

ORIGINAL

TOWNSHIP OF TEANECK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 4033

AN ORDINANCE AMENDING CHAPTER 38, ENTITLED "STORMWATER CONTROL REGULATION" OF THE TOWNSHIP CODE.

BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, as follows:

SECTION 1. That Article II "Definitions" is hereby amended as follows:

Delete:

"CAFRA Planning Map" means 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.

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

Add:

"Review Agency" means Township of Teaneck Engineering Department.

"Solid and Floatable Materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

SECTION 2. That Article IV "Stormwater Management Requirements for Major Development" Section 38.10 "Nonstructural Stormwater Management Strategies" Subparagraph (a) is hereby amended as follows:

Delete:

(a). To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E 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 Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

Add:

(a). 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 strategies identified under (b) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

SECTION 3. That Article IV "Stormwater Management Requirements for Major Development" Section 38.10 "Nonstructural Stormwater Management Strategies" Subparagraph (c) is hereby amended as follows:

Delete:

Site design features identified under Section 38.10 (b) (a) b. above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 38.10 (c) (3) below.

Add:

Site design features identified under Section 38.10 (b) (a) b. above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For exemptions to this standard see Section 38.10 (c) (3) below.

SECTION 4. That Article IV "Stormwater Management Requirements for Major Development" Section 38.10 "Nonstructural Stormwater Management Strategies" Subparagraph (d) is hereby amended as follows:

Delete:

Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 38.11. and 38.12 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.

Add:

Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 38.11. and 38.12 shall be dedicated to a government agency, subjected to a conservation restriction filed with the Bergen 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.

SECTION 5. That Article IV "Stormwater Management Requirements for Major Development" Section 38.12 "Stormwater Runoff Quality Standards" Subparagraph (b) is hereby amended as follows:

Delete:

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 Section 7, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 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.

Add:

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 Article VII, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Article VII. 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.

SECTION 6. That Article IV "Stormwater Management Requirements for Major Development" Section 38.12 "Stormwater Runoff Quality Standards" Subparagraph (e) is hereby amended as follows:

Delete:

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 Sections 4.F and 4.G.

Add:

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 Sections 38.11 and 38.12.

SECTION 7. That Article IV "Stormwater Management Requirements for Major Development" Section 38.12 "Stormwater Runoff Quality Standards" Subparagraph (f) is hereby amended as follows:

Delete:

Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.

Add:

Additional information and examples of stormwater quality BMP's are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Article VII.

SECTION 8. That Article IV "Stormwater Management Requirements for Major Development" Section 38.12 "Stormwater Runoff Quality Standards" Subparagraph (h).(4). is hereby amended as follows:

Delete:

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 Section 38.12 (h) 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 Section G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Section 38.12 (h) (1) a. 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.

Add:

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 Section 38.12 (h) 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 Section 38.12 (h) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Section 38.12 (h) (1) a. 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.

SECTION 9. That Article IV "Stormwater Management Requirements for Major Development"

Section 38.12 "Stormwater Runoff Quality Standards" Subparagraph (h).(5). is hereby amended as follows:

Delete:

Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

Add:

Section 38.12 (h) does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

SECTION 10. That Article V "Calculation of Stormwater Runoff and Groundwater Recharge" Section 38.13 "Calculation of Stormwater Runoff" Subparagraph (a).(1).a. is hereby amended as follows:

Delete:

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

Add:

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 superceding document; or

SECTION 11. That Article VI "Standards for Structural Stormwater Management Measures" Section 38.15 "Structural Stormwater Management Standards" Subparagraph (a).(2). is hereby amended as follows:

Delete:

Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.

Add:

Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 38.17 (d).

SECTION 12. That Article VI "Standards for Structural Stormwater Management Measures" Section

38.15 "Structural Stormwater Management Standards" Subparagraph (b). is hereby amended as follows:

Delete:

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 Section 4 of this ordinance.

Add:

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 Article IV of this ordinance.

SECTION 13. That Article VI "Standards for Structural Stormwater Management Measures" Section 38.15 "Structural Stormwater Management Standards" Subparagraph (c). is hereby amended as follows:

Delete:

Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Add:

Manufactured treatment devices may be used to meet the requirements of Article IV of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

SECTION 14. That Article VIII "Sources for Technical Guidance" be designated as Article VII "Sources for Technical Guidance".

SECTION 15. That Section 38.16 "Technical Guidance for Stormwater Management" Subparagraph (b).(1). is hereby amended as follows:

Delete:

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;

Add:

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 from the Bergen County Soil Conservation District, 700 Kinderkamack Road, Suite 106, Oradell, New Jersey, 07649, (201) 261-4407;

SECTION 16. That Articles IX, X, and XI be replaced in their entirety with the following:

Article IX: Requirements for a Site Development Stormwater Plan

Sec. 38.18 . Submission of Site Development Stormwater Plan

(a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for

the Site Development Stormwater Plan at Section 38.20 below as part of the submission of the applicant's application for subdivision or site plan approval.

- (b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (c) The applicant shall submit 18 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 38.20 of this ordinance.

Sec. 38.19. 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 of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

Sec. 38.20. Checklist Requirements

(a) 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"=50' 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 environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project Description and Site Plan(s)

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

(4) Land Use Planning and Source Control Plan

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

(5) Stormwater Management Facilities Map

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

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

(6) Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Article IV of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of 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 Article X.

(8) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 38.20 (a) (1) through Sec. 38.20 (a) (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.

Article X: Maintenance and Repair

Sec. 38.21. Applicability

- (a) Projects subject to review as in Section 38.3 of this ordinance shall comply with the requirements of Sections 38.22 and 38.23.

Sec. 38.22. General Maintenance

- (a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (b) 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.
- (c) 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.
- (d) If the person responsible for maintenance identified under Section 38.22 (b) above is not a public agency, the maintenance plan and any future revisions based on Section 38.22 (g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (e) 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.
- (f) The person responsible for maintenance identified under Section 38.22 (b) 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.

- (g) The person responsible for maintenance identified under Section 38.22 (b) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
- (h) The person responsible for maintenance identified under Section 38.22 (b) 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 Sections 38.22 (f) and 38.22 (g) above.
- (i) The requirements of Sections 38.22 (c) and 38.22 (d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
- (j) 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.

Sec. 38.23 Performance and Maintenance Guarantees

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.

Article XI: Penalties

Sec. 38.24 Violations and Penalties

(a) Any person violating the provisions hereof, or any part hereof, shall be subject to a fine or penalty as provided in Article I through Article VI of the Township Code.

SECTION 17. That all ordinances or parts of ordinances contrary to or inconsistent with this ordinance are hereby superseded.

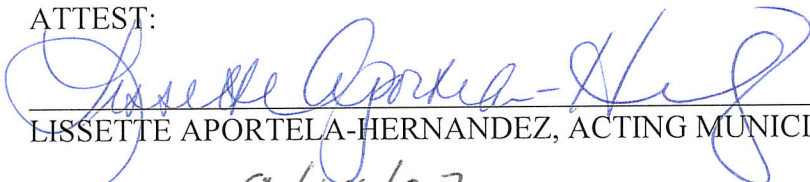
SECTION 18. That if any section of this ordinance be adjudged invalid or unconstitutional, the same shall not affect the validity of the ordinance as a whole or any other section or provision hereby.

SECTION 19. This ordinance shall take the effect immediately upon passage and publication, or otherwise as provided by law.



 ELIE Y. KATZ, MAYOR

ATTEST:



LISSETTE APORTELA-HERNANDEZ, ACTING MUNICIPAL CLERK, R#208-07

Introduced: 9/18/07

Adopted: 10/9/07