



ORDINANCE 06-2006

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ATLANTIC HIGHLANDS BY ADDING CHAPTER XXVII, STORMWATER MANAGEMENT AND CONTROL

BE IT ORDAINED by the Mayor and Council of the Borough of Atlantic Highlands, in the County of Monmouth and State of New Jersey, as follows:

That Chapter XXVII, Stormwater Management and Control is added as follows:

Section 1: Purpose

A. Policy Statement.

Flood control, groundwater recharge and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practice (BMP)s. Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading of potential pollutants. Multiple stormwater BMP methods may be necessary to achieve the established performance standards for water quality, quantity and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development.

C. Applicability



This ordinance shall be applicable to any site plan or subdivision that requires preliminary or final site plan review. No variances, waivers or special exceptions shall be granted without the express approval of the New Jersey Department of Environmental Protection (Department).

D. Compatibility with other permit and ordinance requirements.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 2: General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in this ordinance unless otherwise not permitted under the Steep Slopes section of Atlantic Highlands Borough as defined in (the AH Steep Slopes Ordinance #943-89 as amended #14-96), upheld by the NJ Supreme Court (Ferraro Builders, LLC and Rand Associates, a New Jersey Partnership v. Borough of Atlantic Highlands Planning Board and Borough of Atlantic Highlands DECIDED August 5, 2003), has been identified by the United States Geologic Survey as a geologic hazard area (Geological Survey Professional Paper 898, US Government Printing Office, Washington, 1974). To the maximum extent feasible, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. 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. Such alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in this subchapter.

3. For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this Ordinance except to the extent the RSIS are superseded by this Ordinance or alternative standards applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section 3. Stormwater Management Requirements For Major Development

- A. The development shall incorporate a maintenance plan and designate a responsible party for the stormwater management measures incorporated into the design of a major development.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the 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 quantity, and stormwater runoff quality requirements of Sections 3.F and 3.G:
 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.
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 10 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 3.F and 3.G 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 nonstructural and structural stormwater

management strategies and measures, the option selected complies with the requirements of Sections 3.F and 3.G to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 3.F and 3.G, 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 3.D above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of Sections 3.F and 3.G that were not achievable on-site.

E. Nonstructural stormwater management measures

1. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in paragraph 2 below into the design of a particular project, the applicant shall identify the measures considered and provide a basis for the contention.

The applicant shall be aware that as outlined in the Steep Slopes section of Atlantic Highlands Borough as defined in (the AH Steep Slopes Ordinance #943-89 as amended #14-96), upheld by the NJ Supreme Court (Ferraro Builders, LLC and Rand Associates, a New Jersey Partnership v. Borough of Atlantic Highlands Planning Board and Borough of Atlantic Highlands DECIDED August 5, 2003), has been identified by the United States Geologic Survey as a geologic hazard area (Geological Survey Professional Paper 898, US Government Printing Office, Washington, 1974). Increasing groundwater recharge and/or infiltration in the Steep Slopes Section increases the geologic hazard to the detriment of the public interest and welfare and is not permitted.

2. Nonstructural stormwater management measures incorporated into site design shall:
 - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - c. Maximize the protection of natural drainage features and vegetation;

- d. Minimize the decrease in the pre-construction "time of concentration." "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - e. Minimize land disturbance including clearing and grading;
 - f. Minimize soil compaction;
 - g. Provide low-maintenance native plant landscaping that maximizes retention of existing native vegetation and planting of native vegetation and minimizes the use of lawns and need for fertilizers and pesticides;
 - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:
 - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems;
 - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
3. Any land area used as a non-structural stormwater management measure to meet the performance standards in Sections 3.F and 3.G shall be dedicated through deed to a government agency, subjected to a conservation deed restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures the maintenance of that measure in perpetuity.
4. Guidance for nonstructural stormwater management measures is available in the New Jersey Stormwater Best Management Practices

Manual. The manual is available on the Department's web page at <http://www.njstormwater.org> or www.njnonpointsource.org.

F. Erosion control, groundwater recharge and runoff quantity standards

1. This section contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - b. The minimum design and performance standards for groundwater recharge are as follows:
 - (1) Except if (2), (3) or (4) apply, the design engineer shall, using the assumptions and factors for stormwater runoff calculations of Section 4, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction 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.
 - (2) This groundwater recharge requirement does not apply to projects that qualify as "urban redevelopment".
 - (3) 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 a 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.

(4) Where it’s a hazard and not permitted as outlined in the Steep Slopes section of Atlantic Highlands Borough as defined in (the AH Steep Slopes Ordinance #943-89 as amended #14-96), upheld by the NJ Supreme Court (Ferraro Builders, LLC and Rand Associates, a New Jersey Partnership v. Borough of Atlantic Highlands Planning Board and Borough of Atlantic Highlands DECIDED August 5, 2003), has been identified by the United States Geologic Survey as a geologic hazard area (Geological Survey Professional Paper 898, US Government Printing Office, Washington, 1974).

(5) 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 and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

c. In order to control stormwater runoff quantity impacts, the design engineer shall, use the assumptions and factors for stormwater runoff calculations of Section 4, complete one of the following:

(1) 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;

- (2) 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; or
 - (3) 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge;
2. Any application for a new agricultural development that meets the definition of major development at Section 12 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control.

G. Stormwater runoff quality standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Rainfall (Inches)	Cumulative Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 6. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, New Jersey, 08625-0418.
- If more than one BMP in series is necessary to achieve the required 80% 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 load removal from application of both BMPs, and

A = the TSS removal rate applicable to the first BMP

B = the TSS removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS %Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Forested Buffers	70
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See N.J.A.C. 7:8-5.7(c)
Sand Filter	80
Vegetative Filter Strip	50
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80% TSS removal rate shall apply to each drainage area, unless the runoff from the sub-areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 3.F and 3.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 6.
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 direct discharge of stormwater to waters classified as FW1.
8. Special water resource protection areas shall be established along all waters designated Category One of N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC 14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

- a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - (1) A 300-foot special water resource protection area, measured perpendicular to the waterway from the top of bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.
 - (2) Encroachment within the designated special water resource protection area under subsection G.8.a(1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the Category One waterway. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
 - (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - (2) Stormwater associated with discharges allowed by this section shall achieve a 95% TSS post construction removal rate;
 - (3) Temperature shall be addressed to ensure no impact on receiving waterway;

- (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. This subsection does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

Section 4: Calculation of stormwater runoff

- 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 the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
 - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
 - 2. For the purpose of calculating runoff coefficients, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. A runoff coefficient 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 calculation. 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 condition and conservation treatment (if the land use type is cultivation.)

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from a design storm, 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 the water quality storm, urban impervious area modifications as described in the NRCS Technical Release-55, Urban Hydrology for Small Watersheds 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.

Section 5: Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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). The Steep Slopes section of Atlantic Highlands Borough as defined in (the AH Steep Slopes Ordinance #943-89 as amended #14-96), upheld by the NJ Supreme Court (Ferraro Builders, LLC and Rand Associates, a New Jersey Partnership v. Borough of Atlantic Highlands Planning Board and Borough of Atlantic Highlands DECIDED August 5, 2003), has been identified by the United States Geologic Survey as a geologic hazard area (Geological Survey Professional Paper 898, US Government Printing Office, Washington, 1974). Increasing groundwater recharge and/or infiltration in the Steep Slopes Section increases the geologic hazard to the detriment of the public interest and welfare and is not permitted.
2. Structural 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 (1") 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 (1/3) the width of the diameter of the orifice or one-third (1/3)

the width of the weir. In addition, the design of trash racks must comply with the requirements of Section 7.D.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
 5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins of Section 7.
 6. Stormwater management measures shall be designed to drain rapidly to prevent their becoming breeding or reservoir areas for disease vectors.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by this subchapter.
- C. 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.

Section 6: Sources for Technical Guidance

- A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, forested buffers, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; 609-292-5540;
 2. The Rutgers Cooperative Extension Service, 732-932-9306; and
 3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, 609-292-5540.

Section 7: 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 basins. This subchapter applies to any new stormwater management basin.
- B. The provisions of this section are not intended to preempt municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in Section 7.D. 1 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Operative date and compliance schedule
1. For purposes of this subchapter, a stormwater management basin is "existing" if construction of such basin commenced prior to (one year from the effective date of this ordinance), or if such basin was identified in a subdivision or site plan application that received final approval pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) as of (one year from the effective date of this ordinance). Any other stormwater management basin is a "new" basin.

2. As of (one year from the effective date of this ordinance), the construction, installation, or operation of any new stormwater management basin that does not conform to the requirements of this subchapter is prohibited.
3. If an existing stormwater management basin does not conform to a municipal or county stormwater control ordinance adopted pursuant to N.J.A.C. 7:8-6.1(c), the person responsible for the stormwater management basin under such ordinance shall, within the time period specified in the ordinance, modify the basin to comply with the ordinance.

D. Requirements for trash racks, overflow grates and escape provisions

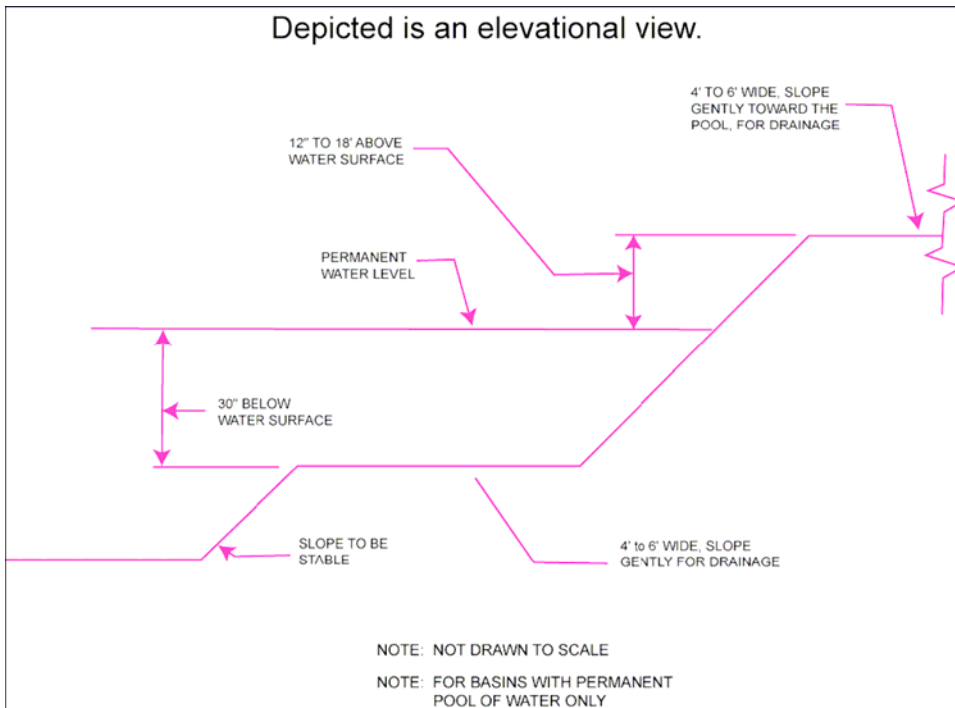
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash 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.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
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 lbs/ft sq.

3. For purposes of this subsection, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 7.E., 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 basins having a permanent pool of water deeper than two and one-half feet. Such 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 Section 7.F for an illustration of safety ledges in a stormwater management basin.
 - c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

E. Variance or exemption from safety standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

F. Illustration of safety ledges in a new stormwater management basin.



Section 8: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at 8.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 18 copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection 8.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plan(s)

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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 2 through 5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 2 of this ordinance.
- b. When the proposed stormwater management control measures (e.g. infiltration basins) depends on the hydrologic properties of soils, 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 soil types present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 9.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements Sections 8.C.1 through 8.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 9: Maintenance and Repair

A. 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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. 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.
4. If the person responsible for maintenance identified under Section A.2 above is not a public agency, the maintenance plan and any future revisions based on Section A.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed as needed, including 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 nonvegetated linings.
6. The person responsible for maintenance identified under Section A.2 above shall 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.
7. The person responsible for maintenance identified under Section A.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under Section A.2 above shall retain and make available, upon request by a public entity, the maintenance plan and the documentation required by Sections A.2, A.6, and A.7 above.
9. The requirements of Sections A.3 and A.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
10. 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, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

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

Section 10: Penalties

Except as otherwise provided, each and every day, in which a violation of any provision of this Ordinance exists, shall constitute a separate violation. Any responsible person who violates any portion or section of this ordinance shall be subject to fines up to \$5,000.00 per violation. In addition the judge may impose any other penalty as provided for under the Revised General Ordinances of the Borough of Atlantic Highlands, Chapter 1 section 1-5 titled "General Penalties".

Section 11: Effective Date

This ordinance shall take effect immediately upon approval by the county review agency, or sixty (60) days from receipt of the ordinance by the county review agency if the county review agency should fail to act.

Section 12: Severability

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

any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Section 13: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"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.

"CAFRA Centers, Cores or Nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

"Compaction" means the increase in soil bulk density.

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

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

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

"Department" means the New Jersey Department of Environmental Protection.

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

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or

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.

“Drainage area” means a geographic area within which water, sediments, and dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

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

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

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

"Major development" means any “development” shown in any site plan or subdivision plan that has not received preliminary or final approval by [insert the effective date of this ordinance] that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which 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."

“Municipality” means the Borough of Atlantic Highlands.

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

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

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

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

or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

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

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

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

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

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

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

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

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

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

"Stormwater management measure" means any structural or nonstructural strategy, 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 nonstormwater discharges into stormwater conveyances.

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

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

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

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

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

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

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

SECTION 14

Section 21-58, Plat and plan details is hereby amended as follows (additions are underlined and deletions are in [brackets]):

21-58 Plat and Plan Details

A. *No Change*

B. *No Change*

1-20. *No Change*

21. Stormwater Management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities, plus all required design data supporting the adequacy of file existing or proposed facilities to handle future storm flows as required by the Borough or , if applicable, as required by the Stormwater Management and Control Chapter of this ordinance.

C – D. *No Change*

E. *No Change*

1-9. *No Change*

10. Stormwater Management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities, plus all required design data supporting the adequacy of file existing or proposed facilities to handle future storm flows as required by the Borough or , if applicable, as required by the Stormwater Management and Control Chapter of this ordinance.

SECTION 15

Section 21-59, On-tract and on-site improvements is hereby amended as follows (additions are underlined and deletions are in [~~brackets~~]):

21-59 On-tract and on-site improvements.

A. *No Change*

1-2. *No Change*

3. Storm drains and culverts. All streets shall be provided with sufficient catch basins, storm sewers, culverts, water detention basins and other drainage appurtenances for the proper drainage of the area, with respect to existing and future conditions, and if applicable, in accordance with the Borough's Stormwater Management and Control chapter of this ordinance. All such facilities shall be constructed in accordance with this chapter, the Stormwater Management and Control chapter, if applicable, or such other accepted engineering design practices as may be required by the Borough Engineer where special circumstances so require.

B. *No Change*

C. *No Change*

1. *No Change*

2. Drainage. All sites shall be drained and graded so as to control surface runoff efficiently. Storm drainage shall be connected to existing facilities whenever possible. Detention facilities may be required by the Borough in cases where existing systems lack capacity or where needed to protect downstream properties. Drainage design shall be as set forth in 21-65.V of this chapter or the Borough's Stormwater Management and Control chapter, if applicable.

SECTION 16

Section 21-65, Design Specifications is hereby amended as follows (additions are underlined and deletions are in [brackets]):

21-65 Design Specifications.

A-U. *No Change*

V. Stormwater Drainage

General Requirements

- a. All streets shall be provided with manholes, catch basins and pipes where the same may be necessary for proper surface drainage. On-site facilities may be permitted. Additionally, all work shall be in accordance with the established design standards of the Borough, including the Stormwater Management and Control chapter, if applicable.

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Fligor and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, and Nolan

NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for April 26, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held April 12, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 15th day of April 2006.

Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED April 26, 2006

After a Public Hearing and Second Reading, Councilmember Nolan moved for Final Adoption of this Ordinance. It was seconded by Councilmember Archibald and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held April 26, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 27th day of April 2006.

Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: April 27, 2006

Peter E. Donoghue, Mayor