

BERNARDSVILLE BOROUGH  
ORDINANCE #2023-1958

APPROPRIATING \$24,854.00 FROM THE  
CAPITAL FUND RESERVE FOR MITIGATION PROJECTS

WHEREAS, in accordance with Section 12-29.4a of the Borough Land Development Code,

- a. *Waivers from strict compliance with the design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.*

WHEREAS, in accordance with Section 12-29.4b of the Borough Land Development Code,

- b. *Mitigation. If the review agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan or another project identified by the applicant. All mitigation projects are subject to the approval of the Municipal Engineer. A monetary contribution to the Municipality may be made in lieu of the work identified in the mitigation plan subject to the approval of the review agency.*

WHEREAS, the municipal engineer deemed a waiver was warranted and that a cash payment in the amount of \$24,854 should be paid; and

WHEREAS, Team Welsh LLC submitted a check in the amount of \$24,854 which was deposited into the Capital Fund under the title "Reserve for Stormwater Mitigation" on February 6, 2023.

WHEREAS, per the Developer's Agreement, this contribution is to be used for stormwater mitigation projects.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville, in the County of Somerset, New Jersey, as follows:

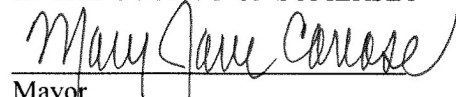
Section 1. The sum of \$24,854.00 is hereby appropriated from the Capital Fund Reserve for Stormwater Mitigation for improvements as directed by the Developer's Agreement.

**Section 2.** This ordinance shall take effect immediately upon final passage and publication as required by law.

Attest

  
Borough Clerk

COUNCIL OF THE  
BOROUGH OF BERNARDSVILLE  
IN THE COUNTY OF SOMERSET

  
Mayor

Introduced: March 27, 2023  
1st Publication: March 30, 2023  
Adopted: April 10, 2023  
2nd Publication: April 13, 2023