Agenda

REGULAR MEETING, THURSDAY, AUGUST 7, 2025 AT 7:00P.M. OR AS SOON THEREAFTER AT BOROUGH HALL

OPEN PUBLIC MEETINGS ACT

BOROUGH CLERK: this meeting is being held in accordance with the rules and regulations of the Open Public Meetings Act of the State of New Jersey. Adequate notice of this meeting was provided by forwarding a Sunshine notice which included the time, date and location of this public meeting of the Mayor and Council.

ROLL CALL:
COUNCIL MEMBERS: Councilman Fitzhenry, Councilman Karcic, Councilwoman Sheedy, Councilman Del Russo, Councilwoman Bocchino

ALSO PRESENT: Mayor Daniel H. Pronti, Borough Clerk, Kathleen Moore, Borough Administrator, Stephen Lo Iacono, Borough Attorney, Randy Pearce

PLEDGE OF ALLEGIANCE

COUNCIL VACANCY APPOINTMENT

R-177-25 REO RE: APPOINTMENT OF NOMINEE TO FILL COUNCIL VACANCY

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

SWEARING IN OF NEW COUNCILMEMBER
OATH OF OFFICE FOR COUNCILMEMBER _____ ADMINISTERED BY MAYOR PRONTI

RESOLUTION OFF CONSENT
R-178-25 RESO RE: APPOINTMENT OF POLICE LIEUTENANT

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

SWEARING IN CEREMONY
OATH OF OFFICE ADMINISTERED TO LIEUTENANT FIUME BY MAYOR DANIEL H. PRONTI

RESOLUTION OFF CONSENT
R-179-25 RESO RE: APPOINTMENT OF POLICE SERGEANT

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

SWEARING IN CEREMONY
OATH OF OFFICE ADMINISTERED TO SERGEANT RIVERA BY MAYOR DANIEL H. PRONTI

APPROVAL OF MINUTES
Regular Meeting – May 8, 2025
Executive Session – May 8, 2025
Special Meeting – May 12, 2025

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

RESOLUTIONS ON CONSENT
RESOLUTION NUMBER 180-25 THROUGH AND INCLUDING RESOLUTION NUMBER 195-25 DETAILED BY TITLE BELOW, ARE LISTED ON A CONSENT AGENDA, ARE CONSIDERED TO BE ROUTINE BY THE BOROUGH COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF A COUNCIL MEMBER DESIRES DISCUSSION ON A SPECIFIC RESOLUTION, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

R-180-25 RESO RE: AUTHORIZATION TO PAY CLAIMS
R-181-25 RESO RE: TAX OFFICE – REFUND OF MONIES
R-182-25 RESO RE: CAPITAL BUDGET AMENDMENT
R-183-25 RESO RE: APPOINTMENT OF PER-DIEM DISPATCHER
R-184-25 RESO RE: RENEWAL OF EMPLOYMENT CONTRACT FOR PUBLIC WORKS SUPERINTENDENT
R-185-25 RESO RE: RENEWAL OF BOROUGH ADMINISTRATOR'S EMPLOYMENT CONTRACT
R-186-25 RESO RE: APPROVAL OF SETTLEMENT AGREEMENT REGARDING IRENE COLAO V. NORTH ARLINGTON PUBLIC LIBRARY, MON-L-891-23
R-187-25 RESO RE: AWARD OF PROFESSIONAL SERVICE CONTRACT FOR ENTERTAINMENT SERVICES
R-188-25 RESO RE: AUTHORIZATION TO EXECUTE AMENDED CONTRACT WITH MUNICIPAL PARKING SERVICES INC. TO PROVIDE "SAFETY STICKS" TO THE BOROUGH OF NORTH ARLINGTON
R-189-25 RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 36 SHERMAN AVENUE

R-190-25 RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 16 BIRCHWOOD DRIVE
R-191-25 RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 2 RIVER ROAD
R-192-25 RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO PSE&G PROPERTIES
R-193-25 RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 108 BILTMORE STREET
R-194-25 RESO RE: AWARDING OF PROFESSIONAL SERVICE CONTRACT FOR APPRAISAL SERVICES PERTAINING TO A TAX APPEAL (BLOCK 110 LOTS 1 & 2)
R-195-25 RESO RE: AWARDING OF PROFESSIONAL SERVICE CONTRACT FOR APPRAISAL SERVICES PERTAINING TO A TAX APPEAL (BLOCK 140, LOT 32)

MOTION TO APPROVE
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

COUNCIL REPORTS
COUNCILMAN FITZHENRY
[VACANCY]
COUNCILMAN KARCIC
COUNCILWOMAN SHEEDY
COUNCILMAN DEL RUSSO
COUNCILWOMAN BOCCHINO
MAYOR PRONTI

ADMINISTRATORS REPORT

REDEVELOPMENT CONSULTANTS REPORT

ENGINEERS REPORT

MOTION TO OPEN PUBLIC COMMENTS
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE PUBLIC COMMENTS
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ORDINANCES

INTRODUCTION OF ORDINANCES

ORDINANCE NO. 2444
AN ORDINANCE TO AMEND CHAPTER 187 §9(B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VEHICLES AND TRAFFIC" PROVIDING FOR A HANDICAPPED PARKING SPACE (182 Baltimore Avenue)

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

SECOND READING AND ADOPTION OF ORDINANCES

ORDINANCE NO. 2441
AN ORDINANCE REVISING ARTICLE 205 OF THE CODE OF THE BOROUGH OF NORTH ARLINGON ENTILTIED, "STORMWATER CONTROL ORDINANCE"

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2441 TO THE PUBLIC
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ORDINANCE NO. 2442
BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR USE AS A DROP OFF ZONE AND PARKING FOR ATHLETIC AND RECREATION FACILITIES IN, BY AND FOR THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,545,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2442 TO THE PUBLIC
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ORDINANCE NO. 2443
AN ORDINANCE TO AMEND CHAPTER 187 §9(B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VEHICLES AND TRAFFIC" PROVIDING FOR A HANDICAPPED PARKING SPACE (175 Gold Street)

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2443 TO THE PUBLIC
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

RESOLUTION OFF CONSENT
R-196-25 RESO RE: AUTHORIZING THE BOROUGH ENGINEER TO PROVIDE A CONCEPTUAL PLAN FOR THE DEVELOPMENT OF BLOCK 11, LOT 7 AND BLOCK 24, LOT 1.01 (165-171 RIVER ROAD) INTO A MUNICIPAL PARKING LOT

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

R-197-25 RESO RE: EXECUTIVE SESSION
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

[Executive Session]

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION FOR ADJOURNMENT:
INTRODUCED BY:
SECONDED BY:
ROLL CALL:

[AGENDA IS SUBJECT TO CHANGE AS A RESULT OF THE MATTERS NOT KNOWN AT THE TIME OF MEETING]

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA ____YES __X__ NO						

R-177-25

RESO RE: APPOINTMENT OF NOMINEE TO FILL COUNCIL VACANCY

WHEREAS, Lynette Cavadas submitted her written resignation as Councilwoman, effective August 1, 2025; and

WHEREAS, her resignation has created a vacancy on the Borough Council; and

WHEREAS, on August 5, 2025, the North Arlington Republican Municipal Committee submitted, in writing to the Borough Clerk, the following names of three nominees to fill the Council vacancy pursuant to N.J.S.A 40A:16-11:

Donald O'Neill Christopher Lambo Amanda DeCicco

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of North Arlington hereby appoints _____ as the successor to fill the Council vacancy.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA ____YES __X_ NO						

R-178-25

RESO RE: APPOINTMENT OF POLICE LIEUTENANT

BE IT RESOLVED that Patrick Fiume is hereby appointed as Police Lieutenant with the North Arlington Police Department, effective August 7, 2025; and

BE IT RESOLVED the annual salary is $166,311.50 and said appointment is further conditioned upon all relevant certifications and approvals from all respective State agencies.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA ____YES __X__ NO						

R-179-25

RESO RE: APPOINTMENT OF POLICE SERGEANT

BE IT RESOLVED that Jason Rivera is hereby appointed as Police Sergeant with the North Arlington Police Department, effective August 7, 2025; and

BE IT RESOLVED the annual salary is $152,579.36 and said appointment is further conditioned upon all relevant certifications and approvals from all respective State agencies.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-180-25

RESO RE: AUTHORIZATION TO PAY CLAIMS

WHEREAS, There has been presented to the Mayor and Council Members of the Borough of North Arlington, the attached list of invoices requesting payment for the work, labor, services and materials to the Borough; and

WHEREAS, said attached list specify the exact line item in the budget or Ordinance to be charged therewith: $6,095,655.40.

WHEREAS, each of the purchases by said invoices have been duly authorized by the purchasing department, agent or office in respect to the goods and services received, as well as the Chief Financial Officer in regard to availability of funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington, that the CFO is hereby authorized to pay the claims.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-181-25

RESO RE: TAX OFFICE – REFUND OF MONIES

WHEREAS, the following property is entitled to a tax office refund due to a lien redemption, a successful tax appeal, tax overpayment, and/or veteran deduction; and

WHEREAS, a refund has been requested as follows:

	Reason	Block/Lot	Address	Payable to:	Lien or Tax Sale Cert. #	Total
1.	Successful Tax Appeal	10/59, 60, 61, 62	27, 25, 23, & 13 Ridge Road	The Law Firm of J.F. Janata		$65,328.81
2.	Vet Exemption	138/2	100 Rutherford Place	Soto, Jose		$2,974.36

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington that the Tax Collector issue the requested refund.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA __X__YES ___ NO						

R-182-25

RESO RE: CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2025 was adopted on the 12th day of June, 2025; and,

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of North Arlington, County of Bergen that the following amendment(s) to the adopted capital budget section of the budget be made:

(SEE ATTACHED)

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-183-25

RESO RE: APPOINTMENT OF PER-DIEM DISPATCHER

WHEREAS, there is a need for an additional per diem dispatcher in the North Arlington Police Department; and

WHEREAS, Krystin Gussie has been recommended by Police Chief Horton.

NOW THEREFORE BE IT RESOLVED that Krystin Gussie is hereby appointed as per diem dispatcher at the current hourly rate, if and when employed.

BE IT FURTHER RESOLVED, the Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Police and Payroll Department.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-184-25

RESO RE: RENEWAL OF EMPLOYMENT CONTRACT FOR PUBLIC WORKS SUPERINTENDENT

WHEREAS, the Public Works Superintendent, Mark Cunningham, was duly appointed as Superintendent of the Department of Public Works for the Borough on February 9, 2017 with an effective date of February 20, 2017; and

WHEREAS, the employment contract for the Superintendent of Public Works expires on August 31, 2025.

WHEREAS, the Mayor and Council of the Borough have determined that it is in the best interests of the Borough to retain the services of the Public Works Superintendent and renew his contract of employment for an additional two (2) years; and

WHEREAS, the Mayor and Council of the Borough have determined that it is desirable to formalize the terms and conditions of employment of the Public Works Superintendent; and

WHEREAS, a copy of the written contract of employment of the Public Works Superintendent, setting forth the terms of conditions of his employment, is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that the Mayor and Borough Clerk are hereby authorized and directed to execute the attached contract for the employment of the Public Works Superintendent, Mark Cunningham.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-185-25

RESO RE: RENEWAL OF BOROUGH ADMINISTRATOR'S EMPLOYMENT CONTRACT

WHEREAS, the Administrator, Stephen Lo Iacono, was duly appointed as Administrator of the Borough on March 1, 2014; and

WHEREAS, the Administrator's employment contract with the Borough expired on March 3, 2025; and

WHEREAS, the Mayor and Council of the Borough have determined that it is in the best interests of the Borough to retain the services of the Administrator and renew his contract of employment for an additional year; and

WHEREAS, the Mayor and Council of the Borough have determined that it is desirable to formalize the terms and conditions of employment of the Administrator; and

WHEREAS, the Mayor and Council of the Borough directed the Borough Attorney to draft a formal contract setting forth all of the terms and conditions of the employment of the Administrator; and

WHEREAS, a copy of the written contract of employment of the Administrator is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that the Mayor and Borough Clerk are hereby authorized and directed to execute the attached contract for the employment of the Borough Administrator, Stephen Lo Iacono.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

R-186-25

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

RESO RE: APPROVAL OF SETTLEMENT AGREEMENT REGARDING IRENE COLAO V. NORTH ARLINGTON PUBLIC LIBRARY, MON-L-891-23

WHEREAS, Irene Colao filed a lawsuit on or about March 22, 2023 entitled Irene Colao v. North Arlington Public Library, Docket # MON-L-891-23; and

WHEREAS, the insurance policy which is covering the cost of North Arlington Library Board's defense of the aforementioned lawsuit is maintained by the Borough of North Arlington; and

WHEREAS, the Borough of North Arlington's insurance carrier has informed the Borough and the North Arlington Library Board that it recommends entering into a settlement agreement in the amount of $200,000.00 ("Settlement Agreement") with Irene Colao to avoid further litigation expenses; and

WHEREAS, insurance appointed counsel, Mary McDonnell, Esq., has recommended that the Borough of North Arlington grant authorization for the settlement agreement to be ratified and executed by the North Arlington Library Board; and

WHEREAS, based on the recommendation of insurance counsel, the Governing Body believes that authorizing the North Arlington Library Board to enter into this Settlement Agreement is in the Borough's best interests;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey as follows:

1. That subject to final approval by the North Arlington Library Board, the above referenced Settlement Agreement is hereby ratified, to the extent required, by the Borough of North Arlington's Mayor and Council, and all Borough officers and representatives, are hereby authorized to execute the Settlement Agreement and take any and all action required to effectuate the terms of the negotiated settlement agreement as described therein; and

2. This resolution shall take effect immediately.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

R-187-25

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

RESO RE: AWARD OF PROFESSIONAL SERVICE CONTRACT FOR ENTERTAINMENT SERVICES

WHEREAS, the Borough of North Arlington annually holds its Celebrate North Arlington Day; and

WHEREAS, due to the unique nature of the entertainment industry, the Borough has deemed it appropriate to award a contract for the provision of entertainment related services to be provided at Celebrate North Arlington Day without public bidding in accordance with N.J.S.A. 40A:11-5; and

WHEREAS, the Mayor and Council of the Borough of North has determined that Cliffhanger Productions, LLC is qualified to provide entertainment services with regard to these matters; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington as follows:

1. The Mayor and/or Borough Administrator are hereby authorized and directed to execute the agreement with Cliffhanger Productions, LLC attached hereto pertaining to said firms' services to be provided at Celebrate North Arlington Day (the "Contract").

2. The Contract shall provide for payment to Cliffhanger Productions, LLC at the flat rate of $22,000.00 for entertainment related services at the Celebrate North Arlington Day.

3. The Contract is to be awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.

4. Notice of this action to be published according to law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

This Resolution to take effect upon certification of this Resolution by the Chief Financial Officer that sufficient funds are available from Account # 5-01-28-0370-225000.

CERTIFIED: _____
Stephen Sanzari, Chief Financial Officer

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ____ NO						

R-188-25

RESO RE: AUTHORIZATION TO EXECUTE AMENDED CONTRACT WITH MUNICIPAL PARKING SERVICES INC. TO PROVIDE "SAFETY STICKS" TO THE BOROUGH OF NORTH ARLINGTON

WHEREAS, Municipal Parking Services, Inc. has developed a unique, proprietary, patent-protected Parking/No-Parking Enforcement and Parking Data Technology System referred to as the Sentry System which includes camera equipped, self-enforcing Sentry SafetyStick bollards and the related hardware and the Sentry software that enables operation and web-based back-end management of SafetySticks; and

WHEREAS, the Borough of North Arlington wishes to deploy up to one-hundred (100) SafetySticks and use the Sentry System to monitor parking activity and enforce parking regulations in certain no-parking zones such as fire hydrants, bus stops, crosswalks and loading zones in the Borough of North Arlington; and

WHEREAS, Municipal Parking Services, Inc. has submitted an agreement for said project, attached hereto as Exhibit A and made part of; and

NOW, THEREFORE, BE IT RESOVLED, by the Mayor and Council of the Borough of North Arlington that the Borough authorizes said agreement with Municipal Parking Services, Inc. attached hereto as Exhibit A, for the aforementioned purpose and that the Mayor hereby be authorized to sign said agreement between the Borough of North Arlington and Municipal Parking Services, Inc., and the Borough Clerk is hereby authorized to attest to same and affix the Borough Seal thereon.

This Resolution to take effect upon certification of this Resolution by the Chief Financial Officer that sufficient funds, are available from Account # _____.

Certified: _____
Stephen Sanzari, CFO

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-189-25

RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 36 SHERMAN AVENUE

WHEREAS, it is upon the advice and recommendation of the Tax Assessor, Special Tax Appeal Counsel, and the Borough Appraiser to seek formal approval of this property tax appeal matter as follows:

- **Block 166, Lot 15 located at 36 Sherman Ave.**

- The property is owned by Plaintiff, J & M Rodrigues Properties LLC

  The within Resolution relates to the settlement of the pending tax appeal matters entitled J & M Rodrigues Properties LLC v. Borough of North Arlington, filed in the Tax Court of New Jersey under Docket No. 012207-2021.

- The proposed settlement terms and conditions related to this matter reflect a refund of approximately $3,315.

- Refund payment to be made within ninety (90)days of the Tax Court Judgment.

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of North Arlington, County of Bergen, State of New Jersey that the Borough Special Tax Counsel is hereby authorized and directed to further prepare, execute any and all documents necessary in order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-190-25

RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 16 BIRCHWOOD DRIVE

WHEREAS, it is upon the advice and recommendation of the Tax Assessor, Special Tax Appeal Counsel, and the Borough Appraiser to seek formal approval of this property tax appeal matter as follows:

- **Block 69, Lot 10 located at 16 Birchwood Drive**

- The property is owned by Plaintiff, Raymond J. Brauer.

The within Resolution relates to the settlement of the pending tax appeal matters entitled Raymond J. Brauer v. Borough of North Arlington, filed in the Tax Court of New Jersey under Docket No. 019673-2012

- The proposed settlement terms and conditions related to this matter reflect a refund of approximately **$885.**

- Refund payment to be made within ninety (90)days of the Tax Court Judgment.

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of North Arlington, County of Bergen, State of New Jersey that the Borough Special Tax Counsel is hereby authorized and directed to further prepare, execute any and all documents necessary in order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-191-25

RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 2 RIVER ROAD

WHEREAS, it is upon the advice and recommendation of the Tax Assessor, Special Tax Appeal Counsel, and the Borough Appraiser to seek formal approval of this property tax appeal matter as follows:

- **Block 2, Lot 1 located at 2 River Road**

- The property is owned by Plaintiff, Bell Pike Motors.

The within Resolution relates to the settlement of the pending tax appeal matters entitled Bell Pike Motors v. Borough of North Arlington, filed in the Tax Court of New Jersey under Docket Nos. 013198-2017, 013051-2018 and 013277-2020.

- The proposed settlement terms and conditions related to this matter reflect a refund of approximately **$10,750.**

- Refund payment to be made within ninety (90)days of the Tax Court Judgment.

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of North Arlington, County of Bergen, State of New Jersey that the Borough Special Tax Counsel is hereby authorized and directed to further prepare, execute any and all documents necessary in order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

R-192-25

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO PSE&G PROPERTIES

WHEREAS, it is upon the advice and recommendation of the Tax Assessor, Special Tax Appeal Counsel, and the Borough Appraiser to seek formal approval of this property tax appeal matter as follows:

- **Block 79, Lot 34 — Sixth Street to River**
- **Block 80, Lot 2 — Sixth Street to Ridge**
- **Block, 87 Lot 1 — 437 River Road**
- **Block 144, Lot 2 — 460 Ridge Road**
- **Block 145, Lot 1 — RR 39-51 Pulaski**
- **Block 145, Lot 16 — 509 Schuyler Avenue**

- The property is owned by Plaintiff, Public Sery Elec & Gas Co.

  The within Resolution relates to the settlement of the pending tax appeal matters entitled Public Sery Elec & Gas Co v. Borough of North Arlington, filed in the Tax Court of New Jersey under Docket Nos. 006911-2019, 002372-2020, 002491-2021, 006906-2019, 002396-2020 and 002494-2021.

- The proposed settlement terms and conditions related to this matter reflect a refund of approximately **$10,227.**

- Refund payment to be made within ninety (90)days of the Tax Court Judgment.

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of North Arlington, County of Bergen, State of New Jersey that the Borough Special Tax Counsel is hereby authorized and directed to further prepare, execute any and all documents necessary **in** order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

R-193-25

RESO RE: AUTHORIZING TAX APPEAL SETTLEMENT PERTAINING TO 108 BILTMORE STREET

WHEREAS, it is upon the advice and recommendation of the Tax Assessor, Special Tax Appeal Counsel, and the Borough Appraiser to seek formal approval of this property tax appeal matter as follows:

- **Block 64, Lot 16.02 — 108 Biltmore St.**

- The property is owned by Plaintiff Zofia Maliszewka.

  The within Resolution relates to the settlement of the pending tax appeal matters entitled Maliszewka, Zofia v. Borough of North Arlington, filed in the Tax Court of New Jersey under Docket No. 018421-2013

- The proposed settlement terms and conditions related to this matter reflect a refund of approximately **$3,485.**

- Refund payment to be made within ninety (90) days of the Tax Court Judgment.

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of North Arlington, County of Bergen, State of New Jersey that the Borough Special Tax Counsel is hereby authorized and -directed to further prepare, execute any and all documents necessary in order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

R-194-25

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

RESO RE: AWARDING OF PROFESSIONAL SERVICE CONTRACT FOR APPRAISAL SERVICES PERTAINING TO A TAX APPEAL (BLOCK 110, LOTS 1 & 2)

WHEREAS, the Borough of North Arlington is currently involved in litigation concerning a tax appeal captioned Arlington North Assoc. (AKA LTA Realty, LLC) v. Borough of North Arlington; and

WHEREAS, the Borough of North Arlington's Special Tax Counsel has recommended that the Governing Body retain the services of McNerney & Associates, Inc. to conduct an appraisal of the property at issue in the aforementioned tax appeal and to act as an expert witness as needed in the litigation; and

WHEREAS, the Mayor and Council of the Borough of North has determined that McNerney & Associates, Inc., is qualified to act as an appraiser and expert witness with regard to these matters; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with McNerney & Associates, Inc. pertaining to said firms' services (the "Contract").

2. The Contract shall provide for payment to McNerney & Associates, Inc. at $100 per hour not to exceed $12,500.00, for appraisal services.

3. The Contract shall provide payment to McNerney & Associates, Inc. at $100 per hour for any additional work required beyond the appraisal pertaining to expert witness work requested by the Borough of North Arlington's Special Tax Counsel.

4. The Contract is to be awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.

5. Notice of this action to be published according to law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

R-195-25

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA _X__YES ___ NO						

RESO RE: AWARDING OF PROFESSIONAL SERVICE CONTRACT FOR APPRAISAL SERVICES PERTAINING TO A TAX APPEAL (BLOCK 140, LOT 32)

WHEREAS, the Borough of North Arlington is currently involved in litigation concerning a tax appeal captioned Schuyler Resources, LLC v. Borough of North Arlington; and

WHEREAS, the Borough of North Arlington's Special Tax Counsel has recommended that the Governing Body retain the services of McNerney & Associates, Inc. to conduct an appraisal of the property at issue in the aforementioned tax appeal and to act as an expert witness as needed in the litigation; and

WHEREAS, the Mayor and Council of the Borough of North has determined that McNerney & Associates, Inc., is qualified to act as an appraiser and expert witness with regard to these matters; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington as follows:

6. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with McNerney & Associates, Inc. pertaining to said firms' services (the "Contract").

7. The Contract shall provide for payment to McNerney & Associates, Inc. at $100 per hour not to exceed $7,500.00, for appraisal services.

8. The Contract shall provide payment to McNerney & Associates, Inc. at $100 per hour for any additional work required beyond the appraisal pertaining to expert witness work requested by the Borough of North Arlington's Special Tax Counsel.

9. The Contract is to be awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.

10. Notice of this action to be published according to law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

First Reading

INTRODUCED BY:				
SECONDED BY:				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				
KARCIC				
SHEEDY				
DEL RUSSO				
BOCCHINO				
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY:				
SECONDED BY:				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				
KARCIC				
SHEEDY				
DEL RUSSO				
BOCCHINO				
PRONTI				
TOTAL				

ORDINANCE NO. 2444
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND CHAPTER 187 §9(B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VEHICLES AND TRAFFIC" PROVIDING FOR A HANDICAPPED PARKING SPACE

WHEREAS, the Property Owner has made application to the Department of Police of the Borough and the Police Department reviewed the application and indicated that requirements have been met for handicapped parking at the subject site; and

WHEREAS, the Mayor and Council have determined to amend Chapter 187 §9(B) of the Code of the Borough of North Arlington; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that the following be designated as a handicapped parking space:

Location	Side	Description
182 Baltimore Avenue	North	Beginning at a point 400 feet east of the easterly curb line of River Road and extending to a point 20 feet east therefrom.

IT IS FURTHER ORDAINED that the remainder of Chapter 187 §9(B) of the Code of the Borough of North Arlington shall remain in full force and effect.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: September 11, 2025

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, August 7, 2025. THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON September 11, 2025 at 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk

First Reading

INTRODUCED BY: Councilman Karcic SECONDED BY: Councilman Del Russo				
COUNCIL	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: SECONDED BY:				
COUNCIL	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
FITZHENRY				
KARCIC				
SHEEDY				
DEL RUSSO				
BOCCHINO				
PRONTI				
TOTAL				

ORDINANCE NO. 2441
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE REVISING ARTICLE 205 OF THE CODE OF THE BOROUGH OF NORTH ARLINGON ENTILTIED, "STORMWATER CONTROL ORDINANCE"

§ 205-123: 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 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 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 green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in §205-124.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

   i. Non-residential major developments and redevelopment projects; and
   ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of North Arlington.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

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

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any

other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 205-124: Definitions.

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

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

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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

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

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

"Department" means the Department of Environmental Protection.

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

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

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

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

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

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

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

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain

vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

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

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

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §205-126.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

"Public roadway or railroad" means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

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

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

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

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

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

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

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

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

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

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

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate

storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

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

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

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

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

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

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

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

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

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

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

4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

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

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

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

§ 205-125: 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.

§ 205-126: 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 §205-132.

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 §205-126.P-R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §205-126.O-R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §205-126.O-R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of §205-126.O-R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §205-126.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §205-126.O-R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §205-126.O-R.

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

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

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

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

(Notes corresponding to annotations [a] through [g] are found on Page D-13)

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

(Notes corresponding to annotations [b] through [d] are found on Page D-13)

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	**tormwater 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 corresponding to annotations [b] through [d] are found on Page D-13)

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at §205-126.O.2;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at §205-124;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at §205-124.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §205-126.B. Alternative stormwater management measures may be used to satisfy the requirements at §205-126.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at §205-126.O.2 are subject to the contributory drainage area limitation specified at §205-126.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §205-126.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §205-126.D is granted from §205-126.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §205-130.C;
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §205-130; and
5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §205-124 may be used only under the circumstances described at §205-126.O.4.

K. Any application for a new agricultural development that meets the definition of major development at §205-124 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §205-126.O-R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §205-126.P-R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Bergen County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater

management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §205-126.O-R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §205-132.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §205-126 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Bergen County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at §205-126.P-Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §205-126.F. and/or an alternative stormwater management measure approved in accordance with §205-126.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §205-126.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §205-126.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §205-126.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §205-126.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §205-126.P-R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §205-126.P-R, unless the project is granted a waiver from strict compliance in accordance with §205-126.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §205-127, either:

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

ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to §205-127.D of this ordinance is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:

   i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
   ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

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

removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

   $R = A + B – (A \times B) / 100,$

   Where

   R = total TSS Percent Load Removal from application of both BMPs, and

   A = the TSS Percent Removal Rate applicable to the first BMP

   B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §205-126.P-R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §205-127, complete one of the following:

i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §205-127.C-D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to §205-127.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §205-127.C-D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 205-127: Calculation of Stormwater Runoff and Groundwater Recharge:

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

1. The design engineer shall calculate runoff using the following method:

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

regarding the methodology is available from the Natural Resources Conservation Service website at:

https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at §205-127.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

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

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as

amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

https://www.nj.gov/dep/njgs/pricelst/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.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

	Future Precipitation Change Factors		
	2-year Design Storm	**10-year Design Storm**	**100-year Design Storm**
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

§ 205-128: Sources for Technical Guidance:

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

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

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

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

   https://dep.nj.gov/stormwater/maintenance-guidance/.

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

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

§ 205-129: Solids and Floatable Materials Control Standards.

A. Site design features identified under §205-125 above, or alternative designs in accordance with §205-125 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 §205-126.A.2 below.

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

   i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
   ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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

   iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb

opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

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

   i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
   ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
   iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

      a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
      b. A bar screen having a bar spacing of 0.5 inches.

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

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

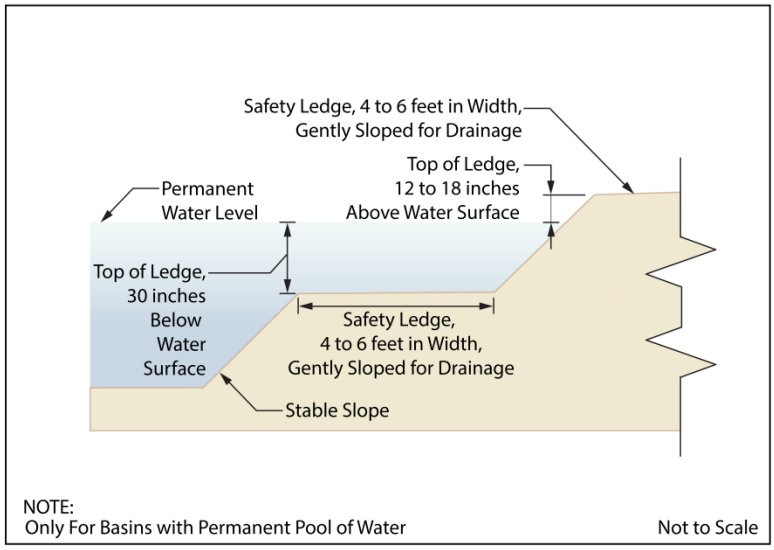
   v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed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

§ 205-130: 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 section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 205-131: 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 §205-128.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit *12* copies of the materials listed in the checklist for site development stormwater plans in accordance with §205-128.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §205-125 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §205-125 of this ordinance.
ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of §205-129.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of

the requirements in §205-128.C.1 through §205-128.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.

§ 205-132: Maintenance and Repair.

A. Applicability

Projects subject to review as in §205-123.C of this ordinance shall comply with the requirements of §205-129.B and §205-129.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.

2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:

   i. 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; and
   ii. 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.

   https://www.njstormwater.org/maintenance_guidance.htm.

3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting

maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

§ 205-133: Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any

building, structure or land in violation of this ordinance shall be subject to the following penalties:

I. The Borough may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion, maintenance or use. However, nothing in this article shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

II. Unless otherwise specifically provided in this chapter, any violation of the provisions of this article shall be punishable as provided in Chapter 1, Article I, General Penalty, at the discretion of the Municipal Court. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

§ 205-134: Severability.

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

§ 205-135: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ALL OF WHICH IS ADOPTED THIS _____ day of _____, 20___, by the Borough of North Arlington.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, July 10, 2025. THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON August 7, 2025 at 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk

First Reading

INTRODUCED BY: Councilwoman Sheedy				
SECONDED BY: Councilwoman Bocchino				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY:				
SECONDED BY:				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				
KARCIC				
SHEEDY				
DEL RUSSO				
BOCCHINO				
PRONTI				
TOTAL				

ORDINANCE NO. 2442
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR USE AS A DROP OFF ZONE AND PARKING FOR ATHLETIC AND RECREATION FACILITIES IN, BY AND FOR THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,545,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of North Arlington, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of North Arlington, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to acquire real property in, by and for the Borough for use as a drop off zone and parking for athletic and recreation facilities. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 165-171 River Road and is designated as Block 11, Lot 7 and Block 24, Lot 1.01 on the Tax Assessment Map of the Borough.

Section 2. The sum of $1,545,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is $1,545,000, and (4) $78,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is $1,467,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of $45,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and

inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding $78,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of $78,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding $1,467,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $1,467,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date,

shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $1,467,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond

anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of North Arlington, in the County of Bergen, State of New Jersey, on July 10, 2025. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held at its meeting room in the Borough Hall, 214 Ridge Road, North Arlington, New Jersey, on August 7, 2025 at 7:00 P.M. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR USE AS A DROP OFF ZONE AND PARKING FOR ATHLETIC AND RECREATION FACILITIES IN, BY AND FOR THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,545,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Purpose(s): Acquisition of real property located at 165-171 River Road and designated as Block 11, Lot 7 and Block 24, Lot 1.01 on the Tax Assessment Map of the Borough for use as a drop off zone and parking for athletic and recreation facilities.

Appropriation: $1,545,000

Bonds/Notes Authorized: $1,467,000

Grants (if any) Appropriated: $-0-

Section 20 Costs: $45,000

Useful Life: 40 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Kathleen Moore
Borough Clerk
Borough of North Arlington
County of Bergen
State of New Jersey

First Reading

INTRODUCED BY: Councilman Del Russo SECONDED BY: Councilwoman Cavadas				
COUNCIL	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: SECONDED BY:				
COUNCIL	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
FITZHENRY				
KARCIC				
SHEEDY				
DEL RUSSO				
BOCCHINO				
PRONTI				
TOTAL				

ORDINANCE NO. 2443
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND CHAPTER 187 §9(B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VEHICLES AND TRAFFIC" PROVIDING FOR A HANDICAPPED PARKING SPACE

WHEREAS, the Property Owner has made application to the Department of Police of the Borough and the Police Department reviewed the application and indicated that requirements have been met for handicapped parking at the subject site; and

WHEREAS, the Mayor and Council have determined to amend Chapter 187 §9(B) of the Code of the Borough of North Arlington; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that the following be designated as a handicapped parking space:

Location	Side	Description
175 Gold Street	West	Beginning at a point 415 feet north of the northerly curb line of Crystal Street and extending to a point 8 feet north therefrom.

IT IS FURTHER ORDAINED that the remainder of Chapter 187 §9(B) of the Code of the Borough of North Arlington shall remain in full force and effect.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, July 10, 2025. THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON August 7, 2025 at 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA ____YES __X__ NO						

R-196-25

RESO RE: AUTHORIZING THE BOROUGH ENGINEER TO PROVIDE A CONCEPTUAL PLAN FOR THE DEVELOPMENT OF BLOCK 11, LOT 7 AND BLOCK 24, LOT 1.01 (165-171 RIVER ROAD) INTO A MUNICIPAL PARKING LOT

BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington the Borough Engineer is hereby authorized to provide the Governing Body with a conceptual plan for the development of Block 11, Lot 7 and Block 24, Lot 1.01 (165-171 River Road) into a municipal parking lot.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
FITZHENRY						
KARCIC						
SHEEDY						
DEL RUSSO						
BOCCHINO						
PRONTI						
ON CONSENT AGENDA ____YES _X_ NO						

R-197-25

RESO RE: EXECUTIVE SESSION

WHEREAS, the Open Public Meeting Act, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Mayor and Council is of the opinion that such circumstances presently exist;

WHEREAS, the Mayor and Council wish to discuss:

CONTRACTUAL MATTERS, ANTICIPATED AND/OR PENDING LITIGATION, ATTORNEY-CLIENT PRIVILEGE, ACQUISITION OF PROPERTY

WHEREAS, public release of the discussion will only occur after counsel approval and action may or may not occur after discussion.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council are now in executive session.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 7, 2025