



SEPTEMBER 18, 2024 MEETING MINUTES

Mr. Cusick read:

ADEQUATE NOTICE HAS BEEN GIVEN OF THIS MEETING BY NOTIFICATION TO THE ASBURY PARK PRESS AND POSTED ON THE BULLETIN BOARD AND THE OFFICIAL WEBSITE OF THE BOROUGH OF KEANSBURG.

Mr. Cusick asked all to rise and recite:

Salute to the Flag

Mr. Cusick took:

Roll Call

Mr. Donaldson	Mr. Tonne	Mr. Cocuzza	Mr. Foley	Mr. Hoff
✓	✓	✓	✓	✓

Meeting Minutes:

Meeting Minutes August 21, 2024

Mr. Cusick asked for a roll call vote to accept the minutes and to place same on file:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne		✓	✓			
Mr. Cocuzza	✓		✓			
Mr. Foley			✓			
Mr. Hoff			✓			

Ordinances:

Second Reading:

Ordinance #1723 – Classified Positions (07.17.24)

AN ORDINANCE FIXING AND ESTABLISHING A SCHEDULE OF SALARIES, SALARY RANGES, INCREMENTS, WAGES AND FEES FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF KEANSBURG, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.



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WHEREAS the Borough of Keansburg requires a mechanism through which specific salaries are set within those salary ranges;

NOW THEREFORE, BE IT by the Keansburg Borough Council:

- A. The Following salary ranges are hereby established for certain Classified offices and positions under the Municipal Government of the Borough of Keansburg.

Classified Service	Salaries and Wages	
	Minimum	Maximum
Account Clerk	\$40,000.00	\$95,000.00
Assessing Clerk	\$40,000.00	\$60,000.00
Assistant Municipal Clerk	\$40,000.00	\$85,000.00
Assistant Superintendent Water/Sewer	\$45,000.00	\$110,000.00
Assistant Supervisor/Roads	\$45,000.00	\$110,000.00
Building Inspector Trainee	\$5,000.00	\$25,000.00
Building Sub Code Official (P/T)	\$5,000.00	\$35,000.00
Clerk I	\$40,000.00	\$75,000.00
Clerk II	\$40,000.00	\$75,000.00
Clerk III	\$40,000.00	\$75,000.00
Clerk/Typist	\$40,000.00	\$75,000.00
Code Enforcement Officer	\$40,000.00	\$110,000.00
Code Enforcement Officer (P/T Hourly)	\$15.00/hour	\$25.00/hour
Code Enforcement Officer (P/T)	\$5,000.00	\$40,000.00
Construction Official	\$40,000.00	\$100,000.00
Deputy Municipal Court Administrator	\$40,000.00	\$80,000.00
Electrical SubCode Official (P/T)	\$5,000.00	\$30,000.00
Employees Benefits Clerk/Typist	\$40,000.00	\$65,000.00
Equipment Operator	\$45,000.00	\$75,000.00
Evidence Control/Technical Services Support Clerk	\$45,000.00	\$80,000.00



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Evidence Control/Technical Services Support Officer	\$45,000.00	\$80,000.00
Fire SubCode Official (P/T)	\$3,000.00	\$35,000.00
Laborer	\$45,000.00	\$80,000.00
Laborer (P/T)	\$18,000.00	\$45,000.00
Librarian (P/T)	\$15.00/hour	\$35.00/hour
Librarian Assistant	\$26,000.00	\$45,000.00
Mechanic	\$45,000.00	\$100,000.00
Mechanical Broom Operator	\$45,000.00	\$75,000.00
Payroll Clerk	\$40,000.00	\$50,000.00
Payroll Clerk (P/T)	\$5,000.00	\$20,000.00
Payroll Supervisor	\$40,000.00	\$80,000.00
Plumbing Sub Code Official (P/T)	\$5,000.00	\$25,000.00
Police Records Clerk	\$45,000.00	\$65,000.00
Principal Payroll Clerk	\$35,000.00	\$60,000.00
Program Development Specialist I	\$40,000.00	\$50,000.00
Public Works Repairer	\$45,000.00	\$80,000.00
Qualified Purchasing Agent (P/T)	\$35,000.00	\$65,000.00
Records Support Technician I	\$45,000.00	\$75,000.00
Recreation Director (P/T)	\$4,000.00	\$35,000.00
Recycling Coordinator	\$2,000.00	\$10,000.00
School Traffic Guard	\$15.00/hour	\$30.00/hour
Senior Account Clerk	\$40,000.00	\$95,000.00
Senior Employees Benefits Clerk	\$40,000.00	\$65,000.00
Senior Mechanic	\$45,000.00	\$100,000.00
Senior Police Records Clerk	\$45,000.00	\$75,000.00
Special Police Officer Class I	\$15.00/hour	\$30.00/hour



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Special Police Officer Class II	\$25.00/hour	\$40.00/hour
Special Police Officer Class III	\$30.00/hour	\$50.00/hour
Supervisor/Roads	\$45,000.00	\$100,000.00
Tax Clerk	\$35,000.00	\$50,000.00
Tax Clerk (P/T)	\$4,000.00	\$20,000.00
Technical Assist. To Construction Office (TACO) (F/T - P/T)	\$40,000.00	\$65,000.00
Telecommunications Operator	\$45,000.00	\$75,000.00
Telecommunications Operator (P/T)	\$15.00/hour	\$25.00/hour
Telephone Operator/ Receptionist	\$40,000.00	\$45,000.00
Violations Clerk	\$40,000.00	\$55,000.00
Water Repairer/Sewer Repairer (P/T)	\$15.00/hour	\$25.00/hour
Water Repairer/Sewer Repairer / Water Plant Operator	\$45,000.00	\$90,000.00
Water Treatment Plant Operator	\$45,000.00	\$90,000.00
Zoning Officer	\$15,000.00	\$60,000.00

- B. The Borough Council shall annually, by resolution, set the salary of each person employed by the Borough of Keansburg.
- C. The Borough Manager shall hereby have the authority to set starting salaries for each new municipal employee and to increase existing salaries, remaining within the preset range, at his or her discretion. However, the Borough Manager's salary can only be set and/or changed by resolution of the Borough Council.
- D. All Ordinances heretofore enacted by the Borough of Keansburg which are inconsistent with any part of this Ordinance are hereby repealed insofar as they are inconsistent.
- E. This Ordinance shall be effective upon its passage and publication according to law.



SEPTEMBER 18, 2024 MEETING MINUTES

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1723:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff	✓		✓			

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1723:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1723:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff		✓	✓			



SEPTEMBER 18, 2024 MEETING MINUTES

Ordinance #1724 – Unclassified Positions (07.17.24)

AN ORDINANCE FIXING AND ESTABLISHING A SCHEDULE OF SALARIES, SALARY RANGES, INCREMENTS, WAGES AND FEES FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF KEANSBURG, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

WHEREAS the Borough of Keansburg requires a mechanism through which specific salaries are set within those salary ranges;

NOW THEREFORE, BE IT by the Keansburg Borough Council:

- A. The Following salary ranges are hereby established for certain Unclassified offices and positions under the Municipal Government of the Borough of Keansburg.

Unclassified Service	Salaries and Wages	
	<u>Minimum</u>	<u>Maximum</u>
Administrative Secretary	\$40,000.00	\$120,000.00
Borough Manager	\$40,000.00	\$150,000.00
Chief Financial Officer	\$40,000.00	\$75,000.00
Clerk (P/T)	\$15.00/hour	\$18.00/hour
Council Member	\$1,500.00	\$10,000.00
Deputy Registrar of Vital Statistics	\$1,500.00	\$5,000.00
Deputy Municipal Manager	\$10,000.00	\$60,000.00
Economic Development Representative	\$40,000.00	\$80,000.00
Emergency Management Deputy Director	\$1,000.00	\$15,000.00
Emergency Management Director	\$1,000.00	\$15,000.00
Executive Secretary	\$40,000.00	\$120,000.00
Fire Official (P/T)	\$15,000.00	\$45,000.00
Lifeguard	\$15.00/hour	\$18.00/hour
Municipal Clerk	\$40,000.00	\$120,000.00
Municipal Court Administrator	\$45,000.00	\$120,000.00
Municipal Judge	\$25,000.00	\$70,000.00
Municipal Prosecutor	\$10,000.00	\$50,000.00
Municipal Tax Collector	\$40,000.00	\$80,000.00
Parking Meter Enforcement Officer	\$15.00/hour	\$30.00/hour
Parking Meter Repairer	\$15.00/hour	\$40.00/hour
Personnel Assistant	\$1,500.00	\$6,000.00
Public Defender	\$2,000.00	\$25,000.00
Purchasing Assistant	\$1,500.00	\$5,000.00
Registrar of Vital Statistics	\$3,000.00	\$6,000.00
Secretary, Board or Commission	\$1,000.00	\$6,000.00
Substitute School Traffic Guard	\$15.00/hour	\$20.00/hour



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Superintendent of Public Works	\$60,000.00	\$150,000.00
Superintendent, Water & Sewer Dept	\$60,000.00	\$175,000.00
Supervisor of Records	\$45,000.00	\$75,000.00
Tax Assessor (P/T)	\$11,000.00	\$50,000.00
Tax Searcher	\$2,000.00	\$3,000.00

- B. The Borough Council shall annually, by resolution, set the salary of each person employed by the Borough of Keansburg.
- C. The Borough Manager shall hereby have the authority to set starting salaries for each new municipal employee and to increase existing salaries, remaining within the preset range, at his or her discretion. However, the Borough Manager’s salary can only be set and/or changed by resolution of the Borough Council.
- D. All Ordinances heretofore enacted by the Borough of Keansburg which are inconsistent with any part of this Ordinance are hereby repealed insofar as they are inconsistent.
- E. This Ordinance shall be effective upon its passage and publication according to law.

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1724:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff	✓		✓			

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1724:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			



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Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1724:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff		✓	✓			

Ordinance #1725 – Amend Ordinance Alcohol Beverage Control Municipal Fees 2024

AN ORDINANCE AMENDING CHAPTER VI (ALCOHOLIC BEVERAGE CONTROL), SECTION 3.4 (LICENSE FEES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg (the “Borough”) that:

Section 1

Chapter VI (Alcoholic Beverage Control) Section 3.4 (License Fees) of the Revised General Ordinances be amended as follows:

<i>Plenary Retail Consumption License</i>	<i>\$1,500.00</i>
<i>Plenary Retail Distribution License</i>	<i>\$1,500.00</i>
<i>Club License</i>	<i>\$100.00</i>
<i>Transfer Application Fee</i>	<i>\$150.00</i>

Section 2 Repealer

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 3 Inconsistent Ordinances



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All Ordinances of parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 4 Severability

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

Section 5 Effective Date

This Ordinance shall take effect upon its passage and publication according to law.

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1725:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff	✓		✓			

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1725:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1725:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff		✓	✓			



SEPTEMBER 18, 2024 MEETING MINUTES

Ordinance #1726 – BOND Ordinance – Multipurpose / Vehicles – Office Equipment

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS VEHICLES AND CAPITAL EQUIPMENT, AND APPROPRIATING \$1,997,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,897,150 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,997,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$99,850 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of a down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,897,150, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of various vehicles and capital equipment for the Borough, including, but not limited to, a fire truck, an ambulance, a power stretcher, a pickup truck and plow, a postage machine, a sport utility vehicle (SUV) for the Department of Public Works (DPW), an SUV for the Water/Sewer Department, and two (2) SUVs and various communication equipment for the Police Department, together with all work and materials necessary therefor or incidental thereto, as more fully described in plans and specifications on file with the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,897,150, as stated in Section 2 hereof.



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(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,997,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,997,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$99,850 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 12.59 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,897,150 and the obligations authorized herein will be within all debt limitations prescribed by that Law.



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(d) An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1726:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff	✓		✓			



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NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1726:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1726:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne		✓	✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff			✓			

Ordinance #1728– Occupancy Tax 2024

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI (BUILDING AND HOUSING), OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG AUTHORIZING AND IMPOSING AN OCCUPANCY TAX ON CERTAIN RENTALS WITHIN THE BOROUGH OF KEANSBURG

WHEREAS, pursuant to N.J.S.A. 40:48F-1, the Keansburg may impose a tax not exceeding 3% on charges of rent for every occupancy of hotel rooms or transient accommodations obtained through a transient accommodation marketplace; and

WHEREAS, the Keansburg has reviewed the matter and determined that it is appropriate, and in the best interest of Keansburg, to impose a Municipal Occupancy Tax consistent with the provisions of N.J.S.A. 40:48F-1, et seq.;

NOW, THEREFORE, BE IT ORDAINED by the Keansburg as follows:

Section 1. Purpose; Statutory Authority.



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The purpose of this section is to implement the provisions of N.J.S.A. 40:48F-1 et seq., as amended by P.L. 2018, c. 49, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed 3% on charges of rent for every occupancy of a room or rooms in a hotel or transient accommodation, subject to taxation pursuant to Subsection (d) of N.J.S.A. 54:32B-3. This tax shall be in addition to any other tax or fee imposed by statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room or transient accommodation. The definitions of "transient accommodation," "transient space marketplace," "obtained through a transient space marketplace," and "professionally managed unit" in N.J.S.A. 54:32B-2 are incorporated herein by reference.

Section 2. Tax Established.

There is hereby established an occupancy tax at a uniform percentage rate of 3% on charges of rent for every occupancy of a hotel or motel room or transient accommodation in the Borough of Keansburg that is subject to taxation pursuant to N.J.S.A. 54:32B-3d.

Section 3. Tax in Addition to Other Taxes and Fees.

The Municipal Occupancy Tax shall be in addition to any other tax or fee imposed by statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room or transient accommodation.

Section 4. Exemptions.

The Municipal Occupancy Tax authorized herein shall not be imposed on the rent for an occupancy if the purchaser, user, or consumer is an entity exempt from the tax imposed on an occupancy under the Sales and Use Tax Act pursuant to N.J.S.A. 54:32B-9. Furthermore, a "transient accommodation" subject to this tax includes those entities defined as "transient accommodations" in N.J.S.A. 54:32B-2 and shall not include those entities excluded from that definition.

Section 5. Regulations Pertaining to Vendors, Violations, and Penalties.

In accordance with the requirements of N.J.S.A. 40:48F-2:

- A) All taxes imposed by this ordinance shall be paid by the purchaser.
- B) A vendor shall not assume or absorb any tax imposed by this ordinance.
- C) A vendor shall not, in any manner, advertise or hold out to any person or to the public in general, directly or indirectly, that the tax will be assumed or absorbed by



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the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.

D) Each assumption or absorption by a vendor of the tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.

E) Penalties as fixed in the ordinance for the violation of the foregoing provisions.

Section 6. Collection of Tax.

The tax imposed by this ordinance shall be collected on behalf of the Borough of Keansburg by the person collecting the rent from the hotel, motel, or transient accommodation customer. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the Borough of Keansburg shall be joined as a party in any action or proceeding brought to collect the tax.

Section 7. REPEALER: All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 8: INCONSISTENT ORDINANCES. All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

Section 9: SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 10: EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication according to law.

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public for Ordinance #1728:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff	✓		✓			



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NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public for Ordinance #1728:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

Mr. Cusick asked for a roll call vote to ADOPT Ordinance #1728:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne		✓	✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff			✓			

First Reading:

Ordinance #1727 – Sale of Borough Undersized Real Property

ORDINANCE AUTHORIZING THE SALE OF CERTAIN UNDERSIZED PROPERTIES OWNED BY THE BOROUGH TO CONTIGUOUS PROPERTY OWNERS OF IN ACCORDANCE WITH N.J.S.A. 40A:12-13

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the Borough to sell municipally owned real property at a private sale to owner of real property contiguous thereto where the Borough owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, the Mayor and Council of the Borough of Keansburg have determined that the following properties on the Tax Map of the Borough of Keansburg, County of Monmouth, State of New Jersey are not needed for public use



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<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
29	32	11 Grove Place
36	7	Beaconlight Avenue (between Shore Blvd and Woodland Avenue)
54	12.01	90 Raritan Avenue
55	3	109 Raritan Avenue
55	5	117 Raritan Avenue
56	17	138 Center Avenue
107	2	9 Forest Place
107	58	136 Main Street
108	4	29 Forest Avenue

hereinafter referred to as “the Properties”; and

WHEREAS, the subject properties are without capital improvements thereon and are less than the minimum size required for development in those zones; and

WHEREAS, *N.J.S.A. 40A:12-13* further provides that where there is more than one (1) owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of said real property.

NOW, THEREFORE, BE IT RESOLVED by the by the Mayor and Council of the Borough of Keansburg, County of Monmouth, in the State of New Jersey that:

1. The Properties as delineated on the Tax Map of the Borough of Keansburg, County of Monmouth, State of New Jersey, shall be offered for sale at a private sale to the highest bidder of the contiguous property owners pursuant to *N.J.S.A. 40A:12-13*.



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2. The minimum price for bidding shall be as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	<u>Minimum Bid*</u>
29	32	11 Grove Place	\$15,000.00
36	7	Beaconlight Avenue (between Shore Blvd and Woodland Avenue)	\$5,000.00
54	12.01	90 Raritan Avenue	\$15,000.00
55	3	109 Raritan Avenue	\$15,000.00
55	5	117 Raritan Avenue	\$15,000.00
56	17	138 Center Avenue	\$15,000.00
107	2	9 Forest Place	\$15,000.00
107	58	136 Main Street	\$7,500.00
108	4	29 Forest Avenue	\$15,000.00

*Subject to confirmation by Tax Assessor

Pursuant to the Borough Tax Assessor, the price set is considered to be fair market value of each property. In the event that there are no bids received for the Properties, the Borough Council may revise the minimum bid by Resolution.

3. Notice of the Borough’s intention to sell the property shall be advertised in a publication circulating in the municipality within (5) days following the enactment of this Ordinance. Said Notice shall additionally be posted on the Borough of Keansburg website.

4. Any offer for “the Properties” may be thereafter made to the Borough Clerk for a period of twenty (20) days following the above newspaper advertisement, for not less than the minimum price provided herein.

5. The sale of the Properties shall be made to the highest bidder, after the legal advertisement of this Ordinance and notification to contiguous property owners.

6. The Borough does not warrant or certify title to any of the properties and in not event shall the Borough be liable for any damages to the successful bidder if title is found to be unmarketable for any reason. The successful bidder therefore waives and all rights in damages or by way of liens against the Borough of Keansburg.

7. As all of the properties are non-conforming, the successful bidder shall be required to merge the lot with the bidder’s existing contiguous lot by Deed at the time of closing with the Borough.



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8. The Borough Council reserves the right to reconsider its decision to sell the properties within thirty (30) days after the enactment of this Ordinance and either offer the property for sale at a public sale pursuant to N.J.S.A. 40A:12-13(a) or reject all bids and retain the property for Borough use.

9. If the properties are awarded, full payment for the property shall be made by certified check or bank check within thirty (30) days after the award of the bid, which shall be done by further action of the Borough Council.

10. The Borough offers no warranty as to any environmental conditions which may exist on any said properties. All real property may be subject to the provisions of ISRA (Industrial Site Recovery Act), CERCLA (Comprehensive Environmental Response Compensation and Liability Act, commonly known as Superfund) or other environmental laws or regulations. The Borough makes no representations as to the development potential or physical condition of the property.

11. The successful bidder(s) for the properties shall reimburse the Borough for any costs for the preparation of the Deed of Conveyance and for review by the Borough Attorney. This deed shall also contain a current metes and bounds description of the property.

12. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1727 and set for public hearing on Wednesday, October 16, 2024 at 7pm.

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff		✓	✓			



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Ordinance #1729 – Bond Ordinance – Beaconlight and Beachway –

BOND ORDINANCE PROVIDING FOR THE BEACHWAY (WEST) ROAD RECONSTRUCTION PROJECT AND THE BEACONLIGHT AVENUE DRAINAGE AND ROAD RECONSTRUCTION PROJECT, APPROPRIATING \$1,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$962,809 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,350,000, said sum being inclusive of all appropriations heretofore made therefor, including \$191,000 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) and \$167,000 grant funds expected to be received from the Monmouth County Community Development Block Grant (CDBG) Program, and the sum of \$29,191 as down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$962,809, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the:

i) Beachway (West) Road Reconstruction Project, with a total appropriation and estimated cost of \$570,000 including grant funds expected to be received from the NJDOT in the amount of \$191,000, an estimated maximum amount of bonds or notes therefor of \$379,000, and an average period of usefulness of twenty (20) years; and



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ii) Beaconlight Avenue Drainage and Road Reconstruction Project, with a total appropriation and estimated cost of \$780,000 including grant funds expected to be received from the Monmouth County CDBG Program in the amount of \$167,000, an estimated maximum amount of bonds or notes therefor of \$583,809, and an average period of usefulness of twenty (20) years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$962,809, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,350,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,350,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$191,000 grant funds expected to be received from the NJDOT for the Beachway (West) Road Reconstruction Project, \$167,000 grant funds expected to be received from the Monmouth County CDBG Program for the Beaconlight Avenue Drainage and Road Reconstruction Project, and the sum of \$29,191 as down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:



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(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$962,809 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.



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Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1729 and set for public hearing on Wednesday, October 16, 2024 at 7pm.

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff		✓	✓			

Ordinance #1730 – Tree Removal – Replacement

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TREES), SECTION 19-4 (TREE REMOVAL) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

DELETE: Section 19-4 in its entirety.

ADD: Section 19-4

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in Borough of Keansburg to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION II. Definitions:



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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 ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.



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F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III. Regulated Activities:

A. Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall



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submit a Tree Removal Application to the Construction Department. No tree shall be removed until municipal officials have reviewed and approved the removal

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.



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Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$500 per tree removed. This fee shall be placed into a fund dedicated to tree or dune grass planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption Proper justification can be in the form of **photos and statements from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist**

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;



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- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement:

This ordinance shall be enforced by Code Enforcement during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$1000.

SECTION VIII. Severability:

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

SECTION VIII. Effective Date:

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

Appendix A



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Approved list of Replacement tree Species and Planting Standards for the Borough of Keansburg

- Large Trees (Height of 40 feet and over)
- Beech, European (*Fagus sylvatica*)
- Beech, Fernleaf (*Fagus sylvatica fastigiata*)
- Coffeetree, Kentucky (*Gymnocladus dioica*)
- Elm, Delaware American (*Ulmus americana Delaware*)
- Ginkgo, Magyar Upright (*Ginkgo biloba Magyar*)
- Ginkgo, Princeton Sentry (*Ginkgo biloba Princeton Sentry*)
- Hackberry (*Celtis occidentalis*)
- Honeylocust (*Gleditsia triacanthos*)
- Linden, Greenspire
- Littleleaf (*Tilia cordata Greenspire*)
- Katsura Tree (*Cercidiphyllum japonicum*)
- Locust, Sunburst (*Gleditsia triac. Inermis Sunburst*)
- Maple, Norway (*Acer platanaoides*)
- Maple, Red (*Acer rubrum*)
- Maple, Sugar (*Acer saccharum*)
- Oak, Northern Red (*Quercus rubra*)
- Oak, Sawtooth (*Quercus acutissima*)
- Oak, White (*Quercus alba*)
- Oak, Willow (*Quercus phellos*)
- Sweetgum (*Liquidambar styraciflua*)
- Zelkova (*Zelkova serrata*)
- Medium Trees (30 feet to 40 feet)
- Birch, River (*Betula nigra*)
- Chokecherry, Amus (*Prunus maackii*)
- Medium Trees (30 feet to 40 feet)
- Cherry, Kwanzan (*Prunus serrulata Kwanzan*)
- Holly, American (*Ilex opaca*)
- Hophornbeam, American (*Ostrya virginiana*)
- Pear, Capitol Callery (*Pyrus calleryana Capitol*)
- Yellowwood (*Cladrastis lutea*)
- Small Trees (20 feet to 30 feet)
- Dogwood, Kousa (*Cornus kousa*)
- Dogwood, White flowering (*Cornus florida*)
- Japanese Tree Lilac (*Shyringa amurensis japonica*)
- Maple, Hedge (*Acer campestre*)



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- Plum, Newport Purpleleaf (*Prunus cerasifera* Newport)
- Redbud, American (*Cercis canadensis*)
- Silverbell, Carolina (*Halesia carolina*)

Councilman Tonne asked if replenishment of dune grass was addressed in this ordinance. Robert Yuro, P.E., replied that there are provisions contained in this new ordinance which will dedicate funds to beach grass plantings.

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1730 and set for public hearing on Wednesday, October 16, 2024 at 7pm.

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff		✓	✓			

Ordinance #1731 – Stormwater Management – Development 2024

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEANSBURG that CHAPTER XXVII STORMWATER CONTROL OF THE REVISED GENERAL ORDINANCES, is hereby amended and supplemented as follows:

Municipal Stormwater Control Ordinance

Ordinance #1731 [*Chapter 27-1 to 27-13*] – Stormwater Control

Section I. Scope and Purpose:

A. Policy Statement

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



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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

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Keansburg.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

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



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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. Definitions:

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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



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

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,



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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.



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“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



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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 Section IV.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.

“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.

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“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



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waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

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

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

"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.



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“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.



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“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:

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

1. Designated as CAFRA Centers, Cores or Nodes;
2. Designated as Urban Enterprise Zones; and
3. 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.



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Section III. Design and Performance Standards for Stormwater Management

Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with 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 muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.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



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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 Section IV.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 Section IV.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section IV.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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.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 Section IV.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://dep.nj.gov/stormwater/bmp-manual/>



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- 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.

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

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-14)



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Table 2				
Green Infrastructure BMPs for Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)



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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.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



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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 Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.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 Section IV.D is granted from Section IV.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



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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 Section VIII.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 Section IV.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 Sections IV.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



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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 Section IV.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 Monmouth County Office of the County Clerk or the Monmouth County registrar of deeds and mortgages.

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 Section IV.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 Section X.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 Monmouth County Office of the County Clerk or the Monmouth County registrar of deeds and mortgages 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



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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 Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section IV.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 Section IV.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 Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.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



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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 Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.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 Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and



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

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.



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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.



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5. Table 4 - Water Quality Design Storm Distribution

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



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6. 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.

7. 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 Section IV.P, Q and R.
8. 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.
9. 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.
10. 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.
11. 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.



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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 current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.



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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. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

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

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

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



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4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

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

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

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

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



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Table 5: Current Precipitation Adjustment Factors

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



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Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

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

Table 6: Future Precipitation Change Factors

County	Future Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36



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Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

Section VI. Sources for Technical Guidance:

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

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

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

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

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

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

Section VII. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall



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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 VII.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:



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- 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. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The 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 Section VIII.C.1, VIII.C.2, and VIII.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

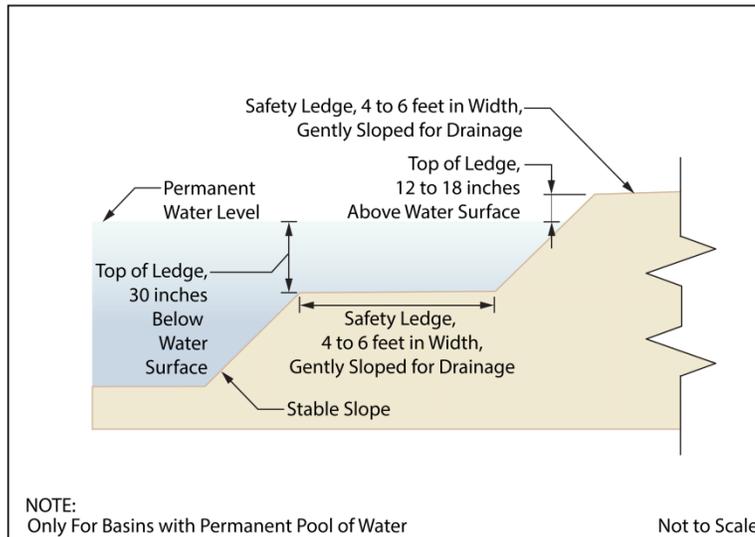


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- iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow 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 greater 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 VIII.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 VIII.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

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Section IX. 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 Section IX.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 seventeen (17) hard copies and one (1) electronic copy of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.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



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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.



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- 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 Section X.
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. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.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



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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 Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.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 Section X.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



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- 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 Section X.B.6 and B.7 above.
 - iv. Submit a copy of the annual maintenance records and inspections to the Stormwater Coordinator no later than March 1st every year.
8. The requirements of Section X.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.

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

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. 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:

- A. Fine not to exceed two thousand (\$2,000.00) dollars.

Section XII. 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.



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Section XIII. Effective Date:

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

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1731 and set for public hearing on Wednesday, October 16, 2024 at 7pm.

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff		✓	✓			

Ordinance #1732 – Bond Ordinance - Friendship Park Improvement – Monmouth County Park System Grant – TO BE SUPPLIED

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO FRIENDSHIP PARK, AND APPROPRIATING \$190,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$104,761 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$190,000, said sum being inclusive of all appropriations heretofore made therefor, including grant funds expected to be received from the Monmouth County Municipal Open Space Grant Program (MOSGP) in the amount of \$80,000, and the sum of \$5,239 as down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.



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Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$104,761, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of various improvements to Friendship Park located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$104,761, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$190,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$190,000 over the estimated maximum amount of bonds or notes to be issued therefor being the sum of \$5,239 as down payment for said purposes and the \$80,000 grant funds expected to be received from the MOSGP.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.



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(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$104,761 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.



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Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1732 and set for public hearing on Wednesday, October 16, 2024 at 7pm.

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff		✓	✓			

Ordinance #1733 – Traffic – Stop Intersection – Forest Avenue

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII (TRAFFIC), SECTION 6.2 (STOP INTERSECTIONS), SCHEDULE VIII (STOP INTERSECTIONS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

Section 1:

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg that Schedule VIII (Stop Intersections) of Chapter VII (Traffic), Section 6.2 (Stop Intersections) be amended and supplemented as follows:

RESCIND ORDINANCE #1720 in its entirety:

Section 2:

ADD:

Stop Sign STOP sign shall be installed on:

- Northbound Forest Avenue Placement of a Stop Sign along Forest Avenue northbound at Parkside Place

- Northbound Forest Avenue Placement of a Stop Sign along Forest Avenue northbound at Park Avenue (East)

- Southbound Forest Avenue Placement of a Stop Sign along Forest Avenue southbound approximately three hundred eighty-five (385') feet south of Park Avenue (West)



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Southbound Forest Avenue Placement of a Stop Sign along Forest Avenue southbound approximately one hundred fifty (150') feet south of Park Avenue (West)

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described in Schedule VIII attached to and made a part of this Chapter are hereby designated as Stop Intersections. STOP signs shall be installed as provided therein. STOP signs to be placed along Forest Avenue.

Section 3: **REPEALER.** The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 4: **INCONSISTENT ORDINANCES.** All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

Section 5: **SEVERABILITY.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 6: **EFFECTIVE DATE.** This ordinance shall take effect upon its passage and publication according to law and approval by the Department of Transportation.

Mr. Cusick asked for a roll call vote to **INTRODUCE** Ordinance #1733 and set for public hearing on Wednesday, October 16, 2024 at 7pm.

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley	✓		✓			
Mr. Hoff		✓	✓			

Resolutions:

RESOLUTION # 24-104 Payment of Bills (09/18/24)

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and



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BE IT FURTHER RESOLVED that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law.

Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			

RESOLUTION # 24-105 2024 Halloween Curfew

Whereas, Halloween will be celebrated on Thursday, October 31, 2024; and

Whereas, The Mayor and Council are concerned with the safety and well-being of our youth; and,

Whereas, it is in the best interests of the residents of the Borough of Keansburg that a curfew be imposed on October 30th and October 31st 2024; and,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that a curfew of 7 pm be imposed within the Borough of Keansburg for all youth under the age of eighteen years on Wednesday, October 30th and Thursday, October 31st, 2024 and,

BE IT FURTHER RESOLVED that Trick or Treating is allowed only between the hours of 12 pm (noon) through 7pm on Thursday, October 31st.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Keansburg Police Department.

Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			



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RESOLUTION # 24-106 Authorizing Execution of Easement (Patio-Keelen’s Bar) –

WITHDRAWN – REPLACED WITH ORDINANCE #1734

Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			

RESOLUTION # 24-107 Safe and Secure Grant 2025

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

SAFE AND SECURE COMMUNITIES PROGRAM
RESOLUTION OF PARTICIPATION – GRANT No. 25-1321**

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the **BOROUGH OF KEANSBURG POLICE DEPARTMENT** is authorized to accept and does accept funding of approximately **\$45,150** with a match of **\$296,813.66** for an approximate project total cost of **\$341,963.66** for a project under the State of New Jersey **SAFE AND SECURE COMMUNITIES GRANT PROGRAM** for the grant period of July 1, 2024 to June 30, 2025, and

WHEREAS, the **KEANSBURG BOROUGH COUNCIL** has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY and **KEANSBURG POLICE DEPARTMENT** for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the **KEANSBURG BOROUGH COUNCIL**: that

1. As a matter of public policy the **KEANSBURG BOROUGH COUNCIL** wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY shall be responsible for the receipt and review of the applications for said funds.
4. The NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY shall initiate allocations to each applicant as authorized.



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Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			

RESOLUTION # 24-108 Authorize Execution of Share Service Agreement – Monmouth County OPRA-RIM System

BE IT RESOLVED that the Mayor and Council of the Borough of Keansburg does hereby authorize the execution of the Shared Services Agreement between Monmouth County, OPEN PUBLIC RECORDS SEARCH SYSTEM – RECORDS INFORMATION MANAGEMENT and the Borough of Keansburg; and

BE IT RESOLVED that this agreement referencing OPEN PUBLIC RECORDS SEARCH SYSTEM – RECORDS INFORMATION MANAGEMENT will be for a term commencing July 1, 2024 to June 30, 2029; and

BE IT FURTHER RESOLVED that the governing body does hereby authorize the Borough Manager to execute the agreements and that Deputy Municipal Clerk shall attest to said Agreement; and,

BE IT FURTHER RESOLVED that a certified copy of the Agreements and this Resolution be given to the Chief Financial Officer and kept on file in the Office of the Municipal Clerk

Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			

RESOLUTION # 24-109 Refund of Escrow – Wellington

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the following payment be made to



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Amount:	\$328.16
Reason:	Refund of Escrow
Reference:	Refund of Escrow for 33 Myrtle Avenue

Payable to: David Wellington
 120 Renner Avenue
 Bloomfield, NJ 07003

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to issue payment as stated above

Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			

RESOLUTION # 24-110 Payment of Bills (09/18/24) No. 2

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and

BE IT FURTHER RESOLVED that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law.

Mr. Cusick asked for a roll call vote



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Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			

RESOLUTION # 24-111 REDEVELOPMENT AGENCY –
 Recommendation to the Zoning Official – 1 Carr Avenue

WHEREAS, the Keansburg Borough Council in their capacity as the Borough Redevelopment Agency endorse the application of Sackman Enterprises at 1 Carr Avenue to the Borough Zoning Officer and Zoning Board of Adjustment;

WHEREAS, this endorsement is conditioned upon adherence to the construction schedule as provided by Sackman Enterprises for the Project at 19 Carr Avenue.

NOW, THEREFORE, BE IT RESOLVED that the application of Sackman Enterprises for the Project located at 1 Carr Avenue is hereby endorsed to the Borough Zoning Officer and Planning Board of Adjustment subject to the aforementioned condition stated in the second paragraph of this Resolution.

Mr. Cusick asked for a roll call vote

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson		✓	✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley			✓			
Mr. Hoff			✓			



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REDEVELOPMENT AGENCY

Presentation:

Sackman Enterprises – 1 Carr Avenue

At this time a presentation was made by Sackman Enterprises, LLC for a consistency review of proposed construction at 1 Carr Avenue. Present were Carter Sackman, legal counsel Cecilia Lassiter, Esq. from Sills, Cummis & Gross, P.C., and architect Bruce Adelsberger, AIA, LEED AP from Barton Partners. The developer is requesting an increase of three (3) units from the original 45 to a total of 48.

At this time Mayor Hoff requested that Mr. Sackman give a report on the status of the construction at 19 Carr Avenue

Carter Sackman provided the Council with a completion schedule for the next 4-6 weeks.

Mr. Sackman explained that they encountered problems with JCP&L regarding a transformer as well with Bayshore Regional Sewerage Authority and the installation of grease traps. He is very grateful for the intercession by Senator Gopal with JCP&L issue and that the transformer is on track. Kitchen cabinets are currently being replaced and the lobby is complete. Mr. Sackman stated it has been approximately 18 months of construction which would be typical of a building of that size.

Mr. Sackman also reported that he has one retail tenant at this time. “Lola’s” from Asbury Park that offers gelato and pre-made sandwiches has signed a lease. No residential leases have been signed as a definite date for certificates of occupancy must be established. There had been open houses and several applications have been submitted.

Chief O’Hare assured Council that there will be weekly meetings to assure that the timeline is adhered to thereby completing construction.

Ms. Lassiter introduced herself to Council and explained the need for the consistency review (increasing number of units). She then turned the presentation over to the architect, Mr. Adelsberger. Mr. Adelsberger stated that one unit would be removed from floors 2,3 and 4. Six (6) new units would be added to the fifth floor. New units shall be 763 square feet. The outside and footprint of the building shall remain the same as originally presented. Mr. Adelsberger went through the changes floor by floor.

John O. Bennett, III, Esq., Borough Attorney, asked if they are prepared to construct the building at 1 Carr Avenue in compliance with the newly adopted building codes and ADA requirements.

Mr. Sackman replied Yes.



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Edward Striedl, Construction Official, also raised the concern about compliance with the new code Mr. Sackman assured him that the new code will be followed.

There was a motion by Mr. Hoff, seconded by Mr. Cocuzza, to open to the Public. All in favor.

Mark Lawrence, 12 Seawood Avenue, asked if the new units would be more marketable for the developer.

Mr. Sackman replied that he thought they would be based on his experience with similar projects in Asbury Park.

Mr. Striedl would like assurance that both this project at 1 Carr Avenue as well as the upcoming project at 2 Carr Avenue would be built with the new building code.

Mr. Sackman assured Mr. Striedl that they would be and replied yes to his inquiry.

A motion was made by Mr. Hoff, seconded by Mr. Foley, to close the public portion. All in favor.

At this time there was a motion by Mr. Tonne, seconded by Mr. Hoff, that conditional approval be made via the following resolution. The condition shall be adherence to the schedule for construction completion at 19 Carr Avenue as provided by Sackman Enterprises:

At this time Ms. Lassiter expressed concern that a condition on one Project (19 Carr Avenue) is being carried over to the new Project (1 Carr Avenue).

Mr. Sackman stated he understood the Council's intent and was willing to abide by the condition.



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Resolutions:

RESOLUTION # 24-111 REDEVELOPMENT AGENCY –
Recommendation to the Zoning Official – 1 Carr Avenue

WHEREAS, the Keansburg Borough Council in their capacity as the Borough Redevelopment Agency endorse the application of Sackman Enterprises at 1 Carr Avenue to the Borough Zoning Officer and Zoning Board of Adjustment;

WHEREAS, this endorsement is conditioned upon adherence to the construction schedule as provided by Sackman Enterprises for the Project at 19 Carr Avenue.

NOW, THEREFORE, BE IT RESOLVED that the application of Sackman Enterprises for the Project located at 1 Carr Avenue is hereby endorsed to the Borough Zoning Officer and Planning Board of Adjustment subject to the aforementioned condition stated in the second paragraph of this Resolution.

Mr. Donaldson Aye Mr. Tonne Aye Mr. Cocuzza Aye

Mr. Foley Aye Mr. Hoff Aye

Department Reports:

Steve Ussmann, Water Plant Superintendent, reported that fourth quarter bills would be mailed out on September 27. Hydrant flushing will commence on September 23. We will begin to draw water from New Jersey American Water Company effective October 1 under our winter usage contract.

James Della Pietro, DPW Superintendent, reported that his Department is preparing for Keansburg Day and has completed work on the stop intersections on Forest Avenue.

Deputy Police Chief Sandra Burton submitted a written report for the Department.

Cliff Moore, Economic Community Development Coordinator, reported that the supermarket on Main Street (Keansburg Pharmacy location) is moving forward. The proposed tattoo parlor at 245 Main Street will not be pursued. The 7-11 Plaza has been sold and a closing date shall be in October. Hydroponics facility may be a tenant in the shopping center. The Planning Board is waiting on documents from the Hookah Lounge prior to their scheduling. The bagel store won't be opening until the end of the year. The Peruvian restaurant should be open shortly.



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Mr. Moore will be representing Keansburg with the Monmouth County Community Development Block Grant program. Improvements being completed at Hill Street Park and there will be a ribbon cutting ceremony in the future.

Mayor Hoff asked Deputy Chief Burton if the process has changed in reporting street lights that are out. There are several out on Main Street. Deputy Chief replied that her Department can take the reports.

Chris Hoff, Code Enforcement Officer, stated that there is a priority status that can be requested on certain outages.

Mayor Hoff also received complaints (overgrown, abandoned) on a property located on Oceanview Avenue. Mr. Hoff and Mr. Cusick stated that the Borough DPW will be cleaning the property and a lien will be assessed on it. The Borough formerly owned a back portion of the lot, but it had been sold to the present owner several years ago.

Robert Yuro, P.E., Borough Engineer, stated that his firm will be working on the specifications for the Beaconlight Drainage and Beachway (West) reconstruction projects. The County of Monmouth will be completing their paving on Main Street on Thursday night/Friday morning. The start time has been pushed back to accommodate Back to School Night at Bolger School. It is the hope that the paving will be completed before school traffic begins in the morning.

Mayor Hoff would like to follow-up with Mr. Yuro in regard to some punch list items on Forest Avenue and Collins Street.

COUNCIL REPORTS:

Mayor Hoff thanked all those who assisted and participated in the EMS Memorial dedication. Fifty-four deceased EMTs are specifically honored at the site.

Keansburg day shall be held on September 28 from 2 p.m. to 7 p.m. There will be food, bands and fun. There will be a fireworks display in the evening.

Open to the Public:

Mr. Cusick asked for a roll call vote to OPEN the Meeting to the Public:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			



SEPTEMBER 18, 2024 MEETING MINUTES

Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

Mr. Cusick asked for a roll call vote to CLOSE the Meeting to the Public:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne	✓		✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff			✓			

Mayor Hoff stated that he received correspondence from a resident in May asking to speak about the recent municipal campaigns. The Mayor stated he had no desire to speak of the campaigns. Recently a post was made on Facebook about a lack of communication from the Mayor. Mr. Hoff is addressing this issue at this time to state that the campaigns are not the business of the Borough.

Adjournment

Mr. Cusick asked for a roll call vote to ADJOURN the Meeting:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Donaldson			✓			
Mr. Tonne			✓			
Mr. Cocuzza			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			



SEPTEMBER 18, 2024 MEETING MINUTES



I, Jo-Ann O'Brien, Municipal Clerk of the Borough of Keansburg, in the County of Monmouth, New Jersey, do hereby certify that the foregoing is a true copy of meeting minutes of a regularly scheduled public meeting held on **September 18, 2024**

Attest:

Jo-Ann O'Brien
Deputy Municipal Clerk
Borough of Keansburg