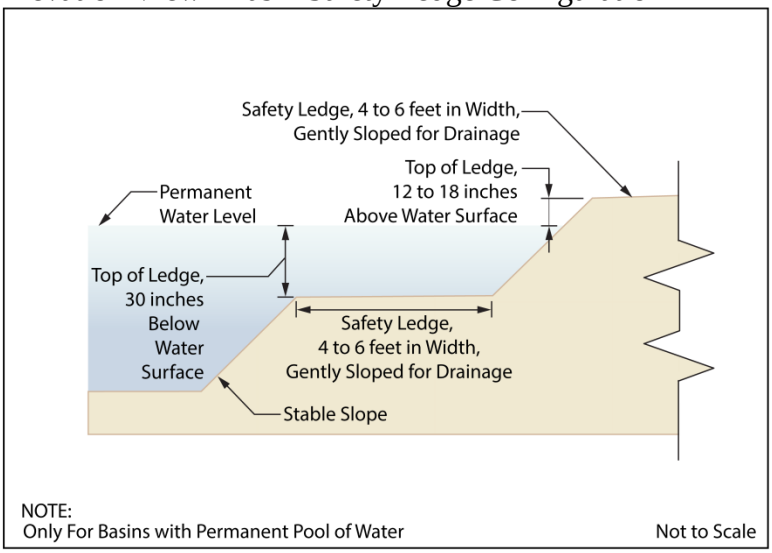
c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

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



200-145.9. 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 200-145.9.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 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 200-145.9.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 engineer retained by the Planning and/or Zoning Board (as appropriate) 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. Checklist Requirements

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 3 through 5 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:

   a. 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.
   b. 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

   a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
   b. 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 200-145.10

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 200-145.9.C.1 through 9.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.

200-145.10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 200-145.1.C of this ordinance shall comply with the requirements of Section 200-145.10.B and 10.C.

B. General Maintenance

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

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

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

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

5. If the party responsible for maintenance identified under Section 200-145.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 200-145.10.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 200-145.10.B.3 above shall perform all of the following requirements:

   a. 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;
   b. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
   c. 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 200-145.10.B.6 and B.7 above.

8. The requirements of Section 200-145.10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

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

200-145.11. Penalties:

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to a fine of not less than one hundred dollars ($100.) but not more than one thousand dollars ($1,000.) and/or sentencing to a period of not more than ninety (90) days in jail. Every continuous day that a violation takes place shall be considered a separate occurrence.

200-145.12. 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.

200-145.13. Effective Date:

This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

SECTION 2: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby superseded to the extent of such inconsistency.

SECTION 3: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Motion by Councilman Epifanio second by Councilman Reid to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2024-9.

No comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2024-9.

Motion by Councilman Reid seconded by Councilman Epifanio to adopt Ordinance 2024-9. Ordinance approved by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2024-10 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 340 ENTITLED "ZONING", TO REPEAL AND REPLACE ARTICLE XVII "SENIOR CITIZEN COMMUNITY HOUSING" WITH THE "ARR-1 AND ARR-2 AGE RESTRICTED RESIDENTIAL

ZONING DISTRICTS", AND TO ADD PARTICULAR LOTS TO THE NEW ARR-1 and ARR-2 ZONES AS RECOMMENDED IN THE BERLIN TOWNSHIP MASTER PLAN REEXAMINATION AND AMENDMENT ADOPTED BY THE PLANNING BOARD ON OCTOBER 24, 2023.

WHEREAS, the Township of Berlin strives to adopt and implement land use regulations that advance the Township's policies, goals, and objectives as set forth in the Master Plan and Master Plan Reexamination reports; and

WHEREAS, the Berlin Township Planning Board prepared and adopted a Master Plan Reexamination and Amendment which was adopted by Resolution 2023-19 at a public meeting on October 24, 2023; and

WHEREAS, the 2016 Master Plan Reexamination Report had identified zoning conflicts along Cooper Road and Taunton Avenue where age restricted (senior citizen) housing had been developed in the I-1 Light Industrial zoning district, and it was recommended that the zoning in the area around the intersection of Cooper Road and Taunton Avenue be reviewed; and

WHEREAS, the 2023 Master Plan Amendment recommends the creation of a new Age Restricted Residential Zone that will be the base zone applicable to the Montebello development and the Taunton Run development, and the deletion of the Senior Citizen Community Housing Overlay, in order to reflect current conditions and provide standards for the communities as they evolve into the future; and

WHEREAS, the new Age Restricted Residential Zoning District will apply to the following lots and will replace the I-1 Light Industrial Zoning District for the listed lots:

ARR-1 Age Restricted Residential District	
Block	**Lots**
1904	14.01
ARR-2 Age Restricted Residential District[1]	
Block	**Lots**
2201	All
2203	All
2204	All
2401	All
2402	All
2403	All
2404	1 through 41, 44 and 45
2501	All
2503	All
2504	All

[1] Note that at the time of the adoption of the Master Plan Reexamination and Amendment in October 2023, there was an error on sheet 24 of the Berlin Township Tax Map. At that time lot 42 in block 2402 was incorrectly shown as lot 43, lot 43 in block 2404 was incorrectly shown as lot 44, and lot 44 in block 2404 was incorrectly shown as lot 42. The list of lots to be rezoned includes the correct lot numbers, with the understanding that the tax map is being corrected.

2505	All
2603	All

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Berlin, County of Camden, State of New Jersey that the following sections of the Township Code shall be amended as follows:

SECTION 1: Amend the Berlin Township Zoning Map to rezone the following lots from the I-1 Light Industrial Zone/Senior Citizen Community Overlay to the ARR-1 and ARR-2 Age Restricted Residential Zoning District:

ARR-1 Age Restricted Residential District	
Block	**Lots**
1904	14.01
ARR-2 Age Restricted Residential District[2]	
Block	**Lots**
2201	All
2203	All
2204	All
2401	All
2402	All
2403	All
2404	1 through 41, 44 and 45
2501	All
2503	All
2504	All
2505	All
2603	All

SECTION 2: Replace Article XVII in its entirety with the ARR Age-Restricted Residential Zoning Districts as follows:

340-96 Purpose. The purpose of the ARR age-restricted residential zoning districts is to provide opportunities for a variety of housing types to meet the needs of senior citizens in a manner that is compatible with surrounding development, and in areas with access to infrastructure, shopping, and recreation opportunities; and proximate to other developed areas where family and friends may live.

[2] Note that at the time of the adoption of the Master Plan Reexamination and Amendment in October 2023, there was an error on sheet 24 of the Berlin Township Tax Map. At that time lot 42 in block 2402 was incorrectly shown as lot 43, lot 43 in block 2404 was incorrectly shown as lot 44, and lot 44 in block 2404 was incorrectly shown as lot 42. The list of lots to be rezoned includes the correct lot numbers, with the understanding that the tax map is being corrected.

340-97 Minimum Age Requirement and Deed Restriction

A. All residential units shall "age restricted" or "senior" housing. The housing units shall be designed for and occupied by permanent residents at least 55 years of age, except that the spouse or one immediate relative, domestic companion, or nurse aged 18 years or older may reside in the unit. The deed or covenant reserving the unit as age-restricted or senior citizen housing shall remain in effect for as long as the housing unit exists. The deed or covenant shall be subject to the review and approval of the Township solicitor.
B. All age-restricted multi-family apartments shall be affordable units, available to very low-, low-, and moderate-income households. The affordable units shall be restricted, regulated, and administered consistent with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).

340-98 Minimum Development Area and Maximum Residential Density

A. The minimum lot area for the ARR-1 zone is 8 acres
B. The maximum residential density for the ARR-1 zone is 15 dwelling units per acre.
C. The minimum overall tract area for the ARR-2 zone is 50 acres and the minimum individual lot size for residential dwellings is 6,000 square feet.
D. The maximum density for the ARR-2 zone is 4.25 dwelling units per acre.

340-99 Principal Permitted Use of Land and Buildings

A. Single Family Detached Dwelling Units
B. Multi-family Garden Apartments in the ARR-1 zone only
C. Open Space and Outdoor Recreation

340-100 Permitted Accessory Uses and Structures

A. Common recreation facilities for the use and enjoyment of residents and their guests.
B. Community centers for the use of residents and their guests.
C. Stormwater management structures and facilities including green infrastructure.
D. Public water and public sewer utility infrastructure.
E. Minor home occupations in accordance with the requirements of 340-4.
F. Private residential sheds for storage and other customary detached residential accessory structures such as gazebos or cabanas. Only one such structure is permitted on each lot.
G. Off Street Parking
H. Fences and walls in accordance with the requirements of this article and section 340-18.
I. Signs in accordance with the requirements of this article and article XIII.

J. Electric Vehicle Charging and Service Equipment
K. Temporary construction, sales, and leasing trailers not to exceed 1,440 square feet, set back a minimum of 50 feet from perimeter property lines and shown on an approved site plan.
L. Trash and recycling enclosures as set forth below

340-101 Bulk, Area, and Yard Requirements

Requirement	**Single Family Detached Lots**	**Multi-family Garden Apartments**
Minimum Lot Area	6,000 square feet	5 acres
Minimum Lot frontage	50 feet[3]	125 feet
Minimum side yard	5 feet each side/ 15 feet aggregate[4]	25 feet
Minimum front yard setback[5]	20 feet	50 feet
Minimum rear yard setback	18 feet 8 feet when abutting permanently preserved open space	50 feet
Maximum building coverage per lot	50%	50%
Maximum impervious coverage per lot	75%	75%
Minimum distance between buildings	15 feet	25 feet
Maximum height	35 feet or 2 stories, Whichever is less	35 feet or 2 stories, whichever is less
Accessory Structure Setbacks (attached to house or detached)	8 feet from rear and 5 feet to side for lots that do not adjoin open space.	15 feet to side and rear. Not permitted in front yard.

[3] Lots on a cul-de-sac may have a minimum of 35 feet of frontage but must have 50 feet of width at the building setback.
[4] Minimum distance between adjacent homes shall be 15 feet.
[5] Front yards are measured from each street frontage.

	5 feet from rear and side for lots that adjoin open space. [6] Not permitted in front yard	
Accessory Structures	Maximum height 15 feet	Maximum height 15 feet

340-102 General Requirements

A. A minimum of 25% of the tract area shall be maintained as common open space. This area may consist of natural areas and maintained open space areas. A maximum of one-third of delineated wetlands may be utilized in calculating the required open space area. For example, if there are 6 acres of wetlands on a site, a maximum of 2 acres (1/3) may count toward the open space requirement.

B. No single family detached residential lot shall contain restricted lands such as wetlands, wetland buffers, flood plains, or stormwater basins. Green infrastructure such as rain gardens, rain barrels, or drywells may be on individual lots with a point-of-sale disclosure to the buyer that includes maintenance obligations.

C. No single family or townhouse lot shall have direct access from any arterial or collector road (Cooper Road and Taunton Avenue)

D. Minimum tract perimeter buffer is 50 feet. Perimeter buffers shall not be located on any single family or townhouse lot. No parking or accessory structures shall be permitted within the perimeter buffer area.

E. Recreation facilities shall be provided to benefit the residents of the community. On-site recreational facilities shall be owned and maintained by the property owner for rental community or a Homeowners Association for a for-sale community.

1. Indoor recreational, social, and community meeting facilities shall be provided. For single family and townhouse communities, the gross floor area of the indoor facilities shall be a minimum of 25 square feet per residential dwelling unit for the first 250 units plus 5 square feet for each unit above 250 or a minimum of 7,000 square feet. For garden apartment

[6] Unenclosed, at grade accessory structures (patios) may be setback 0 feet from the rear property line when the lot abuts permanently preserved open space. In this instance, the applicant must provide grading to demonstrate how and where runoff will flow. Additionally, the applicant must install landscaping on the open space lands to create a screen, including pine trees a minimum of 6 feet in height and understory shrubs a minimum of 5 feet in height.

communities the facilities shall be a minimum of 4,000 square feet for each 100 residential units.

2. A minimum of one dog park area shall be provided for each contiguous development area, consisting of at least 5,000 square feet surrounded by a 6-foot-high decorative transparent fence, and set back a minimum of 50 feet from the nearest residential structure.
3. Each age restricted residential development shall include areas designated as common green areas and open spaces, to be utilized by residents of the community for passive recreational purposes. A minimum of 25% of the overall tract shall be retained as common open space. A maximum of 1/3 of the freshwater wetland areas on the tract may be counted toward the common open space area.

F. Subdivision of lots for permitted uses and permitted community accessory uses (such as community center, pump station, water storage) is permitted.

G. Parking Requirements
1. 1.5 parking spaces per one- or two-bedroom age-restricted apartment.
2. 2 off-street parking spaces per age-restricted single-family home
3. One parking space for each 400 square feet in a community center and outdoor active recreation space.

340-103 Design Requirements

A. Pedestrian pathways and sidewalks shall be provided and separated from motor vehicle cartways. Sidewalks shall be provided parallel to and on both sides of internal streets, on at least one side of all driveways, and in front of all buildings, structures, parking areas.

B. Curbing shall be provided along all streets, roadways, parking areas for the purpose of defining the area and separating landscaped areas.

C. Garages intended to be counted toward residential parking requirements must be sufficiently sized to store trash and recycling containers and equipment such as bicycles, in addition to vehicles.

D. Each lot must contain landscaping along the building frontages.

E. Driveways for single family homes must be setback a minimum of 5 feet from side property lines.

F. Parking shall not be permitted on roads serving as collector streets.

G. Fences throughout the development must be of a consistent style, color, and material. A detail shall be provided at the time of approval and shall be made part of homeowner association (HOA) documents.

340-104 Landscape and Buffers

A. Within the minimum 50-foot perimeter buffer area in the ARR-2 zone, a minimum 25 foot wide area shall be planted with a variety of landscape buffer

materials. Natural buffers shall be maintained when feasible and supplemented to ensure adequate year-round screening.

B. The minimum perimeter buffer area within the ARR-1 zone is 25 feet and the entire buffer area shall be planted to ensure visual screening and attractive yard areas.
C. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate fences or walls in sufficient quantities and sizes to perform their necessary screening function.
D. Existing trees shall be retained to the greatest extent possible and shall be supplemented as needed to achieve the intended buffer effect.
E. No stormwater facilities, parking, or accessory structures shall be permitted within 25 feet of the tract boundary.
F. For every 100 linear feet of buffer area the landscaping shall include 4 large or medium trees, 4 small or ornamental trees, 15 evergreen or conifer trees, and 30 shrubs. At least 75%, and preferably more, of the landscape materials shall be native plants. Existing vegetation may substitute for all or a portion of the required buffer plantings at the discretion of the reviewing Board.
G. Common areas (other than natural areas), buffer areas, and areas immediately surrounding multi-family buildings must be irrigated with subsurface automated irrigation systems with rain sensors.

340-105 Enclosures for Trash and Recyclables for Multi-Family Development

A. Trash and recycling storage areas must be enclosed and sufficiently sized to contain the dumpsters or containers for both trash and recyclable materials. Dumpsters or other trash containers are not permitted to sit in the open anywhere on the site.
B. If outside of the building footprint, trash and recyclables enclosure areas must be masonry structures with an exterior façade to match the building.
C. Trash enclosures must be a minimum of six feet in height and a maximum of eight feet, as needed to shield the trash containers.
D. Trash enclosure gates shall be constructed with a steel frame. Chain link gates must be black vinyl coated.
E. Trash enclosures that are outside the principal building footprint must be set back a minimum of five feet from side and rear property lines.
F. The applicant shall submit an operations statement to outline the plan for solid waste and recyclables management and collection.

340-106 Homeowners Association

A. Each age restricted community that includes fee simple or condominium units must establish a homeowners or condominium association. The association

documents shall be reviewed and approved by the Township solicitor prior to final approval of the plans.

B. The association shall be legally and financially responsible for the following services unless otherwise agreed to by the Township.
    1. Maintenance of common areas, including active and passive recreation areas.
    2. Maintenance of all private roads, driveways, parking areas, sidewalks, and irrigation systems.
    3. Stormwater management facilities
    4. Lighting
    5. Snow removal
    6. Trash and recycling removal
    7. Landscaping

340-107 Emergency Standby Generators. Notwithstanding anything in this article to the contrary, and, in addition thereto, the following bulk and design regulations shall apply to all emergency standby generators installed within the zone:

A. All requirements of § 340-19B of the Code relating to ground-mounted equipment shall apply, except as follows:
    1. Permanent emergency standby generators shall be installed not less than 3.0 feet from any rear property line.
    2. Permanent emergency standby generators shall be installed not less than 1.5 feet from any side property line.
B. In addition to the requirements set forth in § 340-19B, the following requirements regarding emergency standby generators also shall apply:
    1. All emergency standby generators shall be ground-mounted only;
    2. All emergency standby generators shall be powered only by liquid propane or natural gas sources;
    3. The enclosure of every emergency standby generator must be manufactured by the general manufacturer, and the appearance of the enclosure must be compatible with the residential character of the residential development within which the generator is to be located; and
    4. In any residential development subject to the control and/or operation of a homeowners' association, the property owner shall first obtain the written consent of the homeowners' association and provide proof of same to the Zoning Officer at the time of application for a permit to install each such emergency standby generator

340-108 Architectural and Site Design Standards

A. Representative architectural elevations showing all four sides of proposed buildings shall be provided with dimensions, materials, and colors identified.
B. Architectural style shall be consistent throughout the development, with a minimum of four models with additional façade variations offered within a development of single-family homes.
C. Façade materials shall include masonry (such as brick or stone), fiber cement, and/or vinyl siding. Horizonal siding and vertical siding are permitted, both should not be included on a single building.
D. Front doors shall face toward the street and shall include a covered porch area.
E. The exterior appearance of accessory structures must be compatible with the façade of the principal building.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby superseded to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Motion by Councilman Epifanio second by Councilman Reid to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2024-10.

No comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2024-10.

Motion by Councilman Epifanio seconded by Councilman Reid to adopt Ordinance 2024-10. Ordinance approved by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2024-11 AN ORDINANCE AMENDING CHAPTER 200, LAND USE AND DEVELOPMENT, CHAPTER 262, RESOURCE EXTRACTION, AND CHAPTER 340, ZONING, OF THE CODE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

WHEREAS, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Township of Berlin implement the

objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

WHEREAS, the Pinelands Comprehensive Management Plan incorporates by reference certain stormwater management regulations contained at N.J.A.C. 7:8; and

WHEREAS, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 17, 2023.

WHEREAS, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and the Township Council of the Township of Berlin, County of Camden and State of New Jersey as follows:

SECTION 1: Chapter 200, Land Use and Development, Article XVIIIB, Stormwater Control in Pinelands Area, Section 200-145.22, Stormwater Management Requirements, is hereby amended by revising subsection D. as follows:

D. **Tables 1, 2, and 3** below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§200-145.22N, O, P, and Q**. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Section, the stormwater management measures found 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 BMP Manual 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 NJDEP 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 NJDEP website at: ~~https://njstormwater.org/bmp_manual2.htm~~ https://dep.nj.gov/stormwater/bmp-manual/.

SECTION 2: Chapter 200, Land Use and Development, Article XVIIIB, Stormwater Control in Pinelands Area, Section 200-145.22, Stormwater Management Requirements, is hereby amended by revising subsection O. as follows:

O. Groundwater Recharge Standards

(1) For all major development, the total runoff volume generated from the net increase in impervious surfaces by ~~a~~ the current 10-year, 24-hour storm, as defined and determined in **§200-145.23H**, shall be retained and infiltrated onsite.

(2) For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by ~~a~~ the current 10-year, 24-hour storm, as defined and determined in **§200-145.23H**, shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.

(3) -- (4) (No change.)

SECTION 3: Chapter 200, Land Use and Development, Article XVIIIB, Stormwater Control in Pinelands Area, Section 200-145.22, Stormwater Management Requirements, is hereby amended by revising subsection Q. as follows:

Q. Stormwater Runoff Quantity Standards

(1) (No change.)

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at **§200-145.23**, complete one of the following:

(a) 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

§200-145.23H and I, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in **§200-145.23H and I**, 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;

(c) 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 **§200-145.23H and I**, 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

(d) (No change.)

(3) -- (5) (No change.)

SECTION 4: Chapter 200, Land Use and Development, Article XVIIIB, Stormwater Control in Pinelands Area, Section 200-145.23, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

§200-145.23. Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated by the design engineer using 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, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: ~~https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf~~ https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422 or at United States

Department of Agriculture Natural Resources Conservation Service, ~~220 Davison Avenue, Somerset,~~ New Jersey ~~08873~~.

B. (No change.)

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

D. -- G. (No change.)

H. 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 **Table 5**: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

	Current Precipitation Adjustment Factors		
County	**2-year Design Storm**	**10-year Design Storm**	**100-year Design Storm**

Burlington	0.99	1.02	1.03
Camden	1.03	1.04	1.05

I. 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 **H.(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**	**100-year Design Storm**
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39

SECTION 5: Chapter 200, Land Use and Development, Article XVIIIB, Stormwater Control in Pinelands Area, Section 200-145.24, Sources for Technical Guidance, is hereby amended as follows:

§200-145.24. 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 NJDEP's website at: ~~http://www.nj.gov/dep/stormwater/bmp_manual2.htm~~ https://dep.nj.gov/stormwater/bmp-manual/.

(1) (No change.)

(2) Additional maintenance guidance is available on the NJDEP's website at: ~~https://www.njstormwater.org/maintenance_guidance.htm~~ https://dep.nj.gov/stormwater/maintenance-guidance/.

B.

(1) Submissions required for review by the NJDEP should be mailed to:

The Division of ~~Water Quality~~Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code ~~401-02B~~501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

(2) (No change.)

SECTION 6: Chapter 262, Resource Extraction, Section 262-2, Definitions, is hereby amended by adding the following definition:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

SECTION 7: Chapter 262, Resource Extraction, Section 262-5, Application for permit, is hereby amended as follows:

§262-5 Application for permit.

Before issuance of a permit, the applicant shall make application therefor to the office of the Township Clerk and furnish in said application and accompanying documents the following:

A. – O. (No change.)

P. If the application includes a proposed diversion from the Kirkwood-Cohansey aquifer, a hydrogeologic report that identifies the volume of the diversion, the volume of water to be returned to the source, a description of the route of return to the source, the methodology used to quantify the volume of water returned to the source and a description of any other existing or proposed water diversions or discharges on or from the parcel. The report shall also include a map that depicts the location of the diversion, the location of the return to source, the location of all existing or proposed resource extraction operations and the location of all wetlands on or within 300 feet of the parcel on which the diversion is proposed.

SECTION 8: Chapter 340, Zoning, Article II, Terminology, Section 340-5, Definitions of terms associated with Pinelands provisions, is hereby amended by adding the following definitions:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

HYDROLOGIC UNIT CODE-11 or HUC-11 – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

NONCONSUMPTIVE USE – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

SECTION 9: Chapter 340, Zoning, Article IV, General Provisions, Section 340-21, Pinelands development standards, is hereby amended by repealing and replacing subsection H(4) as follows:

(4) Water Management.

(a) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.

(b) A diversion within the Pinelands Area portion of Berlin Township that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at **[1]** and **[2]** below, or outside of either basin, shall be prohibited.

[1] The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.

[2] The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.

(c) A diversion within the Pinelands Area portion of Berlin Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at **(b)[1]** and **[2]** above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at **(d)** below.

(d) Within the Pinelands Area portion of Berlin Township a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at **(d)[3]** through **[6]** below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.

[1] When evaluating whether the proposed diversion meets the criteria set forth at **(d)[3]** through **[6]** below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.

[2] The standards set forth at **(d)[3]** through **[6]** below shall not apply to:

[a] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

[i] Be approximately the same depth as the existing well;
[ii] Divert from the same aquifer as the existing well;
[iii] Have the same or lesser pump capacity as the existing well; and
[iv] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

[b] Any proposed diversion that is exclusively for agricultural or horticultural use; or

[c] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

[3] A proposed diversion shall be permitted only in the following Pinelands Management Areas: Regional Growth Area; and Rural Development Area.

[4] A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at https://www.nj.gov/pinelands/.

[5] A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.

[6] An applicant for a proposed diversion shall provide written documentation of water conservation measures that have been implemented, or that are planned for implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.

SECTION 10: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby superseded to the extent of such inconsistency.

SECTION 11: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Motion by Councilman Epifanio, second by Councilman Reid to adopt Ordinance 2024-11 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-118 DECLARING THE REDEVELOPMENT STUDY AREA IDENTIFIED AS BLOCK 1502, LOT 1 AND BLOCK 1702, LOTS 2, 3.01, 4.01 AND 5.01 ARE AREAS IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 *ET SEQ*)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq*. ("LRHL") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, N.J.S.A. 40A:12-6 authorizes the Governing Body of any municipality, by Resolution, to have its Board conduct a preliminary investigation to determine whether any area of the municipality is either a condemnation or non-condemnation redevelopment area; and

WHEREAS, by virtue of Resolution Nos. 2023-194 and 2023-195 adopted on November 20, 2023 (Exhibit "A"), the Mayor and Township Council of the Township of Berlin authorized the Berlin Township Planning/Zoning Board ("Board") to undertake an investigation pursuant to the LRHL to determine if the properties designated as Block 1502, Lot 1 and Block 1702, Lots 2, 3.01, 4.01 and 5.01 on the Berlin Township Tax Map ("Study Area") are in need of non-condemnation redevelopment; and

WHEREAS, the Board undertook a preliminary investigation pursuant to N.J.S.A. 40A:12-6 to determine whether the properties in the Study Area qualify as an area in need of non-condemnation redevelopment; and

WHEREAS, the Board appointed and/or designated professional planner Leah Furey Bruder, PP, AICP to conduct a redevelopment study; and

WHEREAS, Leah Furey Bruder, PP, AICP, prepared a report dated April 2024 ("Report"), which document is adopted and incorporated herein by reference; and

WHEREAS, on April 23, 2024, the Board conducted a public hearing on the Report with respect to the recommendation of its professional planner as to the possible

designation of the properties within the Study Area as a non-condemnation redevelopment area; and

WHEREAS, pursuant to N.J.S.A. 40A:12-6, the Board prepared a map showing the boundaries of the proposed redevelopment Study Areas and the location of the various parcels of property included therein, and appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, pursuant to N.J.S.A. 40A:12-6, due notice of the public hearing before the Board was given to the property owners of all properties within the Study Area and all other persons as mandated by the aforesaid statute, and notice of the public hearing also was posted and published in accordance with the requirements of law; and

WHEREAS, April 23, 2024, Leah Furey Bruder, PP, AICP presented the Report and the findings and recommendations contained therein to the Board at the public hearing thereon; and

WHEREAS, the said Board meeting was open to the public and all members of the public had an opportunity to address questions and comments to the Board regarding the Report and the findings and recommendations contained therein; and

WHEREAS, the members of the Board reviewed the Report, considered the testimony of Ms. Furey Bruder and considered the public comment thereon, if any; and

WHEREAS, upon consideration of the Report and all testimony presented at the public hearing, the Board made the following findings of fact and drew the following conclusions of law:

1. Leah Furey Bruder, PP, AICP, presented substantial credible evidence that all of the properties within the Study Area, namely Block 1502, Lot 1 and Block 1702, Lots

2, 3.01, 4.01 and 5.01, qualify as Non-Condemnation Redevelopment Areas consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(c), N.J.S.A. 40A:12A-5(e) and N.J.S.A. 40A:12A-5(h):

(a) Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(c), (e) and (h) the Board found that Block 1702, Lots 2, 3.01, 4.01 and 5.01 consist of underused church buildings and adjacent church-owned vacant lots are consistent with smart growth planning principles, which will provide an overall sustainable community in the Township based on productive land use and smart growth planning principles; and

(b) Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(h), the Board found Block 1502, Lots 1 consists of vacant wooded land and may further smart growth planning principles by enabling redevelopment of the site in coordination with the adjacent underused church property, which will benefit the residents of the Township.

WHEREAS, based upon the Board's investigation, including the Report and the public hearing conducted thereon, the Board found that Block 1502, Lot 1 and Block 1702, Lots 2, 3.01, 4.01 and 5.01 should be declared an Area in Need of Non-Condemnation Redevelopment; and

WHEREAS, on June 25, 2024, the Board adopted Resolution No. 2024-14 (Exhibit "B") as its official report and recommendation to the Mayor and Township Council that the above noted Study Area satisfies the statutory requirements set forth in N.J.S.A. 40A:12A-5(c), N.J.S.A. 40A:12A-5(d), N.J.S.A. 40A:12A-5(e) and N.J.S.A. 40A:12A-5(h) as set forth above and therefore qualifies for designation as a non-condemnation redevelopment area; and

WHEREAS, the Governing Body has reviewed the recommendations of the Board and the Report upon which same is based and determines that it is in the best interests of the Township of Berlin to declare the Study Area identified as Block 1502, Lot 1 and Block 1702, Lots 2, 3.01, 4.01 and 5.01 as an Area in Need of Non-Condemnation Redevelopment pursuant to the criteria of the LRHL as set forth in the Report and the recommendations of the Board thereon.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Berlin Jersey, that the Governing Body adopts the recommendations of the Berlin Township Board in full for the reasons set forth hereinabove and, in accordance with the recommendations of the Berlin Township Board, hereby determines and declares that Block 1502, Lot 1 and Block 1702, Lots 2, 3.01, 4.01 and 5.01 are a Non-Condemnation Redevelopment Area.

BE IT FURTHER RESOLVED that the Township Clerk shall forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 40A:12A-6(b)(5)(c).

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), within ten (10) days of the date of adoption of this Resolution the Township Clerk also shall serve notice of the Governing Body's determination herein on all owners of record of the properties located within the designated Non-Condemnation Redevelopment Area, upon all persons listed on the tax assessor's records for each of the affected properties, and upon each person who filed a written objection to the designation of any of the said properties as being an area in need of redevelopment.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-118. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-119 RESOLUTION CONFIRMING RESCINDING RESOLUTION 2024-115 AUTHORIZING CANCELLATION AND REFUND OF UNCOLLECTIBLE TAXES FOR BLOCK 219 LOT 10.

WHEREAS, the Department of Veterans Affairs disclosed that the service-connected disability was totally disabling for Isiah George Williams. A 100% permanent and total evaluation was assigned effective May 11, 2021 in accordance with the Veterans Affairs Rating Schedule and per N.J.S.A. 54:4-3.30 et seq, and;

WHEREAS, Mr. Williams, purchased a home in February, 2024 and provided supporting documentation from the VA and applied for a Property Tax Exemption due to 100% total service-connected disability on April 30, 2024 which was approved and made effective, as of the date of the application and;

WHEREAS, Mr. William's lender required an estimated tax payment be made at the time of the purchase and closing of his home which the title company paid. After the calculation of the added assessment billing from the date of the certificate of occupancy through the date of exemption is completed in October 2024, the prorated amount will be refunded to the owner as per the request of National Title Agency who has authorized the exempt amount by refunded directly to the owner, and;

WHERAS, after the calculation of the added assessment for the new construction of purchased home is completed and a bill is generated, on or before November 1st, the pro-rated amount of exempt taxes from April 30 through December 31, 2024 will be cancelled and refunded to the owner directly, so;

THEREFORE, BE IT RESOLVED that the previous Resolution 2024-115 was incorrect and funds have NOT been released. Tax collector, Dana OHara, CTC is requesting Resolution 2024-115 be rescinded and submitted for the July 22, 2024 meeting

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-119. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-120 RESOLUTION REQUESTING THE ISSUANCE OF AN OFF-PREMISE RAFFLE LICENSES FOR VIRTUA HEALTH FOUNDATION.

WHEREAS, the Virtua Health Foundation has requested the issuances of an off premise raffle license by the Township of Berlin for;

Date: **September 18, 2024 at 8:00 pm**
Location: **Ott's Green Top**
588 North Route 73, West Berlin NJ 08091

Type Raffle: **Off- Premises Draw Raffle**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of an Off Premise Raffle licenses to Virtua Health Foundation.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-120. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-121 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

Special Charge #:	Property:	AMOUNT	DATE PAID
PM24-003	411 Commerce Lane	$ 445.00	7/10/2024

Submitted for July 22, 2024 Meeting by Dana O'Hara, CTC - Tax Collector

By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

BE IT FURTHER RESOLVED, This Resolution shall take effect immediately upon adoption.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-121. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-122 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED OR MUNICIPAL LIEN TRANSFER ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment or transfer to an open municipal tax sale lien for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

Special Charge #	Property:	Amount:	Date Transferred To Municipal Lien
PM24-001	319 Hazel	$698.75	4/23/24

Submitted for July 22, 2024 Meeting by Dana O'Hara, CTC - Tax Collector

By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said

properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

BE IT FURTHER RESOLVED, This Resolution shall take effect immediately upon adoption.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-122. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-123 RESOLUTION AUTHORIZING AND RATIFYING PAYMENT OF BILLS FOR JULY 4, 2024 AND JULY 18, 2024.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor and Council hereby approves the payment of bills for July 4, 2024 and July 18, 2024.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-123. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-124 AUTHORIZING AN EXTENSION OF A SHARED SERVICES AGREEMENT WITH VOORHEES TOWNSHIP FOR THE SERVICES OF A POLICE CHIEF.

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. ("Shared Services Act"), the Township of Berlin ("Berlin Township") is authorized to enter into an agreement for shared services with other New Jersey municipalities and public entities; and

WHEREAS, Berlin Township and the Township of Voorhees ("Voorhees") are desirous of entering into a Shared Services Agreement ("Agreement") pursuant to the Shared Services Act, whereby the Chief of Police of the Voorhees Police Department, will provide the services of a Police Chief to Berlin Township and the Berlin Township Police Department on a temporary basis; and

WHEREAS, under the Shared Services Act, any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each

local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including but not limited to, services incidental to the primary purposes of any of the participating local units; and

WHEREAS, the Camden County Association of Chiefs of Police, via letter correspondence dated July 28, 2022, from Chief Kevin Carey of the Collingswood Police Department, President of the Camden County Association of Chiefs of Police, expressed support for the aforementioned shared Police Chief services between Berlin Township and Voorhees; and

WHEREAS, the agreement is set to expire on August 15, 2024 and the parties desire to extend the Agreement for an additional one (1) year period.

WHEREAS, the Mayor and Township Council of Berlin find that it is in the best interests of the residents of Berlin Township to enter into the aforementioned Shared Services Agreement for Police Chief Services with Voorhees, for an additional one (1)year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin as follows:

1. The Mayor and/or her designee is hereby authorized to execute a Shared Services Agreement with Voorhees Township for the Services of a Police Chief.

2. The Mayor and/or her designee are further authorized to execute an Indemnification Agreement, in which both parties will provide respective indemnification(s) to each other, arising solely from the aforementioned Shared Services Agreement for the Services of a Police Chief.

3. The Shared Services Agreement shall be placed on file in the office of the Clerk of the Township of Berlin.

4. The Clerk of the Township of Berlin is hereby authorized and directed to provide a certified copy of this Resolution and a copy of the fully executed Agreement

upon approval to the Division of Local Government Services in the Department of Community Affairs.

5. Motion by Councilman Epifanio second by Council President Bodanza to adopt resolution 2024-118. Resolution adopted by call of the roll, four members present voting in the affirmative.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-124. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-125 AUTHORIZING CHANGE ORDER # 3 FOR THE IMPROVEMENTS TO LESTER AVENUE STORM DRAINAGE.

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the Improvements to Lester Avenue Storm Drainage in the Township of Berlin, Camden County, New Jersey; and

WHEREAS, Change Order No. 3 was developed to itemize and authorize those changes; and

WHEREAS, the Township Chief Financial Officer has certified that a sufficient amount of funds has to be allocated for this Change Order No. 3; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that Change Order No. 3 is hereby authorized and approval is hereby granted to amend the contract amount from $189,927.00 to $190,326.00.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-125. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-126 RESOLUTION APPROVING VOUCHER # 3 FOR THE IMPROVEMENTS TO LESTER AVENUE STORM DRAINAGE.

WHEREAS Voucher #3 was submitted for payment by DiMeglio Construction Company located 594 White Horse Pike Atco NJ 08004 in the amount of $31,789.24; and

WHEREAS, the Chief Financial Officer hereby certifies payment #3 in the amount of $31,789.24 shall be charged to C-04-15-860-160501 and C-04-15-860-112603 Fund.

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin Mayor and Council that Voucher #3 is hereby authorized and approved in the amount of $31,789.24.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution

2024-126. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-127 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR ARCADIAN ALLIED PROPERTIES FOR 201 ALLIED PARKWAY BLOCK 1702 LOT 6.06 AND THE POSTING OF A MAINTENANCE BOND.

WHEREAS, a request has been made from Arcadian Allied Properties LLC, for the release of their Performance Bond for 201 Allied Parkway, Block 1702 Lot 6.06.; and

WHEREAS, the Engineer has recommended that the Township grant the request for the release of their Performance Bond # 0243289 in the amount of $57,572.00 contingent upon all outstanding vouchers be paid in full and the posting of a two-year Maintenance Bond in the amount of $9,572.55.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond in the amount of $57,572.00 is hereby granted with the conditions stated above.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2024-127. Resolution adopted by call of the roll, four members present voting in the affirmative.

Mercantile Approval

1) Sergio Walk Jr, Giannone Enterprises, 385 Route 73 North. Towing and Repossession Company.

Motion by Councilman Reid second by Councilman Epifanio to approve the mercantile License above. Mercantile approved by call of the roll, four members present voting in the affirmative.

Kennel License

1) Best Friends 585 Route 73, West Berlin NJ 08091

Motion by Councilman Epifanio second by Councilman Reid to approve the Kennel License above. Kennel License approved by call of the roll, four members present voting in the affirmative.

Approval of Meeting Minutes from June 24, 2024

Motion by Councilman Reid, second by Councilman Epifanio to approve the Meeting Minutes for June 24, 2024. Motion carried by roll of the call four members present voting in the affirmative.

Consent Agenda for June 2024
Motion by Councilman Reid, second by Councilman Epifanio to approve the Consent Agenda for June 2024. Motion carried by roll of the call, all members present voting in the affirmative.

Correspondence Calendar for June 2024
Motion by Councilman Reid second by Councilman Epifanio to approve the Correspondence Calendar for June 2024. Motion carried by roll of the call, all members present voting in the affirmative.

All Other Business
Councilman Epifanio state that the 4th of July Parade had a nice turn out this year. Mayor Magazzu remarked that Sonic had there grand opening today and had a nice crowd as well.

Public Portion
Motion by Councilman Epifanio second by Councilman Reid to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.

Resident from Genova Drive, Montebello J.L#1 asked what the status of the stormwater management plan for Montebello was going. He stated that he requested that their board meeting agenda reflect Developer/Basin but put on the agenda until resolved. He asked, that since this is going at a slow- moving pace would it be beneficial to contact the D.E.P.

Engineer, Greg Fusco responded that you have every right to contact them.

Resident from Genova Drive, Montebello J.L.#2 stated that lot 43 was doing some digging with a tractor today, he asked what was going on.

Township Engineer, Greg Fusco responded that he had called to find out what they were doing. The Township has no knowledge of any application/ work being submitted to us. If testing bits were being done our engineer office was not contact to be present. We would require that the test be done over with our attendance. This is private property and they are allowed anything that they want within Township ordinance

Resident from Genova Drive, Montebello J.L#1 remarked that they are being told that the routine maintenance on the stormwater basins cannot be done because of lack of funds, but if the Township releases the bond's they could do the work maintaining the basins. It appears they are having financial difficulties

Mayor Magazzu replied that those bonds will not be release, they are in place to make sure they get the work completed.

Resident from Seville Drive, Montebello D.B.is concerned that the Township will return the performance bonds and we just don't trust the developer to complete the work. Mayor Magazzu stated that I don't know where you are getting that information but the Township will not release any bonds, if anything we will start the process of recalling the bonds.

Mr. Walk Jr, from Giannone Enterprises, thanked Mayor and Council and stated he is looking forward in doing business in Berlin Township.

The Governing Body wished him the best of luck with his business.

No more comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments.

Adjourn

Motion by Councilman Epifanio, second by Councilman Reid to adjourn the meeting at 5:55 pm. Motion carried by voice vote, all members voting in the affirmative, meeting adjourned 5:55: pm.

Catherine Underwood
Berlin Township RMC