

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

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ORDINANCE ~~2~~ 243

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**“AMENDING CHAPTER 202 OF THE CODE OF THE BOROUGH OF MOUNTAIN LAKES
AND REVISING STORMWATER MANAGEMENT REGULATIONS” ORDINANCE
AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
MOUNTAIN LAKES AND ESTABLISHING HOURS WHEN COMMERCIAL
LANDSCAPING SHALL BE PERMITTED.**

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BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the
County of Morris and State of New Jersey, as follows:

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Section 1. Chapter 202, “Stormwater Control”, of the Revised General Ordinances of the
Borough of Mountain Lakes, Section 202-1 entitled “Scope and Purpose”, shall be amended by the
following additions to Subsection C (“Applicability”) which additions shall read, in their entirety, as
follows:

3. An application required by Subsection C.1 above that has been submitted prior to the adoption of this ordinance shall be subject to the stormwater management requirements in effect prior to the adoption date of this ordinance.

4. An application required pursuant to C.1 above that was submitted on or before March 2, 2021, but prior to the adoption date of this ordinance, shall be subject to the stormwater management requirements in effect 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.

Section 2. Chapter 202, “Stormwater Control”, of the Revised General Ordinances of the
Borough of Mountain Lakes, Section 202-2 entitled “Definitions”, shall be amended by the following
additional definitions:

“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.

Section 3. Chapter 202, “Stormwater Control”, of the Revised General Ordinances of the Borough of Mountain Lakes, Section 202-4 entitled “Stormwater Management Requirements for Major Development”, shall be amended by updating the URL at the end of Subsection E to https://njstormwater.org/bmp_manual/ and by the following amendments to Subsections P (“Groundwater Recharge Standards”) and R (Stormwater Runoff Quality Standards”) which shall read inclusive of the additions, in their entirety, as follows:

P(4)(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan 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

R.(2)(a) - 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 Subsections 202-5 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

R.(2)(b) - Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Subsections 202-5 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;

R.(2)(c) - 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 Subsections 202-5 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.

Section 4. Chapter 202, "Stormwater Control", of the Revised General Ordinances of the Borough of Mountain Lakes, Section 202-5 entitled "Calculation of Stormwater Runoff and Groundwater Discharge" shall be amended by the following amendments to Subsections A(1)(a) and A(1)(b) which shall read, in their entirety, as follows:

A.(1)(a) The design engineer shall calculate runoff using the following method: The United States Department of Agriculture Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16, Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55, Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873.

A.(1)(b) 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 wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above. 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).

Section 5. Chapter 202, “Stormwater Control”, of the Revised General Ordinances of the Borough of Mountain Lakes, Section 202-5 entitled “Calculation of Stormwater Runoff and Groundwater Discharge” shall be amended by the addition of the following Subsections C and D which shall read, in its entirety, as follows:

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 the Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site:

2-year Design Storm – 1.01
10-year Design Storm – 1.03
100-year Design Storm – 1.06

D. 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 factors below:

2-year Design Storm – 1.23
10-year Design Storm – 1.28
100-year Design Storm – 1.46

Section 6. Chapter 202, “Stormwater Control”, of the Revised General Ordinances of the Borough of Mountain Lakes, Section 202-6 entitled “Sources for Technical Guidance” shall be amended by the correction of the URL to <https://dep.nj.gov/stormwater/bmp-manual/> and <https://www.njstormwater.org/maintenance-guidance.htm> and the following amendment to Subsection B which shall read as follows:

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

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

Section 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 8. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.~~WHEREAS, the Borough Council finds that commercial landscaping activities, while necessary and important for property maintenance, increasingly interfere with an affect the quiet enjoyment by Borough residents of neighboring properties while operating during extended hours; and~~

~~WHEREAS, it is reasonable and necessary to balance the need for commercial landscaping with the opportunity for Borough residents to enjoy a quiet and peaceful use of their properties within the Borough; and~~

~~WHEREAS, Commercial landscaping vehicles routinely can take up a significant amount of space on narrow Borough roads (many of which are narrow) and often obstruct sidewalks, which can create safety issues for drivers, bicyclists, and pedestrians; and~~

~~WHEREAS, limiting balancing the hours during which commercial landscaping activity is permitted will provide for Borough residents reasonable daylight periods of respite from noise and other impacts~~

from these activities and prevent the use of the streets and sidewalks by landscaping equipment during busy commuter hours.

~~—NOW THEREFORE, BE IT ORDAINED~~ by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

~~Section 1.~~ The Revised General Ordinance of the Borough of Mountain Lakes shall be amended by the inclusion of new Chapter 98 which shall be entitled “Commercial Landscaping” and shall read, in its entirety, as follows:-

~~Chapter 98~~

~~Commercial Landscaping~~

~~98-1 Definitions~~

As used in this chapter, the following terms shall have the meanings indicated:

~~**Commercial Landscaper:** An individual, firm, corporate or other entity performing commercial landscaping services.~~

~~**Commercial Landscaping:** The business or trade of rendering any landscaping services, as defined herein, either as principal, independent contractor, or through an agent or employee, for a fee, charge,~~

~~or other compensation, to or for the benefit of any owner, tenant, or occupant of any lot, plot, or parcel of land.~~

~~**Landscaping:** The maintaining of and/or providing care of lawns, including but not limited to mowing, cutting and trimming, also the gathering, raking, blowing, and/or removal of leaves, grass or lawn clippings and/or other debris, tree trimming or removal, on any lot, plot or parcel of land. This includes regular maintenance as well as fall and spring clean-ups.~~

~~**—Hours of Operation for Commercial Landscaping**~~

~~Commercial landscapers shall be permitted to furnish Commercial Landscaping services within the Borough of Mountain Lakes only during the hours of Monday through Saturday 9 a.m. to 6 p.m. Commercial Landscaping shall be prohibited within the Borough on Sunday' soutside these hours and during Federal Legal Holidays. The Borough Manager shall have the authority to temporarily permit commercial landscaping activities during prohibited hours in the case of an emergency or under extenuating circumstances.~~

~~**Violations and Penalties**~~

~~Any person(s) found to be in violation of the provisions of this article shall be subject to Article III of Chapter 1.~~

Name	Motion	Second	Aye	Nav	Absent	Abstain	Motion	Second	Aye	Nav	Absent	Abstain
<u>Cannon</u>			<u>X</u>					X	X			
<u>Korman</u>		<u>X</u>	<u>X</u>						X			
<u>Menard</u>			<u>X</u>						X			
<u>Muilenburg</u>					<u>X</u>		X		X			
<u>Richter</u>			<u>X</u>								X	
<u>Barnett</u>	<u>X</u>		<u>X</u>						X			
<u>Sheikh</u>			<u>X</u>						X			

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