

Mayor and Council of the Borough of Allendale  
Regular Session Meeting Minutes  
October 28, 2021

PRESENT: Mayor Ari Bernstein

PRESENT: Councilmembers Liz Homan, Ed O'Connell, Matthew O'Toole, Steve Sasso, Amy Wilczynski, Jim Strauch (*via teleconference*)

ABSENT: None

ALSO PRESENT: Borough Attorney Raymond Wiss  
Acting Municipal Clerk Michelle Ryan

A Regular Session Meeting of the Mayor and Council of the Borough of Allendale was held in the Municipal Building at 500 West Crescent Avenue, Allendale, NJ on October 28, 2021. The meeting was called to order at 8:00 p.m. by Mayor Bernstein who reminded the public to mute their devices so as not to distract from the business at hand. Mayor Bernstein advised the public that they would have several opportunities at appropriate times throughout this meeting to be heard.

Mayor Bernstein asked that the Acting Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in The Record within the first 10 days of the New Year, and copies are sent to The Ridgewood News and Star Ledger."

The mayor led those present in a salute to the flag.

***Public Comment on Agenda Items Only:***

No one came forward.

***Approval of Minutes:***

The May 27, 2021 Work Session and the May 27, 2021 Regular Session Minutes were pulled and will be on the November 18<sup>th</sup> agenda.

***Introduction of Ordinances:***

Motion by Councilman Sasso that the following ordinance be introduced and passed on first reading and setting December 2, 2021, at 8:00 p.m. or as soon thereafter as the matters can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinance. Second by Councilman Strauch.

The Municipal Clerk read the title of the ordinance into the record:

**ORDINANCE 21-12 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, BERGEN COUNTY, NEW JERSEY AMENDING AND MODIFYING CHAPTER 231 "STORMWATER CONTROL", ARTICLE I "GENERAL REGULATIONS", OF THE BOROUGH OF ALLENDALE**

On a roll call, the vote was recorded as follows:

Councilwoman Homan: aye  
Councilman O'Connell: aye

Councilman Sasso: aye  
Councilman Strauch: aye

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Councilman O'Toole: aye

Councilwoman Wilczynski: aye

(See Ordinance 21-12 attached and made a part hereof.)

**Consent Agenda:**

- A. **21-239**/Authorize 2021 Budget Transfers
- B. **21-240**/Authorize Refund 2021 Water Overpayments – Account 3115637781267
- C. **21-241**/Authorize Solicitation of Bids – As-Needed Snow Plowing of Borough Roadways
- D. **21-242**/Authorize Solicitation of Bids – As-Needed Snow Plowing of Borough Facilities
- E. **21-243**/Approve October 28, 2021 Bill List
- F. **21-244**/Appoint Administrative Assistant (Clerk's Office) – Amanda Bartoloma
- G. **21-245**/Appoint Human Resources Officer for Specialized Needs
- H. **21-246**/Appoint Relief Crossing Guards, P/T, Hourly – Andrew Magro & Michael Schell
- I. **21-247**/Affirm Civil Rights Policy
- J. **21-248**/Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment decisions Under Title VII of the Civil Rights Act of 1964"
- K. **21-249**/Authorize Purchase and Installation of Playground Equipment (Phase 3) – ESCNJ Cooperative Pricing System – MRC, Inc.
- L. **21-250**/Authorize Purchase and Installation of Playground Materials (Phase 2) – ESCNJ Cooperative Pricing System – RubbeRecycle, LLC
- M. **21-251**/Authorize Crown Atlantic, LLC, on behalf of T-Mobile, to Modify Equipment

Councilman Sasso asked if 21-251 was 5G, to which they Mayor said he didn't think it was.

Motion by Councilman O'Toole, second by Councilman Sasso that the Consent Agenda be and is hereby approved.

On a roll call, the vote was recorded as follows:

Councilwoman Homan: aye

Councilman Sasso: aye

Councilman O'Connell: aye

Councilman Strauch: aye

Councilman O'Toole: aye

Councilwoman Wilczynski: aye

(See Resolutions 21-239 through 21-251 attached and made a part hereof.)

**Unfinished Business:**

None.

**New Business:**

None.

**Committee Reports:**

Reports were provided during the Work Session.

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***Mayor's Report:***

Last Thursday, Allendale hosted the Bergen County League of Municipalities meeting and BBQ at the Red Barn, it was a huge success. Mayors, elected officials and administrators representing some of the 70 towns within Bergen County were in attendance to share ideas and information as well as hear County Executive Jim Tedesco gave a very detailed report on county matters. Thank you to Councilwoman Wilczynski and Councilman O'Connell for attending with me. A big thank you to Ron Kistner for organizing with Mayor Minichetti of Upper Saddle River and to OEM Coordinator Mike Dillon, John Gil, Tyler Yaccarino, and Tatiana Marquis for helping to make the event a success. Special thanks to Pete Cammisa for keeping us all entertained with music. Halloween is here and I'm sure everyone is excited for a great weekend ahead! I want to remind everyone to practice caution while traveling throughout town with all the children and families out walking this weekend. As in past, the Borough has set a curfew of 8pm as a courtesy to our fellow residents. I wish everyone lots of safe fun! I was happy to spend time this past Sunday with many families who participated in the PTO's Pumpkin Carving event. There were so many amazing designs and talented creations and I was thrilled to have had the opportunity to judge them alongside Officer Ace and Hillary the Children's Librarian. It was definitely a hard decision. Congratulations to the winners and thank you to the PTO for putting together a great event! Go to the PTO's Facebook and Instagram accounts to see all the pictures. We will also be including them in our November newsletter. This coming Tuesday, November 2nd is the General Election. This year, voting will be in-person at the polls on Election Day, however Early Voting has also now come to New Jersey and will be available as an option through Sunday, October 31st. I encourage everyone to check out the flyer in our October newsletter that was recently emailed with information on all the ways registered voters can vote this year. If you have questions, please feel free to reach out to the Bergen County Clerk's Office or our Allendale Clerk's Office. Information is also up on our website and social media accounts. As Councilwoman Homan stated, there is an important vote for the sale of the water system will be on the ballot. Applications for the State of New Jersey's 2020 Senior Freeze Property Tax Reimbursement Program are also due on November 1st. The 2018 Homestead Rebate applications are due by November 30th. More information on the State's Property Tax Relief Programs for Seniors can be found on the Division of Taxation's website. We have put information in our October newsletter as well. The 2021 Curbside Leaf Collection is in full swing. Thank you to the DPW for their efforts! Look for the schedule on our website or in our October newsletter. Free brown leaf bags are available to residents while supplies last at the recycling center during weekend operating hours. Collection is through the week of December 6th. If you need a 2021 Compost Permit, applications can be found on our website [www.allendalenj.gov](http://www.allendalenj.gov). The Holiday Observers are planning their annual Halloween Parade this Sunday, Halloween night, from 7pm to 9pm at the Brookside School gym. Borough Hall will be closed in observance of Veterans' Day on Thursday, November 11th. With Respect, Honor and Gratitude, thank you to all our veterans for their service and sacrifice for our Nation. Stay tuned stay tuned for details as to how we will be recognizing Veteran's Day. Due to next week's Election, the Veterans' Day holiday and Thanksgiving at the end of the month, there will only be one Mayor and Council meeting on Thursday, November 18th at 7:30pm.

***Staff Report:***

Raymond Wiss, Borough Attorney, gave no formal report.

Michelle Ryan, Acting Clerk, reported that the office is getting ready for the upcoming election.

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Ron Kistner, Operations Director, gave an overview of upcoming DPW operations and updates from the recent storms. He then complimented Councilwoman Homan on the article in The Record concerning the water system. Mr. Kistner then reviewed the installation of water meters.

***Public Comment on any issue:***

James Thomas, 30 Arlton Avenue, complimented Councilwoman Homan's presentation and asked questions on the sale of the water sale and 220/230. Councilwoman Homan advised Mr. Thomas that the Borough will be receiving a lump sum of \$18,000,000 at closing for which, Mr. Wiss added, Suez will be acquiring land without easement, pipes and infrastructure. The Borough will convey by deed the five wells it owns with each parcel defined and for the one in Ramsey, the Borough will transfer its interest. Concerning wells that have been taken out of service, Councilwoman Homan believes that Suez will only be purchasing the operational ones to which Mr. Thomas suggested that clarification be obtained on that point. Regarding questions on the closing of 220/230 and related bonds, Councilwoman Wilczynski replied that the Borough received \$8,000,000 for the closing of 230 which paid down debt, with more to come when 220 closes. Councilwoman Wilczynski stated that bond are not callable and Mayor Bernstein advised that proceeds of sales have to pay debt.

Walter Widmer, 38 Hamilton, requested that the Christmas Tree at Van Saun County Park be decorated this year and suggested that the Boy Scouts may want to participate. He then expressed his gratitude to AVAC and APD for their recent service.

***Adjournment:***

There being no further business to come before the Mayor and Council, on a motion by Councilman Sasso, with second by Councilwoman Wilczynski, and unanimously carried, the meeting was adjourned at 8:34 p.m.

Respectfully submitted



Michelle Ryan  
Acting Municipal Clerk

**BOROUGH OF ALLENDALE**  
**BERGEN COUNTY, NEW JERSEY**  
**ORDINANCE NO. 21-12**

**AN ORDINANCE OF THE BOROUGH OF ALLENDALE, BERGEN  
COUNTY, NEW JERSEY AMENDING AND MODIFYING CHAPTER 231  
“STORMWATER CONTROL”, ARTICLE I “GENERAL REGULATIONS”,  
OF THE BOROUGH OF ALLENDALE**

**WHEREAS**, the Borough of Allendale (the “Borough”) regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

**WHEREAS**, on March 2, 2020, the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1, et seq. (the “Amended Rules”), which require municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Allendale, Bergen County, New Jersey, as follows:

Article I “General Regulations” of Chapter 231 “Stormwater Control”, of the Borough of Allendale is hereby repealed and replaced, in its entirety, as follows:

**Section I. Scope and Purpose:**

**A. Policy Statement**

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

B. Purpose

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

C. Applicability

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

D. Compatibility with Other Permit and Ordinance Requirements.

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

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

**Section II. Definitions:**

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

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

[Filename: Ordinance 21-12 Amending Chpt231-Stormwater Control Article I General Regulations 210823]

“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 New Jersey 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 the disturbance of one or more acres of land since February 2, 2004;

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 result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

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

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

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

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

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

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

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

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

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

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

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately

prior to its construction or an existing system for which a new discharge location is created);

3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this Ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

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

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section J, below.
- 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 Sections IV.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Sections IV.O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Sections IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Sections IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the

presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:  
[https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).

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

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

*(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found below)*

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found below)*

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

Notes to Tables 1, 2, and 3:

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

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of

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

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
  - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and

a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or Ordinance shall be reflected in a deed notice recorded with the Bergen 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 Sections IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane

New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or Ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Bergen County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Section 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 Section 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 Sections IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Sections IV.P, Q and R unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

**P. Groundwater Recharge Standards.**

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

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

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

<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>
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 Sections IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. 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 V, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use Ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

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

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

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

[Filename: Ordinance 21-12 Amending Chpt231-Stormwater Control Article I General Regulations 210823]

- i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for 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://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

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

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

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

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

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

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

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

## **Section VI. Sources for Technical Guidance.**

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

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

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

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

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

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

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

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

- A. Site design features identified under Section IV.F, above, or alternative designs in accordance with Section D(7), above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2., below.

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

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

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

square inches, or be no greater than two (2.0) inches across the smallest dimension.

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.

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

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

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

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

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

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
  - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
  - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

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

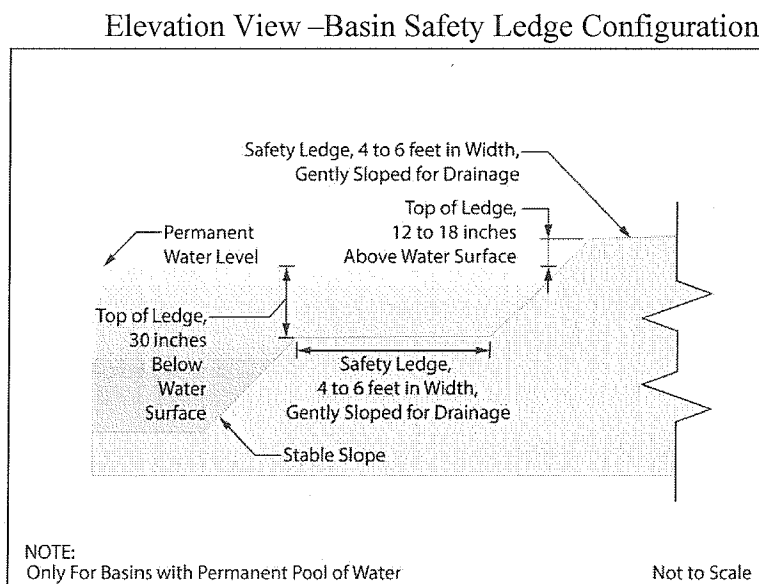
[Filename: Ordinance 21-12 Amending Chpt231-Stormwater Control Article I General Regulations 210823]

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

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

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

#### E. Safety Ledge Illustration



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

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

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

### **B. Site Development Stormwater Plan Approval.**

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

### **C. Submission of Site Development Stormwater Plan.**

The following information shall be required:

#### **1. Topographic Base Map**

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

#### **2. Environmental Site Analysis**

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

### 3. Project Description and Site Plans

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

### 4. Land Use Planning and Source Control Plan

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

### 5. Stormwater Management Facilities Map

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

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

### 6. Calculations:

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

## 7. Maintenance and Repair Plan

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

## 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 Sections IX.C.1 through IX.C.6e when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## **Section X. Maintenance and Repair.**

### A. Applicability

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

### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks

specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable Ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3, above, is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below, shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3, above, shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections X.B.6 and B.7 above.

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

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

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

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 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 from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### **Section XI. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Ordinance shall be subject to the penalties set forth in the Borough's General Penalty Ordinance, Chapter 1, Article III, of the Borough Code of Ordinances, and each day that the building, structure or land is permitted to remain in violation of this Ordinance shall be considered a separate and distinct offense. The Municipal Court shall have jurisdiction to enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, *et seq.*

#### **Section XII. Severability:**

All Ordinances or parts of Ordinances of the Borough of Allendale heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

#### **Section XIII. Effective Date:**

[Filename: Ordinance 21-12 Amending Chpt231-Stormwater Control Article I General Regulations 210823]

All actions of the Borough taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

	Motion	Second	Yea	Nay	Absent	Abstain
Homan			✓			
O'Connell			✓			
O'Toole			✓			
Sasso	✓		✓			
Strauch		✓	✓			
Wilczynski			✓			
Bernstein						

I hereby certify that the foregoing is a  
true copy of an ordinance introduced by  
the Mayor and Council of the Borough of  
Allendale on October 28, 2021

Michelle Ryan  
Acting Borough Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-239**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**AUTHORIZATION OF 2021 BUDGET TRANSFERS**

**WHEREAS**, Budget Transfers are permitted during the last two months of the current year and the first three months of the following year;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor & Council of the Borough of Allendale that the following transfers be made between the following 2021 Budget Appropriations as of November 1, 2021:

DEPARTMENT	ACCOUNT	FROM	TO
<b>CURRENT FUND</b>			
Water, O.E.	1-01-31-445-230	\$10,000	
Gas, O.E.	1-01-31-460-080	\$6,000	
Diesel, O.E.	1-01-31-460-081	\$10,000	
Salary & Wage Adjustment	1-01-30-411-012	\$5,000	
Fire Official, S&W	1-01-25-265-015		\$5,000
Telephone, O.E.	1-01-31-440-190		\$26,000
<b>Total Transfers</b>		<b>\$31,000</b>	<b>\$31,000</b>

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.



Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-240**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

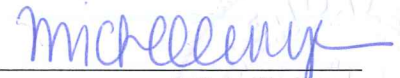
Approved on Consent Agenda ☒

**AUTHORIZATION TO REFUND 2021 WATER OVERPAYMENTS –  
ACCOUNT NUMBER 3115637781267**

**BE IT RESOLVED** by the Council of the Borough of Allendale that the Water Collector is hereby authorized to issue the following refund check for overpayment on the account listed below and charge same to Water Rents/Overpayments for 2021:

Account Number	Name	Amount
3115637781267	Robert Murdock	\$164.50
37 Harreton	300 Coles Street	
	Jersey City, NJ 07310	

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
\_\_\_\_\_  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION**  
**BOROUGH OF ALLENDALE**  
**BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-241**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**AUTHORIZATION TO ADVERTISE BID SPECIFICATIONS FOR**  
**2022 SNOW PLOWING & REMOVAL SERVICES OF PUBLIC ROADWAYS**

**BE IT RESOLVED** the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey does hereby authorize the Acting Municipal Clerk to advertise and thereby solicit and accept sealed bids in accordance with State law for the 2022 Snow Plowing & Removal Services of Public Roadways; and,

**BE IT FURTHER RESOLVED** that the final bid specifications be subject to form approval by the Borough Attorney.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.



Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-242**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒


**AUTHORIZATION TO ADVERTISE BID SPECIFICATIONS FOR  
2022 SNOW PLOWING & REMOVAL SERVICES OF BOROUGH FACILITIES**

**BE IT RESOLVED** the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey does hereby authorize the Borough Clerk to advertise and thereby solicit and accept sealed bids in accordance with State law for the 2022 Snow Plowing & Removal Services of Borough Facilities; and,

**BE IT FURTHER RESOLVED** that the final bid specifications be subject to form approval by the Borough Attorney.

---

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-243**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐


Approved on Consent Agenda ☒

**APPROVAL OF OCTOBER 28, 2021 LIST OF BILLS**

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated October 28, 2021 in the amounts of:

Bill List Numbers	October 28, 2021
Current Fund	\$3,371,258.86
Payroll Account	\$380,549.88
General Capital	\$19,648.46
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$1,759.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$1,014.20
Water Operating	\$233,278.66
Water Capital	
<b>Total</b>	<b>\$4,007,509.06</b>

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-244**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**APPOINTMENT OF FULL-TIME ADMINISTRATIVE ASSISTANT –  
CLERK'S OFFICE – AMANDA BARTOLOMA**

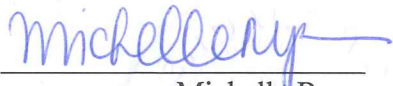
**WHEREAS**, a need for a full-time Administrative Secretary in the Clerk's Office exists.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that **Amanda Bartoloma** is hereby appointed as full-time Administrative Assistant in the Clerk's Office, effective November 22, 2021, at an annual salary of \$40,436.00; and

**BE IT FURTHER RESOLVED** that the Mayor, the Chief Financial Officer, Acting Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

---

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
\_\_\_\_\_  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-245**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				


Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**APPOINTMENT OF HUMAN RESOURCES OFFICER  
FOR SPECIALIZED NEEDS**

**BE IT RESOLVED** that Ron Kistner is hereby appointed as Human Resources Officer for Specialized Needs to assist employees who are victims of domestic violence in accordance with N.J.S.A. 11A:2-6a.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
\_\_\_\_\_  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-246**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**APPOINTMENT OF RELIEF CROSSING GUARDS, P/T, HOURLY –  
ANDREW MAGRO & MICHAEL SCHELL**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Andrew Magro and Michael Schell are hereby appointed as Relief Crossing Guards, P/T, Hourly on a per diem basis at a rate of \$18.00 per hour effective October 4, 2021.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.



Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-247**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**A RESOLUTION TO AFFIRM THE BOROUGH OF ALLENDALE'S CIVIL  
RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES,  
EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT  
CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT  
WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of Borough of Allendale to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Borough of Allendale has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Borough of Allendale that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Allendale by whatever title known, or any entity that is in any way a part of the Borough of Allendale shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Allendale's business or using the facilities or property of the Borough of Allendale.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Allendale to provide services that otherwise could be performed by the Borough of Allendale.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-247**

**Section 4:** The Governing Body or its designee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Governing Body or its designee shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Allendale as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Governing Body shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

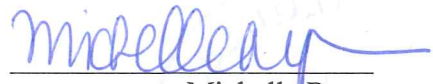
**Section 8:** At least annually, the Governing Body through the Administrative Officer shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Allendale. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Allendale's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Allendale in order for the public to be made aware of this policy and the Borough of Allendale's commitment to the implementation and enforcement of this policy.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-248**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Allendale, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.



Michelle Ryan  
Acting Municipal Clerk

RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 10/28/2021

RESOLUTION# 21-248

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF  
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION'S

"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

STATE OF NEW JERSEY  
COUNTY OF *BERGEN*

We, members of the governing body of the *Borough of Allendale* being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the *Mayor & Council* of the *Borough of Allendale* in the county of *Bergen*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the *Borough of Allendale's* hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the *Borough of Allendale's* hiring practices comply with the above-referenced enforcement guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_

Notary Public of New Jersey

\_\_\_\_\_  
Clerk

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-249**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	- - -	- - -				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**AUTHORIZATION TO PURCHASE AND INSTALL PLAYGROUND EQUIPMENT  
(PHASE 3 PROJECT) THROUGH ESCNJ COOPERATIVE PRICING SYSTEM - MRC**

**WHEREAS**, a need exists to purchase and install new playground equipment at Crestwood Park for Phase 3 of the Playground Renovation Project; and

**WHEREAS**, the Borough of Allendale was awarded \$75,000 matching grant funds in through the 2020 Bergen County Open Space Trust Fund Municipal Program; and

**WHEREAS**, the Borough of Allendale authorized participation in the Educational Services Commission of New Jersey Cooperative Pricing System (ESCNJ) via Resolution 17-259 on October 12, 2017; and

**WHEREAS**, the Borough was approved as a member of the ESCNJ Cooperative Pricing System on December 4, 2017 through December 4, 2022; and


**WHEREAS**, the ESCNJ offers competitively-bid contracts for its members to purchase from on an as-needed basis; and

**WHEREAS**, MRC, Inc., P.O. Box 106, Spring Lake, New Jersey, 07762, is an approved vendor offering supply and installation of playground equipment through the ESCNJ Contract 20/21-02, Bid Term: 07/01/2020 – 06/30/2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey, that the purchase and installation of playground equipment in accordance with Quote No. 105813-01-01 from MRC, Inc., P.O. Box 106, Spring Lake, New Jersey, 07762 in the amount of \$11,757.03 be and is hereby authorized, subject to certification from the Chief Financial Officer that adequate funds are available; and

**BE IT FURTHER RESOLVED** that the Director of Operations is hereby authorized to take such action as may be necessary to implement this Resolution.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-250**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**AUTHORIZATION TO PURCHASE RUBBER CURBS & MULCH THROUGH  
ESCNJ COOPERATIVE PRICING SYSTEM – PLAYGROUND PROJECT PHASE 3 -  
RUBBERECYCLE, LLC**

**WHEREAS**, a need exists to purchase and install new playground equipment at Crestwood Park (Phase 3); and

**WHEREAS**, the Borough of Allendale was awarded \$75,000 matching grant funds through the 2020 Bergen County Open Space Trust Fund Municipal Program; and

**WHEREAS**, the Borough of Allendale authorized participation in the Educational Services Commission of New Jersey Cooperative Pricing System (ESCNJ) via Resolution 17-259 on October 12, 2017; and

**WHEREAS**, the Borough was approved as a member of the ESCNJ Cooperative Pricing System on December 4, 2017 through December 4, 2022; and

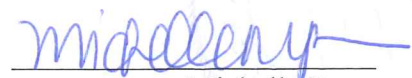
**WHEREAS**, the ESCNJ offers competitively-bid contracts for its members to purchase from on an as-needed basis; and

**WHEREAS**, RubbeRecycle, LLC, 1985 Rutgers University Blvd, Lakewood, New Jersey, 08701, is an approved vendor offering supply and installation of playground materials through the ESCNJ Contract 20/21-02, Bid Term: 07/01/2020 – 06/30/2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey, that the purchase and installation of playground materials in accordance with Quote No. 105813-02-01 from RubbeRecycle, LLC, 1985 Rutgers University Blvd, Lakewood, NJ, 08701 in the amount of \$19,050.00 is hereby authorized, subject to certification from the Chief Financial Officer that adequate funds are available; and

**BE IT FURTHER RESOLVED** that the Director of Operations is hereby authorized to take such action as may be necessary to implement this Resolution.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
Michelle Ryan  
Acting Municipal Clerk

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 10/28/2021**

**RESOLUTION# 21-251**

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
O'Connell						
O'Toole	✓					
Sasso		✓				
Strauch						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**AUTHORIZATION FOR CROWN ATLANTIC COMPANY, LLC,  
ON BEHALF OF T-MOBILE, TO MODIFY EQUIPMENT**

**WHEREAS**, the Borough of Allendale and Crown Atlantic Company, LLC, (Crown Atlantic) previously executed a Lease Agreement dated August 31, 1995 (the Lease), pursuant to which property was leased from the Borough located at 300 West Crescent Avenue, Allendale, New Jersey and being described as a portion of the property known as Lot 6, Block 1003 and Lots 9 and 10 of Block 201 (the property) for the construction of a monopole and installation/maintenance of utility wires, poles, cable, conduits and pipes; and

**WHEREAS**, eight (8) Amendments to the Lease Agreement have been signed; and


**WHEREAS**, Crown Atlantic, on behalf of T-Mobile, seeks to modify its equipment on the monopole, and other work associated with same as more specifically referenced in Crown Castle JDE Job Number 650162; Crown Castle Work Order Number 2003666, and Crown Castle Order Number 557275 Rev. 2; and

**WHEREAS**, Crown Atlantic, on behalf of T-Mobile, seeks the Borough's consent under the terms and conditions of the Lease;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that it does hereby consent to the foregoing modification and the Mayor is hereby authorized to execute a consent letter for modification subject, however, to the following conditions:

1. Crown Atlantic or T-Mobile, shall make application for appropriate building permits and shall pay all fees in connection with those permits;
2. Crown Atlantic or T-Mobile, shall comply with any and all land use requirements and pay any fees associated therewith;
3. Crown Atlantic or T-Mobile, shall provide for a professional escrow deposit, if required, for review of its application in accordance with law.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 28, 2021.

  
Michelle Ryan  
Acting Municipal Clerk