

1. Conference Meeting Agenda

Documents:

[CA 11.23.21.PDF](#)

2. Public Meeting Agenda

Documents:

[PM 11.23.21.PDF](#)

3. Resolution(S)

3.I. 290-21

Documents:

[290-21 RESOLUTION AUTHORIZING TAX APPEAL AND SIGNAGE AGREEMENT - CLPF ESSEX GREEN.PDF](#)
[290-21 SETTLEMENT AGREEMENT - CLPF ESSEX GREEN \(FINAL\).PDF](#)

3.II. 291-21

Documents:

[291-21 TAX REBATE - B169.01 L6.01 QC0040 AND B169.02 L2 QC0063 - TAX COURT RESOLUTION.PDF](#)

3.III. 292-21

Documents:

[292-21 TAX REBATE - BL 178.48 L 55 Q0260 AND BL 178.56 L 2 - TAX COURT RESOLUTION.PDF](#)

3.IV. 293-21

Documents:

[293-21 - TAX REBATE - BL 78.01 L2.02-2.03 AND - TAX COURT RESOLUTION.PDF](#)

3.V. 294-21

Documents:

[294-21 BENECARD RENEWAL RESOLUTION.PDF](#)
[294-21 ATTACHMENT - TOWNSHIP OF WEST ORANGE - EXPERIENCE REPORT THROUGH SEPTEMBER 2021 20211102.PDF](#)
[294-21 ATTACHMENT - BENECARD TOWNSHIP OF WEST ORANGE - 2022 PROGRAM RENEWAL 20211101.PDF](#)

3.VI. 295-21

Documents:

[295-21 SUN LIFE.PDF](#)
[295-21 ATTACHMENT - WEST ORANGE 2022 REVISED 11-15-21 SUN LIFE.PDF](#)
[295-21 ATTACHMENT - WEST ORANGE 2022 REVISED 11-15-21 BERKLEY.PDF](#)

3.VII. 296-21

Documents:

[296-21 AWARDED CONTRACT FOR SNOW PLOWING AND REMOVAL SVCS 2021 - 2022 RE-BID.PDF](#)

3.VIII. 297-21

Documents:

[297-21 EXTENSION MA 2020-ARVERNE RD CRESTMONT RD. AND WESTOVER TERR_.PDF](#)
[297-21 ATTACHMENTS - REQUEST FOR EXTENSION MA - 2020.PDF](#)

3.IX. 298-21

Documents:

[298-21 EXECUTIVE SESSION 11.23.21.PDF](#)

3.X. 299-21

Documents:

[299-21 RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE ON 46 WINDING WAY.PDF](#)
[299-21 EXHIBIT TO RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE ON 46 WINDING WAY.PDF](#)

3.XI. 300-21

Documents:

[300-21 DUPLICATE PAYMENT RESOLUTION 4TH2021.PDF](#)

3.XII. 301-21

Documents:

[301-21 AUTHORIZING PURCHASE SOMERSET COUNTY CO-OP CC 0099-19 GARDEN STATE HWY PRODUCTS.PDF](#)
[301-21 ATTACHMENT - GARDEN STATE HWY PRODUCTS INC. QUOTE.PDF](#)

3.XIII. 302-21

Documents:

[302-21 INTRODUCTION OF THE 2022 DOWNTOWN WEST ORANGE ALLIANCE BUDGET.PDF](#)

3.XIV. 303-21

Documents:

[303-21 RESOLUTION DESIGNATING DEPUTY CUSTODIANS FOR RECORDS.PDF](#)

3.XV. 304-21

Documents:

[304-21 RESOLUTION AUTHORIZING APPLICATION FOR HDSRF GRANT FUNDS FOR REMEDIAL ACTION.PDF](#)
[304-21 EXHIBIT TO RESOLUTION AUTHORIZING APPLICATION FOR HDSRF GRANT FUNDS FOR REMEDIAL ACTION.PDF](#)

4. Ordinances On Second And Final Reading

4.I. 2664-21

Documents:

[2664-21 - SPECIAL EMERGENCY ORDINANCE \(SEVERANCE LIABILITIES\) - 2021 - WEST ORANGE.PDF](#)

4.II. 2665-21

Documents:

[2665-21 HANDICAPPED SPACES - 160 SVR 34 PARK TERR AND 41 LIBERTY STREET.PDF](#)

4.III. 2666-21

Documents:

[2666-21 ORDINANCE AMENDING THE FEES FOR CERTIFICATE OF OCCUPANCIES FOR COMMERCIAL SPACE.PDF](#)

5. Ordinances On First Reading

5.I. 2667-21

Documents:

[2667-21 ORDINANCE - ELECTRIC VEHICLE CHARGING STATIONS.PDF](#)

5.II. 2668-21

Documents:

[2668-21 ORDINANCE - STORMWATER CONTROL-REDLINED.PDF](#)

5.III. 2669-21

Documents:

[2669-21 - SPECIAL ASSESSMENT - SANITARY SEWER INSTALLATION - WEST ORANGE \(11_23_21\).PDF](#)

PUBLIC MEETING AGENDA
Township of West Orange
66 Main Street – 7:00 p.m.
November 23, 2021 – Meeting No. 19

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 30, 2020, and published in the West Orange Chronicle on December 10, 2020.

Statement of Decorum

In all matters not provided for in subsection 3-15.1 and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to five (5) minutes, and shall at no time engage in any personally offensive or abusive remarks. The chair shall call any speaker to order who violates any provision of this rule.
(1972 Code § 3-15.2)

Roll Call – Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford, Councilwoman Williams, Council President Matute-Brown, Mayor Parisi

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting Minutes November 9, 2021**
- 5. *Report of Township Officers – None**
- 6. Reading of Petitions and Communications and Bids - None**
- 7. *Bills**
- 8. *Resolutions**
 - a. 290-21 Resolution Authorizing Tax Appeal and Signage Agreement - CLPF Essex Green (Legal-Trenk)**
 - b. 291-21 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey – 39 Baxter Lane – 22 Witte Place (Tax Collector)**
 - c. 292-21 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey – 55 Lapis Circle – 17 Cliff Street (Tax Collector)**
 - d. 293-21 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey – 97 Northfield Rd. – 99 Northfield Rd. (Tax Collector)**
 - e. 294-21 Resolution Authorizing a Contract for the Renewal of Prescription Benefit Claims Coverage with Benecard for a One (1) Year Term Commencing on January 1, 2022 through December 31, 2022. (Gross)**
 - f. 295-21 Resolution Authorizing an Agreement with Sun Life for Stop Loss Coverage for 2022 (Gross)**

- g. 296-21** Resolution Authorizing an Award of Contract for Snow Plowing, Salting, Removal and Snow Hauling for Years 2021-2022 to American Asphalt & Milling, LLC, 818 Summer Avenue, Newark, NJ 07014 (Lepore)
- h. 297-21** Resolution Requesting a 30-Day Extension of Time to Award a Construction Contract for the MA-2020 NJDOT Municipal Aid Project to December 20, 2021 (Lepore)
- i. 298-21** Resolution Authorizing an Executive Session to Discuss the Environmental Analysis of the Prism Properties (Legal-Trenk)
- j. 299-21** Resolution Authorizing a Discharge of Mortgage for Property at 46 Winding Way (Legal-Moon)
- k. 300-21** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to An Overpayment of Taxes Due to a Duplicate Payment (Tax Collector)
- l. 301-21** Resolution Authorizing the Purchases of Solar Powered LED Stop Signs and Driver Speed Feedback Signs through the Somerset County Co-op CC 0099-19 from Garden State Hwy Products, Inc., 301 Riverside Drive, Milleville, NJ 08332 in the Amount of \$42,566.86 (Lepore)
- m. 302-21** Introduction of the 2022 Downtown West Orange Alliance Budget (Brill)
- n. 303-21** Resolution Designating Persons Employed by the Township of West Orange, in the Listed Positions, as Deputy Custodians of Records, to Assist with and Facilitate Compliance with OPRA for the Department in which they Serve (Legal-Trenk)
- o. 304-21** Resolution Authorizing the Submission of an Application to the New Jersey Department of Environmental Protection's Hazardous Discharge Site Remediation Fund Seeking \$4,675,000 in Grant Funding to Fund the Remedial Action for the Properties at 18 Central Avenue and 8-10 Central Avenue (Legal-Moon)

9. Ordinances on Second and Final Reading

- a. 2664-21** An Ordinance of the Township of West Orange, In the County of Essex, State of New Jersey Providing for a Special Emergency Appropriation in an Amount Not to Exceed \$500,00 to Fund Contractually Required Severance Liabilities Resulting from the Retirement of Employees in the Township (Legal-Johnson)
- b. 2665-21** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.2, Restricted Parking Zones of the Revised General Ordinances of the Township of West Orange-Handicapped Parking – 160 So. Valley Rd., 34 Park Terrace, 48 Liberty Street (Lepore)
- c. 2666-21** An Ordinance Amending Chapter 25, Section 40.2 of the Revised General Ordinances of the Township of West Orange (Permits) (Legal-Moon)

10. Ordinances on First Reading

- a. 2667-21** An Ordinance Amending Chapter 25 of the Revised General Ordinances of the Township of West Orange Authorizing and Encouraging Electric Vehicle Supply/Service Equipment (EVSE) and Make Ready Parking Spaces (Legal-Trenk)

- b. 2668-21** An Ordinance Amending and Supplementing Chapter 25, Land Use Regulations, Section 25-29, Stormwater Control and Subsections 25-29.1 Through 25-29.13 of the Revised General Ordinances of the Township of West Orange (Lepore)
- c. 2669-21** Bond Ordinance Providing for the Installation of a Sanitary Sewerage System and Associated Laterals Located on Mellon Avenue Between Cleveland Terrace and Kitchener Avenue, in and by the Township of West Orange, in the County of Essex, State of New Jersey; Appropriating \$160,000. Therefor and Authorizing the Issuance of \$152,000. Bonds or Notes of the Township to Finance Part of the Cost Thereof and Directing a Portion of the Special Assessment of the Cost Thereof (Legal-E. Johnson)

11. Pending Matters/New Matters/Council Discussion

12. ABC Hearing-None

13. Adjournment

**The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.
(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)**

Agenda is subject to change.

Next Meeting Date(s): December 14, 2021

RESOLUTION

WHEREAS, Essex Green is the owner of two parcels located West Orange Township, known as Block 155.21; Lot 40 and Block 155; Lot 40.03. (the “properties”);

WHEREAS, West Orange Township filed property tax appeals seeking an increase in assessment at the properties for tax years 2016 through 2021;

WHEREAS, Essex Green filed property tax appeals seeking a decrease in the property assessments for the 2018 through 2021 tax years;

WHEREAS, the Parties wish to amicably settle the property tax appeals and assessments for all pending tax years and up to and including the 2016 through 2023 tax years;

WHEREAS, West Orange has furnished Essex Green with a proposed Library Signage plan and estimated costs;

WHEREAS, the Parties settlement of the tax assessments appeals will incorporate this agreement to include Essex Green’s contribution towards Library Signage to be constructed;

NOW, BE IT HEREBY RESOLVED, the Township Council of the Township of West Orange authorizes the Mayor to execute the Agreement and effectuate the settlement, and the Township Clerk shall be authorized to attest to the Mayor’s signature.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

SETTLEMENT AGREEMENT

SETTLEMENT AGREEMENT (this "Agreement"), dated November __, 2021, between CLPF Essex Green, LLC ("Essex Green"); and the Township of West Orange, New Jersey ("Township"). Essex Green and West Orange are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

WHEREAS, Essex Green is the owner of two parcels located West Orange Township, known as Block 155.21; Lot 40 and Block 155; Lot 40.03. (the "properties");

WHEREAS, West Orange Township filed property tax appeals seeking an increase in assessment at the properties for tax years 2016 through 2021;

WHEREAS, Essex Green filed property tax appeals seeking a decrease in the property assessments for the 2018 through 2021 tax years;

WHEREAS, the Parties wish to amicably settle the property tax appeals and assessments for all pending tax years and up to and including the 2016 through 2023 tax years;

WHEREAS, West Orange has furnished Essex Green with a proposed Library Signage plan and estimated costs (*To Be Attached as Exhibits*);

WHEREAS, the Parties settlement of the tax assessments appeals will incorporate this agreement to include Essex Green's contribution towards Library Signage to be constructed;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and releases herein and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. 2016 to 2020 Property Tax Appeals. The Parties agree to execute stipulations of settlement for all pending tax appeals for tax years 2016 through 2020 affirming the assessments currently on the assessment rolls for each year. (*Attach as Exhibit*)
2. 2021 Property Tax Appeal. The Parties agree to execute a stipulation of settlement affirming the current assessment for Block 155.21; Lot 40 at the current level of 70,357,100. The Parties further agree to execute a stipulation of settlement for Block 155; Lot 40.03 at the current level of 1,391,300. (*Attach as Exhibit*)
3. 2022 and 2023 Property Tax Assessments. The Parties agree that the 2022 and 2023 assessments for Block 155.21; Lot 40 shall be set at 60,357,100. The Parties further agree that the 2022 and 2023 assessments for Block 155; Lot 40.03 shall be 1,391,300.
4. Essex Green Library Signage Contribution. Essex Green shall be responsible for the design, fabrication and installation of the library signage up to a cost of \$75,000 ("Signage Expenditure"). All Signage Expenditures shall be subject to pre-approval by the Township in writing.

5. Library Signage Plan, Cost Estimates, Design and Placement. Essex Green shall work with Township in finalizing and implementing the installation of signs to be placed on the subject properties to be within the Signage Budget which shall be based off of the Library's Wayfinding Survey by Arcari + Iovino Architects P.C. annexed hereto as Exhibit "A".

6. West Orange Library Signage Contribution. Should the Library Signage exceed the Signage Budget, Township shall be responsible for the remaining costs; provided that any additional costs must be preapproved in writing by the Township Chief Financial Officer.

7. No Admission. The Parties acknowledge and agree that the purpose of this Agreement is to finally and fully resolve all disputes between the Parties regarding any assessments and with respect to the design, fabrication, and placement of the Library Signage.

8. Governing Law. This Agreement will be governed and construed in accordance with the laws of the State of New Jersey, without regard for its conflicts of laws principles.

9. Amendments. No waiver or modification of this Agreement, or any portion hereof, will be binding unless in writing and signed by both Parties.

10. Construction. No Party will be deemed the drafter of this Agreement.

11. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to subject matter of this Agreement, and supersedes all prior and contemporaneous oral and written agreements and discussions pertaining to the subject matter of this Agreement.

12. Successors and Assigns. This Agreement is binding upon and inures to the benefit of the Parties and their respective administrators, agents, employees, representatives, partners, parents, subsidiaries, divisions, affiliates, lessors, officers, related entities, invitees, licensees, directors, shareholders, investors, attorneys, transferors, transferees, predecessors, successors, trustees in bankruptcy, assigns, and elected and appointed officials.

13. Authority. Each Party represents and warrants to the other Party that it has all necessary right, title, and authority to enter into this Agreement, to grant the rights and interests herein granted, and to perform all of its obligations under this Agreement. Each signatory to this Agreement represents and warrants that it has the authority to execute this Agreement and that such signature is binding upon such signatory's Party.

14. Counterparts. This Agreement may be executed in counterparts and when each Party has signed and delivered at least one such counterpart to the other Party, each counterpart will be deemed an original, and all counterparts taken together will constitute one and the same agreement, which will be binding and

effective as to all Parties. This Settlement Agreement may be executed via facsimile or pdf signatures, which will have the same force and effect as if they were original signatures, to be followed by executed originals.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their duly authorized representatives.

CLPF - Essex Green, LLC,
a Delaware limited liability company

By: Clarion Lion Properties Fund Holdings, L.P.,
a Delaware limited partnership, its sole member

By: CLPF - Holdings, LLC, a Delaware limited
liability company, its general partner

By: Clarion Lion Properties Fund Holdings REIT,
LLC, a Delaware limited liability company, its sole
member

By: Clarion Lion Properties Fund, LP, a Delaware
limited partnership, its managing member

By: Clarion Partners LPF GP, LLC, a Delaware
limited liability company, its general partner

By: Clarion Partners, LLC, a New York limited
liability company, its sole member

By: Lauren M. Holden

Name: Lauren Holden

Title: Authorized Signatory

TOWNSHIP OF WEST ORANGE

By: _____

Name: _____

Title: _____

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REBATE PAYMENT TO THE LISTED TAXPAYER PURSUANT TO FINAL JUDGMENT BY THE TAX COURT OF NEW JERSEY

WHEREAS, final judgment on tax appeals has been rendered by the Tax Court of New Jersey on the petitions of the taxpayers listed on the attached schedule reducing the assessment.

WHEREAS, such judgment by merit of N.J.S.A. 54:3-27.2 shall be conclusive and binding upon the municipal assessor and taxing district;

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to cause to be paid to the said taxpayers the sums in full and final satisfaction to tax rebates due:

ADDRESS	39 BAXTER LANE			DATE:	10/19/2021
BLOCK	169.01				
LOT	6.01				
QUAL	C0040				
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2020	\$ 626,400.00	\$ 600,000.00	\$ 26,400.00	4.284	\$ 1,130.98
2021	\$ 626,400.00	\$ 600,000.00	\$ 26,400.00	4.354	\$ 1,149.46
TOTAL					\$ 2,280.44
PAYABLE TO:					
SPIOTTI & ASSOCIATES, P.C. - ATTORNEY TRUST ACCOUNT					
271 U.S. HIGHWAY 46				45 Days	3-Dec
SUITE F105-106				60 Days	17-Dec
FAIRFIELD, NJ 07004-2471					

ADDRESS	22 WITTE PLACE			DATE:	10/19/2021
BLOCK	169.02				
LOT	2				
QUAL	C0063				
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2020	\$ 667,100.00	\$ 650,000.00	\$ 17,100.00	4.284	\$ 732.56
2021	\$ 667,100.00	\$ 650,000.00	\$ 17,100.00	4.354	\$ 744.53
TOTAL					\$ 1,477.09
<u>PAYABLE TO:</u>					
SPIOTTI & ASSOCIATES, P.C. - ATTORNEY TRUST ACCOUNT					
271 U.S. HIGHWAY 46				45 Days	3-Dec
SUITE F105-106				60 Days	17-Dec
FAIRFIELD, NJ 07004-2471					

Karen J. Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

I hereby certify funds are available from: _____
Account No.

John O. Gross, Chief Financial Officer

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REBATE PAYMENT TO THE LISTED TAXPAYER
PURSUANT TO FINAL JUDGMENT BY THE TAX COURT OF NEW JERSEY**

WHEREAS, final judgment on tax appeals has been rendered by the Tax Court of New Jersey
on the petitions of the taxpayers listed on the attached schedule reducing the assessment.

WHEREAS, such judgment by merit of N.J.S.A. 54:3-27.2 shall be conclusive and binding upon the
municipal assessor and taxing district;

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector
of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to
cause to be paid to the said taxpayers the sums in full and final satisfaction to tax rebates due:

ADDRESS	55 LAPIS CIRCLE			DATE:	10/15/2021
BLOCK	178.48				
LOT	55				
QUAL	C0260				
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2020	\$ 335,300.00	\$ 325,000.00	\$ 10,300.00	4.284	\$ 441.25
2021	\$ 335,300.00	\$ 325,000.00	\$ 10,300.00	4.354	\$ 448.46
TOTAL					\$ 889.71
<u>PAYABLE TO:</u>					
Spiotti & Associates				45 Days	29-Nov
271 US Highway 46				60 days	13-Dec
Suite F 105-106					
Fairfield, NJ 07004-2471					

ADDRESS	17 CLIFF STREET			DATE:	10/15/2021
BLOCK	178.56				
LOT	2				
QUAL					
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2020	\$ 790,000.00	\$ 750,000.00	\$ 40,000.00	4.284	\$ 1,713.60
2021	\$ 790,000.00	\$ 750,000.00	\$ 40,000.00	4.354	\$ 1,741.60
TOTAL					\$ 3,455.20
<u>PAYABLE TO:</u>					
Spiotti & Associates				45 Days	29-Nov
271 US Highway 46				60 days	13-Dec
Suite F 105-106					
Fairfield, NJ 07004-2471					

Karen J. Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

I hereby certify funds are available from: _____
Account No.

John O. Gross, Chief Financial Officer

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REBATE PAYMENT TO THE LISTED TAXPAYER PURSUANT TO FINAL JUDGMENT BY THE TAX COURT OF NEW JERSEY

WHEREAS, final judgment on tax appeals has been rendered by the Tax Court of New Jersey
on the petitions of the taxpayers listed on the attached schedule reducing the assessment.

WHEREAS, such judgment by merit of N.J.S.A. 54:3-27.2 shall be conclusive and binding upon the
municipal assessor and taxing district;

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector
of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to
cause to be paid to the said taxpayers the sums in full and final satisfaction to tax rebates due:

ADDRESS	99 NORTHFIELD		DATE:	10/14/2021	
BLOCK	78.01				
LOT	2.02				
QUAL					
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2018	\$ 870,700.00	\$ 837,000.00	\$ 33,700.00	4.038	\$ 1,360.81
TOTAL					\$ 1,360.81
<u>PAYABLE TO:</u>					
Spiotti & Associates					
271 US Highway 46			45 Days		29-Nov
Suite F 105-106			60 days		13-Dec
Fairfield, NJ 07004-2471					

ADDRESS	97 NORTHFIELD			DATE:	10/14/2021
BLOCK	78.01				
LOT	2.03				
QUAL					
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2018	\$ 979,300.00	\$ 938,000.00	\$ 41,300.00	4.038	\$ 1,667.69
TOTAL					\$ 1,667.69
<u>PAYABLE TO:</u>					
Spiotti & Associates				45 Days	29-Nov
271 US Highway 46				60 days	13-Dec
Suite F 105-106					
Fairfield, NJ 07004-2471					

Karen J. Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

I hereby certify funds are available from: _____
Account No.

John O. Gross, Chief Financial Officer

RESOLUTION

WHEREAS, on or about September 17, 2013, the Township of West Orange Council authorized the Township of West Orange (the “Township”) to enter into a Contract for Employee Prescription Drug Insurance (the “Agreement”) with Benecard Services, Inc. (“Benecard”); and

WHEREAS, the Township seeks to renew the Agreement with Benecard for a one-year term (the “Term”) from January 1, 2022 through December 31, 2022 (the “Amendment”); and

WHEREAS, the monthly guaranteed rates for the Term are set forth in the Amendment, annexed hereto as Attachment “A;”

WHEREAS, the Mayor has recused himself from the renewal of the Agreement, including the execution of any documents related to the renewal of the Agreement.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township shall and hereby does authorize the Amendment, at the guaranteed rates set forth therein; and be it further

RESOLVED, that the Chief Financial Officer be and is hereby authorized to execute all documents necessary to effectuate the Amendment; and be it further

RESOLVED that this Resolution shall be published and made available in the Clerk’s Office for reasonable inspection in accordance with applicable law.

Karen J. Carnevale, R.M.C., Municipal Clerk

Cindy Matute-Brown, Council President

Adopted: November 23, 2021

BENECARD®

Prescription Benefit Program Activity

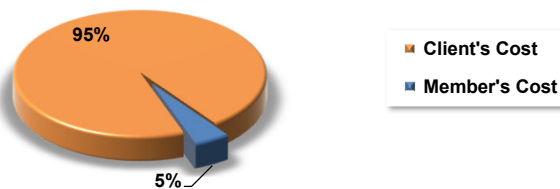
for

Township of West Orange - 1625

Contract Period: January 1, 2020 through December 31, 2021

Month-Yr.	Monthly Program Charges Billed	Member Co-pay / Co-Insurance / Deductible	Claim Payments	Loss Ratio	Cardholders
Jan-20	\$ 314,770	\$ 20,583	\$ 348,211	111%	575
Feb-20	317,071	17,887	358,644	113%	577
Mar-20	317,540	20,760	407,002	128%	576
Apr-20	319,489	17,694	383,942	120%	580
May-20	318,699	15,988	284,067	89%	578
Jun-20	311,149	17,170	418,442	134%	575
Jul-20	313,731	18,276	349,215	111%	576
Aug-20	317,938	17,498	384,271	121%	574
Sep-20	317,943	17,911	322,081	101%	573
Oct-20	315,531	17,184	334,971	106%	573
Nov-20	311,834	15,997	388,548	125%	582
Dec-20	321,297	16,935	372,554	116%	584
Jan-21	317,066	18,342	360,539	114%	594
Feb-21	326,910	13,252	233,090	71%	592
Mar-21	317,210	13,318	260,734	82%	398
Apr-21	318,429	8,370	212,806	67%	404
May-21	71,673	8,763	248,985	347%	395
Jun-21	236,539	9,167	190,205	80%	391
Jul-21	238,031	9,185	207,499	87%	392
Aug-21	240,224	8,806	241,242	100%	394
Sep-21	241,542	8,015	187,435	78%	394
Oct-21	-	-	-	-	-
Nov-21	-	-	-	-	-
Dec-21	-	-	-	-	-
Totals	\$ 6,104,616	\$ 311,100	\$ 6,494,483	106%	10,877

Client's Cost vs. Member's Cost



Client's Cost	\$6,494,483
Member's Cost	\$311,100

**RESOLUTION AUTHORIZING AN AGREEMENT WITH BERKLEY ACCIDENT
AND HEALTH FOR STOP LOSS COVERAGE FOR 2022**

WHEREAS, the Township of West Orange's Insurance Broker solicited offers and proposals for Stop Loss Coverage for the Township's 2021 Health Insurance Coverage; and

WHEREAS, the Township's Chief Financial Officer recommends the proposal submitted by Sun Life, annexed hereto; and

WHEREAS, the Agreement with Sun Life will save West Orange Taxpayers BETWEEN \$80,000 AND \$100,000, over the incumbent provider's proposal; and

WHEREAS, the Mayor has recused himself from the award of this Agreement, including the execution of any documents related to this Agreement.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township shall and hereby does authorize the Agreement, at the guaranteed rates set forth therein; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized to execute all documents necessary to effectuate the Agreement; and

BE IT FURTHER RESOLVED that this Resolution shall be published and made available in the Clerk's Office for reasonable inspection in accordance with applicable law.

Karen J. Carnevale, R.M.C., Municipal Clerk

Cindy Matute-Brown, Council President

Adopted: November 23, 2021

Township of West Orange - January 1, 2022 Stop Loss Renewal Options

Effective Date	January 1, 2022				
	<u>Single</u>	<u>Family</u>	<u>Total Lives</u>		
Number of Lives	135	165	406		
	<u>EE+Spouse</u>	<u>EE+Child(ren)</u>	<u>Benecard</u>		
Number of Lives	64	42	392		
	<u>Current</u>	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>
Fixed Cost Summary					
Carrier:	Berkley A&H	Sun Life	Sun Life	Sun Life	Sun Life
Aggregating Specific Corridor	\$200,000	\$100,000	\$50,000	\$100,000	\$50,000
Deductible	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Specific Coverages	Medical Only	Medical Only	Medical Only	Med & RX	Med & RX
Basis	24/12	24/12	24/12	24/12	24/12
Employee Rate	\$95.73	\$99.86	\$105.09	\$113.79	\$119.01
EE+Spouse Rate	\$190.69	\$242.81	\$255.51	\$276.67	\$289.36
EE+Child(ren) Rate	\$168.77	\$242.81	\$255.51	\$276.67	\$289.36
Family Rate	\$286.12	\$242.81	\$255.51	\$276.67	\$289.36
Monthly Premium	\$79,426	\$79,283	\$83,430	\$90,339	\$94,483
Annual Premium	\$953,110	\$951,391	\$1,001,164	\$1,084,071	\$1,133,795
Aggregate Premium PEPM	\$10.68	\$6.02	\$6.02	\$6.02	\$6.02
Monthly Aggregate Premium	\$4,336	\$2,444	\$2,444	\$2,444	\$2,444
Annual Aggregate Premium	\$52,033	\$29,329	\$29,329	\$29,329	\$29,329
Meritain Administrative Fees	\$70.50	\$70.50	\$70.50	\$70.50	\$70.50
Monthly Administrative Fee	\$28,623	\$28,623	\$28,623	\$28,623	\$28,623
Annual Administrative Fee	\$343,476	\$343,476	\$343,476	\$343,476	\$343,476
* Includes PPO, UR, Broker & TPA Admin. Fees					
Total Monthly Fixed Expenses	\$112,385	\$110,350	\$114,497	\$121,406	\$125,550
Annual Fixed Expenses	\$1,348,619	\$1,324,197	\$1,373,970	\$1,456,876	\$1,506,600
Aggregate & Expected Claims					
Basis	24/12	24/12	24/12	24/12	24/12
Aggregate Coverages	Medical Only	Medical Only	Medical Only	Med & RX	Med & RX
Attachment Corridor	125%	125%	125%	125%	125%
Employee Attachment Factor	\$964.87	\$1,955.11	\$1,955.11	\$2,802.74	\$2,802.74
EE+Spouse Rate	\$1,922.02	\$1,955.11	\$1,955.11	\$2,802.74	\$2,802.74
EE+Child(ren) Rate	\$1,701.07	\$1,955.11	\$1,955.11	\$2,802.74	\$2,802.74
Family Attachment Factor	\$2,886.89	\$1,955.11	\$1,955.11	\$2,802.74	\$2,802.74
Total Annual Aggregate Deductible	\$9,612,582	\$9,525,296	\$9,525,296	\$13,654,949	\$13,654,949
Total Annual Fixed	\$1,348,619	\$1,324,197	\$1,373,970	\$1,456,876	\$1,506,600
Total Annual Aggregate Deductible	\$9,612,582	\$9,525,296	\$9,525,296	\$13,654,949	\$13,654,949
Total Annual Cost - Medical	\$10,961,201	\$10,849,493	\$10,899,266	\$15,111,825	\$15,161,550
Fully Insured Benecard	\$3,063,183.80	\$2,886,683.00	\$2,886,683.00	N/A	N/A
Total Plan Cost Med & Benecard (RX)	\$14,024,385	\$13,736,176	\$13,785,949	\$15,111,825	\$15,161,550
Total Annual Fixed	\$1,348,619	\$1,324,197	\$1,373,970	\$1,456,876	\$1,506,600
Total Estimated Paid - Medical	\$8,276,850	\$8,422,156	\$8,372,156	\$8,422,156	\$8,372,156
Total Estimated Paid - RX	\$3,063,184	\$2,886,683	\$2,886,683	\$2,548,956	\$2,548,956
Total Estimated ESI RX Rebates	N/A	N/A	N/A	\$559,117	\$559,117
Total Estimated Plan Cost Med & RX	\$12,688,653	\$12,633,036	\$12,632,809	\$12,427,988	\$12,427,713
Total Estimated Plan Cost after Rebates	\$12,688,653	\$12,633,036	\$12,632,809	\$11,868,871	\$11,868,596



11/15/2021

Township of West Orange - January 1, 2022 Stop Loss Renewal Options

Effective Date	January 1, 2022				
	<u>Single</u>	<u>Family</u>	<u>Total Lives</u>		
Number of Lives	135	165	406		
	<u>EE+Spouse</u>	<u>EE+Child(ren)</u>	<u>Benecard</u>		
Number of Lives	64	42	392		
	<u>Current</u>	<u>Renewal</u>	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>
Fixed Cost Summary					
Carrier:	Berkley A&H	Berkley A&H	Berkley A&H	Berkley A&H	Berkley A&H
Aggregating Specific Corridor	\$200,000	\$200,000	\$50,000	\$200,000	\$50,000
Deductible	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Specific Coverages	Medical Only	Medical Only	Medical Only	Med & RX	Med & RX
Basis	24/12	24/12	24/12	24/12	24/12
Employee Rate	\$95.73	\$95.40	\$110.37	\$105.32	\$120.29
EE+Spouse Rate	\$190.69	\$190.04	\$219.85	\$209.80	\$239.61
EE+Child(ren) Rate	\$168.77	\$168.20	\$194.58	\$185.69	\$212.07
Family Rate	\$286.12	\$285.44	\$330.22	\$315.12	\$359.90
Monthly Premium	\$79,426	\$79,204	\$91,629	\$87,439	\$99,865
Annual Premium	\$953,110	\$950,443	\$1,099,548	\$1,049,270	\$1,198,376
Aggregate Premium PEPM	\$10.68	\$10.85	\$10.85	\$15.09	\$15.09
Monthly Aggregate Premium	\$4,336	\$4,405	\$4,405	\$6,127	\$6,127
Annual Aggregate Premium	\$52,033	\$52,861	\$52,861	\$73,518	\$73,518
Meritain Administrative Fees	\$70.50	\$70.50	\$70.50	\$70.50	\$70.50
Monthly Administrative Fee	\$28,623	\$28,623	\$28,623	\$28,623	\$28,623
Annual Administrative Fee	\$343,476	\$343,476	\$343,476	\$343,476	\$343,476
* Includes PPO, UR, Broker & TPA Admin. Fees					
Total Monthly Fixed Expenses	\$112,385	\$112,232	\$124,657	\$122,189	\$134,614
Annual Fixed Expenses	\$1,348,619	\$1,346,780	\$1,495,885	\$1,466,265	\$1,615,370
Aggregate & Expected Claims					
Basis	24/12	24/12	24/12	24/12	24/12
Aggregate Coverages	Medical Only	Medical Only	Medical Only	Med & RX	Med & RX
Attachment Corridor	125%	125%	125%	125%	125%
Employee Attachment Factor	\$964.87	\$1,064.86	\$1,064.86	\$1,481.41	\$1,481.41
EE+Spouse Rate	\$1,922.02	\$2,121.20	\$2,121.20	\$2,950.98	\$2,950.98
EE+Child(ren) Rate	\$1,701.07	\$1,877.34	\$1,877.34	\$2,611.72	\$2,611.72
Family Attachment Factor	\$2,886.89	\$3,186.05	\$3,186.05	\$4,432.37	\$4,432.37
Total Annual Aggregate Deductible	\$9,612,582	\$10,608,713	\$10,608,713	\$14,758,636	\$14,758,636
Total Annual Fixed	\$1,348,619	\$1,346,780	\$1,495,885	\$1,466,265	\$1,615,370
Total Annual Aggregate Deductible	\$9,612,582	\$10,608,713	\$10,608,713	\$14,758,636	\$14,758,636
Total Annual Cost - Medical	\$10,961,201	\$11,955,493	\$12,104,598	\$16,224,901	\$16,374,006
Fully Insured Benecard	\$3,063,183.80	\$2,886,683.00	\$2,886,683.00	N/A	N/A
Total Plan Cost Med & Benecard (RX)	\$14,024,385	\$14,842,176	\$14,991,281	\$16,224,901	\$16,374,006
Total Annual Fixed	\$1,348,619	\$1,346,780	\$1,495,885	\$1,466,265	\$1,615,370
Total Estimated Paid - Medical	\$8,276,850	\$8,525,156	\$8,375,156	\$8,525,156	\$8,375,156
Total Estimated Paid - RX	\$3,063,184	\$2,886,683	\$2,886,683	\$2,548,956	\$2,548,956
Total Estimated ESI RX Rebates	N/A	N/A	N/A	\$559,117	\$559,117
Total Estimated Plan Cost Med & RX	\$12,688,653	\$12,758,619	\$12,757,724	\$12,540,377	\$12,539,482
Total Estimated Plan Cost after Rebates	\$12,688,653	\$12,758,619	\$12,757,724	\$11,981,260	\$11,980,365

**RESOLUTION AWARDING CONTRACT FOR SNOW PLOWING AND
REMOVAL SERVICES YEARS 2021-2022 (RE-BID)**

WHEREAS, the Township of West Orange has advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-1) for a Re-Bid for Snow Plowing and Removal Services for year(s) 2021-2022 and received bids on November 16, 2021;

WHEREAS, at the date and time the bids were due, the Township received bids from one contractor; and

WHEREAS, the West Orange Department of Public Works has reviewed the bid received and has recommended that the bidder be awarded the two routes for Option 1, which are for one truck in Route 1A-1 Lower Valley Area at \$250.00/hr., and up to two (2) trucks in Route 1B-1 the Heights at \$250/hr.; and

WHEREAS, a previous corporate entity of this bidder has worked for the Township in these two routes before, and performed this work competently and as required.;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that a one-year service contract with an option for up to two additional one-year periods for Snow Plowing Services for the year(s) 2021-2022 be awarded to:

**AMERICAN ASPHALT & TRUCKING, LLC
818 SUMMER AVENUE
NEWARK, N.J. 07014**

**Karen J. Carnevale, R.M.C.
Municipal Clerk**

**Cindy Matute-Brown
Council President**

Adopted: November 23, 2021

**I hereby certify funds are available from:
Account: 01-2010-00-7502-113 (Salt, Chloride & Snow)
2021 not exceed the budget appropriation.
2022 amount subject to 2022 budget appropriation**

John O. Gross, Chief Financial Officer

R E S O L U T I O N

WHEREAS, the Township of West Orange received a grant from the New Jersey Department of Transportation (NJDOT) for MA – 2020 Arverne Road, Crestmont Road (portion) and Westover Terrace (portion) Improvement Project in the amount of \$625,000.00; and

WHEREAS, the Township of West Orange received a grant from the NJDOT for MA – 2021 Various Roads, Improvement Project, Crestmont Road (remainder), Lenox Terrace and Masson Place in the amount of \$505,000.00; and

WHEREAS, due to the Covid – 19 pandemic, the design of the MA – 2020 project was delayed until 2021; and

WHEREAS, to achieve economies of scale the Township Engineer requested a proposal for design services that would combine both the MA – 2020 project and the MA – 2021 project into one bid package; and

WHEREAS, by Resolution No. 164 - 21 dated July 13, 2021 a professional services contract was awarded to the engineering firm of Greenman – Pedersen (GPI) of Morris Plains, NJ in the amount of \$58,500.00 to develop plans, specifications and bid documents for a combined MA – 2020 and MA – 2021 project; and

WHEREAS, the NJDOT Local Aid office in Newark, NJ would allow the combining of both grant year projects provided the MA – 2020 project was awarded by November 21, 2021; and

WHEREAS, the cost of the improvements of the combined project exceeded \$1,000,000.00 which would require an environmental review by the NJDOT known as EO-215; and

WHEREAS, the Municipal Engineer, expressed concerns the environmental review of the project which proposed curb in locations where no curb existed would require storm water management improvements which weren't in the project's budget; and

WHEREAS, the Municipal Engineer directed Greenman – Pedersen to separate the MA – 2020 project from the combined package to lower the project cost; and

WHEREAS, the separation of the projects delayed the completion of the design for the MA – 2020 project; and

WHEREAS, GPI completed the redesign for the MA – 2020 project in September and submitted them for review by the NJDOT Local Aid Office in Newark on September 7, 2021; and

WHEREAS, the MA – 2020 project cost was estimated by the design engineer to be over \$1,000,000.00 which was higher than the Municipal Engineer’s estimate when the MA – 2020 grant application was submitted; and

WHEREAS, the MA – 2020 project still required an EO-215 environmental review as advised by the NJDOT on September 10, 2021; and

WHEREAS, this review added further delay to the project schedule, and

WHEREAS, the Local Aid Office issued design comments on September 14, 2021 and received on September 20, 2021 with a revised comment letter received on September 27, 2021; and

WHEREAS, GPI needed time to address those comments; and

WHEREAS, the EO-215 environmental clearance for the project was received on September 29, 2021; and

WHEREAS, GPI submitted plans for review on October 21, 2021 which were approved by the Local Aid Office on October 22, 2021; and

WHEREAS, the bid and award of the MA – 2020 project could still meet the award deadline of November 21, 2021 if a short bid period was specified; and

WHEREAS, the Municipal Engineer to promote more competition and competitive prices decided a longer bid period beyond the November 21, 2021 award deadline was beneficial; and

WHEREAS, the Township advertised for bids on November 1, 2021 with a bid receipt date of November 30, 2021; and

WHEREAS, the bid receipt date allows for sufficient time for the Municipal Engineer to recommend an award for the December 14, 2021 Township Council meeting; and

WHEREAS, due to the adoption on second reading of the Finance Ordinance for 2021 Capital Projects on October 25, 2021, sufficient funds are available to award a contract for the MA – 2020 project on December 14, 2021; and

WHEREAS, an award on December 14, 2021 requires the NJDOT to grant an extension of time for the contract award; and

WHEREAS, the Municipal Engineer recommends a contract extension to December 20, 2021 or 30 days be granted; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange, Essex County, New Jersey that the Township of West Orange hereby requests an additional 30-day extension of time to award a construction contract for the MA – 2020 NJDOT Municipal Aid Project to December 20, 2021.

Karen J. Carnevale, RMC
Municipal Clerk

Cindy Matute – Brown
Council President

Adopted: November 23, 2021



TOWNSHIP OF WEST ORANGE

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

LEONARD R. LEPORE

Director, Municipal Engineer

Tel: (973) 325-4160

Fax: (973) 669-9588

Email: Engineering@westorange.org

November 4, 2021

Eileen Schack, Manager
State of New Jersey
Department of Transportation
Bureau of Local Aid- District 2
153 Halsey Street, 5th Floor
Newark, NJ 07102

RE: **TOWNSHIP OF WEST ORANGE**
MUNICIPAL AID 2020
ARVERNE ROAD, CRESTMONT ROAD
(MT. PLEASANT AVENUE TO WESTOVER
TERRACE), WESTOVER TERRACE
EXTENSION REQUEST FOR AWARD OF CONTRACT

Dear Ms. Schack,

The Township of West Orange requests an extension of 30 days from November 21, 2021 to December 20, 2021 to award the Municipal Aid Project for 2020 for Arverne Road, Crestmont Road (partial) and Westover Terrace (partial). The project was advertised for bids on November 1, 2021 with a receipt of bids on November 30, 2021 and a contract award anticipated at the Township Council Meeting of December 14, 2021.

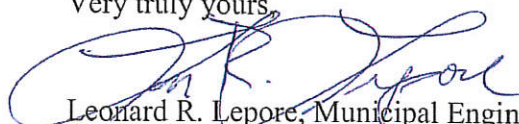
I anticipated combining both the MA 2020 Project and the MA 2021 Project into one bid package. The Covid – 19 pandemic delayed proceeding with the MA – 2020 project last year, and I wanted to have both projects out to bid together. On July 13, 2021 a professional services contract was awarded to Greenman – Pedersen, Inc. to design both projects as one bid package. The MA 2021 Project included Masson Place, Lenox Terrace and the remainder of Crestmont Road from Westover Terrace to Warren Road. Since Crestmont Road was common to both project years, I wanted to combine them into one bid package to achieve economies of scale. However, when I was advised that any project over \$1,000,000.00 requires an environmental review, I was reluctant to proceed in that manner as I thought the project would be delayed or require additional storm water drainage and management improvements. In sections of both Crestmont Road and Arverne Road curb was

being installed where none existed. I was concerned the change in drainage patterns resulting from the installation of curb would require stormwater management above and beyond any improvements proposed in the project budget. I consequently directed our design consultant to proceed to submit the MA 2020 Project separately. This delayed the submission to your office as the design needed to be separated. Unfortunately, their estimate for the MA-2020 Project also exceeded \$1,000,000.00 although my initial estimate submitted with the application was less. Consequently, I was back in the same place anyhow with the single project being over the \$1,000,000 environmental review threshold. Although the environmental screening for the MA-2020 Project was completed September 29, 2020, the consultant needed a few weeks to address the design comments of your office. West Orange and our consultant received your office's approval on October 22, 2021 one day after you received the revised plans addressing your office's review comments. Although I could have proceeded with an advertising and bid date to make an award at the Council's November 9, 2021 meeting; I wanted to allow potential contractors more time to bid than the statutory minimum of ten days.

In light of the Covid-19 pandemic which delayed releasing the MA-2020 project for design, the desire on my part to bid MA-2020 project and MA-2021 project together, my concern with the combined project requiring an environmental review that would necessitate additional stormwater management and control beyond the project's budget and the resultant delay on the Township's part to split the combined project in two, I request a time extension of the award of the MA – 2020 project award of 30 days to December 20, 2021. The project is currently out to bid since Monday November 1, 2021. Three bid sets were already purchased by local contractors. A draft Resolution of the Township Council is enclosed for review and approval. If approved by your Division, I will submit for approval at the Township Council meeting of November 23, 2021.

Thank you for your consideration. Please call me if you need any additional information.

Very truly yours,


Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/tb

cc: Mayor Robert Parisi

John Gross

John K. Sayers

Police Chief Abbott

Andrew Cangiano

Muhammed Assal

Leonard Lepore

From: Schack, Eileen [DOT] <Eileen.Schack@dot.nj.gov>
Sent: Wednesday, November 10, 2021 12:23 PM
To: Tina Benevento
Cc: Robert Parisi; John Gross; Jack Sayers; James P.. Abbott; Andrew Cangiano; Muhammed Assal; Leonard Lepore
Subject: RE: MA - 2020 Extension Request for Award of Contract, 2020 Road Improvements Project - West Orange

Your request for a time extension has been tentatively approved

Once hard copies of the letter and resolution are received a formal approval letter will be issued

Eileen

From: Schack, Eileen [DOT]
Sent: Friday, November 5, 2021 12:57 PM
To: Tina Benevento <tbenevento@westorange.org>
Cc: Robert Parisi <RParisi@westorange.org>; John Gross <JGross@westorange.org>; Jack Sayers <JSayers@westorange.org>; James P.. Abbott <policechief@wopd.org>; Andrew Cangiano <acangiano@gpinet.com>; Muhammed Assal <massal@gpinet.com>; Leonard Lepore <LLepore@westorange.org>
Subject: RE: MA - 2020 Extension Request for Award of Contract, 2020 Road Improvements Project - West Orange

Thank you- I will discuss with the Local Aid director but please be aware that I will need a resolution from West Orange to formally approve a time extension

We ask for a draft resolution to be submitted with the letter requesting the extension
This resolution must include the reasons for the request and the new award date

Please submit the resolution requesting the time extension as soon as possible

Eileen

From: Tina Benevento <tbenevento@westorange.org>
Sent: Friday, November 5, 2021 11:53 AM
To: Schack, Eileen [DOT] <Eileen.Schack@dot.nj.gov>
Cc: Robert Parisi <RParisi@westorange.org>; John Gross <JGross@westorange.org>; Jack Sayers <JSayers@westorange.org>; James P.. Abbott <policechief@wopd.org>; Andrew Cangiano <acangiano@gpinet.com>; Muhammed Assal <massal@gpinet.com>; Leonard Lepore <LLepore@westorange.org>
Subject: [EXTERNAL] MA - 2020 Extension Request for Award of Contract, 2020 Road Improvements Project - West Orange

CAUTION

This message came from an **EXTERNAL** address (tbenevento@westorange.org). **DO NOT** click on links or attachments unless you know the sender and the content is safe. **Suspicious?** Forward the message to spamreport@cyber.nj.gov.

Good morning Ms. Schack,

Please see the attached in reference to the above mentioned.

Please confirm receipt of this email.

Thank you.



Tina Benevento

Keyboarding Clerk
Department of Public Works/ Engineering Division
Township of West Orange
25 Lakeside Avenue
West Orange, NJ 07052
Phone (973) 325-4160
Fax (973) 669-9588
Tbenevento@westorange.org
www.westorange.org



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America, Land of the Free, Because of the Brave!

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RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public meetings of the governing body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Township Council it is required that the Council adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this body is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions; now, therefore, be it

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of **November 23, 2021** enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy.
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Township of West Orange Administrative Code.
- (X) 5. Pending or anticipated litigation or contract negotiation in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- () 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- () 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Council may discuss in closed session the following topic(s):

The Environmental Analysis of the Prism Properties

(the general subject matter(s)) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

IT IS FURTHER RESOLVED that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

The foregoing resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **November 23, 2021.**

Motion:

Second:

Vote

Aye:

Opposed:

Karen J. Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

RESOLUTION

WHEREAS, on December 20, 2005, a mortgage was made by Elisabeth Rott (the “Owner”), the owner of the property at 46 Winding Way (the “Property”) as part of a loan through the West Orange Housing Rehabilitation Program in the amount of \$12,530; and

WHEREAS, the mortgage for the Property was recorded on March 7, 2006 with the Essex County Register of Deeds and Mortgages in Book 11113, Page 288; and

WHEREAS, the Owners have since repaid the Township the amount borrowed in full; and

WHEREAS, a Discharge of Mortgage has been prepared, annexed hereto as Exhibit “A,” for execution and recording with the Essex County Register of Deeds and Mortgages.

NOW, BE IT RESOLVED THAT the Mayor be and is hereby authorized to execute the Discharge of Mortgage, annexed hereto as Exhibit “A,” as to the Property; and be it further

RESOLVED that the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature on the Discharge of Mortgage concerning the Property; and be it further

RESOLVED that a copy of the Resolution shall be made available in the Clerk’s office in accordance with applicable law.

Karen Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

Exhibit “A”

**Township of West Orange
Housing Rehabilitation Program
(WOHRP)**

Steven J. Weinberg
Program Coordinator

732-485-0756

P.O. Box 6025
East Brunswick, NJ 08816

steve.weinberg@mac.com

Discharge of Mortgage

Prepared by: West Orange Housing Rehabilitation Program

The Township of West Orange, 66 Main St, West Orange, NJ 07052, hereinafter referred to as "WE", hold a mortgage, hereinafter referred to as the "Present Mortgage" and dated December 20, 2005.

As was made by the Township of West Orange Housing Rehabilitation Program to:

Elisabeth Rott
Name

46 Winding Way, West Orange, NJ 07052
Address

Block: 46B Lot: 44

We also hold a Promissory Note in the amount of \$12530 which is secured by the Present Mortgage. The Present Mortgage was recorded or registered in the office of the Essex County recording office on March 7, 2006 in Mortgage Book 11113 on page 288 &c.

This mortgage has been paid in full or forgiven or otherwise satisfied and discharged. It may now be discharged or canceled of record. This means that this Mortgage is now canceled and void.

I sign and certify to this Discharge of Mortgage on the ____ day of ____, 20__.

Township of West Orange
Essex County, New Jersey

Signature: _____ Title: _____

State of New Jersey
County of Essex

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the

subscriber, _____, personally appeared _____
who I am satisfied is the Township official in the within instrument and thereupon signed this document. The person acknowledged signing, sealing and delivering this document as their own voluntary act and deed for the uses and purposes therein expressed.

_____(seal)
Notary Public of the State of New Jersey

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REFUND
PAYMENT TO THE LISTED TAXPAYER DUE TO AN OVERPAYMENT OF TAXES
DUE TO A DUPLICATE PAYMENT**

WHEREAS, certain West Orange property owners or their mortgage company have made a duplicate payment for the fourth quarter 2021 taxes;

WHEREAS, the Tax Collector of the Township of West Orange has indicated that such Taxpayers or their mortgage company are entitled to refunds to the extent of such overpayments;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Tax Collector and the Treasurer of the Township of West Orange be and they are hereby authorized, empowered and directed to cause to be paid to the taxpayers on the attached list sums in full and final satisfaction of the overpayment of the 2021 taxes.

Block	Lot	Name & Address	Amount
114	105	NJ Escrow & Settlement Corp PO Box 7423 Shrewsbury, NJ 07702	\$2,831.70
155.13	49	Trident Abstract Title Agency Monmouth Shores Corporate Park 1340A Campus Parkway Wall, NJ 07753	\$2,592.59
176.02	29	PTCS Title Agency, LLC 130 Pompton Avenue Verona, NJ 07044	\$3,391.21
		TOTAL:	\$8,815.50

Karen J. Carnevale
Municipal Clerk

Cindy Matute-Brown
Council President

I hereby certify funds are available from: _____
Account No./Amount

John Gross, Chief Financial Officer

RESOLUTION

WHEREAS, the Township desires to purchase Solar Powered LED Stop Signs and Solar Powered LED Driver Speed Feedback Signs through the Somerset County Co-Op, CC -0099-19 as per attached sales quote submitted by Garden State Highway Products, Inc. dated September 17, 2021 in the amount of \$42,566.86; and

WHEREAS, for 2021, purchases for these products from Garden State Highway Products, Inc. under Somerset County Co-Op. CC -0099-19 will exceed the bid threshold of \$44,000.00; and

WHEREAS, purchases in excess of the bid threshold through a Municipal Cooperative are allowed with the approval by Resolution of the Township Council; and

WHEREAS, as a local government unit and a member of the Somerset County Cooperative can purchase such items, pursuant to the provision made in the Local Public Contracts Law N.J.S.A. 40A:11-5(2), without public advertising for such goods or services, through contracts already secured by the United States of America, the State of New Jersey, County or Municipality thereof; and

WHEREAS, the vendor Garden State Highway Products, Inc. located at 301 Riverside Drive, Millville, NJ 08332 is under contract with the Somerset County Co-Op, CC – 0099-19.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Orange who hereby authorizes the Purchasing Agent, on behalf of the Township, to issue and execute a Purchase Order for \$42,566.86 Garden State Highway Products, 301 Riverside Drive, Millville, NJ 08332 with funds certified available by the Chief Financial Officer.

Karen J. Carnevale, Municipal Clerk

Cindy Matute-Brown, Council President

Adopted: November 23, 2021

I hereby certify funds available: Account No. 03 2584 19 0100 411

John O. Gross, Chief Financial Officer



GARDEN STATE
HIGHWAY PRODUCTS, INC.

Garden State Highway Products, Inc.
301 Riverside Dr.
Millville, NJ 08332
856-692-7572 Fax: 856-692-6797

Sales Quote

Page: 1

Sales Quote Number: SQT019953
External Document #: VICKY WYSOCKI
SalesPerson: Emil Vallio
Shipment Method: Delivery
Sales Quote Date: 9/17/2021
Payment Terms: Net 30 Days
Email: vwysocki@westoran
Ship-To Email: vwysocki@westoran
ge.org

Bill to:
West Orange, Township of
Vicky Wysocki
Township Hall
66 Main Street
West Orange, NJ 07052

Ship to:
West Orange, Township of
Vicky Wysocki
Department of Public Works
25 Lakeside Avenue
West Orange, NJ 07052

Line #	Item No.	Description	Qty.	Unit Cost	Discount	Amount
1	DFB9IDFB_0004	Driver Feedback Signs iQ900 Full Matrix - Yellow (Somerset County Co-Op, CC-0099-19) (Group 11, 6% off List, MSRP: \$3,162.00)	4 EA	2,972.28		11,889.12
2	DFBSLR70_000S	Driver Feedback Signs 60W Solar Upgrade (Panel/70Ah Battery/Box/Wiring) (Somerset County Co-Op, CC-0099-19) (Group 11, 6% off List, MSRP: \$1,760.00)	4 EA	1,654.40		6,617.60
3	R2-1T111824080	R2-1 SPEED LIMIT (XX) Sign Type 11 Reflective-18"x24"-.080 GA Aluminum (Somerset County Co-Op, CC-0099-19) *****	4 EA	17.96		71.84
4	TRAFCALMSA300BSC3	TraffiCalm Products 30W Solar Sign Controller-Stand Alone,No Comm (Somerset County Co-Op, CC-0099-19) (Group 11, 6% off List, MSRP: \$1,382.00)	10 EA	1,229.08		12,290.80
5	TRAFCALMR3030WR01	TraffiCalm Products SignAlert 30 Inch Flasher Ring, Stop, Red LEDs (Somerset County Co-Op, CC-0099-19) (Group 11, 6% off List, MSRP: \$588.00)	10 EA	552.72		5,527.20

Sales Quote valid for 14 days from Sales Quote Date



GARDEN STATE
HIGHWAY PRODUCTS, INC.

Garden State Highway Products, Inc.
301 Riverside Dr.
Millville, NJ 08332
856-692-7572 Fax: 856-692-6797

Sales Quote

Page: 2

Sales Quote Number: SQT019953
External Document #: VICKY WYSOCKI
SalesPerson: Emil Vallio
Shipment Method: Delivery
Sales Quote Date: 9/17/2021
Payment Terms: Net 30 Days
Email: vwysocki@westoran
Ship-To Email: vwysocki@westoran
ge.org

Bill to:
West Orange, Township of
Vicky Wysocki
Township Hall
66 Main Street
West Orange, NJ 07052

Ship to:
West Orange, Township of
Vicky Wysocki
Department of Public Works
25 Lakeside Avenue
West Orange, NJ 07052

Line #	Item No.	Description	Qty.	Unit Cost	Discount	Amount
6	R1-1T1130080	R1-1 STOP Sign Type 11 Reflective-30"x30"-.080 GA Aluminum (Somerset County Co-Op, CC-0099-19) Add Sign Alert LED Ring	10 EA	36.11		361.10
7	TRAFALMSA300RDR0	TraffiCalm Products Smart Radar Unit (Somerset County Co-Op, CC-0099-19) (Group 11, 6% off List, MSRP: \$618.00)	10 EA	580.92		5,809.20

Sales Quote valid for 14 days from Sales Quote Date

Subtotal: \$ 42,566.86
Invoice Discount: \$ 0.00
Freight: \$ 0.00
Total Sales Tax: \$ 0.00
Total: \$ 42,566.86



Downtown West Orange Alliance

66 Main Street, West Orange, NJ 07052

Office: 973.325.4109

Fax: 973.325.6359

www.DowntownWO.com

THE VALLEY • SAINT MARK'S • TORY CORNER • EAGLE ROCK

November 18, 2021

Karen Carnevale
Municipal Clerk TWP of West Orange
66 Main Street
West Orange, NJ. 07052

Re: Downtown West Orange Alliance 2022 Proposed Budget

Dear Ms. Carnevale,

Attached please find The Downtown West Orange Alliance's (DWOA) 2022 proposed budget that we would like to present on 1st reading at the Nov. 23rd council meeting. Please forward to the township council and appropriate administration.

The DWOA board would like to present a short presentation on Second Reading regarding this budget at the Council meeting to be scheduled in January.

Thank you for your assistance in this matter.

Best Regards,

Meg Brill Executive Director

P: 973-325-4109

Email: Downtown@WestOrange.org

CC: Ronald Raymond, Chairman DWOA

**Downtown West Orange Alliance 2022
Proposed Budget**

Below, please find the Downtown West Orange Alliance Special Improvement District's Budget for 2022. A budget hearing will be held during the regularly scheduled council meeting in January of 2022. This Budget will be heard on 1st reading on November 23, 2021 during the council meeting. Please email Downtown@WestOrange.org for more information or questions. Thank You.		
REVENUE	Projected 2022	
SID Assessments	\$ 133,000.00	
Township Contribution Cash	\$ 65,809.00	
Township Contribution In-Kind	\$ 28,000.00	
Funds Carried Forward	\$ 17,000.00	
Mayors 5K Run	\$ 5,000.00	
Fundraising (Promotional Events)	\$ 9,091.00	
Interest Income	\$ 100.00	
Total Revenue	\$ 258,000.00	
Township Contribution In-Kind	\$ (28,000.00)	
Total Revenue without In-Kind	\$ 230,000.00	
EXPENSES	Projected 2022	
Total Office Operations	\$ 102,000.00	
Total In Kind	\$ 28,000.00	
Economic Development	\$ 3,000.00	
Insurance & Professional Services	\$ 5,000.00	
Marketing & Promotions	\$ 77,250.00	
Organization	\$ 6,600.00	
Visual Improvement	\$ 64,150.00	
Total Expenses	\$ 286,000.00	
In-Kind	\$ (28,000.00)	
Total Expenses	\$ 258,000.00	

RESOLUTION

WHEREAS, the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA) provides that the Custodian of Records in a municipality is the municipal clerk; and

WHEREAS, the governing body may designate one or more Deputy Custodians of Records to facilitate compliance with OPRA; now therefore

BE IT RESOLVED, that the persons employed by the Township in the following positions are designated Deputy Custodians of Records, to assist with and facilitate compliance with OPRA for the department in which they serve:

Chief of Police

Construction Official

Director of Finance/Chief Financial Officer

Director of Health

Director of Human Resources

Director of Information Technology

Director of Planning and Community Development

Director of Recreation

Director of Public Works

Fire Chief

Municipal Tax Assessor

Municipal Tax Collector

Purchasing Agent

Business Administrator

Township Engineer

Director of Law, Township Attorney, Assistant Township Attorney, all members or designees of the Law Department

Karen J. Carnevale, R.M.C.
Township Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

RESOLUTION

WHEREAS, on May 3, 2016, the Township of West Orange (the “Township”) adopted Resolution 121-16 appointing Matrix New World (“Matrix”), with offices at 26 Columbia Turnpike, Florham Park, New Jersey as the Licensed Site Remediation Professional (the “LSRP”) to assist and oversee the investigation and cleanup of certain properties on the Central Avenue (the “Redevelopment Area”) as to the suspected discharge of hazardous substances or hazardous waste; and

WHEREAS, on October 26, 2016, the Township of West Orange (the “Township”) adopted Resolution 228-16 designating certain properties on Central Avenue (the “Redevelopment Area”) as an area in need of redevelopment, including the properties located at 18 Central Avenue, Block 9, Lot 36 and 4 Tompkins Street, Block 7, Lot 22 on the Tax Map of the Township of West Orange (the “Selecto-Flash Property”) and the property at 8-10 Central Avenue, Block 9, Lot 32 on the Township Tax Map also known as and referred to as 4-10 Central Avenue (the “Biddleman Property”) (collectively the “Properties”); and

WHEREAS, the Township acquired the Selecto-Flash Property through an In Rem Tax Foreclosure and on October 2, 2018, the Township acquired title to the Biddleman Property; and

WHEREAS, the Township remains committed to the remediation and redevelopment of the Redevelopment Area including the Properties; and

WHEREAS, the remediation of the Properties has reached the stage where Remedial Action is needed; and

WHEREAS, Matrix has prepared a scope of work outlining the proposed Remedial Action for the Properties and an application to New Jersey Department of Environment Protection seeking grant funds from the Hazardous Discharge Site Remediation Fund (the

“HDSRF”) Program for the purpose of funding the proposed Remedial Action on the Property, Exhibit “A” annexed here; and

WHEREAS, the application for HDSRF grant funding seeks the award of \$4,675,000 to fund the Remedial Action on the Property; and

WHEREAS, the Township seeks to Authorize Matrix to submit the application for HDSRF Grant funds with the proposed scope of Remedial Action.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township hereby Authorizes Matrix under this Resolution 304-21 to submit the application for HDSRF grant funds to fund the implementation of the Remedial Action set forth in the proposed scope of work; and be it further

RESOLVED that a copy of this resolution shall be made available in the Clerk's Office for reasonable inspection in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Township Clerk

Cindy Matute-Brown
Council President

Adopted: November 23, 2021

Exhibit “A”

Via Email (Rachel.Stopper@dep.nj.gov) and US Mail

September 20, 2021

Rachel Stopper, HDSRF/BDA Coordinator
Office of Brownfield Reuse
N.J. Department of Environmental Protection
401 East State Street, 5th Floor East Wing
Mail Code 401-05K, P.O. Box 420
Trenton, NJ 08625-0420

**Re: HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF)
APPLICATION FOR A GRANT TO COMPLETE REMEDIAL ACTION**

**SELECTO FLASH INC. (FORMER)
18 CENTRAL AVENUE
BLOCK 9, LOT 36
WEST ORANGE, ESSEX COUNTY, NEW JERSEY 07052
NJDEP PI NO. 027054
MATRIX NO. 17-296**

**FORMER BIDDELMAN, INC
4-10 CENTRAL AVENUE
BLOCK 9, LOT 32
WEST ORANGE, ESSEX COUNTY, NEW JERSEY 07052
NJDEP PI NO. G000006148
MATRIX NO. 18-286-01**

Dear Ms. Stopper:

On behalf of the Township of West Orange, Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. (Matrix), is submitting an Application for a Hazardous Discharge Site Remediation Fund (HDSRF) Grant to complete the Remedial Action (RA) at the former Selecto Flash Site located at 18 Central Avenue in West Orange, New Jersey and at the former Biddelman Inc. Site located at 4-10 Central Avenue in West Orange, New Jersey (Site). In his email dated April 6, 2021, former NJDEP Brownfield Coordinator, John Doyon, requested that one HDSRF Grant Application be submitted for the proposed remedial actions at the Selecto Flash and the former Biddelman properties as the properties are adjoining and the work will occur simultaneously. Combining the remedial actions creates efficiencies and will save money.

BACKGROUND

Selecto Flash, Inc.

In June 2018 an application for a HDSRF Grant to complete the RI for the Selecto Flash Site was submitted to NJDEP. The total of this HDSRF RI Grant was \$129,176.80. While implementing the RI Scope of Work (SOW) in 2019, a number of monitoring wells were found to be damaged, requiring replacement. At the suggestion of NJDEP OBR, Matrix submitted a request on September 30, 2019, for the reallocation of a portion of the original RI HDSRF funding to allow for the immediate rehabilitation of the monitoring wells. The cost for the rehabilitation of the monitoring wells is estimated at \$20,854. The tasks that were removed

from the original RI SOW to allow for the well rehabilitation included the completion of the RIR and Remedial Action Workplan (RAWP). Therefore, an application for a Supplemental HDSRF Grant was submitted to the NJDEP in October 2019. This application also included costs for one additional well repairs, two well abandonments, one additional day of soil sampling, vapor intrusion sampling, and one additional round of groundwater sampling. The total of this HDSRF Supplemental RI Grant was \$44,718.00. The RIR/RAWP and associated forms were submitted to the NJDEP in February 2020.

Former Biddelman, Inc.

The Township of West Orange received funding under the NJDEP's HDSRF Grant Program to complete a Preliminary Assessment (PA) and Site Investigation (SI). The total of the HDSRF Grant was \$63,956.20. While completing the scope of work, 17 potential Areas of Concern (AOCs) were identified and seven AOCs were investigation between October 2019 and March 2020. The PA/SI Report and associated forms were submitted to the NJDEP in April 2020. In August 2020, an application for a HDSRF Grant to complete the RI for the former Biddelman Site was submitted to NJDEP. The total of this HDSRF RI Grant was \$198,425.50. while completing this scope of work, one additional AOC was identified and soil and groundwater impacts beneath the Site were delineated. The RIR/RAWP and associated forms were submitted to the NJDEP in September 2021.

Matrix is now submitting an application for a HDSRF Grant to complete the RA for both the Selecto Flash Site and the Former Biddelman Site. The RA activities for both Sites will include the removal of impacted soils in several AOCs with post remedial groundwater monitoring and the use of engineering (i.e. capping), and institutional controls (i.e. Deed Notice and Classification Exception Area [CEA]) for residual VOC impacts and historic fill material. This application also includes the costs for well repairs, well abandonments, well installations, and additional vapor intrusion sampling and vapor mitigation on and off-Site, if required. The total requested in the application is \$4,675,000.00. which includes the remedial action at both Selecto Flash and the former Biddelman properties.

In accordance with Part VI of the HDSRF Application Checklist, one original and one copy of the complete HDSRF application are attached, which include:

- A detailed scope of work (Part I Section H);
- An itemized cost estimate (Part I Section I);
- Executed Part II - General Certification;
- Executed Part III - Subrogation of Rights;
- Executed Part V - Municipal Questionnaire; and
- Township Resolution and Foreclosure documentation.

We thank you for your prompt attention to this matter. If you have any questions or require any additional information, do not hesitate to contact us at (973) 240-1800.

Sincerely,

Allison Molnar
Project Manager

Richard Britton, P.G., LSRP
Senior Technical Director

Copy to: Leonard Lepore, Municipal Engineer, Township of West Orange (Via Email)
Richard Trenk, Esq., Trenk Isabel Attorneys at Law (Via Email)



New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program

HAZARDOUS DISCHARGE SITE REMEDIATION FUND
- PART I

☒ LSRP ☐ Subsurface Evaluator (for UHOT cases only)

Program Interest Name: Selecto Flash, Inc. & Former Biddelman Inc. PI #: 027054 & G000006148

Date Stamp
(For Department use only)

SECTION A. REQUESTED FUNDING TYPE AND AMOUNT

☐ PLEASE CHECK HERE IF THIS IS A SUPPLEMENTAL REQUEST

Public Entity

- ☒ Brownfield Development Area Grant\$4,675,000.00
☐ PA/SI/RI Grant\$
☐ 75% Recreation and Conservation Grant.....\$
☐ 75% Renewable Energy Grant\$
☐ 50% Affordable Housing Grant.....\$
☐ 25% Matching Grant Remedial Action Unrestricted Use.....\$
☐ Loan\$

Private Entity

- ☐ 25% Matching Grant Remedial Action Unrestricted Use.....\$
☐ Loan\$

Non-Profit

- ☐ PA/SI/RI Grant\$

SECTION B. APPLICANT INFORMATION

Name: Township of West Orange (John Gross)

Address: 66 Main Street

City: West Orange

State: New Jersey

County: Essex

Zip Code: 07052

Phone Number: (973) 325-4160

Ext: _____

Fax: _____

Email Address: jgross@westorange.org

Individual: Social Security Number: _____

Businesses: Tax ID Number: _____

SIC: _____

NIAC: _____

SECTION C. CONTACT INFORMATION

☒ Check here if contact information is the same as Section B above (proceed to Section D)

Contact Person: _____

Title: _____

Affiliation: _____

Address: _____

City/Town: _____

State: _____

Zip Code: _____

Phone Number: _____

Ext: _____

Fax: _____

Email Address: _____

SECTION D. SITE OWNERSHIP INFORMATION

☒ Check here if site ownership information is the same as Section B above (proceed to Section E)

Name of Site Owner: _____

Address: _____

Municipality: _____ State: _____ Zip Code: _____

SECTION E. SITE INFORMATION (location where remediation will be conducted)

Name of Site (as identified on NJDEP's Known Contaminated Site List): Selecto Flash Inc. & Former Biddelman, Inc.

PI (Program Interest) Number: 027054 & G000006148 Acreage: 1.33 & 0.51

Other Site Names (A.K.A.): _____

Address: 18 Central Avenue & 4-10 Central Avenue

Municipality: West Orange State: New Jersey

County: Essex Zip Code: 07052

Municipal Block(s) and Lot(s): Block 9, Lot 36 & Block 9, Lot 32

SECTION F. VIOLATIONS, PENALTIES & FEES

Any applicant that is not in compliance with all applicable DEP regulation must submit a written description and explanation for noncompliance including a list of **all** violations and outstanding fees and penalties to be provided below. Applicant's must specify whether the violations, fees or penalties are currently being contested in a manner prescribed by law and whether the violations, fees and penalties resulted from a lack of financial resources to perform required remediation.

Historically, NJDEP DataMiner noted one outstanding violation exists for the Selecto Flash, Inc. Site.

Program Description: Site Remediation

Program Interest Type: SRP-PI

Activity Number: PEA 110001

Program Interest ID: 027054

Document Type: SRP Directive

Description of Non-compliance: Failed to conduct remediation in accordance with N.J.A.C. 7:26C

Discovery Activity Number: SUB 110001

Discovery Date: 2/9/2011

Violated Citation: [N.J.A.C. 7:1E-5.7(a)2ii]

Violation Status: Pending

Compliance Due Date: N/A

SECTION G. OTHER FUNDING SOURCES

Indicate all other sources of financial assistance sought for the remediation of the site.

☒ Check here if no other funding sought

☐ Insurance Coverage

☐ UST Fund

☐ 75% Brownfield Reimbursement

☐ Entity(s) responsible for conducting the remediation

☐ NJRA Brownfield Redevelopment Initiative

☐ Green Acres

☐ NJ Environmental Infrastructure Trust

☐ Other: _____

SECTION H. WORK PROPOSAL

Attach Work Proposal to application.

Name of Firm Preparing the Work Proposal: Matrix New World Engineering

Preparer Name: Richard Britton, P.E., LSRP

Phone: (973) 240-1800 Email Address: rbritton@mnwe.com

SECTION I. COST ESTIMATE

Attach Detailed Cost Estimate to application.

SECTION J. FINANCIAL INFORMATION (Private Entities)

Homeowners must submit Federal tax returns for the last three years. Businesses and private matching grant applicants must attach business, as well as personal, financial statements for the last three years. Provide financial information with application.

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

**PART I
SUPPLEMENT TO PART I SECTION H
SCOPE OF WORK**

**Part I Section H – Work Proposal
Remedial Action Scope of Work**

**Selecto Flash, Inc.
18 Central Avenue
Block 9, Lot 36
NJDEP PI No. 027054**

**Former Biddelman, Inc.
4-10 Central Avenue
Block 9, Lot 32
NJDEP PI No. G000006148
West Orange, Essex County, New Jersey
September 2021**

1.0 INTRODUCTION

The following Remedial Action Scope of Work (SOW) has been prepared on behalf of the Township of West Orange (Township) as part of the request for a Brownfield Development Area (BDA) grant from the New Jersey Department of Environmental Protection's (NJDEP) Hazardous Discharge Site Remediation Fund (HDSRF). Funding is being requested for the completion of Remedial Action (RA) and the preparation of a Remedial Action Report (RAR) and Response Action Outcome (RAO) for the Township-owned property, Former Selecto Flash, Inc. (Site) located at 18 Central Avenue and for the Township-owned property, Former Biddelman, Inc. (Site) located at 4-10 Central Avenue in West Orange, Essex County, New Jersey. The Selecto Flash Site is approximately 1.33-acres and the Former Biddelman Site is approximately 0.51-acres and are part of the Central Valley (Orange West) BDA. The Sites are located in a mixed industrial, commercial, and residential area of the Township. The Central Valley BDA is comprised of six lots (Block 9, Lots 11.01, 11.02, 11.03, 32 and 36, and Block 7, Lot 22). The Site are Lots 32 and 36 of Block 9.

The Sites are also included within the Orange Valley Regional Groundwater Contamination Site (Comprehensive Environmental Response, Compensation and Liability Act [CERCLA] ID No. NJD002148799 [formerly known as the West Orange Groundwater Contamination Site]), which consists of a groundwater contaminant plume that cannot be clearly attributed to any specific source. The Sites are two of 22 facilities associated with F-listed Wastes that may be the source, or one of the sources, of the groundwater contamination.

Selecto Flash Site

The Township acquired the property at 18 Central Avenue (Block 9; Lot 36) in West Orange, New Jersey through foreclosure in April 2016. The Site is identified by the NJDEP as PI No. 027054 (Selecto Flash, Inc.) with Case Tracking No. 95-10-18-1521-31. The former buildings at the Site were demolished in the fall of 2017. Beginning in the 1980's, Selecto Flash owned and operated a silk-screening business, using solvent-based inks to produce large-scale decals. Historical soil data has indicated the presence of trichloroethene (TCE) and other chlorinated volatile organic contaminants (CVOCs) at the Site. TCE has also been consistently detected in groundwater samples collected from on-site monitoring wells.

The Township received funding under the NJDEP's HDSRF grant program to complete a Preliminary Assessment (PA) and Site Investigation (SI) at the Site to evaluate the environmental conditions. The PA Report was submitted to the NJDEP on February 23, 2018 and identified 22 areas of concern (AOC). As documented within the SI Report two additional AOCs were added for a total of 24 AOCs and was submitted to the NJDEP on March 2, 2018. Environmental investigations completed at the Site during a review of historical investigations, the SI, and Remedial Investigation (RI) activities (original and supplemental RI HDSRF Grant) have identified the presence of contaminants, including CVOCs, semi-

HDSRF Application
Selecto Flash, Inc.
Former Biddelman, Inc.

volatile organic compounds (SVOCs), and metals in soil at concentrations exceeding the NJDEP's Residential or Non-Residential Direct Contact Soil Remediation Standards (RDCCSRs or NRDCSRs) and the Default Impact to Groundwater Soil Screening Levels (IGWSSL). Furthermore, CVOCs and SVOCs were detected in groundwater at concentrations above the NJDEP's Groundwater Quality Standards (GWQS) and the NJDEP's Vapor Intrusion Groundwater Screening Levels (VIGWSL).

As part of the RI activities conducted on-Site between January 2019 and December 2019, horizontal and vertical delineation of CVOC exceedances of RDCCSRs and NRDCSRs was achieved in all directions. In addition, soil texture analysis was completed for use in the Seasonal Soil Compartment Model (SESOIL) Model to develop a Site-Specific Impact to Groundwater Soil Remediation Standard (SSIGWSRS) for cis 1,2-DCE, PCE, and TCE. The RI for groundwater (AOC-16) included the established of a Classification Exception Area (CEA) for the Selecto Flash portion of the contaminant plume. Finally, based on the results of the 2019 groundwater sampling, Vapor Intrusion (VI) sampling was required at three occupied structures within 100 feet of CVOC contamination above NJDEP Vapor Intrusion Groundwater Screening Levels (GWSL) in three monitoring wells MW-1R, MW-2, and MW-3R. These three occupied structures were sampled, and a completed VI pathway does not exist. The RI Report and Remedial Action Workplan (RAW) were submitted to the NJDEP on February 28, 2020.

Former Biddelman, Inc.

The Township acquired the property at 10 Central Avenue (Block 9, Lot 32) in West Orange, New Jersey in October 2018. The Site is identified by the NJDEP as PI No. G000006148 (Former Biddelman, Inc) with Case Tracking No. 17-04-20-1128-26. From the late 1950's to 1985 when operations ceased, Biddelman, Inc. engaged in the wholesale distribution of dry goods and dry-cleaning supplies. The materials and chemicals involved in this business ranged from organic solvents such as ammonia and acetic acid for spot cleaning to PCE for dry-cleaning. The PCE was stored in a 4,000-gallon AST (AOC-1). The PCE AST was removed with a fuel oil UST in 1987. From approximately 1985 to 2004, the Site was owned by Richard Praitano, who operated a portion of the building as Personalized Letter Service and Sales CO., Inc., a letter printing business. A portion of the warehouse was sublet to Artie Petussian of Tri-State Technical Sales, which assembled plastic forms. All operations ceased in April 2004 and the Site has been vacant since 2004. The former operations associated with the dry-cleaning business are most likely the source of the contamination in soils and have contributed to groundwater contamination beneath the Site.

The Township received funding under the NJDEP's HDSRF grant program to complete a PA and SI at the Site to evaluate the environmental conditions. The PA/SI Report was submitted to the NJDEP in April 2020 and identified 17 AOC. As documented within the RI Report and RAW, one additional AOC was added for a total of 18 AOCs and was submitted to the NJDEP on **September 24, 2021**. Environmental investigations completed at the Site during a review of historical investigations, the SI, and RI activities have identified the presence of contaminants, including CVOCs, SVOCs, and metals in soil at concentrations exceeding the NJDEP Residential Inhalation Exposure Pathway Soil Remediation Standards (RISRS), Residential Ingestion-Dermal Exposure Pathway Soil Remediation Standards (RIDRS), and/or Migration to Groundwater Exposure Pathway Soil Remediation Standards (MGWSRS). Furthermore, CVOCs, and SVOCs were detected in groundwater at concentrations above the NJDEP's GWQS and NJDEP VIGWSL.

As part of the RI activities conducted on-Site between March 2021 and June 2021, horizontal delineation was achieved of CVOC exceedances of the NJDEP RISRS in soils surrounding the AOCs. Additionally, vertical delineation was also achieved of the impacted soils at the Site at a several depths ranging from 6.5 ft bgs to 12.5 ft bgs. A SSMGWSRS was developed for PCE for on-site and off-site impacts using the

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SPLP method. RI sampling for volatiles and soil texture analysis was conducted during the SI sampling to support fate and transport modeling using the SESOIL Model to assess the impact to groundwater pathway. Based on the SSMGWSRS developed for TCE and vinyl chloride, Site soils have been delineated horizontally and vertically. The RI for groundwater (AOC-16) included the delineation of the groundwater impacts and establishment of a CEA for the Biddelman portion of the contaminant plume. Finally, based on the results of the 2020 groundwater sampling, VI sampling was required at five occupied structures within 100 feet of CVOC contamination above NJDEP GWSL in on-site monitoring wells. These structures were sampled, and a completed VI pathway does not exist. The RI Report and RAW were submitted to the NJDEP on **September 24, 2021**.

The RA planned for both Sites include the removal of impacted soils in several AOCs with post remedial groundwater monitoring and the use of engineering (i.e. capping), and institutional controls (i.e. Deed Notice and CEA) for residual VOC impacts and historic fill material. After the completion of the RA and redevelopment of the Site, a Deed Notice will be prepared and filed with the County Clerk of Essex County. A copy of the filed Deed Notice will be included with an application for a Remedial Action Permit for Soils (RAP-soils) as part of the RA Report. Should contamination remain in groundwater after post-remedial monitoring is completed, the groundwater CEA will be re-evaluated and modified as necessary, with detail included in an application for a Remedial Action Permit for Groundwater (RAP-Groundwater). Upon approval of the RAPs, a Restricted Use Response Action Outcome (RAO) for the Site will be issued by the Licensed Site Remediation Professional (LSRP).

2.0 TECHNICAL APPROACH

This SOW has been developed in compliance with the requirements of the Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1 et seq., the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C, the Technical Requirements for Site Remediation (TRSR), N.J.A.C. 7:26E, and applicable NJDEP Guidance Documents. Oversight of investigation activities will be conducted by a Matrix LSRP.

The proposed RA will include excavation and off-site disposal of all impacted soils with TCE, PCE, and vinyl chloride that exceed the NJDEP's NRDCSRS, RDCSRS, and SSIGWSRS (Selecto Flash Site) and NJDEP's RISRS, NRISRS, RIDSRS, NRIDSRS, and SSMGWSRS (Former Biddelman Site) within the unsaturated zone. Prior to initiating the RA activities, New Jersey One Call will be notified, all permits will be obtained, and a Soil Erosion and Sediment Control (SESC) Plan will be completed and submitted to the Essex County Soil and Water Conservation District (SWCD) in accordance with N.J.A.C. 7:26E-5.6. All approved SESC measures will be installed prior to the start of the RA activities. Post remediation groundwater monitoring will be conducted to monitor the effectiveness of the RA. The following sections describe each of these remedial tasks in more detail.

In addition, the Quality Assurance Project Plan (QAPP) will be revised pursuant to N.J.A.C. 7:26E-2.2 and the site-specific Health and Safety Plan (HASP) will be revised with all requirements of 29 CFR 1910.120 and other applicable OSHA requirements.

Selecto Flash Site - AOC-2A: French Drain, AOC-2B: Floor Drain in Wash/Rinse Room, AOC-4: Drum Storage Pad, AOC-10C: Paint and solvent Storage Building, and AOC-11: Staining on Drum Storage Pad Soil Remediation

Excavation will be required to remove the impacted soils above the NJDEP's RDCSRS and NRDCSRS in "Hot Spot" areas on the Selecto Flash Site. Based on existing data, five hot spot excavations are anticipated and include:

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- Hot Spot Areas 1 and 2 - AOC-2A – French Drain Excavation: 50 ft by 10 ft by 4 ft (74 cubic yards) and 15 ft by 5 ft by 8 ft (22 cubic yards), approximately 120 cubic yards;
- Hot Spot Areas 3 and 4 - AOC-2B - Floor Drain in Wash/Rinse Room Excavation: 26 ft by 35 ft by 6 ft (202 cubic yards), approximately 202 cubic yards; and
- Hot Spot Area 5 - AOC-4 – Drum Storage Pad, AOC-10C – Paint and Solvent Storage Building, and AOC-11 – Staining on Drum Storage Pad: 55 ft by 45 ft by 7.5 ft (687.5 cubic yards), approximately 688 cubic yards.

A total of 986 cubic yards or 1479 tons of F-listed waste will need to be excavated and disposed of off-site. Matrix has added a 15% contingency on the (1) hot spot excavation volume as the soil expansion factor and (2) to the number of post excavation samples collected. The disposal of 1,133 cubic yards or 1700 tons of F-listed waste is budgeted. Due to the most economical option, the F-listed waste will be transported to a facility in Canada and the costs per ton for disposal at this facility is expected to be between \$275 and \$300 per ton with 10% markup from the subcontractor. To be conservative, Matrix has used the \$300 per ton in the budget for disposal of the F-listed waste. Finally, the disposal facility has a surcharge of \$360 per load (flat fee to go through a TSDF with an export permit in place) and \$35 per truckload EPA manifest upload fee with a 10% markup from the subcontractor. This cost has been included in the attached cost estimate.

Matrix will direct soil excavation activities at the “Hot Spot” areas using the historic data and visual and olfactory observations with a calibrated photo-ionization detector (PID) [MiniRae parts per billion (ppb) meter]. Upon the completion of the soil excavation activities, post excavation samples will be collected in accordance with the NJDEP TRSR. Up to 40 soil samples will be collected from the “Hot Spot” excavations including side wall and base samples. Post-excavation soil samples (for VOC analysis only) will be collected from the excavation sidewalls in accordance with NJDEP regulation and guidance at a rate of one sample location per 30 feet of sidewall. Bottom samples will be collected in accordance with NJDEP regulation and guidance at a rate of one sample per 900 square feet. In addition, up to 5 waste classification soil samples will be collected and analyzed per the facilities requirements. The disposal facility also requires the collection and analysis of one sample by a Canadian certified lab at a cost of \$1,500 plus shipping to Canada.

Following the remediation and post-excavation soil sampling activities, the excavation will be backfilled and compacted to grade with certified clean fill. All excavation activities will be documented in the form of photographs, field measurements referencing existing site features, and completion of applicable field forms. Before beginning excavation activities, the “Hot Spot” areas to be excavated will be clearly marked with the horizontal limits. Removal of impacted soils will be verified by post excavation sampling, which will be compared to the NJDEP’s RDCSRS, NRDCSRS, DIGWSSL, and SSIGWSRS, where applicable.

Former Biddelman, Inc. Site – AOC-1- Former 4,000-gallon PCE AST, AOC-3 – Floor Drains, AOC-6C – NJDEP Case No. 17-04-20-1128-26, AOC-15 – Former Operations, and AOC-18 – Off-Site Soil Contamination

Excavation will be required to remove the impacted soils at the Site above the NJDEP RISRS, RIDSRS, NRISRS, and/or NRIDSRS in “hot spot” areas on the Former Biddelman Site. In addition, some impacted soils at the Site above the NJDEP MGWSRS will be required to be excavated in order to help clean up groundwater or due to proposed redevelopment plans. Based on existing data, seven hot spot excavations are anticipated:

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- Hot Spot Area 1 - AOC-3 – Floor Drains Excavation: 35 ft by 16 ft by 8 ft (165.9 cubic yards), approximately 166 cubic yards;
- Hot Spot Area 2 – AOC-1 – Former 4,000-gallon PCE AST Excavation: 50 ft by 25 ft by 15 ft (694.4 cubic yards), approximately 695 cubic yards;
- Hot Spot Area 3 – AOC-6C – NJDEP Case No. 17-04-20-1128-26 and AOC-15 – Former Operations Excavation: 40 ft by 60 ft by 8 ft (711.1 cubic yards), approximately 711 cubic yards;
- Hot Spot Area 4 – AOC-15 – Former Operations Excavation: 20 ft by 10 ft by 7.5 ft (55.5 cubic yards), approximately 56 cubic yards;
- Hot Spot Area 5 – AOC-15 – Former Operations Excavation: 70 ft by 75 ft by 9 ft (1,750 cubic yards), approximately 1,750 cubic yards;
- Hot Spot Area 6 – AOC-15 – Former Operations Excavations: 40 ft by 25 ft by 4 ft (148.1 cubic yards), approximately 148 cubic yards.
- Area 7 - Off-Site Hot Spot Area – AOC-18 – Off-site Soil Contamination: 35 ft by 10 ft by 8 ft (103.7 cubic yards), approximately 104 cubic yards.

A total of 3,630 cubic yards or 5,445 tons of F-listed waste will need to be excavated and disposed of off-site. Matrix has added a 15% contingency on the (1) hot spot excavation volume as the soil expansion factor and (2) to the number of post excavation samples collected. The disposal of 4,175 cubic yards or 6,260 tons of F-listed waste is budgeted. Due to the most economical option, the F-listed waste will be transported to a facility in Canada and the costs per ton for disposal at this facility is expected to be between \$275 and \$300 per ton with 10% markup from the subcontractor. To be conservative, Matrix has used the \$300 per ton in the budget for disposal of the F-listed waste. Finally, the disposal facility has a surcharge of \$360 per load (flat fee to go through a TSDF with an export permit in place) and \$35 per truckload EPA manifest upload fee with a 10% markup from the subcontractor. This cost has been included in the attached cost estimate.

Matrix will direct soil excavation activities at the “Hot Spot” areas using the historic data and visual and olfactory observations with a calibrated PID [MiniRae parts per billion (ppb) meter]. All excavation activities will be documented in the form of photographs, field measurements referencing existing site features, and completion of applicable field forms. Before beginning excavation activities, the area to be excavated will be clearly marked with the horizontal limits. Since a few of the hot spot areas have been delineated using extrapolation due to safety concerns (drilling in an abandoned building), post excavation soil sampling will be completed to ensure removal of all impacted soils above the NJDEP RIDSRS, RISRS, and SSMGWSRS. Post excavation samples will be collected in accordance with the NJDEP TRSR. Up to 75 soil samples will be collected from the “Hot Spot” excavations including side wall and base samples. Post-excavation soil samples (for VOC analysis only) will be collected from the excavation sidewalls in accordance with NJDEP regulation and guidance at a rate of one sample location per 30 feet of sidewall. Bottom samples will be collected in accordance with NJDEP regulation and guidance at a rate of one sample per 900 square feet. In addition, up to 12 waste classification soil samples will be collected and analyzed per the facilities requirements. The disposal facility also requires the collection and analysis of two samples by a Canadian certified lab at a cost of \$3,000 plus shipping to Canada.

Excavated soils will be staged on plastic and covered with plastic at the conclusion of each day of excavation and stockpiling. Following facility approval, soils will be transported off-site and properly disposed. Following the remediation and post-excavation soil sampling activities, the excavation will be backfilled and compacted to grade with certified clean fill.

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Following post-excavation soil sampling activities and before selected hot spot excavations are backfilled, an amendment (ABC+) will be introduced into the excavation to accelerate the reduction groundwater concentrations above NJDEP Class II-A GWQS. Redox Tech's ABC+ is an emulsified vegetable oil and fatty acid ester product for anaerobic bioremediation. ABC+ also contains a phosphate buffer to maintain the pH in the optimal range for complete biodegradation. Subsequent to ABC+ introduction into the excavation, zero valent iron (ZVI) will be blended into the bottom of the excavation. ZVI will abiotically reduce chlorinated compounds and accelerate the decrease of dissolved oxygen and oxidation reduction potential favorable for in situ biodegradation. The excavations will then be backfilled as discussed above. A Permit by Rule (PBR) Authorization Request will be applied for with the NJDEP in order to add the above amendments to the bottom of the selected hot spot excavations.

For residual VOC impacts (VOC impacts below residential soil remediation standards but above MGWSRS), engineering controls (i.e., capping) will be required to preclude infiltration of precipitation as required by NJDEP Capping of Volatile Contaminants for the Impact to Ground Water Pathway (January 2019, Version 1.1). Engineering controls will consist of future asphalt and/or concrete paving, and building coverage related to the planned future Site development which will provide protection from direct contact with contaminated soils and prevent leachate forming that could impact groundwater quality. Current redevelopment plans for the Site, consists mostly of an asphalt paved parking lot; however, at the east corner of the Biddelman Site limited grass/permeable areas are planned. All soil above site specific MGWSRS values will be excavated from this area in order to preclude any future impact to groundwater quality.

Selecto Flash and Biddelman Sites - AOC-8 – Historic Fill Material Remediation

Engineering controls (i.e., capping) will consist of future asphalt and/or concrete paving, landscaping, and building coverage related to the planned future Site development which will provide protection from direct contact with contaminated soils and prevent migration of contaminants.

Select Flash and Biddelman Sites - AOC-16: Groundwater Remediation

One pre-remediation round of groundwater samples will be collected from all Selecto Flash monitoring wells (MW-1R, MW-1DS, MW-3R, MW-4, MW-4D, MW-5R, MW-7, and MW-8R), Biddelman monitoring wells (MW-1, MW-1D, MW-2, MW-2D, MW-12, MW-12D, and MW-13), and off-site monitoring wells (MW-6, MW-9, MW-9D, MW-10, MW-11, and MW-11D). The groundwater samples will be collected from the on-site and off-site monitoring wells via low flow sampling technique. During purging, field measurements including depth to groundwater, dissolved oxygen (DO) content, turbidity, pH, temperature, conductivity, and ORP will be collected for all monitoring wells. The groundwater samples will be analyzed for TCL VOCs+15. For QA/QC purposes, one duplicate sample and up to three field blanks will be collected and analyzed for TCL VOCs+15. One trip blank sample will be collected for TCL VOCs+15 analysis, per groundwater sampling event. This sampling event will serve two purposes including establishing pre-remediation baseline concentrations and evaluating which wells should be included in the post-remediation sampling program.

Upon completion of the source soil remediation activities, a long-term quarterly groundwater monitoring program will be implemented to monitor the effectiveness of the remedial action and to evaluate the viability of a monitored natural attenuation (MNA) remedy for groundwater. A total of eight quarters of groundwater sampling will be completed for monitoring for statistical trend analysis via the sampling method described above. The groundwater CEAs for VOCs will be re-evaluated and modified as necessary, with details included with an application for a Groundwater RAP for each Site.

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During RI, the horizontal extent of PCE/TCE concentrations were extrapolated, therefore additional monitoring wells will be installed to confirm the extent of impacted groundwater. In addition, a few of the monitoring wells will need to be abandoned during the soil remediation activities and therefore re-installed. The installation of up to eight shallow monitoring wells, up to six deep monitoring wells, and abandonment of up to 11 monitoring wells are budgeted. The cost estimates also include the management and disposal of the soil cuttings, well development water, and groundwater sampling purge water for all the monitoring wells installed and sampled on the Site. The disposal of non-hazardous investigative derived waste (IDW), up to 50, 55-gallon drums, is included in this cost estimate. Following the installation of any additional monitoring wells, the wells will be surveyed.

Selecto Flash and Biddelman Sites - AOC-17: Vapor Intrusion On-Site

Due to the concentrations of CVOCs in groundwater, a vapor mitigation system (VMS) is recommended beneath the future on-site structures. The VMS will be designed in accordance with the requirements set forth by Technical Requirements Site Remediation (N.J.A.C. 7:26E) as well as the Solid Waste Regulations (N.J.A.C. 7:26 2A) and the NJDEP's Vapor Intrusion Technical Guidance (January 2018, Version 4.1). At the time of this SOW, the redevelopment plans include an apartment building on the Selecto Flash Site and an asphalt paved parking lot on the Biddelman Site and it is anticipated that the VMS will be needed for the Selecto Flash Site including the following:

- Slab on grade construction with crushed stone bedding (gas permeable layer);
- A spray on or manufactured impermeable liner system (or equivalent) installed on top of the crushed stone prior to pouring the slab;
- Columns and utility penetrations through the slab will be sealed or booted with the liner;
- Sub-slab monitoring points will be installed in the floor prior to the installation of the vapor barrier to provide future access to the sub-slab soil gas for monitoring sub slab vacuum and sub slab soil gas sampling;
- Sub slab soil gas collection beneath the liner will be primarily via the use of a low-profile vent system, such as Geovent installed within the gas permeable layer;
- Vent piping will run to the roof of the structures; and
- Each of the pipes will be routed to a blower on the roof for active venting.

In addition to the installation of the VMS, visual inspections, smoke tests, and repairing of any holes or breaches in the vapor barrier will be completed as part of the vapor barrier quality control program during the installation.

Once the VMS is installed, it shall be commissioned to verify that it is functioning consistent with the mandated performance specifications and to establish an operational baseline. The baseline performance measurements should be collected no sooner than 30 days after the system activation, but not exceeding 60 days. The 30-day timeframe also allows the building time to vent prior to collecting the verification indoor air samples, which will be analyzed for TO-15 (NJDEP-SRP Low Level USEPA TO-15 Method).

Diagnostic testing will also be performed during the system commissioning to determine the operational parameters of the mitigation system, assess the performance of the system, and establish a baseline for the operational parameters. These diagnostic measurements will be used during the monitoring and maintenance (M&M) phase of the project to confirm steady state operational conditions and provide multiple lines of evidence that the mitigation system continues to prevent vapor intrusion. The M&M phase will be completed in accordance to the NJDEP's Vapor Intrusion Technical Guidance (January 2018, Version 4.1).

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Selecto Flash and Biddelman Sites - AOC-17: Vapor Intrusion Off-Site (If required)

The sub slab soil gas sampling that was completed as part of the RI concluded that there was no complete pathway for vapor intrusion at the occupied off-site structures located within 100 feet of the Selecto Flash and/or Biddelman groundwater plumes. Therefore, no additional vapor intrusion testing or mitigation is required at this time for the structures sampled with the exception of 5 Central Avenue. The RA estimate includes funds for periodic monitoring of the indoor air at 5 Central Avenue. The additional testing will include an annual inspection of the building and the collection of indoor air samples during the heating season in 2022 and every five years thereafter at 5 Central Avenue. The RA estimate also includes funds for an additional VI investigation of five additional properties that are within 100 feet of the Sites, if required. A total of ten indoor air samples, five ambient air samples, and 15 sub slab soil gas samples are anticipated. These samples will be analyzed for TO-15 (NJDEP-SRP Low Level USEPA TO-15 Method). Sampling will be completed in accordance with NJDEP's TRSR, FSPM, and the NJDEP's Vapor Intrusion Technical Guidance (May 2021, Version 5.0). In addition, a vapor intrusion evaluation and report will be completed and submitted, which includes NJDEP Full Data Deliverables Form, if required.

Remedial Action Reports

The remediation activities will be reported as part of the Remedial Action Reports (RAR). The report will be prepared in accordance with N.J.A.C. 7:26E-5.7. The RARs will discuss the remediation, the results of the post excavation and post remediation sampling, and will include the following:

- A summary of all remediation performed, associated disposal documentation, and clean fill certification;
- Results of all analyses, copies of laboratory data sheets and conversion of the laboratory deliverable to the required electronic data deliverables pursuant to N.J.A.C. 7:26E-2.1;
- A summary table of analytical methods and quality assurance indicators pursuant to N.J.A.C. 7:26E-2.2;
- Sample summary tables of all analyses, including sample location, media, sample depth and field and lab identification numbers pursuant to N.J.A.C. 7:26E-3.13(c)3. The summary tables will identify contaminant concentrations exceeding the applicable remediation standards, samples with elevated reporting limits (RLs) exceeding their applicable remediation standard will be identified and explained, and the remaining requirements pursuant to N.J.A.C. 7:26E-3.13(c)3 will be met;
- Field data from each sampling point, including field instrument readings for each sample will be generated and presented in the Summary Report;
- Figures will be prepared indicating the areas of remediation and post excavation samples. Figures will identify contaminant exceedances above their respective remedial standard by contaminant and depth;
- An updated QAPP prepared pursuant to N.J.A.C. 7:26E-2.2; and
- Submit a completed case inventory document worksheet and other NJDEP required forms.

The purpose of the RA is to complete remedial actions that will prevent further expose of any receptor to residual contamination and include a presumptive remedy consistent with Table 5-1 *Presumptive Remedies for Soil Contamination at Schools, Child Care Centers and Residences*. The remedial action for the historic fill material and any VOC residual impacts underlain at the Sites will include filing a Deed Notice pursuant to N.J.A.C. 7:26C-7.2 and RAP-Soil. Based on the post remedial monitoring of the groundwater, the CEAs will be modified as necessary and included with an application for a RAP-Groundwater. Long term monitoring and maintenance requirements will be set forth in the Deed Notice, RAP-Soil, and RAP-Groundwater. The Township of West Orange is an exempt entity under N.J.A.C. 7:26C-7.10(c) and is not required to establish Financial Assurance.

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

**PART I
SUPPLEMENT TO PART I SECTION I
COST ESTIMATE**



New Jersey Department of Environmental Protection
 Site Remediation Program

HDSRF APPLICATION - COST ESTIMATE - SECTION I

Activity	Rate	Unit	Quantity	Total
Task No. 1 - Site Preparation				
Mobilization	\$15,000.00	Lump Sum	1	\$15,000.00
Soil Erosion and Sediment Control	\$38,000.00	Lump Sum	1	\$38,000.00
Surveying	\$7,000.00	Lump Sum	1	\$7,000.00
Temporary Demob/remob	\$4,400.00	Lump Sum	1	\$4,400.00
Task No. 1 - Site Preparation				\$65,000.00
Task No. 2 Source Area Excavations				
Equipment	\$200.00	Day	60	\$12,000.00
Travel	\$75.00	Day	80	\$6,000.00
Matrix Oversight	\$105.00	Hour	695	\$72,975.00
Subcontractor Excavation Equipment & Labor	\$6,500.00	Day	40	\$260,000.00
Post Excavation Soil Sampling	\$112.50	Each	120	\$13,500.00
Waste Classification Sampling	\$1,450.00	Each	17	\$24,650.00
Soil Disposal of F-Listed Waste (\$300 per ton plus 10% Sub Markup)	\$330.00	Ton	7960	\$2,626,800.00
F-Listed Waste (\$360 surcharge per load plus 10% Sub Markup)	\$396.00	Truck	390	\$154,440.00
F-Listed Waste (\$35 per Manifest per load plus 10% Sub Markup)	\$40.00	Truck	390	\$15,600.00
Facility Analysis Costs (\$1500 plus shipping)	\$1,900.00	Lump Sum	3	\$5,700.00
Loading of F-Listed Waste and Final Clean-up of Site	\$6,500.00	Day	16	\$104,000.00
Admendments to excavations (ABC+) (~2 per pound plus 10% sub Markup)	\$2.20	per pound	10000	\$22,000.00
Subconctrctor Labor for applying admendments	\$4,000.00	Day	2	\$8,000.00
Clean Fill	\$32.00	Ton	7960	\$254,720.00
Subcontractor Backfilling Equipment & Labor	\$6,500.00	Day	16	\$104,000.00
Water Disposal	\$0.45	Gallon	22500	\$10,125.00
Task No. 2 Source Area Excavations				\$3,695,000.00



New Jersey Department of Environmental Protection
 Site Remediation Program

HDSRF APPLICATION - COST ESTIMATE - SECTION I

Activity	Rate	Unit	Quantity	Total
Task No. 3a - Groundwater Monitoring - Baseline Sampling, Well Installation, Abandonment				
Equipment	\$3,200.00	Per Event	2	\$6,400.00
Travel	\$400.00	Per Event	2	\$800.00
Well Sampling	\$105.00	Hour	68	\$7,140.00
VOC Samples	\$100.00	Per Sample	38	\$3,800.00
QAQC	\$100.00	Per Sample	6	\$600.00
Well installation/abandonment oversight	\$105.00	Hour	80	\$8,400.00
Well Abandonment (Up to 11 Wells)	\$690.00	Each	11	\$7,590.00
Well Installation (up to 14 wells)	\$3,100.00	Each	14	\$43,400.00
IDW Well Installation - Transportation	\$650.00	Per Event	4	\$2,600.00
IDW Well Installation - Disposal	\$113.00	Drum	44	\$4,972.00
Task No. 3a - Groundwater Monitoring - Baseline Sampling, Well Installation, Abandonment				\$86,000.00
Task No. 3b - Groundwater Monitoring -8 Quarters				
Equipment	\$3,300.00	Per Event	8	\$26,400.00
Travel	\$400.00	Per Event	8	\$3,200.00
Well Sampling	\$5,600.00	Per Event	8	\$44,800.00
IDW Assume 3 Drums per event	\$1,560.00	Per Event	8	\$12,480.00
VOC Samples	\$3,200.00	Per Event	8	\$25,600.00
QAQC	\$400.00	Per Event	8	\$3,200.00
Task No. 3b - Groundwater Monitoring -8 Quarters				\$116,000.00
Task No. 4 - Vapor Intrusion On-Site (Vapor Mitigation System) - SELECTO FLASH ONLY				
VI Design	\$10,000.00	Lump Sum	1	\$10,000.00
Vapor barrier	\$6.00	Per Square Feet	21710	\$130,260.00
VO+TICs, naphthalene (TO-15) - soil gas	\$271.00	Per Sample	6	\$1,626.00
VO+TICs, naphthalene (TO-15) - IA/AA	\$271.00	Per Sample	6	\$1,626.00
Task No. 4 - Vapor Intrusion On-Site (Vapor Mitigation System) - SELECTO FLASH ONLY				\$144,000.00



New Jersey Department of Environmental Protection
 Site Remediation Program

HDSRF APPLICATION - COST ESTIMATE - SECTION I

Activity	Rate	Unit	Quantity	Total
Task No. 5a - Additional Vapor Intrusion Sampling (If required)				
VI Building Survey & Indoor Air & Soil Gas Sampling	\$105.00	Hour	80	\$8,400.00
VI Evaluation & Reporting	\$130.00	Hour	80	\$10,400.00
VO+TICs, naphthalene (TO-15) - soil gas	\$271.00	Per Sample	15	\$4,065.00
VO+TICs, naphthalene (TO-15) - IA/AA	\$271.00	Per Sample	15	\$4,065.00
5 Central Avenue VI Building Survey & Indoor Air Sampling	\$105.00	Hour	70	\$7,350.00
5 Central Avenue - VI Evaluation & Reporting	\$130.00	Hour	112	\$14,560.00
5 Central Avenue - year one	\$271.00	Per Sample	3	\$813.00
5 Central Avenue - every fifth year (30 years)	\$271.00	Per Sample	18	\$4,878.00
Task No. 5a - Additional Vapor Intrusion Sampling (If required)				\$55,000.00
Task No. 5b - Vapor Mitigation Offsite (If required)				
VMS Install in existing home	\$12,000.00	Each	1	\$12,000.00
Post Install Verification Testing	\$4,500.00	Each	1	\$4,500.00
Task No. 5b - Vapor Mitigation Offsite (If required)				\$17,000.00
Task No. 6 - Consulting/Engineering Costs				
Project Management	10%	Percent of Remedial costs		\$417,800.00
QAPP Preparation	\$130.00	Hour	16	\$2,080.00
Workplans	\$130.00	Hour	42	\$5,460.00
HASP Preparation	\$105.00	Hour	16	\$1,680.00
Permit By Rule	\$130.00	Hour	32	\$4,160.00
RE/CID	\$115.00	Hour	48	\$5,520.00
Deed Notice	\$115.00	Hour	40	\$4,600.00
CEA	\$125.00	Hour	32	\$4,000.00
SRRA Forms	\$125.00	Hour	25	\$3,125.00
LSRP	\$200.00	Hour	90	\$18,000.00
Report Preparation	\$115.00	Hour	145	\$16,675.00
CAD	\$110.00	Hour	120	\$13,200.00
Task No. 6 - Consulting/Engineering Costs				\$497,000.00
RA				\$4,675,000.00

SECTION K. LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT

LSRP ID Number: 573758

First Name: Richard

Last Name: Britton

Phone Numbers: (973) 240-1800

Ext.: _____

Fax: (973) 240-1818

Mailing Address: 26 Columbia Turnpike

Municipality: Florham Park

State: New Jersey

Zip Code: 07932

Email Address: rbritton@mnwe.com

This statement shall be signed by the LSRP who is submitting this notification in accordance with N.J.S.A. 58:10C-14, and N.J.S.A. 58:10B-1.3b(1) and (2).

(1) *I certify, as a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C-1 et seq. to conduct business in New Jersey, that for the remediation described in this submission, and all attachments included in this submission, I personally: Managed, supervised, or performed the remediation conducted at this site that is described in this submission, and all attachments included in this submission; and/or periodically reviewed and evaluated the work performed by other persons that forms the basis for the information in this submission; and/or completed the work of another site remediation professional, licensed or not, after having: (1) reviewed all available documentation on which I relied; (2) conducted a site visit and observed the then-current conditions and verified the status of as much of the work as was reasonably observable; and (3) concluded, in the exercise of my independent professional judgment, that there was sufficient information upon which to complete any additional phase of remediation and prepare workplans and reports related thereto.*

(2) *I certify:*

- *That I have read this submission and all attachments to this submission;*
- *That in performing the professional services as the licensed site remediation professional for the entire site or each area of concern, I adhered to the professional conduct standards and requirements governing licensed site remediation professionals provided in N.J.S.A. 58:10C-16;*
- *That the remediation conducted at the entire site or each area of concern, that is described in this submission and all attachments to this submission, was conducted pursuant to and in compliance with the remediation requirements in N.J.S.A. 58:10C-14.c;*
- *That the remediation described in this submission, and all attachments to this submission, was conducted pursuant to and in compliance with the regulations of the Site Remediation Professional Licensing Board at N.J.A.C. 7:26I; and*
- *That the information contained in this submission and all attachments to this submission is true, accurate, and complete.*

(3) *I certify, when this submission includes a response action outcome, that the entire site or each area of concern has been remediated in compliance with all applicable statutes, rules, and regulations and is protective of public health and safety and the environment.*

(4) *I certify that no other person is authorized or able to use any password, encryption method, or electronic signature that the Board or the Department have provided to me.*

(5) *I certify that I understand and acknowledge that:*

- *If I knowingly make a false statement, representation, or certification in any document or information I submit to the Department I may be subject to civil and administrative enforcement pursuant to N.J.S.A. 58:10C-17.a.1(a)through (f) by the Board, including but not limited to license suspension, revocation, or denial of renewal; and*
- *If I purposely, knowingly, or recklessly make a false statement, representation, or certification in any application, form, record, document or other information submitted to the Department or required to be maintained pursuant to the Site Remediation Reform Act, I shall be guilty, upon conviction, of a crime of the third degree and shall, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or both.*

(6) *I certify that I have read this certification prior to signing, certifying, and making this submission.*

LSRP Signature: _____

Date: _____

LSRP Name: Richard Britton, P.E., LSRP

Company Name: Matrix New World Engineering

SECTION K. SUBSURFACE EVALUATOR INFORMATION AND STATEMENT

I certify under penalty of law that the work was performed under my oversight and I have reviewed the report and all attached documents, and the submitted information is true, accurate and complete in accordance with the requirements of N.J.A.C. 7:14B and N.J.A.C. 7:26E. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information including fines and/or imprisonment.

Name: _____ UST Cert. No.: _____
Firm: _____ Firm's UST Cert. Number: _____
Firm Address: _____
City/Town: _____ State: _____ Zip Code: _____
Phone Number: _____ Ext: _____ Fax: _____
Signature: _____ Date: _____

Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

PART II



**New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program**

HDSRF APPLICATION – GENERAL CERTIFICATION – PART II

THIS CERTIFICATION IS REQUIRED TO BE COMPLETED BY ALL APPLICANTS

This certification shall be signed as follows:

- for a corporation, by a principal executive officer, at least the level of vice president;
- for a partnership, by a general partner;
- for a sole proprietorship, by the proprietor;
- for a public entity, the contact person (business administrator, manager, mayor, etc.);
- for other than above (i.e. homeowner/individual), the person with legal responsibility for the site.

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Signature

Name/Title

Township of West Orange

Company

Sworn to and Subscribed Before Me

On this date of

Notary

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

PART III



**New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program**

HDSRF APPLICATION – SUBROGATION OF RIGHTS – PART III

THIS CERTIFICATION IS REQUIRED TO BE COMPLETED BY ALL APPLICANTS

This certification shall be signed as follows:

- for a corporation, by a principal executive officer, at least the level of vice president;
- for a partnership, by a general partner;
- for a sole proprietorship, by the proprietor;
- for a public entity, the contact person (business administrator, manager, mayor, etc.);
- for other than above (i.e. homeowner/individual), the person with legal responsibility for the site.

I hereby subrogate to the New Jersey Department of Environmental Protection all rights to recover remediation costs from an insurance carrier, discharger, or person in any way responsible for a hazardous substance discharge pursuant to subsection c. of section 8 of P.L. 1976, c. 141 (C.58:10-23.11g) and who does not have a defense to liability pursuant to subsection d. of that section, upon the failure of the recipient to repay the financial assistance to the State.

I further certify that I have not relinquished, impaired, or waived, and do not intend to relinquish, impair, or waive, any right by the State to recover the costs of the remediation against an insurance carrier, discharger, or person in any way responsible for a hazardous substance pursuant to subsection c. of section 8 of P.L. 1976, c. 141 (C.58:10-23.11g).

Signature

Name/Title

Township of West Orange

Company

Sworn to and Subscribed Before Me

On this date of

Notary



**New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program**

**HDSRF APPLICATION – 25% MATCHING GRANT REMEDIAL ACTION
CERTIFICATION – PART IV**

THIS CERTIFICATION IS REQUIRED FOR ALL PUBLIC AND PRIVATE ENTITY APPLICANTS APPLYING FOR A 25% MATCHING RA GRANT

This certification shall be signed as follows:

- For a corporation, by a principal executive officer, at least the level of vice president;
- for a partnership, by a general partner;
- for a sole proprietorship, by the proprietor;
- for a public entity, the contact person (business administrator, manager, mayor, etc.);
- for other than above (i.e. homeowner/individual), the person with legal responsibility for the site.

I hereby certify that

- A) *The requestor has a net worth of not more than \$2,000,000 at the time the relevant costs are incurred; and*
- B) *The requestor will implement an unrestricted use remedial action.*

Signature

Name/Title

Township of West Orange

Company

Sworn to and Subscribed Before Me

On this date of

Notary

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

PART V



New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program

HDSRF APPLICATION – MUNICIPAL QUESTIONNAIRE – PART V

THIS INFORMATION IS REQUIRED FOR ALL PUBLIC ENTITIES APPLICANTS

In order to expedite the processing of grant or loan application for public entities at the NJEDA, complete this Preliminary Questionnaire and return it to the NJDEP as part of the HDSRF application. NJDEP will forward this information to the NJEDA once your application has been approved. If you have any questions about available financial assistance, call the NJEDA at (609) 341-2723.

1. Applicant: Township of West Orange

Project Name: Selecto Flash, Inc. & Former Biddelman Inc.

2. Indicate the estimated project start date.

Start Date: 01/01/2021

3. List the current owner of the project site: Township of West Orange

4. If you are not the owner, do you hold a tax sales certificate for the property? ☐ Yes ☐ No

When was the tax sale certificate obtained? Date: _____

PROVIDE A COPY OF PROPERTY OWNERSHIP, SUCH AS TAX SALE CERTIFICATE, FORECLOSURE PAPERS, ETC. WITH THIS APPLICATION.

If the municipality does not currently own the property or hold a tax sale certificate, has the municipality passed a resolution indicating an intent to acquire the property? ☐ Yes ☐ No

When was the resolution passed? Date: _____

5. Describe any pending or threatened litigation related to the project site.

None

6. Describe any other pending issues that could delay grant/loan closing.

None

7. If the financial assistance for which you are applying will not cover the full cost of your project, such as the removal of underground storage tanks, identify other funding sources:

- ☐ Issuance of Bonds \$ _____
- ☐ Capital Budget Expenditure \$ _____
- ☐ Other, please describe: _____

LOAN APPLICANTS, ANSWER QUESTIONS 8 THROUGH 11:

8. Indicate the length of term, up to ten years, you desire for this loan. (Note that this term must be coterminous with all additional project financing.) _____ Years

9. Indicate if your municipality will need Local Finance Board Approval to participate in this program (i.e. are you within your legal debt limit?)..... ☐ Yes ☐ No
If "Yes," please state reason below.

10. If you currently hold a tax sale certificate or have acquired the site through foreclosure, do you intend to sell the remediated property and return it to your tax rolls within the next two years?..... ☐ Yes ☒ No

11. If you answered yes to question 10, indicate whether you would like a moratorium on principal and interest payments up to a maximum of two years. ☐ Yes ☐ No
If "Yes," I request a payment moratorium of _____ years

12. Provide additional comments in the space below.

Certification: By their signature below, the undersigned, a duly authorized representative of the above unit of local government, hereby certifies on behalf of the local government that the information contained herein is true, complete and correct in all respects as of the date hereof.

Signature: _____

Date: _____

Name (print): Leonard R. Lepore, P.E.

Title: Director of Public Works/Municipal Engineer

Appendix XII-B2

 FORECLOSURE CASE INFORMATION STATEMENT (FCIS) Use for Initial Chancery Division — General Equity foreclosure pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information is not furnished or if attorney's signature is not affixed.		FOR USE BY CLERK'S OFFICE ONLY
		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA ☐ MO RECEIPT NO. AMOUNT: OVERPAYMENT: BATCH NUMBER: BATCH DATE:
SECTION A: TO BE COMPLETED BY ALL PARTIES		
CAPTION Township of West Orange v. 4 Tompkins Street; 18 Central Avenue		COUNTY OF VENUE Essex DOCKET NUMBER (when available) F -011876-16
NAME(S) OF FILING PARTY(IES) (e.g. John Doe, Plaintiff) Township of West Orange		DOCUMENT TYPE ☒ COMPLAINT ☐ ANSWER ☐ OTHER
ATTORNEY NAME (IF APPLICABLE) Richard D. Trenk, Esq.	FIRM NAME (IF APPLICABLE) Trenk, DiPasquale, Della Fera and Sodono, P.C.	
MAILING ADDRESS 347 Mt. Pleasant Avenue, Suite 300, West Orange, NJ 07052		DAYTIME TELEPHONE NUMBER (973) 243-8600
SECTION B: TO BE COMPLETED BY PLAINTIFF TO INITIAL COMPLAINT		
FORECLOSURE CASE TYPE NUMBER ☐ 088 IN PERSONAM TAX FORECLOSURE ☒ 089 IN REM TAX FORECLOSURE ☐ 0RF RESIDENTIAL MORTGAGE FORECLOSURE ☐ 0CF COMMERCIAL MORTGAGE FORECLOSURE ☐ 0CD CONDOMINIUM OR HOMEOWNER'S ASSOCIATION LIEN FORECLOSURE ☐ 091 STRICT FORECLOSURE ☐ 0FP OPTIONAL FORECLOSURE PROCEDURE (NO SALE) ☐ 0TS TIME SHARE FORECLOSURE	IS THIS A HIGH RISK MORTGAGE PURSUANT TO P.L.2009,C.84 AND P.L.2008,C.127 ☐ YES ☒ NO PURCHASE MONEY MORTGAGE ☐ YES ☒ NO RELATED PENDING CASE ☐ YES ☒ NO IF YES, LIST DOCKET NUMBERS:	
FULL PHYSICAL STREET ADDRESS OF PROPERTY: 4 Tompkins Street, West Orange, NJ 18 Central Avenue, West Orange, NJ ZIP CODE 07052 COUNTY: Essex	MUNICIPALITY CODE (*0722 MUNICIPAL BLOCK: 7 and 9 (Lots) 22 and 36	
ALL FILING PARTIES MUST SIGN AND PRINT NAMES(S) AND DATE THE FORM BELOW		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
ATTORNEY / SELF REPRESENTED SIGNATURE 	PRINT ATTORNEY / SELF REPRESENTED NAME Richard D. Trenk, Esq.	DATE 4/20/16

*The Municipality Codes can be found at http://www.judiciary.state.nj.us/forms/11343_municodes.pdf

**TRENK, DIPASQUALE, DELLA FERA
& SODONO, P.C.**

347 Mt. Pleasant Avenue, Suite 300
West Orange, NJ 07052
(973) 243-8600
Richard D. Trenk, Esq. (016951982)
Attorneys for Plaintiff Township of West Orange

TOWNSHIP OF WEST ORANGE, a Municipal
Corporation of the State of New Jersey,

Plaintiff,

v.

4 TOMPKINS STREET,
Block 7, Lot 22 assessed to
SELECTO-FLASH, CORP

18 CENTRAL AVENUE,
Block 9, Lot 36 assessed to
SELECTO-FLASH, CORP.

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY

Civil Action

DOCKET NO.: ESX-F- F-011876-16

VERIFIED COMPLAINT

RECEIVED

APR 21 2016

SUPERIOR COURT
CLERK'S OFFICE

Plaintiffs Township of West Orange, a municipal corporation of the State of New Jersey,
in the County of Essex hereby states and alleges as follows:

COUNT ONE
(In Rem Tax Foreclosure)

1. By Resolution adopted by the Township Council of the Township of West Orange on April 19, 2016 pursuant to N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71 as amended, and the rules of this Court governing such practice and procedure, the Township of West Orange plaintiff determined to foreclose, In Rem, the Tax Sale Certificates particularly mentioned and described in the tax foreclosure list annexed to said Resolution, a copy of which tax foreclosure list is attached hereto as Exhibit "A."

2. More than two (2) years (6 months, if tax certificate issued in accordance with C. 91, P.L.1974) have expired from the date of the sale out of which each of the above mentioned

certificates arose.

3. All or any portion of the general land taxes levied and assessed against the land covered by each of the above mentioned certificates for the 48 months (21 months, if tax certificate issued in accordance with C. 91, P.L.1974) next preceding the commencement of the action, other than those subject to payment by installments authorized by a Resolution adopted pursuant to N.J.S.A. 54:5-65, remains unpaid.

4. Each of the Tax Sale Certificates and the land therein described which are the subject matter of this foreclosure are listed in the tax foreclosure list annexed hereto and made a part hereof and are there designated as Schedules #1 and #2 inclusive, in numerical sequence.

5. The name of the person or persons who, by the public records, appear to be the owners of the land to be affected by this tax foreclosure proceeding, more particularly set forth in the attached tax foreclosure list, and the book and page or date and instrument number of the instrument by which such persons acquired title is set forth hereunder, opposite the respective Schedule number referred to in paragraph 4 above. There is also set forth opposite each Schedule number, the identifying serial number of the certificate of the tax sale, the date of recording of the same in the office of the Essex County Clerk and the instrument number or book and page number where same is recorded, and each certificate set forth herein shall be deemed a separate cause of action.

Schedule Number	Tax Sale Certificate Number	Date Recorded	Instrument No. (or Book & Page reference)
1	12-003	1/9/2013	13002177 Book: 12410 Page: 1195
2	12-005	1/9/2013	13002115 Book: 12410 Page: 1190

Schedule and Number	Transferee or Purchaser of Title	Dated	Date Recorded	Book Page
1	Selecto-Flash, Inc.	8/10/1979	8/13/1979	Book: 4651 Page: 229-230
2	Selecto-Flash, Inc.	7/6/1979	7/10/1979	Book: 4647 Page: 394-396

WHEREFORE, the plaintiff demands judgment as follows: (1) that any person desiring to protect a right, title or interest in the above described lands or any parcel thereof, by redemption, or to contest plaintiff's right to foreclosure, must do so by paying the amount required to redeem, plus interest to the date of redemption, and such costs, as the court may allow prior to the entry of a judgment herein, or by filing and serving an answer to this complaint setting forth defendants' defense within 45 days after the date of publication; (2) that in the event of failure to redeem or answer by any person having the right to redeem or answer, such person shall be forever barred and foreclosed of all his right, title and interest and equity of redemption in the lands and premises hereinabove described; and (3) that a judgment may be rendered by this court giving full and complete relief in accordance with the purposes and provisions of the aforesaid act, and in accordance with any other statutory authority and with the practice of the court, to bar the right of redemption and to foreclose all prior or subsequent alienations and descents of the lands aforesaid and encumbrances thereon, and to order and adjudge an absolute and indefeasible estate of inheritance in fee simple in the lands hereinabove described, to be vested in the plaintiff.

**TRENK, DiPASQUALE, DELLA FERA
& SODONO, P.C.**
Attorneys for Plaintiff Township of West Orange

DATED: April 20, 2016

By: _____

RICHARD D. TRENK

VERIFICATION

JOANNE GAGLIARDO, being of full age, hereby certifies as follows:

1. I am the Tax Collector of the Township of West Orange, the plaintiff herein.
2. I have read the foregoing Complaint and know the contents thereof.
3. The tax foreclosure list contained in the Complaint was prepared by me or under my supervision.
4. The matters and things stated in the Complaint that were taken from the records of my office, are true, and the other matters therein stated, are true to the best of my knowledge, information and belief.

DATED: April 20th, 2016



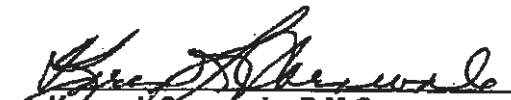
JOANNE GAGLIARDO

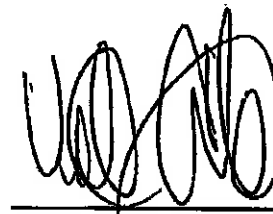
RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE AUTHORIZING
FORECLOSURE UNDER THE IN REM TAX FORECLOSURE ACT OF 1948 AS
AMENDED, AND ESTABLISHING THE TAX FORECLOSURE LIST OF LIENS TO BE
FORECLOSED**

WHEREAS, the Township of West Orange has determined that it is necessary and proper to foreclose certain Tax Sale Certificates held by the Township of West Orange, County of Essex, State of New Jersey, by summary proceedings pursuant to the authority granted by the In Rem Tax Foreclosure Act of 1948, as amended; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, ESSEX COUNTY AND STATE OF NEW JERSEY that the governing body of the Township of West Orange, that the Tax Sale Certificates as shown on the foreclosure list, annexed hereto as Exhibit "A," now held by the Township of West Orange be foreclosed by the summary proceedings IN REM, and as described by N.J.S.A. 54:5-104.29 to 54:5-104.71 as amended, and pursuant to the rules of the Civil Practice of the Superior Court of New Jersey.


Karen J. Carnevale, R.M.C.
Township Clerk


Victor Cirilo
Council President

Adopted: April 19, 2016

Exhibit "A" to Resolution of the Township of West Orange Authorizing Foreclosure Under the In Rem Tax Foreclosure Act of 1948 as Amended, and Establishing the Tax Foreclosure List of Liens to be Foreclosed

Foreclosure List (Updated March 28, 2016)

Schedule Number	Tax Sale Certificate Number	Date Sold	BLK/LOT	Book/Pg. Recording	Amount of Sale	Subsequent Liens	Amount To Redeem	Name of Owner
1	12-003	10/25/2012	Block No. 7 Lot No. 22	Book: 12410 Page: 1195	\$335.49	\$5,555.80	\$5,891.29	Selecto-Flash, Corp. 4 Tompkins Street West Orange, NJ 07052
2	12-005	10/25/2012	Block No. 9 Lot No. 36	Book: 12410 Page: 1190	\$36,678.80	\$503,561.64	\$540,240.44	Selecto-Flash, Corp. 18 Central Avenue West Orange, NJ 07052

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

PART VI



**New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program**

HDSRF APPLICATION CHECKLIST – PART VI

This following checklist has been provided to assist you in preparing a HDSRF application for each specific grant and/or loan offered by the program. Please review the checklist for the applicable grant and/or loan to verify all required documentation has been included as part of the application package.

PUBLIC ENTITIES

Brownfield Development Area (BDA) Grant

- ☒ HDSRF Application form (Part I)
- ☒ HDSRF General Certification (Part II)
- ☒ HDSRF Subrogation of Rights (Part III)
- ☒ Municipal Questionnaire (Part V)
- ☒ Detailed remediation Work Proposal and itemized cost estimate
- ☒ Comprehensive redevelopment plan or resolution (indicating a commitment exists to develop within three years following completion of the remediation)
- ☒ Resolution that public entity authorized to apply to HDSRF for the remediation of a discharge/suspected discharge
- ☒ One original and one copy of the HDSRF application packet

PA/SI/RI Grant

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Municipal Questionnaire (Part V)
- ☐ Detailed remediation Work Proposal and itemized cost estimate
- ☐ Proof of ownership interest (tax sale certificate, deed, or resolution to acquire property by voluntary conveyance)
- ☐ Resolution that public entity authorized to apply to HDSRF for the remediation of a discharge/ suspected discharge
- ☐ Comprehensive redevelopment plan or resolution (indicating a commitment exists to develop within three years following completion of the remediation)
- ☐ One original and one copy of the HDSRF application packet

75% Recreation and Conservation Grant

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Municipal Questionnaire (Part V)
- ☐ Detailed remediation Work Proposal and itemized cost estimate
- ☐ Resolution that public entity authorized to apply to HDSRF for the remediation of a discharge/suspected discharge
- ☐ Documentation indicating the property is to be preserved for recreation/conservation by conveyance of a development easement, conservation easement, or other restriction/easement permanently restricting development
- ☐ Comprehensive plan for the development or redevelopment of the subject property
- ☐ One original and one copy of the HDSRF application packet

75% Renewable Energy Grant

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Municipal Questionnaire (Part V)
- ☐ Detailed remediation Work Proposal and itemized cost estimate

75% Renewable Energy Grant (continued)

- ☐ Resolution that public entity authorized to apply to HDSRF for the remediation of a discharge/suspected discharge
- ☐ Documentation indicating the property is to be redeveloped for a project that will generate renewable energy.
- ☐ Comprehensive plan for the development or redevelopment of the subject property
- ☐ One original and one copy of the HDSRF application packet

50% Affordable Housing

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Municipal Questionnaire (Part V)
- ☐ Detailed remediation Work Proposal and itemized cost estimate
- ☐ Resolution that public entity authorized to apply to HDSRF for the remediation of a discharge/suspected discharge
- ☐ Copy of the deed for the property indicating the inclusion of the appropriate restrictions for Affordable Housing
- ☐ Comprehensive plan for the development or redevelopment of the subject property
- ☐ One original and one copy of the HDSRF application packet

25% RA Matching Grants Remedial Action Unrestricted Use

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ 25% Matching Grant RA Certification (Part IV)
- ☐ Municipal Questionnaire (Part V)
- ☐ Detailed remediation Work Proposal with detailed description of remedial action and itemized cost estimate
- ☐ Resolution that public entity authorized to apply to HDSRF for the remediation of a discharge/suspected discharge
- ☐ Comprehensive redevelopment plan or resolution (indicating a commitment exists to develop within three years following completion of the remediation)
- ☐ One original and one copy of the HDSRF application packet

Loans

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Municipal Questionnaire (Part V)
- ☐ Detailed remediation Work Proposal and itemized cost estimate
- ☐ Comprehensive redevelopment plan or resolution (indicating a commitment exists to develop within three years following completion of the remediation)
- ☐ One original and one copy of the HDSRF application packet

PRIVATE ENTITIES

25% Matching Grants Remedial Action Unrestricted Use

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ HDSRF 25% Matching Grant RA Certification (Part IV)
- ☐ Business and personal financial statements for the last three years
- ☐ Detailed remediation Work Proposal with detailed description of remedial action and itemized cost estimate
- ☐ One original and one copy of the HDSRF application packet

Loans

- ☐ HDSRF Application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Proof of ownership of the subject property (copy of the Deed)
- ☐ Three previous years of federal tax returns
- ☐ Detailed remediation Work Proposal with detailed description of remediation and itemized cost estimate
- ☐ One original and one copy of the HDSRF application packet

NON-PROFIT ORGANIZATIONS

PA/SI/RI Grant

- ☐ HDSRF application form (Part I)
- ☐ HDSRF General Certification (Part II)
- ☐ HDSRF Subrogation of Rights (Part III)
- ☐ Proof of ownership interest of the subject property (Deed or resolution to acquire property by voluntary conveyance)
- ☐ Documentation indicating status as a 501(c)3 non-profit organization
- ☐ Detailed remediation Work Proposal with detailed description of remediation and itemized cost estimate
- ☐ Resolution that the non-profit organization is authorized to apply to HDSRF for the remediation of a discharge/suspected discharge
- ☐ Comprehensive redevelopment plan or resolution (indicating a commitment exists to develop within three years following completion of the remediation)
- ☐ One original and one copy of the HDSRF application packet

**Hazardous Discharge Site Remediation Fund
Application for a Grant to Complete a Remedial Action**

**Former Biddelman, Inc. Property
4-10 Central Avenue
Block 9 Lot 32
NJDEP PI No. G000006148**

&

**Selecto Flash Inc.
18 Central Avenue
Block 9 Lot 36
NJDEP PI No. 027054
West Orange, Essex County, New Jersey**

**SUPPLEMENT TO PART VI
REDEVELOPMENT PLAN AND RESOLUTION**

**Redevelopment Plan
Block 9, Lots 11.01, 11.02, 11.03, 32, & 36
and Block 7, Lot 22
Township of West Orange, New Jersey**



Prepared For:
Township of West Orange
66 Main Street
West Orange, NJ 07052

Prepared By:



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November 22, 2016

The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

ACKNOWLEDGEMENTS

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Victor Cirilo, Council President
Michelle Casalino, Councilwoman
Jerry Guarino, Councilman
Joe Krakoviak, Councilman
Susan McCartney, Councilwoman

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LIST OF APPENDICES

Appendix A Township of West Orange Planning Board Resolution No. 16-03

Appendix B Township of West Orange Council Resolution No. 228-16 (designation of Condemnation Area in Need of Redevelopment)

Appendix C Township of West Orange Council Resolution No. 120-16 (authorize preliminary investigation)

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Figure 3 Aerial Photo of Project Site

Figure 4 Zoning Map

Figure 5 Environmental Constraints Map

Figure 6 Notified Properties Within 200 Feet of the Area in Need of Redevelopment

1. REDEVELOPMENT PLAN BACKGROUND

1.1 INTRODUCTION

This Redevelopment Area, hereinafter referred to as the “Central Avenue Redevelopment Area,” comprises six lots (collectively the “Subject Parcels”), located in the Township of West Orange (the “Township”), Essex County, New Jersey, as shown in **Figure 2, USGS Topographic Map** and **Figure 3, Aerial Photograph of Project Site**. The subject parcels are located on the following block and lots:

- A. Block 9, Lots 11.01, 11.02, 11.03, 32, & 36
- B. Block 7, Lot 22

The Central Avenue Redevelopment Area is situated adjacent to the Harvard Press Redevelopment Area to its east. Harvard Press was designated as an Area in Need of Redevelopment due to being an abandoned industrial area subjected to a Brownfields remediation program due to environmental contamination. Furthermore, both a portion of the Central Avenue Redevelopment Area (Block 9, Lots 32 and 36) and the Harvard Press Redevelopment Area are part of the Central Valley Brownfield Development Area (the “CVBDA”) under the Office of Brownfield Reuse Brownfield Development Area Program. The CVBDA was established on December 5, 2005.

The Township recognizes that the Central Avenue Redevelopment Area parcels suffer from one or more of the following conditions: substandard and dilapidated conditions, vacancy for at least 10 years, environmental contamination, use in conflict with modern land use standards and practice, and a lack of proper utilization. The Township supports its redevelopment pursuant to the criteria referenced in this Redevelopment Plan.

This document is intended to provide a coordinated Redevelopment Plan for the Central Avenue Redevelopment Area that will facilitate the redevelopment of the Subject Parcels in a manner consistent with Township objectives while maximizing development flexibility given the existing environmental constraints.

On October 5, 2016, the Township of West Orange Planning Board (the “Planning Board”) adopted Resolution Number 16-03, Appendix A, which set forth a recommendation to the Township Council that the Subject Parcels be designated as a Condemnation Area in Need of Redevelopment. The recommendations are based upon the findings outlined in the “Area in Need of Redevelopment Study” dated July 11, 2016, prepared by the authors of this Plan, on behalf of the Township Planning Board, to determine whether the Subject Parcels meet the statutory criteria to be designated as an Area in Need of Redevelopment. Based upon the Planning Board’s recommendation, on October 26, 2016, the Township Council adopted Resolution Number 228-16, Appendix B, which designated the Subject Parcels as a Condemnation Area in Need of Redevelopment.

The Township Council authorized the preparation of this Redevelopment Plan through the adoption of Resolution Number, 120-16 on May 3, 2016, Appendix C. Pursuant to the Local Redevelopment and Housing Law, a redevelopment plan may be adopted (N.J.S.A. 40A:12A-7) and implemented (N.J.S.A. 40A:12A-15). This Redevelopment Plan specifically replaces and supersedes any and all previous zoning that governs this Redevelopment Area.

1.2 REDEVELOPMENT AREA BOUNDARIES

The Central Avenue Redevelopment Area is comprised of six parcels having an area of approximately 2.5 acres, identified on the Township Tax Maps as shown in **Figures 1A & 1B, Tax Map**. Each lot is identified below, including its street address and property owner, as follows:

-
- A. Block 9, Lot 11.01 – 25 Mitchell Street, German & Graciela Montesdeoca
 - B. Block 9, Lot 11.02 – 29 Mitchell Street, Anthony Dennis
 - C. Block 9, Lot 11.03 – 27 Mitchell Street, James Dezao
 - D. Block 9, Lot 32 – 8-10 Central Avenue, 8 Central Ave Properties, LLC (the “Biddleman Site”)
 - E. Block 9, Lot 36 – 18 Central Avenue, Selecto-Flash, Inc. (the “Selecto-Flash Site”).*
 - F. Block 7, Lot 22 – 4 Tompkins Street, Selecto-Flash, Inc. (the “Selecto-Flash Lot”).*
- * Township of West Orange (owner pending)

The parcels listed above include a range of residential, commercial, industrial, and vacant properties

The topography of the Redevelopment Area is relatively flat, as confirmed on the USGS Topographic Map as shown in **Figure 2, USGS Topographic Map**. The Redevelopment Area is delineated in **Figure 3, Aerial Photograph of Project Site**.

The Subject Parcels are located in the I Industry District and the R-M Multi-family Residences District as shown on **Figure 4, Zoning Map**. Block 9, Lots 11.01, 11.02, 11.03, 32 and 36 are located within the I Industry District and Block 7, Lot 22 is located within the R-M Multi-family Residences District. Residential uses are not a permitted use in the I Industry District, under Chapter 25 of the West Orange Zoning Regulations; however, three of the lots located in the I Industry District, Block 9, Lots 11.01, 11.02, and 11.03, are developed with residential uses as well as the southwestern portion of Block 9 along Mitchell Street. Furthermore, the R-M Multi-family Residences District includes the vacant site of Block 7, Lot 22, which is within the Redevelopment Area. To the west of the Redevelopment Area is the B-1 Retail Business District. This Redevelopment Plan establishes a new zoning that replaces and supersedes the previous zoning including residential uses among the permitted uses within the Redevelopment Area.

A review of New Jersey Department of Environmental Protection (the “NJDEP”) database reveals that the Selecto-Flash Site is a known contaminated site. Additionally, the Biddleman Site was previously subjected to the Industrial Site Recovery Act (the “ISRA”) until the case was withdrawn on May 15, 2006. However, the soil and groundwater contamination at the Biddleman Site appear to remain above the applicable NJDEP standards. Contamination consists of petroleum hydrocarbons associated with a heating oil underground storage tank (“UST”) and chlorinated volatile organic compounds (“VOCs”) associated with spills on site and an aboveground storage tank (“AST”) dating back to 1988. An ISRA General Information Notice (“GIN”) was submitted in 2005.

An initial Receptor Evaluation (“RE”) was due 1 year after discharge was discovered or remediation initiated. Based on the presence of chlorinated VOCs in the groundwater, a well search was to be completed 90 days following the discovery of groundwater contamination. Based on contaminated groundwater, a vapor intrusion (“VI”) investigation may be required considering old groundwater data exceeds the current VI Groundwater Screening Levels. According to NJDEP Dataminer, there was an obligation to acquire a Licensed Site Remediation Professional (“LSRP”) due November 4, 2009 and a LSRP Retention Form was to be completed 45 days after discharge or initiation of remediation. Based upon the information reviewed, it appears that an LSRP was not retained.

As existing documentation indicates that groundwater and soil contamination still exist on this property, NJDEP requires that a preliminary assessment and/or site investigation report be prepared for this property and that the site be fully remediated in accordance with the findings and recommendations of those reports. An **Environmental Constraints Map** is included as **Figure 5**.

1.3 REDEVELOPMENT GOALS AND OBJECTIVES

Through the adoption of this Redevelopment Plan, the Mayor, Township Council and Planning Board intend to achieve certain objectives for this Redevelopment Area as described below:

- A. To promote the environmental remediation of all properties in the CVBDA.
- B. To provide for the coordinated and orderly development of vacant Brownfield sites in a manner consistent with the Township Master Plan and the adjacent Harvard Press Redevelopment Plan, and State Development and Redevelopment Plan.
- C. To promote the revitalization of vacant and underutilized Brownfield sites and surrounding properties with opportunities for mixed-use development.
- D. To promote economic development opportunities that will generate private sector investment, produce new jobs, increase tax ratables, and expand income levels.
- E. To promote redevelopment that is compatible with the unique characteristics of the site including its location, passenger rail access, and a growing arts and cultural community.
- F. To improve the physical condition of the area by encouraging infrastructure improvements, including off-street parking, and providing for new development that will enhance the function of the area.
- G. To ensure high-quality redevelopment which minimizes nuisance impacts through appropriate buffering/screening, noise control, creative site plan layout, and access management.
- H. To ensure compliance with all applicable NJDEP and other governmental agency requirements and permits for Brownfields redevelopment.

1.4 PUBLIC UTILITIES AND INFRASTRUCTURE

The Central Avenue Redevelopment Area is served by the full spectrum of infrastructure necessary to support redevelopment including public water, storm sewers and sanitary sewers as well as private utility gas, electric and telephone service. It is anticipated that future utility improvements will be limited to connections and rehabilitation of any substandard utility segments located on-site. There will also be a need for site remediation associated with the past industrial use based upon future environmental investigation. If so, the installation, operation and maintenance of infrastructure for site remediation shall be factored into future redevelopment activity planned within the designated redevelopment area. The following utility improvement(s) shall be required as part of any designated redevelopment (the “Redeveloper”):

- A. The Redeveloper shall prepare a utility infrastructure plan for review and approval by the Township Engineer, New Jersey American Water (“NJAW”) and other agencies with jurisdiction. All drainage improvements shall comply with NJAW and NJDEP stormwater management rules and regulations.
- B. All sanitary sewer and storm water flows shall be directed as determined by NJAW and the Township Engineer.
- C. All utilities and cabling systems required to serve the redevelopment area shall be installed underground unless a particular utility component or system is required to be above ground by law. In that case, utility installations that are required to be aboveground shall be exempt from the minimum and maximum building height requirements. However, any required above ground utility installations shall be screened from view.

As the Central Avenue Redevelopment Area is currently serviced by public water, sewer, electric and gas utilities, the intent of the Redevelopment Plan is to re-use these existing service connections, and upgrade as required. All associated permit and connection fees will be paid by the Redeveloper as required.

2. DEVELOPMENT REGULATIONS

2.1 GENERAL REGULATIONS

2.1.1 Overview

Section 2, the Development Regulations, fulfills the requirement of N.J.S.A. 40A:12A-7a(2) to identify the land uses and building requirements of the Redevelopment Plan.

2.1.2 Definitions

The use and understanding of terms shall be consistent with the definitions listed at 40A:12A-3 of the Local Redevelopment and Housing Law, 40:55D-3 to 40:55D-7 of the Municipal Land Use Law and Section 25-4 of the Township Zoning Code.

2.1.3 Word Usage

- A. Words used in the present tense include the singular number as well as the plural.
- B. The word “lot” includes the word “plot.”
- C. The phrase “used” includes “arranged,” “designed,” “intended,” “constructed,” “altered,” “maintained,” “occupied,” “converted,” “rented,” “leased,” or “intended to be used.”
- D. The term “such as,” where used herein, shall be considered as introducing a typical or illustrative rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities, establishments or structures.
- E. “Shall” and “will” are mandatory.
- F. “May” and “should” are permissive.
- G. The word “person” includes an individual, corporation, partnership or any other legal entity.
- H. Either gender shall include the other.
- I. The word “includes” or “including” shall not limit the term to the specified example; but is intended to extend its meaning to all other instances of like kind and character.
- J. Any word or term not defined or referenced herein in Section 2 of this Redevelopment Plan shall be used with a meaning of standard usage as defined in Webster’s New International Dictionary of the English Language, unabridged and latest edition.
- K. Whenever a term is used in this Section which is not defined, but which term is defined in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), such term is intended to have the meaning as defined in the Municipal Land Use Law.
- L. The term “neighborhood commercial,” where used herein, shall be considered as a commercial area, usually located on an arterial or collector street, providing convenience goods and services for residents of the surrounding area.

2.2 LAND USE REGULATIONS

The Central Avenue Redevelopment Area permits the following uses:

Permitted Uses:

- A. Off-street surface parking for the use of parcels located in another redevelopment area abutting this redevelopment area that are developed or to be developed for multi-family residential use.
- B. Public open space.

- C. Multi-family Residential uses, including affordable housing units. The ground (first) floor of a multi-family building may include residential, commercial, and or parking. Development must be in accordance with Township and State requirements as they pertain to development in flood zones to the extent applicable.
- D. Neighborhood Commercial uses.
- E. Pocket park and/or other public amenity uses limited to Block 7, Lot 22.
- F. Warehouse, limited to parcels having frontage only on Central Avenue.
- G. Public Self-Storage Facility. In addition to other uses that may be permitted, Block 9, Lot 36 may be developed with up to 100,000 square feet for a public self-storage facility located above one level of parking. Said parking need not be enclosed or provided with a façade matching the building. Height, impervious coverage, building coverage, and other development standards shall be determined based on the engineering of the site to accommodate up to a 100,000 square feet public self-storage facility without the need for variances, exceptions, or waivers. In addition to other uses permitted on Lot 22 in Block 7, this lot may be used in conjunction with or accessory to the development of Block 9, Lot 36 as provided herein.

Accessory Uses: All customary accessory uses associated with the above permitted uses.

The following bulk requirements pertain to the permitted mixed-use multi-family residential, neighborhood commercial, and warehouse uses:

Item	Permitted
Mixed-Use Residential and Neighborhood Commercial	
Maximum Number of Residential Units Per Acre	70
Maximum Building Height	55 feet
Maximum Number of Stories	5, including parking facilities
Minimum Residential Unit Size	750 sf
Minimum Amount of Non-Buildable Area, including Open Space, Pedestrian Areas (excluding hard surface sidewalks), and Landscaped Areas	20 percent
Maximum Building Coverage	70 percent
Front Yard Setback	7 feet, from the public right-of-way
Side Yard Setback	4 feet, from adjoining property boundary, except that parking area may be built within the side yard
Rear Yard Setback	10 feet
Minimum Number of Parking Spaces: Residential	One parking space per residential unit.
Warehouse	
Maximum Building Height	40 feet
Minimum Lot Area	10,000 sf
Minimum Lot Width	No minimum
Minimum Front Yard	None required
Minimum Side Front Yard-Corner Lot	None required

Minimum Side Yards	None required but 6 feet when provided. 10 feet adjacent to residential lot line.
Minimum Rear Yard	30 feet
Maximum Building Coverage	60%
Maximum Lot Coverage	75%
Minimum Spacing Between Buildings	25 feet

2.2.1 Township Zoning Code

The requirements of Chapter 25, Land Use Regulations of the Township of West Orange Municipal Code shall control except as specifically altered or otherwise modified by the subject Redevelopment Plan.

2.3 ADDITIONAL REGULATIONS AND STANDARDS

The following requirements must be satisfied in conjunction with any new development within the Central Avenue Redevelopment Area:

2.3.1 Usage

All uses are subject to the performance standards of Section 25-7.1 of the Township Municipal Code.

2.3.2 General Parking Area Regulations

- A. Parking areas shall be built subject to an approved parking plan, as approved by the Planning Board.
- B. Shared Parking: Applicants proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Board that clearly demonstrates the feasibility of shared parking. The shared parking analysis address, at a minimum, the size and type of the proposed development, the anticipated rate of parking turnover, the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces, and the times at which anticipated peak parking and traffic loads for all uses will occur.
- C. Any Redeveloper must work in cooperation with the Township to provide additional parking opportunities to serve the surrounding neighborhood. This can include the identification and development of additional off-street parking or through a financial contribution by a redeveloper to the Township to further the Township's parking objectives in the vicinity of any redevelopment project constructed as permitted herein.
- D. Any proposed parking area shall provide adequate lighting, ventilation, and security.
- E. Any proposed parking structure that is part of any permitted use, except for public self-storage facility, shall have the same façade as the building façade to the maximum extent practicable.
- F. Parking lot design shall consider pedestrian circulation. Pedestrian crosswalks shall be provided and linked to the wider pedestrian network. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.
- G. Parking lots shall meet New Jersey Americans with Disabilities Act requirements for handicapped parking.
- H. Parking lots shall be built to provide shade and visual relief, subject to site plan review and approval.
- I. Parking lots having two or more drive aisles shall provide sufficient drive aisle width to permit the safe circulation of vehicles.

- J. Parking lots for all uses, including warehouse uses, shall be paved, contain parking space striping, appropriate wayfinding signage, and related improvements to ensure the safe and efficient operation of the parking area.
- K. The Redeveloper shall design any proposed improvements to comply with applicable flood hazard area regulatory requirements and shall demonstrate that the proposed improvements will operate safely during design storm events.

2.3.3 Residential Building and Site Design Standards

Buildings shall be designed to be attractive and aesthetically pleasing, as the West Orange Planning Board may deem appropriate, and using the following standards applicable to the Mixed Use Business Residential (MUBR) zone.

- A. Buildings shall have a defined base and cap. The base may align with the sill level of the first floor, the foundation edge, or the ground with foundation plantings. The cap of the building includes the building cornice, parapet or eaves at the top of the building wall. The roof may be of a “flat design”, but shall have decorative treatments such as “dormers” or false windows to add dimension and elegance to the building. A total “flat surface” type structure shall be avoided. Long, blank wall expanses are discouraged.
- B. Fire escapes are not permitted on the front facade (wall) of a building.
- C. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications devices shall be screened from public view, by using walls, roof elements, penthouse-type screening devices or landscaping, designed to be architecturally compatible with the building’s style, materials, colors and details.
- D. Buildings where a portion of the structure is set back within four feet of the adjoining property boundary line shall have the stories above the first story recessed, or terraced, to provide an attractive side yard. The use of terraces and faux window treatments is encouraged to provide a unique architectural feel.
- E. Building(s) are encouraged to have an attractive and easily identifiable entry with a canopy or awning of an appropriate dimension as approved by the Planning Board.
- F. Buildings shall have quality brick, stone, or other materials so as to appear unique; promoting an “elegant, charming, quaint, or village-like” sense of place.
- G. Internally illuminated signs, particularly “lightbox” signs, are prohibited in the entire Central Avenue Redevelopment Area.
- H. Signs shall not obscure architectural elements such as clerestory windows nor span across structural bays or columns. Signs shall be subordinate to the building’s facade, not overwhelming, but rather in keeping with the building design.
- I. Buildings, including parking areas, shall be well illuminated, with the windows of residences screened from direct or harsh lighting. Building and sign illumination by bare floodlight, blinking or flashing bulbs is prohibited.
- J. Awnings are permitted, provided they add to the aesthetics of the building, as solely determined by the Planning Board.
- K. Way finding signage is permitted and shall be consistent with other streetscape elements.
- L. Decorative lighting fixtures shall be used on the building and along the street edge and within the private parking areas and walkways to establish a consistent lighting design theme. This requirement shall include building accent lighting.
- M. “Washing” the entire building facade in light is prohibited.

2.3.4 Landscaping

- A. A buffer strip at least five feet wide shall be located along any side or rear property line contiguous to a residential use. A buffer strip shall be planted and maintained in perpetuity with trees and shrubbery of such sizes and densities as to adequately screen the buildings from such abutting a use in a residential zone.
- B. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals individually or in combination and may include inanimate materials such as rocks, water, sculpture, art, walls fences, and paving materials. The landscape plan and all planting shall be subject to Planning Board review and approval.
- C. The landscape plan and all plantings shall complement the building(s) and accentuate important features. Plants shall be chosen for year-round interest including color, flowers, bark interest or branching patterns. Hardy native plants shall be used where possible.
- D. Existing healthy and mature trees shall be retained and incorporated into the landscape plan where possible.
- E. The use of planters, window flower boxes and hanging baskets is encouraged to provide seasonal color.

2.3.5 Sidewalks and Pedestrian Pathways

- A. Sidewalks shall be wide enough to handle pedestrians and, together with the area within the front or rear yard setback, be sufficient to accommodate benches, planters and street tree lights where appropriate. Sidewalks along the perimeter of a residential building shall be a minimum of four feet (4') wide. Sidewalks shall have a similar design and material content as walkways.
- B. Pedestrian walkways, located within a residential project shall be raised and curbed along buildings and within parking areas where suitable. Scored or decorative concrete, having a limited number of raised areas, shall be the preferred material. All walkways and paved areas not within the public right of way shall use appropriately colored pavers, at the option of the redeveloper. All specific designs shall be subject to Planning Board approval.
- C. Barrier-free walkway systems and entrances to buildings shall be provided to allow pedestrian access to buildings, or uses, from parking lots and public sidewalks.

2.3.6 Loading and Service Areas

Trash receptacles, dumpsters, enclosure areas, and utility boxes shall be placed in the side or rear of the building(s) situated to be visually unobtrusive. Service areas shall be in or next to ground level parking areas and shall be located behind buildings or designed to fit into the streetscape. Screening of trash and other service areas shall be subject to review and approval of the Planning Board.

2.3.7 Fences and Walls

Fences and walls in public areas shall be constructed to match the architectural detail of the principal structure. Fences and screen walls shall have a maximum height of four feet, except that fences and screen walls may have a maximum height of six feet when used to screen service area enclosures.

2.3.8 Outdoor Storage

The storage of any materials, products, debris, signs, or any bulk item on any property or premises is prohibited.

2.3.9 Traffic Plan

A traffic circulation plan shall be submitted by the applicant to the Planning Board for their review and approval.

2.3.10 Shared Parking Analysis

If shared parking is proposed by the applicant, a shared parking analysis shall be submitted by the applicant to the Planning Board for their review and approval.

2.3.11 Signage

The Redeveloper will adhere to all signage requirements as listed in Section 25-15 of the Township Zoning Code.

2.3.12 Affordable Housing

Affordable housing units may be provided in the redevelopment area within a residential or mixed-use building. To the extent that a Redevelopment Project creates a requirement for affordable housing units subject to applicable State regulations, the Redeveloper shall be responsible for satisfying any such affordable housing requirement.

2.3.13 Utilities

Utilities servicing the site shall be approved and operated in accordance with all applicable regulations.

2.4 DEVELOPMENT PLAN AND REVIEW

2.4.1 Staff Employment

The Township may employ or contract for and fix compensation of such experts and other staff and services as it may deem necessary, including, but not limited to, architecture, economic, engineering, environmental, landscape architecture, legal, planning, and transportation consulting services. The Township, however, shall not authorize expenditures which exceed, exclusive of gifts, grants or escrow accounts, the amounts appropriated for its use.

2.4.2 Site Plan Review Advisory Board

The Site Plan Review Advisory Board (“SPRAB”) shall assist the Township and the Planning Board with the review and approval of applications requiring major site plan review. The SPRAB may review the technical merits of applications for development, including but not limited to, architectural design, engineering design, environmental protection, design of public infrastructure and amenities, site planning, design of the transportation system, conformance to law and other areas that are determined to lie within the expertise of the SPRAB.

2.4.3 Pre-Application Conference

The applicant shall be notified, in writing not less than seven days before, of the date on which the application shall be reviewed by the SPRAB. The applicant shall be invited to attend the review meeting, either alone or accompanied by an attorney and any other experts the applicant chooses. Recommendations shall be issued in writing, then filed with the Secretary of the proper Board and a copy shall be mailed to the applicant.

2.4.4 Application for Development

The Application for Development shall be submitted in such form, and accompanied by such maps, documents, and materials as are prescribed in Article 11 of Chapter 33 of the Township of West Orange Planning and Development Regulations and with the following additional submission requirements:

1. Design drawings for any portion of the facility to be constructed as part of the development application.
2. A copy of any protective covenants or deed restrictions applying or to be applied to the subject land, excepting concept plans.
3. Any existing or proposed easement or land dedicated or reserved for public use.
4. A list of all required regulatory approvals at the municipal, county, state, and federal level of government and their status.

-
5. All accompanying professional reports determined necessary for a comprehensive review: engineering and fiscal impact should be submitted as part of the site plan application if not available at SPRAB.

2.4.5 Public Hearing & Notice

Any action towards the certification of consistency of a redevelopment project within this Redevelopment Plan by the Township shall be taken at a public hearing of the Township that is open to the public. The Redeveloper shall provide notice to the public in the official newspaper of the Township at least 10 days prior to said hearing.

2.4.6 Planning Board Review

1. Site plan review shall be conducted by the Planning Board pursuant to N.J.S.A. 40:55D-1 et seq. Site plan review shall consist of a preliminary site plan application and a final site plan application.
2. The Planning Board may grant deviations from the strict application of the regulations contained within this Redevelopment Plan, except those standards and regulations specified in paragraph 3 below, in accordance with the provisions of N.J.S.A. 40:55D-60 and -70c.
3. No deviations shall be granted that result in any of the following effects or conditions:
 - a. To allow a use not specifically permitted within this Redevelopment Plan
 - b. Alteration of the location, street type, right-of-way and cartway width of any street, except for minor adjustments to meet good engineering practice as determined by the Township Engineer.
 - c. Deviation from contractual obligations of the Redeveloper to the Township.

2.4.7 Escrow Fee

The Redeveloper seeking approvals pursuant to this Redevelopment Plan shall establish an escrow account with the Township from which any consultants necessary for the review of the redevelopment project shall be paid. Such escrow accounts shall be in accordance with N.J.S.A. 40:55d-53.2. The Township shall adopt a fee schedule by resolution and may amend it from time to time as circumstances warrant.

2.4.8 Performance Guarantee

Where the construction or extension of any utility improvements or right-of-way improvements are required in conjunction with the Central Avenue Redevelopment Area, performance guarantees for these improvements shall be posted prior to the issuance of any building permits for the Central Avenue Redevelopment Area. Such performance guarantees shall be in accordance with the procedures N.J.S.A. 40:55D-53 except that the Township shall substitute for the governing body.

3. PLAN IMPLEMENTATION

3.1 PLAN IMPLEMENTATION

3.1.1 Acquisition and Relocation Plan

The Redevelopment Plan is for the properties known as Block 9, Lots 11.01, 11.02, 11.03, 32 and 36 and Block 7, Lot 22 which are owned by those listed in Section 1.2 of this Redevelopment Plan. Five of the six subject parcels are currently utilized by commercial tenants and Township residents. Therefore, there may be a need for relocation of residents and businesses within the redevelopment area. As a Condemnation Redevelopment Area, the Township and redevelopment entity have the power to take or acquire the property through condemnation in furtherance of the Redevelopment Plan. This Redevelopment Plan and amendments, revisions, or modifications thereof shall be in full force and effect for a period of 20 years from the date of approval of the last amendment to this Redevelopment Plan.

3.1.2 Construction Timeline

Construction is to be determined per the Redeveloper's agreement with the Redeveloper and the Township.

4. RELATIONSHIP TO OTHER PLANS

4.1 RELATIONSHIP TO OTHER PLANS

Pursuant to N.J.S.A. 40A:12A-7.a (5), a Redevelopment Plan shall include a discussion that examines:

Any significant relationship of the Redevelopment Plan to:

- (a) the master plans of contiguous municipalities,
- (b) the master plan of the county in which the Township is located, and
- (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act”, P.L.1985, c. 398 (C.52:18A-196 et. seq.) (the “State Planning Act”).

This section examines the relationship between this Redevelopment Plan and the Master Plans of contiguous municipalities, specifically the City of Orange, the City of Orange Central Valley Redevelopment Plan, and the State Plan, as defined herein. In each of these cases, this Redevelopment Plan is substantially consistent.

4.2 CONTIGUOUS MUNICIPALITIES

The Township of West Orange is a landlocked municipality bordered by several municipalities. For the purposes of this review, the Redevelopment Plan is closest to the City of Orange, which has adopted the Central Valley Redevelopment Plan adjacent to the municipal boundary. This redevelopment plan, the neighboring Harvard Press Redevelopment Plan adopted by the Township, and the City of Orange Master Plan and the Central Valley Redevelopment Plan all recommend the redevelopment of the CVBDA. This Redevelopment Plan is therefore substantially consistent with the master plan and redevelopment plans of contiguous municipalities.

4.3 NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The New Jersey State Development and Redevelopment Plan (the “State Plan”) provides a flexible framework for smart growth with an emphasis on promoting new development in designated centers, protecting environmentally sensitive environs, encouraging Brownfield redevelopment and revitalizing the State's cities. This Redevelopment Plan is a smart growth initiative that encourages redevelopment of already developed areas, specifically those more vulnerable areas that have suffered economic displacement from the elimination of previous industry. This Redevelopment Plan also advances the reuse of a vacant industrial Brownfield site and supports the Township's economic revitalization program. The State Plan incorporates multiple goals that are advanced by this Redevelopment Plan including:

1. Revitalize the State's Cities and Towns.
2. Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey.
3. Protect the Environment, Prevent and Clean Up Pollution.
4. Encourage Sound and Integrated Planning and Implementation Statewide.

It is also noted that the Township is in the Metropolitan Planning Area, PA1, under the State Plan, which describes the Area as follows, "Provides for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." The Redevelopment Plan is consistent with the purpose of the Metropolitan Planning Area and State Plan, which designate the Township for growth.

4.4 TOWNSHIP OF WEST ORANGE MASTER PLAN

The Township of West Orange is currently engaged in several initiatives to promote the remediation and redevelopment of underutilized Brownfield sites. West Orange has an on-going partnership with State agencies to remediate vacant Brownfield properties and prepare sites for redevelopment. These include the implementation of a residential redevelopment plan for the adjacent Harvard Press Redevelopment Area and downtown Historic West Orange. This Redevelopment Plan is another prominent example of the Township's proactive approach to planning and reclamation of Brownfield sites. The subject Redevelopment Plan will facilitate this process and is consistent with the following Master Plan objectives and principles:

Objectives

- Guide appropriate long range development of lands within the Township in a manner which will promote the health, safety, and general welfare of present and future residents.
- Ensure compatibility with the development and general welfare of other jurisdictions.
- Encourage the preservation of neighborhoods and the environment.
- Provide sufficient space for balanced growth and development for residential, recreational, commercial/retail, industrial and open space uses in a manner that would provide balanced growth and development.
- Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- Provide for the housing needs of senior citizens and low and moderate income households.
- Improve and maintain existing residential neighborhoods by encouraging rehabilitation of existing dwellings and new residential construction at suitable densities.
- Coordinate public and private procedures and activities that influence land development in the Township.
- Encourage economic development and redevelopment that is compatible with the suburban character of the Township with particular sensitivity to existing residential neighborhoods. As commercial and industrial facilities become obsolete and outdated, efforts should be made to rehabilitate and revitalize these areas prior to, or in lieu of, the development of existing open space.
- Utilize available Federal, State and County level funding sources to improve and revitalize the community.

Principles

- Encourage appropriate residential development, whether single family or cluster housing, in locations and densities that are consistent with existing zoning and development patterns and that can be properly served.
- Properly locate public, commercial/retail, industrial, residential and service uses at sites and locations which are suitable for their use environmentally, economically, and geographically, and can be adequately serviced by public infrastructure.
- Protect natural features and environmental resources including, but not limited to, floodplains, wetlands, woodlands, steep slopes, ridgelines, and areas valuable as scenic, historical, cultural, or recreational resources.
- Maintain the existing scale of the community by limiting the intensity of commercial/retail, industrial and residential development to assure compatibility with existing neighborhood character.

This Redevelopment Plan is consistent with the Land Use Plan of the West Orange Master Plan which designates the site for residential/mixed use. The Master Plan also states “they should consider expanding the Harvard Press Redevelopment Area to include nearby properties in order “to promote the comprehensive redevelopment for new uses that would contribute to West Orange’s tax base, while taking advantage of proximity to the Highland Avenue railroad station. Provision of additional parking to support development in this area is also encouraged.”” (Township of West Orange 2010 Master Plan Reexamination Report, p. 35).

4.5 PERMITTED REDEVELOPMENT ACTIONS

The following actions may be taken to effectuate the Redevelopment Plan and address the conditions that contribute to its underutilization and need for redevelopment:

- A. Undertake redevelopment projects and for this purpose issue bonds in accordance with the provisions of section 29 of P.L. 1992, c.79 (C.40A:12A-29).
- B. Provide infrastructure improvements necessary to support new development including but not limited to roadway, bulkhead, water and sewer service, drainage and environmental controls.
- C. Undertake site remediation in compliance with NJDEP and requirements.
- D. Demolish existing structures, rehabilitate existing structures and construct new structures in furtherance of this redevelopment plan.
- E. Provide financial incentives in support of redevelopment implementation including short-term and long-term tax incentives.
- F. Other actions that may be necessary for implementation of the redevelopment plan subject to authorization of the approving authority.

4.6 ADMINISTRATION OF THE REDEVELOPMENT PLAN

The following administrative provisions shall apply to the adopted Redevelopment Plan:

- A. The Redevelopment Plan shall replace and supersede any and all previous zoning that governs this redevelopment area pursuant to N.J.S.A. 40A:12A-7(c) of the Local Redevelopment and Housing Law.
- B. All development within the Central Avenue Redevelopment Area shall be consistent with the provisions of the Redevelopment Plan including but not limited to permitted uses, bulk requirements, and special development requirements set forth herein.
- C. The Redevelopment Plan shall be implemented consistent with the requirements of N.J.S.A. 40A:12A-8 of the Local Redevelopment and Housing Law for the effectuation of redevelopment plans.
- D. The Township or its designated redevelopment entity may enter into agreements, leases, deeds and other instruments with a Redeveloper(s) for the purpose of effectuating the Redevelopment Plan consistent with the requirements of N.J.S.A. 40A:12A-9 of the Local Redevelopment and Housing Law.
- E. A site plan, subdivision plan, architectural plan and other information typically required as part of the Township’s development application checklist (Section 33-11 Township Zoning Ordinance) shall be submitted by the Redeveloper(s) for Planning Board review and approval prior to commencement of new construction, rehabilitation of existing structures or a change in use in order to determine compliance with the adopted redevelopment plan. Site Plan review shall be conducted by the Planning Board in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. No permits shall be issued without prior review and approval of the Planning Board.
- F. The Planning Board may grant relief from the bulk, parking and sign requirements of the adopted Redevelopment Plan as well as other standards contained herein where there is a hardship or the granting of such relief will promote the purposes of said plan consistent with the standard established at N.J.S.A. 40:55D-70(c). In no event shall relief be granted by the Planning Board to provide a use or facility that is not permitted by the Redevelopment Plan.

-
- G. All applications for development within the Redevelopment Area shall provide public notice in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-12.
 - H. The designated Redeveloper(s) shall cover the cost of professional services incurred by the Township for administration, review of projects, preparation of the Redevelopment Plan and implementation of redevelopment projects including but not limited to: legal, engineering, planning, environmental, real estate, traffic/parking and urban design services. Said services shall be paid through escrow accounts established in accordance with Section 25-55 of the Township zoning ordinance and by agreement with the Township.
 - I. The Redevelopment Plan shall be in effect for a period of 20 years from the date of original adoption by the Township Council or its complete implementation, whichever the lesser. Said Redevelopment Plan may be amended from time to time upon authorization by the Township Council and review by the Planning Board in accordance with N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law.
 - J. A financial agreement may be prepared and executed upon the Township's or the redevelopment entity's selection and designation of a Redeveloper(s) for this Redevelopment Area. The Township shall designate a Redeveloper(s) to effectuate the Redevelopment Plan and no development may be undertaken by an entity other than the designated Redeveloper.
 - K. The terms and conditions of all prior approvals granted by the Planning Board or Zoning Board of Adjustment shall remain in full force and effect.

APPENDIX A
TOWNSHIP OF WEST ORANGE PLANNING BOARD RESOLUTION NO. 16-03

RESOLUTION OF THE PLANNING BOARD**TOWNSHIP OF WEST ORANGE**

WHEREAS pursuant to N.J.S.A. 40A:12A the Local Redevelopment and Housing Law (the "LRHL") the Planning Board was directed by the West Orange Township Council pursuant to Resolution #120-16 adopted on May 3, 2016, and Resolution 138-16 adopted on June 14, 2016, to conduct a preliminary investigation in order to investigate the area listed therein (Block 9, Lots 11.01, 11.02, 11.03, 32 & 36 and Block 7, Lot 22 i.e. the "Study Area") to determine if any or all of it should be designated a Condemnation Area in Need of Redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"); and

WHEREAS the firm of Matrix New World Engineering was engaged to conduct a study and make recommendations as to whether any or all of the properties within the Study Area met the criteria as a Condemnation Area in Need of Redevelopment; and

WHEREAS Matrix New World Engineering did conduct a study and prepare a report dated July 11, 2016 (the "Report"); and

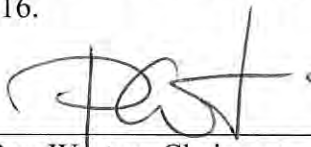
WHEREAS the Planning Board conducted a public hearing at a meeting held on September 7, 2016 after notice and hereby makes the following findings:

1. The Board having received the Report from Matrix New World Engineering and having heard testimony from Peter Van den Kooy, P.P., AICP, and having provided an opportunity for public comment, and having deliberated on the matter, hereby determines there are sufficient reasons to find that the Study Area meets the statutory criteria as a Condemnation Area in Need of Redevelopment

IT IS HEREBY RECOMMENDED:

That the Township Council authorize the preparation of a redevelopment plan for the Study Area.

IN WITNESS WHEREOF, the Board has caused this Resolution to be executed by its Chairman and Secretary on the 5th day of October, 2016.



Ron Weston, Chairman

Robin Miller, Secretary

APPENDIX B
TOWNSHIP OF WEST ORANGE COUNCIL RESOLUTION NO. 228-16

RESOLUTION

A Resolution Determining that the Properties Identified as Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 Be Designated as An Area In Need of Redevelopment in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitutes a condemnation area in need of redevelopment; and

WHEREAS, on May 3, 2016, the Township Council for the Township of West Orange (the "Council") adopted Resolution 120-16 authorizing the Planning Board for the Township of West Orange (the "Planning Board") to conduct a preliminary investigation to determine whether certain properties, identified as Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 on the Township of West Orange Tax Map, inclusive of any and all streets, "paper" streets, private drives and right of ways (the "Study Area") meet the criteria set forth as an appropriate condemnation area for consideration for the program of redevelopment; and

WHEREAS, the designation as a condemnation area did not, nor does not, reflect a decision to implement condemnation proceedings, but to reserve the right to utilize condemnation should the need arise; and

WHEREAS, on June 14, 2016, the Council adopted Resolution 138-16 to supplement the Study Area to add the property identified as Block 7, Lot 22 on the Township of West Orange Tax Map; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Condemnation Area In Need of Redevelopment in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, as part of the preliminary investigation, Matrix New World (“Matrix”) 26 Columbia Turnpike, Florham Park, New Jersey prepared an Area in Need of Redevelopment Study (the “Redevelopment Study”) and presented the Redevelopment Study to the Planning Board for its consideration in determining whether the Study Area should be designated as an Area in Need of Redevelopment; and

WHEREAS, in addition to the foregoing, Matrix prepared a map showing the boundaries of the Study Area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Planning Board on September 7, 2016, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Condemnation Area in Need of Redevelopment and said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, the Planning Board further concluded that there was sufficient credible evidence to support the finding that the designation of the Study Area as a Condemnation Area in Need of Redevelopment would authorize the municipality, if necessary, to exercise the power of eminent domain to acquire any property in the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution 16-03, dated October 5, 2016, annexed hereto as Exhibit “**A**,” the Planning Board recommended to the Council that Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 be designated as a Condemnation Area in Need of Redevelopment; and

WHEREAS, the Council considered the Planning Board's recommendation at its regularly scheduled public meeting on October 26, 2016 and held a public hearing with public comment; and

WHEREAS, on May 3, 2016, the Council adopted Resolution 121-16 which authorized the retention of Matrix to prepare a Redevelopment Plan as part of its appointment as the Licensed Site Remediation Professional ("LSRP") to assist the Township in its efforts regarding the investigation and cleanup of the an area which includes the Study Area; and

WHEREAS, in order to effectuate the Counsel's designation of the Study Area as a Condemnation Area in Need of Redevelopment, the preparation of a Redevelopment Plan and presentation to the Planning Board and Counsel is required.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby accepts the recommendation from the Planning Board of the Township of West Orange and finds that Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 as shown on the official tax map of the Township of West Orange be and are hereby deemed to be a Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 as a Condemnation Redevelopment Area shall authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area in the event it is determined that such acquisition is necessary; and

BE IT FURTHER RESOLVED, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of West Orange shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of West Orange shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Condemnation Redevelopment Area, those whose names are listed on the Tax Assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commissioner of the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that Matrix, having been previously retained by the Township, is authorized and directed to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Township Council; and

BE IT FURTHER RESOLVED, that the Planning Board shall transmit a report containing its recommendation concerning the Redevelopment Plan to the Township Council. The Planning Board Report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township Clerk, Chief Financial Officer and Township Planning Board and Planning Board Secretary; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Township Clerk

Victor Cirilo
Council President

Adopted: October 26, 2016

4841-0059-0906, v. 1

APPENDIX C
TOWNSHIP OF WEST ORANGE COUNCIL RESOLUTION NO. 120-16

RESOLUTION

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

WHEREAS, the Township of West Orange (the "Township") desires to explore whether the real properties located between Central Avenue and Mitchell Street and more commonly known as Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 on the Township of West Orange Tax Map, inclusive of any and all streets, "paper" streets, private drives and right of ways (the "Study Area") may be an appropriate area for consideration for the program of redevelopment; and

WHEREAS, the Study Area currently has a high vacancy rate for retail stores located thereon and that has remained as such for an extended period of time; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Township making a determination as to whether the Study Area qualifies as an area in need of redevelopment, the Township Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the Study Area meets the criteria of an area in need of redevelopment set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Township Council wishes to direct the Township of West Orange Planning Board to undertake such preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5* and in accordance with the investigation and hearing process set forth at *N.J.S.A. 40A:12A-6*

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby directs the West Orange Township Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area defined hereinabove qualifies for designation as an area in need of redevelopment under the criteria and pursuant to the public hearing process set forth in *N.J.S.A. 40A:12A-1, et seq.*; and

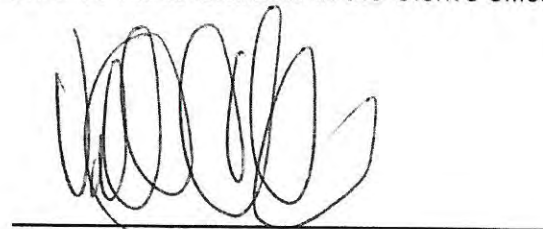
BE IT FURTHER RESOLVED that the redevelopment area determination shall further authorize the municipality to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as "Condemnation Redevelopment Area").

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supportive documentation.

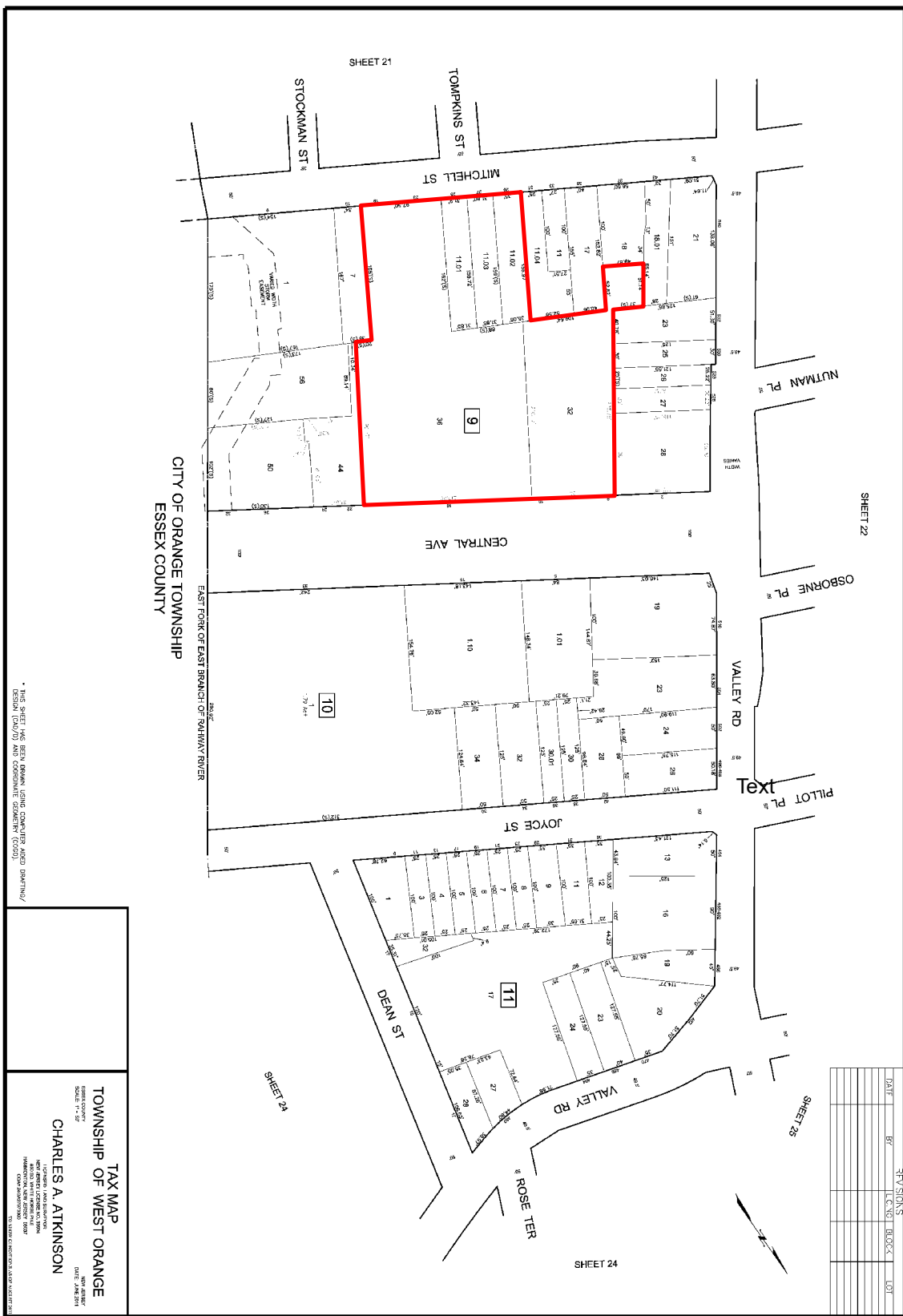
BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township Clerk, Chief Financial Officer and Township Planning Board and Planning Board Secretary.

RESOLVED, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.


Karen J. Carnevale, R.M.C.
Municipal Clerk


Victor Cirilo
Council President

Adopted: May 3, 2016



THIS SHEET HAS BEEN DRAWN USING CONVENTIONAL DRAFTING/DESIGN (CAD/DWG) AND COORDINATE GEOMETRY (GCS/2D).

TAX MAP
TOWNSHIP OF WEST ORANGE
CHARLES A. ATKINSON
 DATE: 5/27/2016
 SCALE: 1"=400'

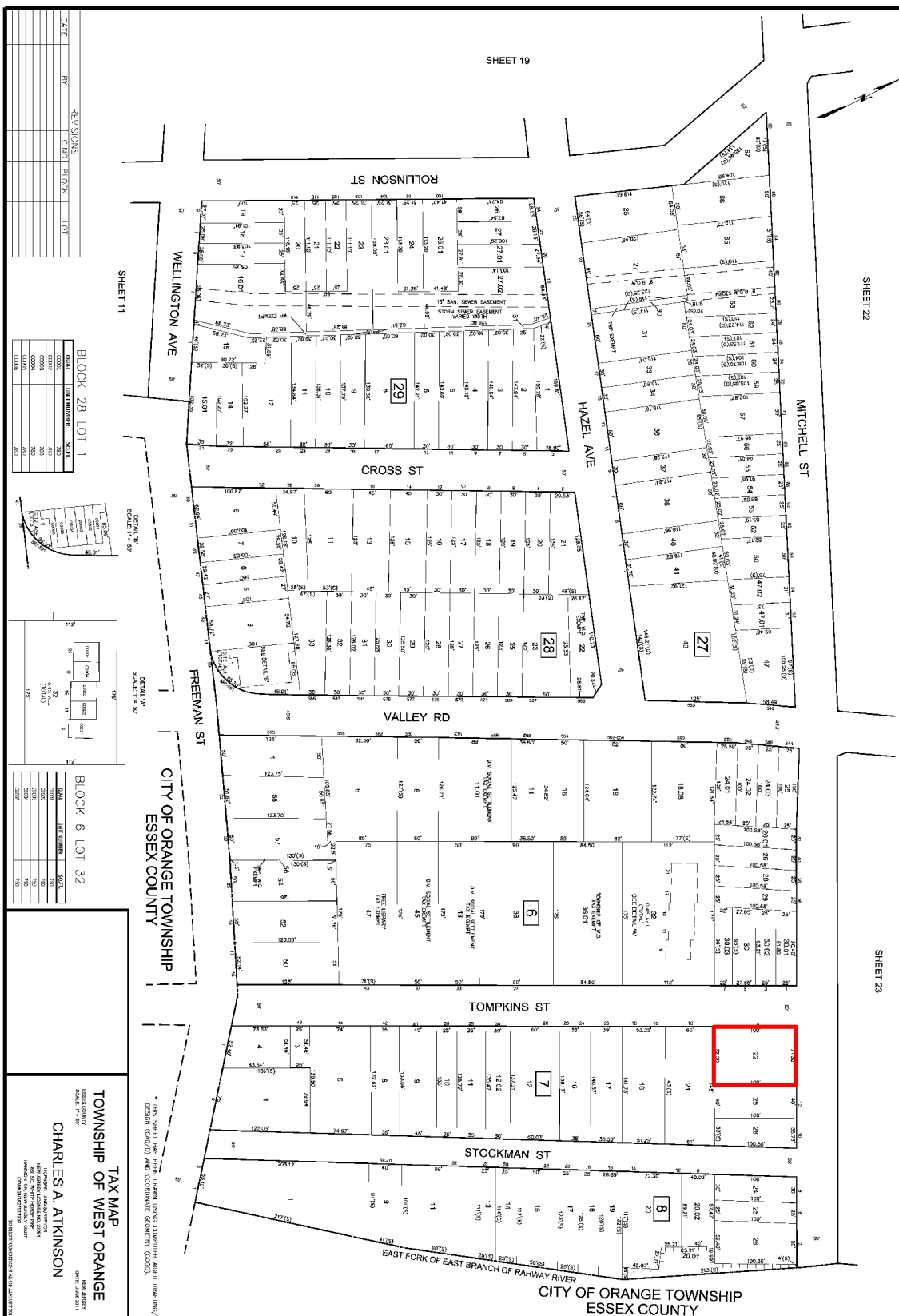
TAX MAP

MATRIXNEWORLD
 Engineering Progress

Matrix New World Engineering,
 Land Surveying and Landscape Architecture, P.C.
 26 Columbia Turnpike
 Florham Park, New Jersey 07932
 WBE/DBE/SBE
 Tel: 732-588-2999
 Fax: 973-240-1818
 www.matrixnewworld.com

AREA IN NEED OF REDEVELOPMENT
BLOCK 9, LOTS 11.01, 11.02, 11.03, 32, AND 36
AND BLOCK 7, LOT 22
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

SCALE: Not to scale	DATE: MAY 27, 2016	JOB NO.: 10560101	DRAWN BY: MM	FIGURE NO.: 1A
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TAX MAP (CONTINUED)

MATRIXNEWORLD
Engineering Progress

Matrix New World Engineering,
Land Surveying and Landscape Architecture, P.C.
26 Columbia Turnpike
Florham Park, New Jersey 07932
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AREA IN NEED OF REDEVELOPMENT
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AND BLOCK 7, LOT 22
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

SCALE:

Not to scale

DATE:

MAY 27, 2016

JOB NO.:

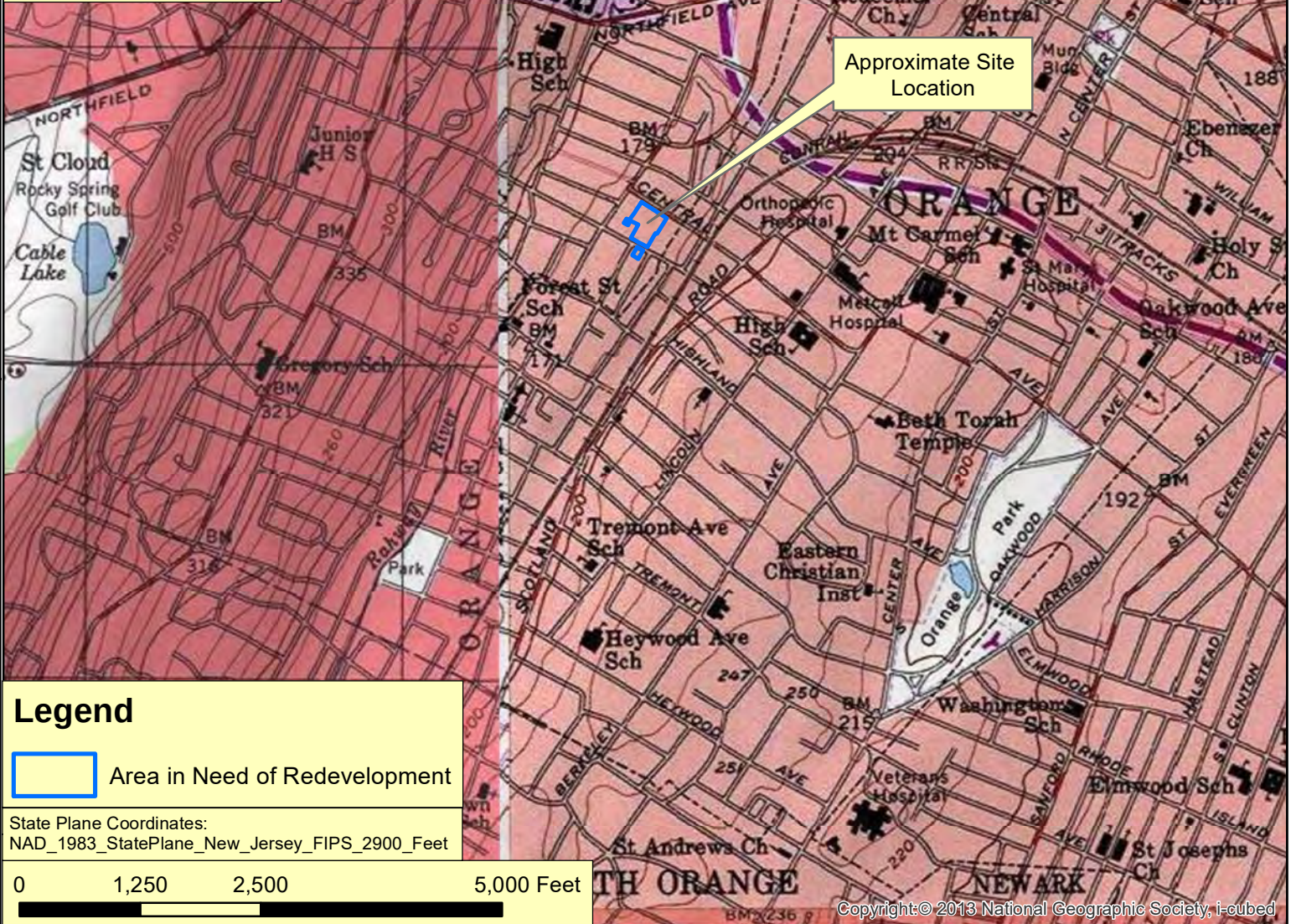
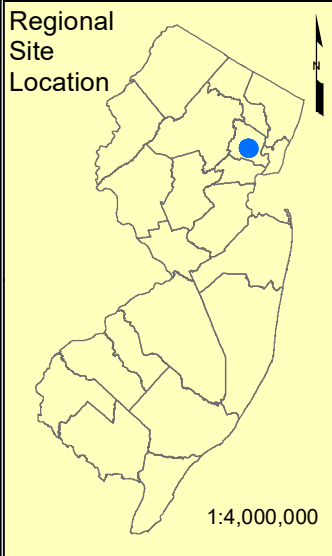
10560101

DRAWN BY:

MM

FIGURE NO.:

1B



USGS TOPOGRAPHIC MAP

MATRIXNEWORLD
Engineering Progress

Matrix New World Engineering,
Land Surveying and Landscape Architecture, P.C.
26 Columbia Turnpike
Florham Park, New Jersey 07932
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AREA IN NEED OF REDEVELOPMENT
BLOCK 9, LOTS 11.01, 11.02, 11.03, 32, AND 36
AND BLOCK 7, LOT 22
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

SCALE:	DATE:	JOB NO.:	DRAWN BY:	FIGURE NO.:
1:20,000	MAY 27, 2016	10560101	MM	2



AERIAL PHOTO OF PROJECT SITE

MATRIXNEWORLD

Engineering Progress

Matrix New World Engineering, P.C.
26 Columbia Turnpike
Florham Park, New Jersey 07932
WBE/DBE/SBE

Tel: 973-240-1800
Fax: 973-240-1818
www.matrixnewworld.com

**AREA IN NEED OF REDEVELOPMENT
BLOCK 9, LOTS 11.01, 11.02, 11.03, 32, AND 36
AND BLOCK 7, LOT 22
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY**

SCALE: 1:1,000	DATE: MAY 27, 2016	JOB NO.: 10560101	DRAWN BY: MM	FIGURE NO.: 3
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Legend

 Area in Need of Redevelopment

 Known Contaminated Sites

 T&E

Notes:

1. The site is located in the Metropolitan Planning Area 1.
2. The site and all areas adjacent are located in the FEMA Flood Zone x.
3. No C-1 waterwats, streams, or wetlands were found on or adjacent to the site.

State Plane Coordinates:

NAD_1983_StatePlane_New_Jersey_FIPS_2900_Feet

0 137.5 275 550 Feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

ENVIRONMENTAL CONSTRAINTS MAP

MATRIX**NEWORLD**
Engineering Progress

Matrix New World Engineering, P.C.
26 Columbia Turnpike
Florham Park, New Jersey 07932
WBE/DBE/SBE

Tel: 973-240-1800
Fax: 973-240-1818
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AREA IN NEED OF REDEVELOPMENT
BLOCK 9, LOTS 11.01, 11.02, 11.03, 32, AND 36
AND BLOCK 7, LOT 22
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

SCALE:

1:2,000

DATE:

MAY 18, 2016

JOB NO.:

10560101

DRAWN BY:

MM

FIGURE NO.:

5

**TOWNSHIP OF WEST ORANGE
ORDINANCE NUMBER 2664-21**

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY
PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$500,000 TO FUND CONTRACTUALLY REQUIRED
SEVERANCE LIABILITIES RESULTING FROM THE
RETIREMENT OF EMPLOYEES IN THE TOWNSHIP**

WHEREAS, N.J.S.A. 40A:4-53 provides that a local unit such as the Township of West Orange, in the County of Essex, State of New Jersey (the "Township"), may adopt an ordinance authorizing a special emergency appropriation for the payoff of contractually required severance liabilities resulting from the layoff or retirement of employees of the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:4-53, the Township desires to authorize a special emergency appropriation in the amount of \$500,000 to fund the cost of contractually required severance liabilities resulting from the retirement of employees of the Township.

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW
JERSEY (not less than the majority of all members thereof affirmatively concurring)
AS FOLLOWS:**

SECTION 1. Pursuant to N.J.S.A. 40A:4-53, the amount of \$500,000 (i) is hereby appropriated to fund the cost of contractually required severance liabilities resulting from the retirement of employees of the Township, and (ii) shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

SECTION 2. To finance the appropriation authorized hereunder, and described in Section 1 hereof, special emergency notes of the Township (the "Notes") shall be authorized by a resolution of the Township Council of the Township to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55.

SECTION 3. A certified copy of this ordinance as finally adopted will be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 4. This ordinance shall take effect twenty (20) days after final adoption and approval by the Mayor.

ADOPTED ON FIRST READING
DATED: NOVEMBER 9, 2021

KAREN J. CARNEVALE, R.M.C.
Township of West Orange

CINDY MATUTE-BROWN, Council President
Township of West Orange

ADOPTED ON SECOND READING
DATED: November 23, 2021

KAREN J. CARNEVALE, R.M.C.
Township of West Orange

CINDY MATUTE-BROWN, Council President
Township of West Orange

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2021.

ROBERT D. PARISI, Mayor
Township of West Orange

TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
PUBLIC NOTICE
NOTICE OF PENDING ORDINANCE

The ordinance, the title of which is published herewith, was introduced and adopted upon first reading at a meeting of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, held on November 9, 2021, and will be further considered for final passage, after public hearing thereon, at a virtual meeting of said Township Council to be held on November 23, 2021 at 7:00 p.m. Information regarding remote access to the meeting may be found on the Township's website at www.westorange.org

The purpose of this ordinance is to authorize a special emergency appropriation in an amount not to exceed \$500,000 to fund the cost of contractually required severance liabilities resulting from the retirement of employees of the Township.

A copy of said ordinance may be obtained from the Office of the Clerk of the Township during regular municipal office hours at Township Municipal Building, 66 Main Street, West Orange, in said County.

TOWNSHIP OF WEST ORANGE
ORDINANCE NUMBER 2664-21

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY
PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$500,000 TO FUND CONTRACTUALLY REQUIRED
SEVERANCE LIABILITIES RESULTING FROM THE
RETIREMENT OF EMPLOYEES IN THE TOWNSHIP**

KAREN J. CARNEVALE, R.M.C.
Clerk of the Township of West Orange

TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
PUBLIC NOTICE
NOTICE OF THE DATE OF PASSAGE OF ORDINANCE

The ordinance, the title of which is published herewith, has been finally adopted by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey on November 23, 2021.

The purpose of this ordinance is to authorize a special emergency appropriation in an amount not to exceed \$500,000 to fund the cost of contractually required severance liabilities resulting from the retirement of employees of the Township within the Township.

TOWNSHIP OF WEST ORANGE
ORDINANCE NUMBER 2664-21

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY
PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$500,000 TO FUND CONTRACTUALLY REQUIRED
SEVERANCE LIABILITIES RESULTING FROM THE
RETIREMENT OF EMPLOYEES IN THE TOWNSHIP**

KAREN J. CARNEVALE, R.M.C.
Clerk of the Township of West Orange

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on November 9, 2021 at 7:00 p.m. via a virtual meeting of the Township, in said County, and that the following was the roll call:

Present:

Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford, Councilwoman Williams, Council President Matute-Brown

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 9 day of November, 2021.

(SEAL)

KAREN J. CARNEVALE, R.M.C.
Clerk of the Township of West Orange

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on November 23, 2021, at 7:00 p.m. via a virtual meeting of the Township, in said County, and that the following was the roll call:

Present:

Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford, Councilwoman Williams, Council President Matute-Brown

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this ____ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE, R.M.C.
Clerk of the Township of West Orange

CLERK'S CERTIFICATE

I, KAREN J. CARNEVALE, R.M.C., DO HEREBY CERTIFY that I am the Clerk of the Township of West Orange, in the County of Essex (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT:

(1) Attached hereto is the ordinance introduced on November 9, 2021, finally adopted on November 23, 2021 and approved by the Mayor on December ____, 2021 (if applicable).

(2) After introduction, the ordinance was published as required by applicable law on November 11, 2021 in the West Orange Chronicle.

(3) Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Township at the place where public notices are customarily posted, a copy or summary of said ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

(4) After final passage, the ordinance was duly published as required by law on November 24, 2021 in the West Orange Chronicle.

(5) The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

(6) A certified copy of the ordinance has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs.

(7) The official seal of the Township is the seal, an impression of which is affixed, imprinted or reproduced opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed, imprinted or reproduced the official seal of the Township this ____ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE, R.M.C.
Clerk of the Township of West Orange

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC,
SUBSECTION 7-32.2, RESTRICTED PARKING ZONES, OF THE REVISED**

GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey as follows:

Section 1. Subsection 7-32.2, Restricted Parking Zones, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

7-32.2 Restricted Parking Zones. Pursuant to N.J.S.A 39:4-197.6, Restricted Parking Zones, as defined in N.J.S.A. 39:4-207.6e, are established in front of the following residences as indicated on the Tax Maps of the Township of West Orange, at the specified locations. Parking within a specific zone is restricted to the motor vehicle issued a permit pursuant to N.J.S.A. 39:4-197.7. In accordance with N.J.S.A., 39:4-197.6 parking is permitted in the Restricted Parking Zone except when prohibited in front of the residence by other sections of this Chapter.

Residence Address	Side	No. of Spaces	Location
160 South Valley Road	East	1	Beginning 153 feet north of the northerly curbline of Meeker Street extended, and extending 20 feet north.
34 Park Terrace	South	1	Beginning 503 feet west of the westerly curbline of Main Street extended, and extending 20 feet west.
48 Liberty Street	East	1	Beginning 265 feet north of the northerly curbline of Columbia Street extended, and extending 20 feet north.

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and upon the approval of the New Jersey Department of Transportation if required.

ROBERT D. PARISI, MAYOR

CINDY MATUTE-BROWN, COUNCIL PRESIDENT

INTRODUCED:

ADOPTED:

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

LEGISLATIVE HISTORY

This Ordinance is in response to requests from handicapped residents who reside at 160 South Valley Road, 34 Park Terrace, and at 48 Liberty Street. By adopting this Ordinance, the Township will establish handicapped parking stalls adjacent to these addresses. Such parking stalls are permissible under the laws of New Jersey, and they are designated as Restricted Parking Zones. These stalls are still subject to other parking regulations and prohibitions on their streets.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 40.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PERMITS)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25 of the Revised General Ordinances of the
Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to amend and update the fees for a certificate of continued
occupancy for commercial properties to add a maximum cap of \$5,000 for the fee.

**II. CHAPTER 25, SECTION 40.2 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

25-40.2 Permits.

a. Building Permits.

1. No building, structure or part thereof shall be erected, constructed, reconstructed, structurally altered or moved until there has been filed with the Construction Official a plan in duplicate, drawn to scale showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location of the main structure, building or buildings, together with accessory buildings, if any, supplemented by such other information as may be necessary to provide for the enforcement of this chapter, and to determine the propriety of issuance of a Building Permit by the Construction Official, with a prior signoff of the Zoning Officer.
2. No Building Permit shall be issued for the erection, construction, reconstruction, alteration or moving of any building or structure or part thereof, unless the plans indicate that such building or structure or part thereof, is designed and intended to conform in all respects to the provisions of this chapter, and until either the Planning Board or Zoning Board, where applicable, have approved a site plan that conforms with the requirements of this chapter. However, in the case of a permitted single family house, Planning Board or Zoning Board approval is not required prior to the issuance of a Building Permit unless specific conditions have been placed on the property by the Township Council.
3. Prior to the issuance of a Building Permit or Certificate of Occupancy for any permitted or nonconforming use, the applicant shall apply for any required approvals

from the Planning Board or Board of Adjustment, such as site plan or variance approval.

4. Prior to the issuance of Building Permits for any application approved by the Planning Board or Zoning Board of Adjustment, the applicant shall submit eight copies of plans (site plans and architectural plans including floor plans and elevations) to the Planning Director to be signed by the Township Engineer, the Board Chairman and the Board Secretary. Signed plans in accordance herewith are required before any construction or other permits may be issued.
 5. If any construction takes place that deviates from the plans or resolution of approval by the Planning Board and/or Zoning Board of Adjustment, the approval shall be deemed null and void.
 6. If the approval is deemed null and void, all construction must stop.
 7. Prior to the issuance of any construction or building permits, all required governmental permits and approvals must be obtained and copies provided to the Director of Planning and Municipal Engineer.
- b. Certificate of Occupancy Permit.**
1. Upon the completion in compliance with all the provisions of this chapter of any building or structure or alteration or enlargement thereto, upon the putting into use of any premises, lot or land where no building or structure is involved, or upon any change in tenancy for any nonresidential structure or lot, the owner or agent shall apply to the Construction Official and Zoning Officer in writing, for the issuance of a Certificate of Occupancy or use, pursuant to the provisions of this section. The Certificate, when issued by the Construction Official and Zoning Officer, shall show that the building or structure, premises, lot or land or part thereof and the proposed use are in conformity with the provisions of this chapter and of all other applicable ordinances. It shall be the duty of the Construction Official and Zoning Officer to issue a Certificate of Occupancy or use within 10 days after a written request for the same shall be filed in his/her office by the owner or agent, after having determined that the building or structure, premises, lot or land and the proposed use conform with this chapter and all other applicable ordinances.
 2. No Certificate of Occupancy shall be issued unless the Township Engineer shall certify, where applicable, that all construction improvements have been installed pursuant to the plans as filed with the Construction Official and Zoning Officer.

3. A Certificate of Occupancy or Use shall be similarly applied for in the name of the owner, in the case of any building, structure, or premises, lot or land proposed to be put into use pursuant to any variance of the provisions of this chapter granted by the Board of Adjustment or by the Planning Board. Such certificate, when issued by the Construction Official and Zoning Officer, shall include a detailed description of the variance.
 4. Upon written application of the owner or agent, the Construction Official shall issue a Certificate of Occupancy or use for any building or structure, premises, lot or land existing and in use on the effective date of this chapter, provided that he shall find that the use of such building or structure, premises, lot or land is in conformity with the provisions of this chapter and of all other applicable ordinances.
 5. Upon written application, the Construction Official is empowered to issue limited and conditional Certificates of Occupancy for nonconforming buildings or structures accessory and incident to building construction or public works projects or to the holding of public, civic or charitable entertainments or exhibition for profit or nonprofit sponsored under public or private auspices; provided that no certificate shall cover a period exceeding six months; and further provided that the certificate shall prescribe such reasonable conditions as will properly protect the public health, safety, morals and general welfare of the neighborhood in which such structure is situated.
 6. The Construction Official shall require from the Planning Board a written order before issuing a Certificate of Occupancy or Use in cases involving a conditional use pursuant to Subsection **b** of this subsection or a variance from the provisions of this chapter pursuant to Subsection **25-24.2**.
 7. (Reserved)
 8. Prior to the issuance of a building permit or Certificate of Occupancy for any permitted or nonconforming use, the applicant shall apply for any required approvals from the Planning Board or Board of Adjustment, such as site plan or variance approval.
 9. Fees. Any person requesting a Certificate of Occupancy shall pay a fee of \$50 per dwelling unit for the inspection.
- c. Environmental Impact Permits shall be issued pursuant to § **25-13**.

d. Certificate of Continued Occupancy.

- 1.** Prior to the sale or rental of any existing residential structure containing one unit or more, a Certificate of Continued Occupancy must be obtained which shall be issued by the Construction Official or designated agency or department provided with the authority to grant and issue such certificates. The application of such permit shall be made by the owner of record and shall comply with such administrative provisions as required by the Construction Official in accordance with N.J.A.C. 52:27D-198.1. The Certificate of Continued Occupancy shall be proof that the structure in question complies with all health and safety codes of the Township and State of New Jersey, that it is in compliance with all fire safety requirements as set forth in Chapter **18**, § **183**, of the Township Code, and that it is in compliance with the Land Use Regulations of the Township or is considered a legal nonconforming use.
- 2.** Prior to the sale or change in occupancy of any unit in an existing commercial structure, a Certificate of Continued Occupancy shall be issued by the Construction Official. The application of such permit shall be made by the owner of record and shall comply with such administrative provisions as required by the Construction Official. The Certificate of Continued Occupancy shall be proof that the structure in question complies with all health and safety codes of the Township and State of New Jersey that it is in compliance with all fire safety requirements as set forth in § **25-40.3** of this chapter of the Township Code, and that it is in compliance with the Land Use Regulations of the Township or is considered a legal nonconforming use.
- 3.** The Certificate of Continued Occupancy shall state the maximum number of persons that may lawfully occupy the premises covered by the certificate. The occupancy number must match the documentation submitted.
- 4.** The fee for requesting the issuance of a Certificate of Continued Occupancy shall be as follows:

Single Unit Residential Dwelling	\$100
2 Unit Residential Dwelling	\$150
3 Unit Residential Dwelling	\$200
4 Unit Residential Dwelling	\$250
5 Unit Residential Dwelling	\$300
6 Unit Residential Dwelling	\$350
Sale or Change in Occupancy of \$100 per unit up to 1,000 square feet or \$0.10 per square	
Commercial Space foot for 1,001 square feet to 5,000 square feet or \$0.15 per square foot for	
5,001 square feet and up to a maximum of \$5,000.	

Reinspection fee

\$50

5. It shall be the responsibility of the Tax Assessor of the Township to advise individuals requesting tax assessment searches that a Certificate of Continued Occupancy is required in connection with the sale of any single unit residential dwelling, any sale or change in occupancy of any residential structure containing one or more units or any change in occupancy of any existing commercial unit.
6. Any person seeking a determination from the Construction Official that a Certificate of Continued Occupancy is not required prior to the sale of any existing building, dwelling unit or residence shall pay to the Township a fee of \$25 for such determination.
7. Notwithstanding anything to the contrary herein, anyone who obtains title or held an ownership interest without first obtaining a Certificate of Continued Occupancy shall be fully responsible and liable under this ordinance.
8. To the extent that an owner fails to obtain a Certificate of Continued Occupancy and closes title, the owner shall remain liable for a separate violation on each day until a Certificate of Continued Occupancy is issued. This continuing violation for each and every day shall be consistent with § 25-59b.
9. Any person who serves as an agent, employee or representative of any party to a real estate transaction, including but not limited to any licensed real estate broker, attorneys for seller, buyer, and/or lender may be found liable for a violation hereunder and punished to the full extent of the law.
10. Upon inspection of any building, premises, apartment or any other dwelling unit, the Construction Official, upon finding that the dwelling unit contains only minor violations of this chapter which are not related to the health, safety and welfare of a prospective tenant so as to prohibit occupation of the tenant, may allow a Temporary Certificate of Continued Occupancy to be issued which shall be conditioned upon the property owner's, landlord's or tenant's complying with the provisions of this chapter and the Uniform Construction Code within a reasonable period of time not to exceed 30 days or as per the construction official in writing from the issuance. A permanent Certificate of Continued Occupancy, when all requirements are met within the given time period, shall have no additional fee.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

**CINDY MATUTE BROWN
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: November 9, 2021

ADOPTED: November 23, 2021

2666-21

Legislative History

This ordinance amends and updates the fees for a certificate of continued occupancy for commercial properties to add a maximum cap of \$5,000 for the fee.

AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE READY PARKING SPACES

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Township of West Orange, Essex County.

WHEREAS, supporting the transition to electric vehicles contributes to the Township of West Orange's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Township of West Orange encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of the Township of West Orange adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals of the Master Plan as well as the land use, circulation, and ***environmental and sustainability*** elements of the Master Plan; and

WHEREAS, the Township of West Orange encourages greater ownership and use of electric vehicles, thus the Township of West Orange is amending its land use ordinances to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

Certificate of Occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

4. The Zoning Official or her designee shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Township of West Orange's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the Zoning Officer or her designee within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not

be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Township of West Orange's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to

- a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Township of West Orange shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees

- a. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be no fee subject to ¶(b) below.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

THIRD: REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

FOURTH: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as provided by law.

ROBERT D. PARISI, MAYOR

**CINDY MATUTE BROWN
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: November 23, 2021

ADOPTED: December 14, 2021

Legislative History

This ordinance amends and updates the Township's land use ordinances to encourage use of electronic vehicles. This ordinance is consistent with the model ordinance authorized pursuant to Senate Bill No. 3284 which amended N.J.S.A. 40:55A-1.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25, LAND USE
REGULATIONS, SECTION 25-29, STORMWATER CONTROL AND SUBSECTIONS 25-29.1
THROUGH 25-29.13 OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST ORANGE**

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, that Revised General Ordinance 25-29.1 through 25-29.13 are repealed in their entirety and replaced, amended and supplemented as follows including new subsection 25-29.14.

25-29 – Stormwater Control

Section I. 25-29.1 Purpose Scope and Purpose:

A. Policy Statement

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

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

B. Purpose

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

C. Applicability

Applicability. This section shall be applicable to any site plan or subdivision that requires preliminary or final site plan review.

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

D. Compatibility with Other Permit and Ordinance Requirements

~~Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this section are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section does not interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section 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.~~

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

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

Section II. 25-29.2 Definitions:

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

CAFRA CENTERS, CORES OR NODES

Shall mean those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

CAFRA PLANNING MAP

Shall mean the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

COMPACTION

Shall mean the increase in soil bulk density.

CORE

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

COUNTY REVIEW AGENCY

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

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

Shall mean the New Jersey Department of Environmental Protection.

DESIGN ENGINEER

Shall mean 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.

DESIGNATED CENTER

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

DEVELOPMENT

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

DRAINAGE AREA

Shall mean 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.

EMPOWERMENT NEIGHBORHOOD

Shall mean a neighborhood 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.

ENVIRONMENTALLY CONSTRAINED AREA

Shall mean 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 AREAS

Shall mean an area or feature which is of significant environmental value, including, but not limited to: stream corridors; natural heritage priority sites; habitat 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.

EROSION

Shall mean the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE

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

INFILTRATION

Shall mean the process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT

Shall mean any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by 1/4 acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. are also considered "major development."

MUNICIPALITY

Shall mean any city, borough, town, township, or village.

NODE

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

NUTRIENT

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

PERSON

Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State and any State, interstate or Federal agency.

POLLUTANT

Shall mean and include both hazardous and nonhazardous pollutants.

POLLUTANT

Shall mean 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, groundwaters or surface waters of the State, or to a domestic treatment works.

RECHARGE

Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT

Shall mean 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

Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL

Shall mean all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

Shall mean 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

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

STORMWATER MANAGEMENT BASIN

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

STORMWATER MANAGEMENT MEASURE

Shall mean any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF

Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA

Shall mean a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

Shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES

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

URBAN REDEVELOPMENT AREA

Is defined as previously developed portions of areas:

~~1.~~

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

~~2.~~

~~Designated as CAFRA Centers, Cores or Nodes;~~

~~3.~~

~~Designated as Urban Enterprise Zones; and~~

~~4.~~

~~Designated as Urban Coordinating Council Empowerment Neighborhoods.~~

WATERS OF THE STATE

Shall mean 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

Shall mean an area that is inundated or saturated by surface water or groundwater 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.

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, racetracks, and runways.

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with 25-29.4.F of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

“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.

~~§ 25-29.3 General Standards.~~

[Ord. No. 2357-12 § 25-29.3] **Section III. 25-29.3 Design and Performance Standards for Stormwater Management Measures**

~~a.~~

~~Design and Performance Standards for Stormwater Management Measures.~~

~~1.~~

~~Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in this section. To the maximum extent feasible, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.~~

~~2.~~

~~The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. Such alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in this section.~~

~~3.~~

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

- 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.

Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

Section IV. 25-29.4 Stormwater Management Requirements for Major Development

~~a.~~

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

~~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 muhlenbergi* (bog turtle).

~~c.~~

The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Subsection ~~25-29.4f~~ and ~~g~~:

~~1.~~

The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

~~2.~~

The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; 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 groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Subsection **25-29.4f** and **g** may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1.

The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2.

The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Subsections **25-29.4f** and **g** to the maximum extent practicable;

3.

The applicant demonstrates that, in order to meet the requirements at Subsection **25-29.4f** and **g**, existing structures currently in use, such as homes and buildings would need to be condemned; and

4.

The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection d3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of Subsection **25-29.4f** and **g** that were not achievable on-site.

e.

Nonstructural Stormwater Management Strategies.

1.

To the maximum extent practicable, the standards in Subsections **25-29.4f** and **g** shall be met by incorporating nonstructural stormwater management strategies at Subsection **25-29.4e** into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection **25-29.4e**,² below into the

design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2.

Nonstructural stormwater management measures incorporated into site design shall:

(a)

Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

(b)

Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

(c)

Maximize the protection of natural drainage features and vegetation;

(d)

Minimize the decrease in the "time of concentration" from preconstruction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

(e)

Minimize land disturbance including clearing and grading;

(f)

Minimize soil compaction;

(g)

Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

(h)

Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

(i)

Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the

release of those pollutants into stormwater runoff. These source controls include, but are not limited to:

~~(1)-~~

Site design features that help to prevent accumulation of trash and debris in drainage systems;

~~(2)-~~

Site design features that help to prevent discharge of trash and debris from drainage systems;

~~(3)-~~

Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

~~(4)-~~

When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

~~3.-~~

Any land area used as a nonstructural stormwater management measure to meet the performance standards in Subsection ~~25-29.4f~~ and ~~g~~ shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

~~4.-~~

Guidance for nonstructural stormwater management measures is available in the New Jersey Stormwater Best Management Practices Manual. The manual is available on the Department of Environmental Protections' stormwater web page at <http://www.njstormwater.org>.

~~f.-~~

Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

~~1.-~~

This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

~~(a)~~

The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

~~(b)~~

The minimum design and performance standards for groundwater recharge are as follows:

~~(1)~~

The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Subsection ~~25-29.5~~, either:

~~[a]~~

Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or

~~[b]~~

Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the two-year storm is infiltrated.

~~(2)~~

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

~~(3)~~

The following types of stormwater shall not be recharged:

~~[a]~~

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

~~[b]~~

Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly

related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

~~(4)~~

The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

~~(c)~~

In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Subsection ~~25-29.4~~, complete one of the following:

~~(1)~~

Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;

~~(2)~~

Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

~~(3)~~

Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten-, and 100-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the

increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

~~(4)~~

In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsections ~~(1), (2)~~ and ~~(3)~~ above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

~~2.~~

Any application for a new agricultural development that meets the definition of major development at Subsection ~~25-29.2~~ shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

~~8.~~

Stormwater Runoff Quality Standards.

~~1.~~

Table 1: Water Quality Design Storm Distribution			
Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334

50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The 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 Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

2-

For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Subsection **25-29.7**, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Subsection **25-29.7**. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey, 08625-0418.

3-

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

$$R = A + B - (A \times B) / 100$$

Where:

- R = total TSS 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

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS % Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Subsection 25-29.6c .
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

~~4.~~

If there is more than one on-site drainage area, the 80% TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

~~5.~~

Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Subsections ~~25-29.4f~~ and ~~g~~.

~~6.~~

Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Subsection ~~25-29.7~~.

~~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.~~

Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional

recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

(a)

The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

(1)

A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the center line of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

(2)

Encroachment within the designated special water resource protection area under Subsection **(1)** above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one 150 feet as measured perpendicular to the top of bank of the waterway or center line of the waterway where the bank is undefined. All encroachments proposed under this subsection shall be subject to review and approval by the Department.

(b)

All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

(c)

If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard for Off-Site Stability in the, "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(1)

Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(2)

Stormwater associated with discharges allowed by this section shall achieve a 95% TSS post-construction removal rate;

~~(3)~~

~~Temperature shall be addressed to ensure no impact on receiving waterway;~~

~~(4)~~

~~The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;~~

~~(5)~~

~~A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and~~

~~(6)~~

~~All encroachments proposed under this subsection shall be subject to review and approval by the Department.~~

~~(d)~~

~~A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Subsection 25- 29.4g,8 has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Subsection g,8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Subsection g,8(a)(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.~~

~~(e)~~

~~This subsection does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before the effective date of the Stormwater Management Rules adopted March 21, 2006, provided that the construction begins on or before five years from effective date of the Stormwater Management Rules.~~

~~§ 25-29.5~~ **Calculation of Stormwater Runoff and Groundwater Recharge.**

~~[Ord. No. 2357-12 § 25-29.5]~~

~~a-~~

~~Stormwater runoff shall be calculated in accordance with the following:~~

1.

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

(a)

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4-Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds; or

(b)

The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2.

For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection **25-29.5a**,1(a) and the Rational and Modified Rational Methods at Subsection **25-29.5a**,1(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3.

In computing preconstruction 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 preconstruction 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 and other methods may be employed.

5.

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

~~b.~~

Groundwater recharge may be calculated in accordance with the following:

~~1.~~

The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- 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 25-29.4.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of 25-29.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of 25-29.4 O, P, Q and R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of 25-29.4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 25-29.4 D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of 25-29.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in 25-29.4 O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u> <u>1^(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>

<u>Manufactured Treatment Device</u> ^{(a), (g)}	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System</u> ^(a)	<u>80</u>	<u>Yes</u>	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(c)
<u>Small-Scale Bioretention Basin</u> ^(a)	<u>80 or 90</u>	<u>Yes</u>	<u>Yes</u> ^(b) <u>No</u> ^(c)	<u>2</u> ^(b) <u>1</u> ^(c)
<u>Small-Scale Infiltration Basin</u> ^(a)	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

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

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

- (a) subject to the applicable contributory drainage area limitation specified at 25-29.4. O.2;
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot-wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with 25-29.6.B. Alternative stormwater

management measures may be used to satisfy the requirements at 25-29.4.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with 25-29.4.D is granted from 25-29.4.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of 25.29.8.C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at 25-29.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at 25-29.4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 25-29.4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Essex County Register of Deeds and Mortgages, Hall of Records, 465 Martin Luther King Jr. Boulevard, #130, Newark, NJ 07102. 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 25-29.4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to 25-29.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV 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 Essex County Register of Deeds and Mortgages, Hall of Records, 465 Martin Luther King Jr. Boulevard, #130, Newark, NJ 07102 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 25-29.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at 25-29.4.F. and/or an alternative stormwater management measure approved in accordance with 25-29.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at 25-29.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with 25-29.4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with 25-29.4.G may be used to meet the

groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 25-29.4.P, Q and R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at 25-29.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with 25-29.4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at 25-29.5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects 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 or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-

products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
 - iii.
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

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 25-29.4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and

- 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section V. 25-29.5 Calculation of Stormwater Runoff and Groundwater Recharge:

a.

Stormwater runoff shall be calculated in accordance with the following:

1.

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

(a)

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 Hydrology and Technical Release 55—Urban Hydrology for Small Watersheds; or

(b)

The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2.

For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection **25-29.5a**,1(a) and the Rational and Modified Rational Methods at Subsection **25-29.5a**,1(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3.

In computing preconstruction 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 preconstruction 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 and other methods may be employed.

5.

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

b.

Groundwater recharge may be calculated in accordance with the following:

1.

The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

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

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

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

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

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

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

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

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at 25-29.5.A.1.i and the Rational and Modified Rational Methods at 25-29.5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good

hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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.

~~§ 25-29.6 Standards for Structural Stormwater Management Measures.~~

[Ord. No. 2357-12 § 25-29.6] **Section VI. 25-29.6 Sources for Technical Guidance:**

~~a-~~

~~Standards for structural stormwater management measures are as follows:~~

~~1-~~

~~Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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-~~

Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one inch 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 $\frac{1}{3}$ the width of the diameter of the orifice or $\frac{1}{3}$ 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 Subsection **25-29.8b**.

~~3.~~

Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

~~4.~~

At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

~~5.~~

Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Subsection **25-29.8**.

~~b.~~

Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by this section.

~~c.~~

Manufactured treatment devices may be used to meet the requirements of this section, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

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

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

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

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

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

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

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

~~§ 25-29.7~~**Sources for Technical Guidance.**

[Ord. No. 2357-12 § 25-29.7] **Section VII. 25-29.7 Solids and Floatable Materials Control Standards:**

~~a-~~

Technical guidance for stormwater management measures can be found in the documents listed at Subsections 1 and 2 below, which are available from Maps and Publications, Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; (609) 777-1038.

~~1-~~

Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

~~2-~~

The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

~~b-~~

Additional technical guidance for stormwater management measures can be obtained from the following:

~~1-~~

The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location,

address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625; (609) 292-5540;

~~2.~~

~~The Rutgers Cooperative Extension Service, (732) 932-9306; and~~

~~3.~~

~~The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.~~

A. Site design features identified under 25-29.4.F above, or alternative designs in accordance with 25-29.4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see 25-29.7.A.2 below.

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

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

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

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

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

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

Section VIII. 25-29.8 Safety Standards for Stormwater Management Basins:

a-

This subsection 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.

b-

The provisions of this subsection are not intended to preempt more stringent municipal or County safety requirements for new or existing stormwater management basins.

c-

Requirements for Trash Racks, Overflow Grates and Escape Provisions:

1-

A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the

stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

~~(a)~~

The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

~~(b)~~

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

~~(c)~~

The average velocity of flow through a clean trash rack is not to exceed two and one-half feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

~~(d)~~

The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft. sq.

~~2.~~

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

~~(a)~~

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

~~(b)~~

The overflow grate spacing shall be no less than two inches across the smallest dimension.

~~(c)~~

The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft. sq.

~~3.~~

For purposes of this subsection, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

~~(a)~~

If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Subsection ~~25-29.8d~~ a freestanding outlet structure may be exempted from this requirement.

~~(b)~~

Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See Subsection ~~25-29.8e~~ for an illustration of safety ledges in a stormwater management basin.

~~(c)~~

In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

~~d.~~

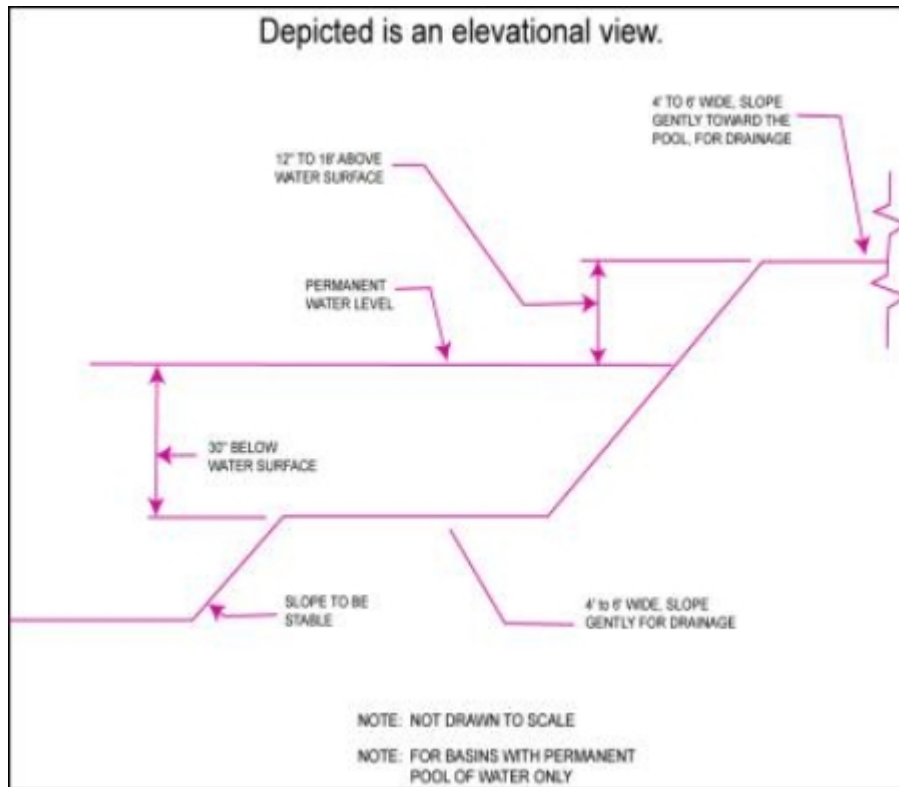
Variance or Exemption from Safety Standards.

~~1.~~

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

~~e.~~

Illustration of Safety Ledges in a New Stormwater Management Basin.



- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in 25-29.8.C.1, C.2 and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

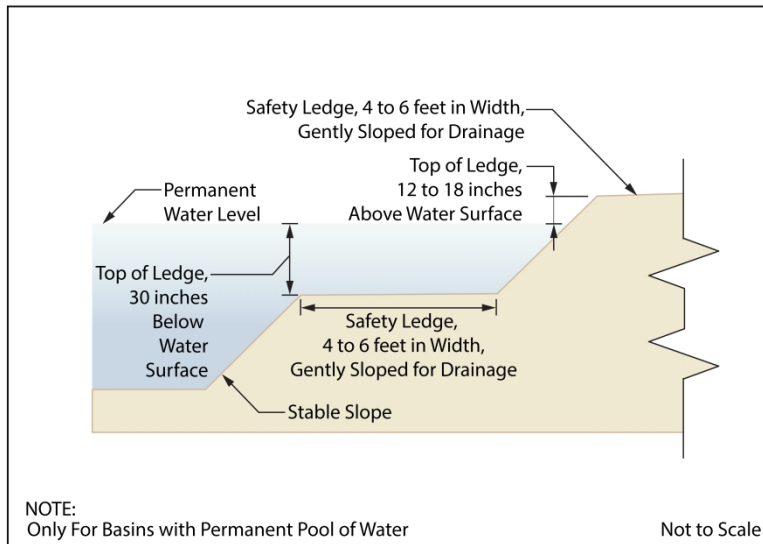
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 25-29.8.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See 25-29.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. 25-29.9 Requirements for a Site Development Stormwater Plan:

a.

Submission of Site Development Stormwater Plan.

1.

Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection ~~25-29.9c~~ below as part of the submission of the applicant's application for subdivision or site plan approval.

2.

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

3.

The applicant shall submit the specified number of copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection ~~25-29.9c~~ of this section.

b.

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

Checklist Requirements. The following information shall be required:

~~1.~~

Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category 1 waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing manmade 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 manmade features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

~~3.~~

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

~~4.~~

Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of Subsections ~~25-29.3~~ through ~~25-29.6~~ are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

~~5.~~

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

~~(a)~~

~~Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.~~

~~(b)~~

~~Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.~~

~~6.~~

~~Calculations.~~

~~(a)~~

~~Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in Subsection **25-29.5** of this section.~~

~~(b)~~

~~When the proposed stormwater management control measures (e.g. infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.~~

~~7.~~

~~Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Subsection 25-29.10.~~

~~8.~~

~~Waiver from Submission Requirements. The municipal official or board reviewing an application under this section may, in consultation with the Municipal Engineer, waive submission of any of the requirements in Subsections **25-29.9c**, 1 through 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.~~

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 25-29.9.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit twenty (20) copies of the materials listed in the checklist for site development stormwater plans in accordance with 25-29.9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV 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 25-29.10.

8. Waiver from Submission Requirements

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

Section X. 25-29.10 Maintenance and Repair:

~~a.~~

~~Applicability.~~

~~1.~~

Projects subject to review as in Subsection ~~25-29.1c~~ of this section shall comply with the requirements of Subsection 25-29.10b and c.

~~b.~~

~~General Maintenance.~~

~~1.~~

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

~~2.~~

The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

~~3.~~

Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

~~4.~~

If the person responsible for maintenance identified under Subsection 25-29.10b,2 above is not a public agency, the maintenance plan and any future revisions based on Subsection 25-29.10b,7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

~~5.~~

Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the

structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

~~6.~~

The person responsible for maintenance identified under Subsection 25-29.10b,2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

~~7.~~

The person responsible for maintenance identified under Subsection 25-29.10b,2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

~~8.~~

The person responsible for maintenance identified under Subsection 25-29.10b,2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections 25-29.10b,6 and 7 above.

~~9.~~

The requirements of Subsections 25-29.10b,3 and 4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

~~10.~~

In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

~~c.~~

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

~~d.~~

Penalties: Any responsible person who violates any portion or section of this section shall be subject to those specified in Chapter 1, § 1-5 of these Revised General Ordinances.

A. Applicability

Projects subject to review as in 25-29.1.C of this ordinance shall comply with the requirements of 25-29.10.B and C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under 25-29.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on 25-29.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under 25-29.10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by 25-29.10.B.6 and B.7 above.
8. The requirements of 25-29.10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Regardless if the stormwater management facilities are maintained by the municipality, another government agency or a private property owner or owners' association a two-year maintenance guarantee shall be posted for these facilities in accordance with N.J.S.A. 40: 55D-53. Maintenance and inspection guidance can be found on the Department's website at:

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

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

Section XI. 25-29.11 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:

See Section 25-59

{Municipality to specify}

~~§ 25-29.11 Severability.~~

~~{Ord. No. 2357-12 § 25-29.11}~~

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

Section XII. 25-29.12 Severability:

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

~~§ 25-29.12 Repealer.~~

~~{Ord. No. 2357-12 § 25-29.12}~~ **Section XIII. 25-29.13 Repealer**

All other ordinances or parts of ordinances inconsistent with this section are hereby repealed.

~~§ 25-29.13 Effective Date.~~

~~{Ord. No. 2357-12 § 25-29.13}~~ **Section XIV. 25-29.14 Effective Date:**

This section shall take effect upon the approval by the County review agency, or 60 days after submission to the County review agency if they fail to act.

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

Robert D. Parisi, Mayor

Cindy Matute-Brown, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: November 23, 2021

Adopted: December 14, 2021

2668-21

LEGISLATIVE HISTORY

The provisions of the Federal Clean Water Act are administered by the New Jersey Department of Environmental Protection (NJDEP). The NJDEP adopted regulations which require Municipalities to follow to be in compliance with the Federal Act. This stormwater control ordinance regulates new land use developments and other land use projects which may not require land use approval. This new Ordinance which follows the NJDEP Model Ordinance amends the current Stormwater Control Ordinances of Chapter 25, Land Use Regulations.

**TOWNSHIP OF WEST ORANGE
COUNTY OF ESSEX, NEW JERSEY**

ORDINANCE NUMBER 2669-21

**BOND ORDINANCE PROVIDING FOR THE INSTALLATION
OF A SANITARY SEWERAGE SYSTEM AND
ASSOCIATED LATERALS LOCATED ON MELLON
AVENUE BETWEEN CLEVELAND TERRACE AND
KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF
WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF
NEW JERSEY; APPROPRIATING \$160,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS
OR NOTES OF THE TOWNSHIP TO FINANCE PART OF
THE COST THEREOF AND DIRECTING A PORTION OF
THE SPECIAL ASSESSMENT OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW
JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS
FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this
bond ordinance is hereby authorized as a local improvement to be undertaken by the
Township of West Orange, in the County of Essex, State of New Jersey (the "Township")
pursuant to N.J.S.A. 40:56-1 et seq. and the cost of said improvement or purpose shall be
assessed on the properties benefitted thereby. For the improvement or purpose stated in
Section 3, there is hereby appropriated the amount of \$160,000, including the amount of
\$8,000 as the down payment for the improvements or purposes required by the Local
Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now
available therefor by virtue of a provision in a previously adopted budget or budgets of the
Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose and to meet the \$160,000 appropriation not provided for by the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$152,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$152,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is for the installation of a sanitary sewerage system and associated laterals to properties located on Mellon Avenue between Cleveland Terrace and Kitchener Avenue, known as Block 175.08, Lots 8, 9 and 12 and Block 175.14, Lots 1, 2 and 3, as referenced on the official tax map of the Township (the "Assessed Properties"), all as shown on and in accordance with plans on file in the Office of the Township Clerk, which plans are hereby approved. Such improvements shall also include, as applicable, the acquisition of rights-of-way, excavation, installation of sanitary sewer mains, associated laterals, sewer pipes and all piping and valves associated therewith, site restoration, repaving and landscaping, engineering and design work and also including all work, materials, labor and appurtenances necessary therefor or incidental thereto. The Assessed Properties are also on file in the office of the Township Clerk and are hereby incorporated in this bond ordinance as if more fully set forth herein.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$152,000.

(c) The estimated cost of said improvement or purpose is \$160,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$152,000, is the down payment for said improvement or purpose in the amount of \$8,000.

(d) The estimated total cost of the improvement or purpose to be assessed against the Assessed Properties is \$96,000.

(e) The estimated total cost of the improvement or purpose to be contributed and borne by the Township is \$64,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Essex make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Essex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Essex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided

that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Township. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Township, a revised capital or temporary capital budget for the Township has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement and purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully undertake as a local improvement, the cost of which has been or shall be specially assessed on the Assessed Properties, which Assessed Properties shall be specially benefited thereby.

(b) The Township will contribute \$64,000 to the cost of the improvement or purpose described in Section 3 hereof, and the Assessed Properties will contribute \$96,000 to the cost of the improvement or purpose described in Section 3 hereof.

(c) The number of annual installments in which the special assessments may be paid is twenty (20) years.

(d) The estimated maximum amount of special assessments shall be \$96,000.

(e) At least seven (7) days prior to such time fixed for further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the introduction hereof, and the time and place, when and where this bond ordinance will be further considered for final passage shall be mailed to the person whose land may be affected by this bond ordinance or any assessments which may be made in pursuance thereof, so far as the same may be ascertained, to his/her last known post office address.

(f) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(g) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$152,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(h) An aggregate amount not exceeding \$4,350 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvement or purpose described herein.

(i) If the amount of the assessments on the Assessed Properties is less than \$96,000, then the Township will contribute the difference between such reduced assessment and the cost of the improvement or purpose, such difference to be financed by the issuance of general improvement bonds or notes of the Township.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad*

valorem taxes upon all the taxable properties located within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same “Controlled Group” as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township’s official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: November 23, 2021**

**KAREN J. CARNEVALE, Clerk
Township of West Orange**

**CINDY MATUTE-BROWN,
Council President
Township of West Orange**

**ADOPTED ON SECOND READING
DATED: December _____, 2021**

**KAREN J. CARNEVALE, Clerk
Township of West Orange**

**CINDY MATUTE-BROWN,
Council President
Township of West Orange**

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021.

**ROBERT D. PARISI, Mayor
Township of West Orange**

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by John Gross, the Chief Financial Officer of the Township as of November 23, 2021, that such Supplemental Debt Statement was filed in my office on November 23, 2021 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on November 23, 2021.

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY**

**PUBLIC NOTICE
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 regular meeting of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on November 23, 2021. It will be further considered for final passage, after public hearing thereon, at a virtual meeting of the Township Council of the Township to be held on December 14, 2021 at 7:00 p.m. Information regarding remote access to the meeting may be found on the Township's website at www.westorange.org. 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 PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF
Purpose(s):	Providing for the installation of a sanitary sewerage system and associated laterals to properties located on Mellon Avenue between Cleveland Terrace and Kitcheners Avenue, known as Block 175.08, Lots 8, 9 and 12 and Block 175.14, Lots 1, 2 and 3, as referenced on the official tax map of the Township (the "Assessed Properties"), all as shown on and in accordance with plans on file in the Office of the Township Clerk.
Appropriation:	\$160,000
Bonds/Notes Authorized:	\$152,000
Down Payment:	\$8,000
Section 20 Costs:	\$4,350
Useful Life:	40 Years

**KAREN J. CARNEVALE,
Clerk of the Township of West Orange**

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY PUBLIC NOTICE**

NOTICE OF BOND ORDINANCE ADOPTION AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by Township Council of the Township of West Orange, in the County of Essex, State of New Jersey on December 14, 2021 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF

Purpose(s): Providing for the installation of a sanitary sewerage system and associated laterals to properties located on Mellon Avenue between Cleveland Terrace and Kitchenner Avenue, known as Block 175.08, Lots 8, 9 and 12 and Block 175.14, Lots 1, 2 and 3, as referenced on the official tax map of the Township (the "Assessed Properties"), all as shown on and in accordance with plans on file in the Office of the Township Clerk.

Appropriation: \$160,000

**Bonds/Notes
Authorized:** \$152,000

Down Payment: \$8,000

**Section 20
Costs:** \$4,350

Useful Life: 40 Years

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

CERTIFICATE OF INTRODUCTION OF BOND ORDINANCE

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Township Council of the Township duly called and held on November 23, 2021 at 7:00 p.m. at the Township's Municipal Building or via a virtual meeting, as applicable, and that the following was the roll call:

Present:

**Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford,
Councilwoman Williams, Council President Matute-Brown**

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Township Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township as of this __ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

CERTIFICATE OF FINAL ADOPTION OF BOND ORDINANCE

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Township Council of the Township duly called and held on December 14, 2021 at 7:00 p.m. at the Township's Municipal Building or via a virtual meeting, as applicable, and that the following was the roll call:

Present:

**Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford,
Councilwoman Williams, Council President Matute-Brown**

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Township Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township as of this __ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

CLERK'S CERTIFICATE AS TO ADOPTION OF BOND ORDINANCE

I, KAREN J. CARNEVALE, DO HEREBY CERTIFY that I am the Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on November 23, 2021 and finally adopted on December 14, 2021.

2. After introduction, the bond ordinance was published as required by law on November 24, 2021 in the West Orange Chronicle (name of newspaper).

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Township at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was published as required by law on December 16, 2021 in the West Orange Chronicle (name of newspaper). No protest

signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The bond ordinance has not been amended, added to, altered, or repealed and said ordinance is now in full force and effect.

6. A certified copy of the ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Township is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township as of this __ day of _____, 2021.

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

(SEAL)

**CERTIFICATE OF CLERK AS TO NOTICE
OF LOCAL IMPROVEMENT**

I, KAREN J. CARNEVALE, Clerk of the Township of West Orange , in the County of Essex, State of New Jersey, DO HEREBY CERTIFY, that at least seven (7) days prior to December 14, 2021, a copy of the ordinance entitled, **“BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF”**, together with a notice of the introduction thereof, and the time and place when and where such ordinance was to be further considered for final passage, was mailed to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his/her last known post-office address.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

“BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF”,

there was available a down payment for the purpose authorized by said bond ordinance the amount of \$8,000, which sum was made available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2021.

JOHN GROSS,
Chief Financial Officer