AGENDA
REGULAR MEETING
BOROUGH OF SEA BRIGHT

MARCH 2, 2021 **SEA BRIGHT, NEW JERSEY**

DUE TO THE CORONAVIRUS AND THE NEED FOR SOCIAL DISTANCING, THIS MEETING WILL BE HELD REMOTELY AND OPEN TO THE PUBLIC BY FOLLOWING THE INSTRUCTIONS BELOW.

PUBLIC ACCESS LINK

https://global.gotomeeting.com/join/660216477

United States: +1 (646) 749-3122

Access Code: 660-216-477

CALL MEETING TO ORDER: 7:00pm

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

Good Evening Ladies and Gentlemen. This Meeting Is Now Called To Order: In Line with The Borough of Sea Bright's Longstanding Policy of Open Government, and in Compliance with the "Open Public Meetings Act" I Wish to Advise You That Adequate Notice of This Regularly Scheduled Meeting Was Sent to the Asbury Park Press and other local newspapers on January 4, 2021. In each instance, the Date, Time, And Location of This Meeting Were Provided in The Notice. This Meeting Is Open To The Public."

ROLL CALL:

Councilmember(s) BIRDSALL_____ BOOKER_____CATALANO _____
KEELER_____ LAMIA_____ LECKSTEIN_____

Mayor KELLY _____

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

CONSENT AGENDA

Councilmember offered a motion to approve the items that are considered routine in nature under the consent agenda; seconded by Councilmember

Minutes

02-11-2021	Workshop Meeting
02-11-2021	Executive Session
02-16-2021	Regular Meeting
02-16-2021	Executive Session

Resolutions:

No. 57-2021	**Sea Bright Ocean Rescue - Authorizing 2021 Junior Lifeguard Program**
No. 58-2021	**Hiring Part-Time Electrical Sub-Code Official/Inspector**
No. 59-2021	**Revised 2021 Borough Council Meeting Schedule**

No. 60-2021 **Waiver of Outdoor Dining Permit Application Fees for the 2021 Summer Season**

No. 61-2021 **Authorizing Receipt of Bids - FY2020 Municipal Aid Program for Road Improvements**

No. 62-2021 **Consideration of Bids Received for the Construction of Viewing Platforms on Osborne Place, Center Street and Beach Street**

No. 63-2021 **Adopting the Monmouth County Multi-Jurisdictional Hazard Mitigation Plan**

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

ORDINANCE(s):

Public Hearing: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 02-2021

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND SUPPLEMENTING CHAPTER 130," LAND USE", OF THE CODE OF THE BOROUGH OF SEA BRIGHT TO DELETE THEREFROM ARTICLE XVI, "SURFACE WATER RUNOFF", AND TO ADD THERETO A NEW ARTICLE XVI, "STORMWATER CONTROL REGULATIONS."

Councilmember offered a motion to open the public hearing on Ordinance No. 02-2021; seconded by Councilmember

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

Public Hearing (Ord. No. 02-2021)

Councilmember offered a motion to close the public hearing on Ordinance No. 02-2021; seconded by Councilmember

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

Councilmember offered a motion to adopt Ordinance No. 02-2021 and advertise according to law; seconded by Councilmember

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

INDIVIDUAL ACTION/New Business:

Vouchers: **$339,399.45**

Councilmember offered a motion to approve the Voucher List dated March 2, 2021 as submitted by the Finance Manager; seconded by Councilmember

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

MAYOR AND COUNCIL COMMITTEE COMMENTS

EXECUTIVE SESSION

Councilmember offered a motion to enter in to Closed Session; seconded by Councilmember

Resolution to discuss: Real Estate Acquisition

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

ADJOURNMENT

Councilmember offered a motion to adjourn the meeting; seconded by Councilmember

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

RESOLUTION NO. 57-2021
SEA BRIGHT OCEAN RESCUE
AUTHORIZING 2021 JUNIOR LIFEGUARD PROGRAM

Councilmember introduced and offered for adoption the following resolution; seconded by Councilmember :

WHEREAS, established in 2004, the Sea Bright Junior Lifeguard Program has provided a safe and fun way for children to learn about beach and ocean safety, improve upon their swimming abilities and develop high confidence levels in the surf and open water; and

WHEREAS, Sea Bright Beach Manager, Don Klein, has authorized the schedule and fees listed below for the 2021 Junior Lifeguard Program; and

WHEREAS, there will be no refunds once a Junior Guard participant is registered; and

Junior Lifeguard Program

Dates: **Session 1** July 12 – July 16 **($150.00)**
Session 2 July 19 – July 23 **($150.00)**
Session 3 July 26 – July 30 **($150.00)**
Time: 9:30 am to 12:30 pm
Age: 7-16 years old
(each Junior Lifeguard must pass a swim test on the first day in order to participate in the camp)

Junior Lifeguard "Nipper" Program

Dates: August 2 - August 13 **($275.00)**
Time: 9:30 am to 5:30 pm
Age: 11-16 years old
(must have successfully completed one of the Junior Lifeguard sessions and tryout for the program)

WHEREAS, the monies collected from the Sea Bright Junior Lifeguard Program will be deposited in the Beach Trust account.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize Beach Manager, Don Klein, to operate the 2021 Junior Lifeguard Program, as described above, and collect the appropriate fees to be deposited in the Beach Trust Account; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Beach Manager
2. Finance Manager

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

March 2, 2021

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on March 2, 2021.

_____
Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 58-2021
HIRING PART-TIME ELECTRICAL SUB-CODE OFFICIAL/INSPECTOR
BOROUGH OF SEA BRIGHT

Councilmember introduced and offered for adoption the following Resolution; seconded by Councilmember :

WHEREAS, there exists a need to hire personnel in the Building Department in the Borough of Sea Bright, County of Monmouth, New Jersey, and

WHEREAS, the Construction Official for the Borough of Sea Bright has interviewed and recommends the hiring of Armand DeFazio as a Part-Time Electrical Sub-Code Official/Inspector for an annual rate of $7,200.00.

CERTIFICATION OF FUNDS
I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Building Department - Salaries & Wages for the purposes stated herein.

_____
MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that Armand DeFazio is hereby hired to fill the position of Electrical Sub-Code Official/Inspector and will receive an annual rate of pay of $7,200.00 as specified in Ordinance No. 22-2019.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Finance Manager
2. Building Department
3. Armand DeFazio

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

March 2, 2021

CERTIFICATION
I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on March 2, 2021.

_____
Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 59-2021
BOROUGH OF SEA BRIGHT
REVISED 2021 BOROUGH COUNCIL MEETING SCHEDULE

Councilmember introduced and offered for adoption the following Resolution; seconded by Councilmember :

WHEREAS, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975, the Borough Council of the Borough of Sea Bright approved a schedule of meetings of the Borough Council that will be held during the year 2021 at the Re-organization Council meeting held on January 2, 2021; and

WHEREAS, due to scheduling conflicts, the approved 2021 Workshop Meeting dates need to be changed from Thursdays to Wednesdays; and

WHEREAS, the following revised meeting schedule will be held by the Borough Council of the Borough of Sea Bright for the year 2021:

1. Workshop Meetings - begin at 8:30 a.m. or as otherwise noticed
2. Regular Meetings - begin at 7:00 p.m. or as otherwise noticed
3. Special Meetings - as needed and noticed according to the requirements of the Open Public Meetings Act.

WHEREAS, it is the desire of the Governing Body to adjourn their meetings, both Public and Executive Sessions, no later than 9:30 p.m., and

WHEREAS, it is also established that the deadline for all agenda items for Regular Meetings shall be the Friday prior to the meeting date no later than 12:00 p.m.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright that the Revised 2021 Meeting Schedule, as noted below, for the Borough Council is hereby approved and the Borough Clerk is hereby authorized to:

1. Post the Schedule of Meetings, as required by law
2. Post the schedule of Meetings on the Borough's Website
3. Notify the Asbury Park Press, Two River Times, The Link and The Hub of the schedule of meetings, as approved

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the following:

1. Governing Body
2. All Borough Employees

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

March 2, 2021

Certification

I, Christine Pfeiffer, do hereby certify that this is a true copy of a Resolution approved by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on March 2, 2021.

_____
Christine Pfeiffer, Borough Clerk

BOROUGH OF SEA BRIGHT
2021 MEETING SCHEDULE
(Meetings are currently held remotely – visit www.seabrightnj.org for access.)

WORKSHOP/CLOSED SESSION MEETINGS 8:30 A.M.
All Workshop/Closed Session Meetings are held in the Mayor Dina Long Community Room, 1097 Ocean Avenue, 3rd Floor, Sea Bright, NJ on the dates listed below. Official action ***MAY BE TAKEN*** at these meetings. (Meetings will be held on Wednesdays unless otherwise noted.)

REGULAR/CLOSED SESSION MEETINGS 7:00 P.M.
All Regular/Closed Session Meetings are held in the Mayor Dina Long Community Room, 1097 Ocean Avenue, 3rd Floor, Sea Bright, NJ on the dates listed below. Official action ***SHALL BE TAKEN*** at said meetings. (Meetings will be held on Tuesdays unless otherwise noted.)

2021 REVISED MEETING SCHEDULE

REGULAR/CLOSED SESSION – 7:00pm	WORKSHOP/CLOSED SESSION – 8:30am
January 2, 2021 (Re-Org: Saturday @ 10:30 am)	January 14, 2021
January 19, 2021	
February 2, 2021	February 11, 2021
February 16, 2021	
March 2, 2021	*March 10, 2021*
March 16, 2021	
April 6, 2021	*April 14, 2021*
April 20, 2021	
May 4, 2021	*May 12, 2021*
May 18, 2021	
June 15, 2021	*June 9, 2021*
July 20, 2021	*July 14, 2021*
August 17, 2021	*August 11, 2021*
September 21, 2021	*September 8, 2021*
October 5, 2021	*October 13, 2021*
October 19, 2021	
November 15, 2021 (Monday)	*November 10, 2021*
December 21, 2021	*December 15, 2021*
January 8, 2022 (Re-Org: Saturday @ 10:30 am)	

RESOLUTION NO. 60-2021
WAIVER OF OUTDOOR DINING PERMIT APPLICATION FEES FOR THE 2021 SUMMER SEASON

Councilmember introduced and offered for adoption the following Resolution; seconded by Councilmember :

WHEREAS, the COVID-19 Global Health Pandemic has had a significant negative financial impact on the Borough's restaurants; and

WHEREAS, the Borough Council wishes to waive permit application fees for all outdoor dining for the 2021 season; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorize waiving the collection of any fees for the purposes stated herein for the 2021 summer season; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Finance Manager
2. Individual Business Owners

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

March 2, 2021

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on March 2, 2021.

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Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 61-2021
AUTHORIZING RECEIPT OF BIDS
FY2020 MUNICIPAL AID PROGRAM FOR ROAD IMPROVEMENTS

Councilmember introduced and offered for adoption the following Resolution: seconded by Councilmember :

WHEREAS, the Borough Council is desirous of receiving bids for the following:

a) FY2020 Road Improvement Project for Riverview Place, River Way, Shrewsbury Way and Henry Lane

WHEREAS, specifications for the aforesaid items will be on file in the Borough Clerk's Office, and will be available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that it does hereby authorize the Borough Engineer to advertise for bids for the aforesaid item as per the specifications on file and will be received by the Borough Administrator at 1099 Ocean Avenue, Sea Bright, New Jersey on a date and time to be determined; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Finance Manager
2. Department of Public Works
3. CFO
4. Borough Engineer

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

March 2, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held on March 2, 2021.

_____
Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 62-2021
Consideration of Bids Received for
Viewing Platforms on Osborne Place, Center Street and Beach Street

Councilmember introduced and offered the following Resolution for adoption; seconded by Councilmember :

WHEREAS, the Borough of Sea Bright received a Community Development Block Grant in the amount of $46,296.00 for the construction of one handicap accessible elevated viewing platform within the Borough; and

WHEREAS, by way of Resolution No. 146-2020 duly adopted on August 18, 2020, the Borough of Sea Bright approved a proposal for professional engineering services from Maser Consulting, Inc. for the Shrewsbury River Handicap Access (viewing platform) on Osborne Place and, should funding permit, additional platforms on Center Street and Beach Street; and

WHEREAS, the Borough Clerk did duly advertise on February 11, 2021 to receive bids on February 23, 2021 for the construction of Shrewsbury River handicap access viewing platform on Osborne Place with an Add Alternate A on Center Street and Add Alternate B on Beach Street; and

WHEREAS, in connection therewith, two (2) bids were received by the Borough of Sea Bright on February 23, 2021 from the following: 1) Seacoast Construction, Inc., East Brunswick, NJ in the amount of $67,400 (Add Alt A $53,200 and Add Alt B $34,700) for a total of $155,300; 2) Capela Construction Inc., Southampton, NJ in the amount of $73,350 (Add Alt A $30,000 and Add Alt B $24,500) for a total of $127,850; and

WHEREAS, due to limited funding, the base bid will only be considered for this award and it was determined that the lowest responsible bidder meeting specifications for the construction of one handicap access viewing platform on Osborne Place is Seacoast Construction, Inc.; and

WHEREAS, the Borough Administrator, Engineer and Attorney have reviewed the bid documents and determined the lowest responsible bidder meeting specifications for this bid is Seacoast Construction, Inc. of East Brunswick, New Jersey for the construction of one viewing platform on Osborne Place and recommend that a contract be awarded at a cost not to exceed $67,400.00.

CERTIFICATION OF FUNDS
I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funding is available in the Beautification Trust Account for the purpose of this award of contract.

_____
Michael J. Bascom

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that the bid proposal for the Construction of a handicap accessible viewing platform on the bulkhead on Osborne Place as set forth in the bid submitted in the amount of $67,400.00 is hereby awarded to Seacoast Construction, Inc. of East Brunswick, New Jersey; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed one time in the "Asbury Park Press" newspaper.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon delivery and execution thereof within ten (10) days from the date of the within Resolution accompanied by such appropriate insurance certificate, affirmative action certificate and performance bonds as may be required by the specifications; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Finance Manager
2. Public Works
3. Borough Engineer
4. Seacoast Construction, Inc.

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein,

March 2, 2021

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on March 2, 2021.

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Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 63-2021
ADOPTING THE MONMOUTH COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Councilmember introduced and offered for adoption the following Resolution: seconded by Councilmember :

WHEREAS, the Borough of Sea Bright in the County of Monmouth, State of New Jersey, has experienced natural hazards that result in public safety hazards and damages to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks; and

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law; and

NOW, THEREFORE BE IT RESOLVED by the Borough of Sea Bright:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. The Borough of Sea Bright departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Sea Bright, and this resolution shall not be interpreted so an to mandate any such appropriation.

4. The Borough of Sea Bright_Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to:

1. The Monmouth County Office of Emergency Management Coordinator
2. Borough of Sea Bright Emergency Management Coordinator
3. Borough of Sea Bright Police Chief

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

March 2, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held on March 2, 2021.

_____

Christine Pfeiffer, Borough Clerk

ORDINANCE NO. 02- 2021

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND SUPPLEMENTING CHAPTER 130," LAND USE", OF THE CODE OF THE BOROUGH OF SEA BRIGHT TO DELETE THEREFROM ARTICLE XVI, "SURFACE WATER RUNOFF", AND TO ADD THERETO A NEW ARTICLE XVI, "STORMWATER CONTROL REGULATIONS."

SECTION ONE. Chapter 130, "Land Use", of the Code of the Borough of Sea Bright be and the same is hereby amended and supplemented to delete therefrom Article XVI, "Surface Water Runoff", and add thereto the following new Article:

"Article XVI, Stormwater control regulations.

§130-91 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 Article is to establish minimum stormwater management requirements and controls for "major development," as defined below in §130-92.

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.

D. Compatibility with Other Permit and Ordinance Requirements

1) 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.

2) 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.

§130-92. Definitions:

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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.

1) "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.

2) "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).

3) "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.

4) "Compaction" means the increase in soil bulk density.

5) "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.

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

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

   a) A county planning agency or

   b) 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.

8) "Department" means the Department of Environmental Protection.

9) "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.

10) "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.

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

   (a) 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.

12) "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.

13) "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.

14) "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.

15) "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.

16) "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.

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

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

a) Treating stormwater runoff through infiltration into subsoil;

b) Treating stormwater runoff through filtration by vegetation or soil; or

c) Storing stormwater runoff for reuse.

19) "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.

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

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

22) "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.

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

a) The disturbance of one or more acres of land since February 2, 2004;

b) The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;

c) The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or

d) A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

25) "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.

26) "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.

27) "Municipality" means the Borough of Sea Bright.

28) "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, 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.

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

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

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

32) "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.

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

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

35) A net increase of impervious surface;

(a) 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);

(b) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

(c) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

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

(a) The total area of motor vehicle surface that is currently receiving water;

(b) 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.

37) "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.

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

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

40) "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.

41) "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.

42) "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.

43) "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).

44) "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.

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

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

47) "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.

48) "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.

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

50) "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.

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

(a) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

(b) Designated as CAFRA Centers, Cores or Nodes;

(c) Designated as Urban Enterprise Zones; and

(d) Designated as Urban Coordinating Council Empowerment Neighborhoods.

52) "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.

53) "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.

54) "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.

§130-93. 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.

§130-94. 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 §130-102.

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 §130-102:

(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 §130-102 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 §130-102 to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements of §130-102, 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 §130-102 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §130-102 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 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.

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

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

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

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

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

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified herein;

(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 §130-93B;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at §130-93B.

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 Borough. 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 §130-93.D.15. Alternative stormwater management measures may be used to satisfy the requirements at §130-93.D.15 only if the measures meet the definition of green infrastructure at §130-92.B. Alternative stormwater management measures that function in a similar manner to a BMP listed at §130-93.D.15.b are subject to the contributory drainage area limitation specified at §130-93.D.15.b 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 §130-93.D.15.b 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 §130-93.D.4 is granted from §130-93.D.15.

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 and demonstrated not to negatively impact wetlands or watercourses on site or adjacent to the property.

(3) 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 §130-98.

(4) 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;

(5) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §130-91.I.; and

(6) 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 §130-91B. may be used only under the circumstances described at §130-93.D.15.d.

K. Any application for a new agricultural development that meets the definition of major development at §130-91B. shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §130-93.D.15-18 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 §130-102 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 Office of the Monmouth County Clerk. A form of deed notice shall be submitted to the Borough 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 §130-93.D.15-18 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 §130-93L.2.d. 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 Borough stormwater management plan or ordinance may be altered or replaced with the approval of the Borough, if the Borough Engineer determines that the proposed alteration or replacement meets the design and performance standards pursuant to §130-102 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the Borough for approval and subsequently recorded with the Office of the Monmouth County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M

above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with the 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 §130-93.D.16-17, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §130-93.D.6. and/or an alternative stormwater management measure approved in accordance with §130-93.D.7. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

(3) To satisfy the stormwater runoff quantity standards at §130-93.D.18, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §130-93.D.7.

(4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §130-93.D.4 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 §130-93.D.7. may be used to meet

the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §130-93.D.16-18.

(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 §130-93.D.16-17, unless the project is granted a waiver from strict compliance in accordance with §130-93.D.4.

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 §130-93.D.F, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

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

(4) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

(1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major

development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

(2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

(a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

(b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

(3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

(4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into

account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (inches)	Time (Minutes)	Cumulative Rainfall (inches)	Time (Minutes)	Cumulative Rainfall (inches)
1	0.00166	41	0.17280	81	1.09060
2	0.00332	42	0.17960	82	1.09720
3	0.00498	43	0.18640	83	1.10380
4	0.00664	44	0.19320	84	1.11040
5	0.00830	45	0.20000	85	1.11700
6	0.00996	46	0.21170	86	1.12360
7	0.01162	47	0.22330	87	1.13020
8	0.01328	48	0.23500	88	1.13680
9	0.01494	49	0.24660	89	1.14340
10	0.01660	50	0.25830	90	1.15000
11	0.01828	51	0.27830	91	1.15500
12	0.01996	52	0.29830	92	1.16000
13	0.02164	53	0.31830	93	1.16500
14	0.02332	54	0.33830	94	1.17000
15	0.02500	55	0.35830	95	1.17500
16	0.03000	56	0.41160	96	1.18000
17	0.03500	57	0.46500	97	1.18500
18	0.04000	58	0.51830	98	1.19000
19	0.04500	59	0.57170	99	1.19500
20	0.05000	60	0.62500	100	1.20000
21	0.05500	61	0.67830	101	1.20500
22	0.06000	62	0.73170	102	1.21000
23	0.06500	63	0.78500	103	1.21500
24	0.07000	64	0.83840	104	1.22000
25	0.07500	65	0.89170	105	1.22500
26	0.08000	66	0.91170	106	1.22670
27	0.08500	67	0.93170	107	1.22840
28	0.09000	68	0.95170	108	1.23000
29	0.09500	69	0.97170	109	1.23170
30	0.10000	70	0.99170	110	1.23340
31	0.10660	71	1.00340	111	1.23510
32	0.11320	72	1.01500	112	1.23670
33	0.11980	73	1.02670	113	1.23840
34	0.12640	74	1.03830	114	1.24000

35	0.13300	75	1.05000	115	1.24170
36	0.13960	76	1.05680	116	1.24340
37	0.14620	77	1.06360	117	1.24500
38	0.15280	78	1.07040	118	1.24670
39	0.15940	79	1.07720	119	1.24830
40	0.16600	80	1.08400	120	1.25000

(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 §95.4.D.16-18.

(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 §95.4.F, complete one of the following:

(a) 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;

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 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;

(c) 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

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2(a)(b) and (c) 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.

§130-95. Stormwater Management Requirements for Non-Major Developments.

A. The following requirements shall apply to all developments that require minor or major site plan or subdivision approval from the Borough of Sea Bright Planning Board but are not defined as a Major Development.

(1) Any development shall maintain existing drainage patterns on the subject property.

(2) The property owner/developer shall not increase the peak rate of stormwater runoff leaving a property in

the post development condition when compared to the existing condition.

B. A property owner shall not re-grade or construct improvements on their property, such as retaining walls, landscape beds, sheds or pools in such a manner that will adversely impact the flow of stormwater runoff onto an adjoining property. Regrading a property, inclusive of activities related to farming or agriculture, in a manner that increases the peak rate of runoff or volume of runoff directed toward an adjacent property shall not be permitted without a grading or stormwater management plan approval issued by the Borough Engineer.

§130-96. 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:

(a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at https://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

(b) For sites less than one-acre, 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 §130-96A(1)(a) and the Rational and Modified Rational Methods at §130-96A(1)(6). 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 that may reduce pre-construction stormwater runoff rates and volumes, such as ponds, wetlands, depressions, hedgerows, or culverts.

(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:

(1) The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§130-97. Sources for Technical Guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP's website at http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

B. 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.

C. Additional maintenance guidance is available on the NJDEP website at https://www.njstormwater.org/maintenance_guidance.htm.

D. 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".

§130-98. Solids and Floatable Materials Control Standards.

A. Site design features identified under §130-93.D.6 above, or alternative designs in accordance with §130-93.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 §130-98A(1)(b) below.

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

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

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

(2) The standard in §130-98A(1)(a) above does not apply:

(a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

(b) Where the Borough has determined that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

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

1) 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

2) A bar screen having a bar spacing of 0.5 inches.

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

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

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

§130-99. 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 Borough may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §130-98C(3) below for trash racks, overflow grates, and escape provisions at outlet structures.

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

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

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

(d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

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

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) Stormwater management BMPs shall include escape provisions as follows:

(a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the Board Engineer, a free-standing outlet structure may be exempted from this requirement;

(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

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

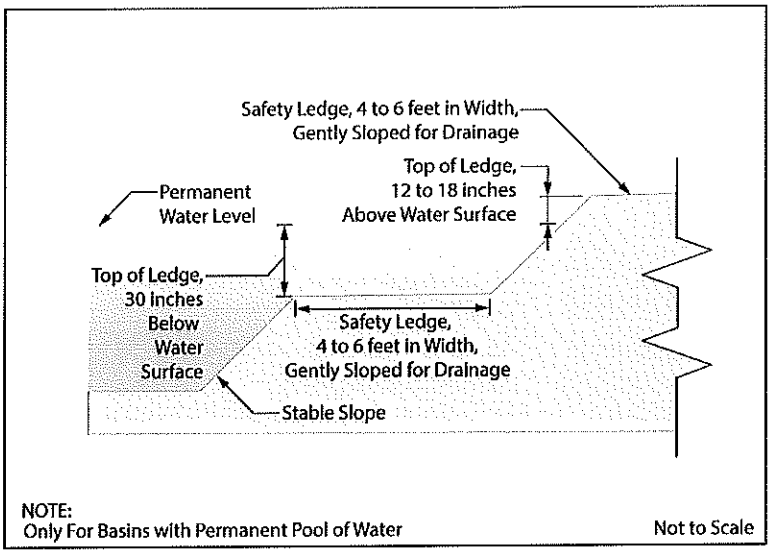
D. The top-of-bank for stormwater management basins constructed in cut and toe of slope for basins constructed in fill shall be located no closer than 25 feet to an existing or proposed property line.

E. Detention basins shall be sodded, attractively buffered and landscaped, and designed as to minimize propagation of insects, particularly mosquitoes. All landscaping and buffering shall be approved by the Borough. No trees or shrubs shall be permitted on slopes or banks for facilities constructed in fill. All detention and retention basins with permanent dry weather pools of water shall have a water depth to minimize propagation of mosquitoes and provided with mechanical aeration for water quality.

F. Variance or Exemption from Safety Standard.

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

G. Safety Ledge Illustration



Elevation View –Basin Safety Ledge Configuration

§130-100. Stormwater management: system strategy.

A. A system emphasizing a natural as opposed to an engineered drainage strategy shall be encouraged. This shall include, but not be limited to, the use of vegetative swales in lieu of storm sewer inlets and piping.

B. When conditions allow, it shall be required to direct building (residential and commercial) roof leaders to dry wells consistent with the New Jersey Stormwater Best Management Practices Manual latest revision. Soil logs, together with permeability or percolation test results, should be submitted to the Borough or Planning Board Engineer for review.

C. The applicability of a natural approach depends on such factors as site storage capacity, open channel hydraulic capacity, and maintenance needs and resources.

D. Hydraulic capacity for open channel or closed conduit flow shall be determined by the Manning Equation, or charts/nomographs based on the Manning Equation. The hydraulic capacity is termed "Q" and is expressed as discharge in cubic feet per second.

E. Velocities in open channels at design flow shall not be less than 0.5 foot per second and not greater than that velocity which will begin to cause erosion or scouring of the channel.

F. Velocities in closed conduits at design flow shall be at least two feet per second but not more than the velocity which will cause erosion damage to the conduit.

G. Stormwater management system design for pipe capacity, materials, and placement.

(1) Pipe size shall be dictated by design runoff and hydraulic capacity.

(2) Hydraulic capacity shall be determined by the Manning Equation, except where appropriate capacity shall be based on tailwater analysis and one-year high tide.

(3) In general, no pipe size in the storm drainage system shall be less than fifteen-inch diameter. A twelve-inch diameter pipe will be permitted as a cross drain to a single inlet.

(4) All discharge pipes shall terminate with a precast concrete or corrugated metal end section or a cast-in-place concrete headwall with or without wingwalls as conditions require. In normal circumstances, a cast-in-place concrete headwall is preferred. Use of other types shall be justified by the designer and approved by the Engineer.

(5) Materials used in the construction of storm sewers shall be constructed of reinforced concrete, ductile iron, corrugated aluminum, or corrugated steel. In normal circumstances, reinforced concrete pipe is preferred. Use of other types shall be justified by the designer and approved by the engineer. Specifications referred to, such as ASA, ASTM, AWWA, etc., should be the latest revision.

(a) Reinforced concrete pipe:

1) Circular reinforced concrete pipe and fittings shall meet the requirements of ASTM C-76.

2) Elliptical reinforced concrete pipe shall meet the requirements of ASTM C-507.

3) Joint design and joint material for circular pipe shall conform to ASTM C-443.

4) Joints for elliptical pipe shall be bell and spigot or tongue-and-groove sealed with butyl, rubber tape, or external sealing bands conforming to ASTM C-877.

5) All pipe shall be Class III unless a stronger pipe (i.e., higher class) is indicated to be necessary.

6) The minimum depth of cover over the concrete pipe shall be as designated by the American Concrete Pipe Association.

(b) Ductile iron pipe shall be centrifugally cast in metal or sand-lined molds to ANSI A21.51-1976 (AWWA C151-76). The joints shall conform to AWWA C111. Pipe shall be furnished with flanges where connections to flange fittings are required. Pipe should be Class 50 (minimum). The outside of the pipe should be coated with a uniform thickness of hot applied coal tar coating and the inside lined cement in accordance with AWWA C104. Ductile iron pipe shall be installed with Class C, Ordinary Bedding.

(c) HDPE may not be used under a paved roadway of a public street. HDPE may be used outside of a public right provided a minimum of 2 fee to cover is provided. HDPE may not be used as a storm sewer outfall where cover will be less than 2 feet.

(6) Pipe bedding shall be provided as specified in "Design and Construction of Sanitary and Storm Sewers," ASCE Manuals and Reports on Engineering Practice No. 37, prepared by a Joint Committee of the Society of Civil Engineers and the Water Pollution Control Federation, New York, 1969.

(7) Maintenance easements shall be provided around stormwater facilities where such facilities are located outside of the public right-of-way. The size of the easement shall be dictated by working needs.

(8) Where storm pipes will be located within the seasonal high-water table, they shall be constructed using reinforced concrete piping with watertight "o"-ring gaskets, or approved equal as determined by the Borough Engineer.

§130-101. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1) Whenever an applicant seeks Land Use Board approval, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §130-101C. 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) Plans and supporting stormwater management calculations and documents shall be submitted in accordance with all required documents (§130-25).

B. Site Development Stormwater Plan Approval

1) The applicant's Site Development project shall be reviewed as a part of the review process by the applicable Land Use Board for major developments or Borough Engineer for non-major developments.

C. Submission of Site Development Stormwater Plan

1) The following information shall be required:

(a) 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.

(b) 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.

(c) 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.

(d) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §130-93 and §130-94 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.

(e) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

1) 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.

2) 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.

(f) Calculations.

1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §130-93.D of this ordinance.

2) 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.

(g) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §130-93.I.

(h) Waiver from Submission Requirements. The Land Use Board reviewing an application may waive submission of any of the requirements in §130-93.K. 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.

§130-102. Ownership, Maintenance and Repair.

A. Applicability. Major stormwater developments shall comply with the requirements of §130-94.

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 is not a public agency, the maintenance plan and any future revisions 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 shall perform all of the following requirements:

(a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

(b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

(c) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation.

(8) 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 Borough 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 Borough, 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 Borough or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

(9) The property owner of any commercial development shall be responsible for maintenance of all stormwater management improvements associated with said development. Ownership and maintenance of stormwater management improvements for residential projects shall be the responsibility of a Homeowner's Association for single family subdivision or multi-family site plan residential projects unless maintenance responsibilities of the stormwater management improvements associated with the residential project is accepted by the Borough Council by Resolution or Ordinance. An appropriate maintenance fee shall be levied by the governing Body should maintenance responsibilities be accepted. The fees shall be based on routine mowing, landscaping maintenance, infiltration media replacement, and long-term maintenance to be performed over a 20-year period.

(10) The maintenance fees required shall be for the purpose of reimbursing the Borough for direct fees, costs, charges and expenses for the maintenance of a detention/retention facility, including but not limited to routine mowing, maintenance of landscaping, general maintenance concerning inlets, cleaning of property and long-range maintenance on a periodic basis.

(11) All costs, expenses, charges and fees incurred by the Borough for the maintenance of a stormwater management basin shall

be charged against the escrow fund established for the maintenance of such a basin.

(12) The Borough shall conduct maintenance programs at its discretion and shall maintain liability insurance on the stormwater management facility out of the funds so created. The maintenance programs may include, but are not limited to:

(a) Routine mowing of the property. Mowing costs shall be estimated at the rate of one acre per hour. The cost per hour for Borough labor and equipment shall be multiplied by the number of acres to be mowed. A base number shall also be included for the mobilization and the maintenance of the equipment.

(b) Maintenance of landscaping. The cost shall be based upon the number of hours for landscape maintenance multiplied by a rate per hour for labor and equipment. Any and all additional stock which shall be necessary to replace approved landscaping shall also be charged against the fund.

(c) General maintenance. The cost for general maintenance shall be based upon a one-hour mobilization time together with the total number of hours expended times the rate per hour for Borough labor and equipment.

(d) Long-term maintenance. The long-term maintenance shall be calculated on a cost per acre and applied against the assumption that a residential detention/retention basin needs rejuvenation every 20 years. These amounts shall be reduced to an annualized cost.

(e) Insurance. The Borough shall assume liability for the property and a portion of the fund shall be used for purchase of insurance for the detention/retention basin.

C. Dedication of facilities. Where applicable, stormwater management facilities shall be dedicated to a Homeowners Association or the Borough of Sea Bright as a separately platted lot. The requirement for a separately platted lot shall not apply to commercial or multi-family residential site plan developments. Parcels to contain stormwater management facilities shall be separated from any lands dedicated

for open space or recreation. Inlet and outlet piping and maintenance access shall be contained within thirty-foot-wide, minimum, drainage easements. No relocation, construction or reconstruction shall take place within the area of the easement, nor shall any structures be located within such area, nor shall any action be taken which may alter or impair the effectiveness of present or future drainage facilities or cause soil erosion without prior approving authority or Borough Council approval.

D. Nothing in this subsection shall preclude the Borough from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§130-103. Penalties.

A. 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 following penalties:

(1) A fine not to exceed $1,000.00 per day for each day that the provisions of this ordinance are violated. Each day that the provisions of this ordinance are violated shall be deemed a separate offense. All violations of this ordinance shall be prosecuted in the Municipal Court or any other tribunal with subject matter jurisdiction."

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

SECTION FIVE. This Ordinance shall take effect on March 2, 2021 upon its passage and publication according to law.

INTRODUCED: February 16, 2021
PUBLIC HEARING: March 2, 2021
ADOPTION:

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on February 16, 2021 and will be further considered after a virtual Public Hearing held on March 2, 2021 at the regular council meeting at 7:00 P.M. Meeting access information is posted on the Borough website: www.seabrightnj.org.

Christine Pfeiffer
Clerk, Borough of Sea Bright

Brian P. Kelly
Mayor, Borough of Sea Bright

VOUCHER LIST
MARCH 2, 2021
BOROUGH OF SEA BRIGHT

01489 A.M.G. MARINE CONTRACTING, INC	
21-00212 02/17/21 STREETS- CONTRACTUAL	3,900.00
01631 BOROUGH OF OCEANPORT	
21-00223 02/22/21 COURT	6,500.00
2680 CINTAS	
21-00207 02/17/21 B&G- JANITORIAL	249.71
21-00208 02/17/21 BEACH - MATERIALS & SUPPLIES	122.13
21-00209 02/17/21 BEACH- MATERIALS & SUPPLIES	66.92
21-00210 02/17/21 B&G - JANITORIAL	139.58
	578.34
00982 CITY OF LONG BRANCH	
21-00163 02/05/21 POLICE-CONTRACTUAL SERVICES	1,000.00
2528 DCH FORD	
21-00071 01/20/21 BEACH-VEHICLE MAINT.	59.20
2286 DIFRANCESCO,BATEMAN,KUNZMAN	
21-00231 02/24/21 LEGAL	3,160.00
2742 FIS	
21-00242 02/25/21 BEACH	85.00
2406 FP MAILING SOLUTIONS	
21-00234 02/24/21 A&E	126.00
00575 GALLS, INC.	
21-00119 01/28/21 POLICE-CLOTHING ALLOWANCE	139.85
02101 GANNETT NJ	
21-00218 02/19/21 A&E	104.40
21-00233 02/24/21 LEGAL AD	98.00
21-00240 02/25/21 CLERK	29.70
	232.10
02181 GATEWAY PRESS	
21-00064 01/19/21	378.00
00979 GIBBONS, P.C.	
21-00237 02/25/21 LEGAL	2,779.50
2710 HOLMDEL TOWNSHIP	
21-00222 02/22/21 FISCAL OFFICER	3,312.50
2561 INTRON TECHNOLOGY SOLUTIONS	
21-00246 02/25/21	6,456.40
21000004 01/06/21 POLICE-COMPUTER	1,105.00
	7,561.40
01526 JCP & L	
21-00245 02/25/21 ELECTRIC	386.44
01801 MASER CONSULTING, P.A.	
21-00228 02/23/21 ENGINEER	10,835.00
21-00229 02/23/21 ENGINEER	2,201.25
	13,036.25

02045 MONMOUTH COUNTY SPCA	
21-00224 02/22/21 ANIMAL CONTROL	289.00
00162 MONMOUTH MUNICIPAL JUDGES ASSN	
21-00241 02/25/21 COURT	160.00
00378 MONMOUTH TRUCK EQUIPMENT	
21-00211 02/17/21 STREETS - MAINT OTHER EQUIP.	669.00
00339 NAPA AUTO PARTS CENTER	
21-00206 02/17/21 STREETS- VEHICLE MAINTENANCE	21.98
00019 NJ AMERICAN WATER	
21-00221 02/19/21 WATER	1,047.04
01309 OCEANPORT BOARD OF EDUCATION	
20-00807 07/15/20 SCHOOL TAX	52,042.00
2525 POOR JOHNS PORTABLE TOILETS	
21-00239 02/25/21 BEACH	366.00
01463 PUMPING SERVICES, INC.	
21-00199 02/17/21 SEWER-MAINT & REPAIRS	8,611.99
00164 RAIN, WILLIAM	
21-00230 02/23/21 HEALTH	144.60
2728 READY FRESH BY NESTLE	
21-00236 02/24/21 A&E	121.12
01554 SEA BRIGHT SERVICE CENTER	
21-00194 02/17/21	179.75
21-00204 02/17/21 POLICE: VEHICLE MAINTENANCE	474.61
	654.36
00027 SEABOARD WELDING SUPPLY, INC.	
21-00244 02/25/21 DPW	14.50
01027 SHORE BUSINESS SOLUTIONS	
21-00160 02/05/21 POLICE-CONTRACTUAL SERVICES	1,100.00
00053 SHORE REGIONAL HIGH SCHOOL	
20-00809 07/15/20 SCHOOL TAX	193,570.00
2535 SUBURBAN DISPOSAL, INC.	
21-00225 02/22/21 TRASH	21,271.84
21-00226 02/22/21 DUMPSTERS	1,641.05
21-00227 02/22/21 LANDFILL TIPPING	6,247.84
	29,160.73
01285 THE HOME DEPOT	
21-00104 01/27/21 STREETS & ROADS-MTRLS. & SUP.	100.52
21-00213 02/17/21 STREETS- MATERIALS & SUPPLIES	205.46
	305.98
01779 TIMOTHY HILL ELECTRIC CO., INC	
21-00103 01/27/21	4,090.00
21000012 01/06/21 STRS. & RDS.-MAINT OF OTHR. EQ	405.00
	4,495.00
2575 UNDER THE SUN	
21-00192 02/16/21 BLDGS. & GRDS - MAINT. OF B&G	2,500.00

2291 VERIZON

21-00235 02/24/21 FIOS	184.65

02061 VERIZON WIRELESS

21-00220 02/19/21 CELL SERVICE	212.73
21-00238 02/25/21 FIRE DEPT	268.07
	480.80

TOTAL: $339,173.33

BILL LIST MARCH 2, 2021 - MANUAL CHECKS

21-00232	GANNETT NJ	$16.65
2/24/2021	PLAN. BRD:LEGAL AD/ESCROW ACCT.	
21-00219	ROONEY PLAZA/L. RAFFETTO	$209.47
2/19/2021	RETURN OF ESCROW FUNDS	

TOTAL: $226.12

GRAND TOTAL: $339,399.45