

**ORDINANCE NO. 2024-14**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 44, STORMWATER MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADOPTING AND ENACTING REQUIRED STORMWATER MANAGEMENT PROVISIONS FOR PURPOSES OF COMPLIANCE WITH CURRENT STORMWATER REGULATIONS AS PROMULGATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the Borough Council of the Borough of Belmar has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Borough of Belmar, 1994"; and,

**WHEREAS**, pursuant to N.J.S.A. 40:69A-120, All legislative power of the Borough shall be exercised by the Borough Council except as may be otherwise provided by general law; and,

**WHEREAS**, the Borough of Belmar has previously adopted Stormwater Management regulations and has codified same at Chapter 44 of the Revised General Ordinances, and,

**WHEREAS**, the Borough's Stormwater Management Ordinance is substantially in compliance with the Stormwater Management rules mandates previously enacted by the State of New Jersey; and,

**WHEREAS**, pursuant to N.J.A.C. 7:14A et seq., the Borough of Belmar, as with all other municipalities in New Jersey, has been designated as an MS4 Tier A designated municipality under the provisions of the regulations promulgated by New Jersey Department of Environmental; and

**WHEREAS**, under such a designation, the Borough of Belmar is required to enact such Stormwater Provisions as promulgated by the New Jersey Department of Environmental Protection; and

**WHEREAS**, the New Jersey Department of Environmental Protection has made amendments to the Stormwater Management rules at N.J.A.C.7:8 and has issued guidance for municipal action; and,

**WHEREAS**, the Mayor and council find it in the best interest of the Borough and its residents to amend the existing Stormwater Management Ordinances to adopt the changes promulgated by the New Jersey Department of Environmental Protection;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, THAT BOROUGH ORDINANCE SECTION 44 SHALL BE AMENDED AS FOLLOWS:**

**SECTION I.** Borough Ordinance Chapter 44-1c. This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as follows:

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

**SECTION II.** That Borough Ordinance Chapter 44-2. This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as, as follows: (Placement in the definitional section shall be as alphabetically appropriate)

"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 III.** Borough Ordinance Chapter 44-4e. This section shall be amended to strike the referenced State website in the ordinance as it presently exists and to add the following website reference:

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

**SECTION IV.** Borough Ordinance Chapter 44-4p. This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as follows:

p. Groundwater Recharge Standards. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

1. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

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

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the projected two-year storm, as defined and determined pursuant to Section 44-5D of this ordinance, is infiltrated.

2. This groundwater recharge requirement does not apply to projects within the urban redevelopment area, or to projects subject to Subsection p3 below.

3. The following types of stormwater shall not be recharged:

(a) Stormwater from Areas of High Pollutant Loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with a 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

**SECTION V.** Borough Ordinance Chapter 44-4r. This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as follows:

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 § 44-5, complete one of the following:
  - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected two-, ten-, and 100-year storm events, as defined and determined in Section 44-5C and D, respectively, of this ordinance, do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
  - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the current and projected two-, ten- and 100-year storm events, as defined and determined in Section 44-5C 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;
  - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected two-, ten- and 100-year storm events, as defined and determined in Section 44-5C and D, respectively, of this ordinance, are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

**SECTION VI.** Borough Ordinance Chapter 44-5a. This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as follows:

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

1. The design engineer shall calculate runoff using ~~one of~~ the following method: ~~methods~~:

(a) 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~~

~~https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422 ; or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or New Jersey State Office.~~

~~(b) The rational method for peak flow and the modified rational method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at~~

~~http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf.~~

2.

For the purpose of calculating ~~runoff coefficients~~ curve numbers and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "~~runoff coefficient~~" "curve number" applies

~~to both~~ the NRCS methodology above at § 44-5a1(a) ~~and the rational and modified rational methods at § 44-5a1(b)~~. A runoff coefficient 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 VII.** Borough Ordinance Chapter 44-5c and Chapter 44-5d. These sections shall be added as follows inclusive of the respective accompanying tables:

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](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.

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

<u>Union</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Warren</u>	<u>1.02</u>	<u>1.07</u>	<u>1.15</u>

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

	<u>Future Precipitation Change Factors</u>		
	<u>2-year</u>	<u>10-year</u>	<u>100-year</u>
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Bergen</u>	<u>1.20</u>	<u>1.23</u>	<u>1.37</u>
<u>Burlington</u>	<u>1.17</u>	<u>1.18</u>	<u>1.32</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Cape May</u>	<u>1.21</u>	<u>1.24</u>	<u>1.32</u>
<u>Cumberland</u>	<u>1.20</u>	<u>1.21</u>	<u>1.39</u>
<u>Essex</u>	<u>1.19</u>	<u>1.22</u>	<u>1.33</u>
<u>Gloucester</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>
<u>Hudson</u>	<u>1.19</u>	<u>1.19</u>	<u>1.23</u>
<u>Hunterdon</u>	<u>1.19</u>	<u>1.23</u>	<u>1.42</u>
<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>
<u>Middlesex</u>	<u>1.19</u>	<u>1.21</u>	<u>1.33</u>
<u>Monmouth</u>	<u>1.19</u>	<u>1.19</u>	<u>1.26</u>
<u>Morris</u>	<u>1.23</u>	<u>1.28</u>	<u>1.46</u>
<u>Ocean</u>	<u>1.18</u>	<u>1.19</u>	<u>1.24</u>
<u>Passaic</u>	<u>1.21</u>	<u>1.27</u>	<u>1.50</u>
<u>Salem</u>	<u>1.20</u>	<u>1.23</u>	<u>1.32</u>
<u>Somerset</u>	<u>1.19</u>	<u>1.24</u>	<u>1.48</u>
<u>Sussex</u>	<u>1.24</u>	<u>1.29</u>	<u>1.50</u>
<u>Union</u>	<u>1.20</u>	<u>1.23</u>	<u>1.35</u>
<u>Warren</u>	<u>1.20</u>	<u>1.25</u>	<u>1.37</u>

**SECTION VIII.** Borough Ordinance Chapter 44-6. This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as follows:

a. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at [http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm). ~~https://dep.nj.gov/stormwater/bmp-manual/~~

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

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

~~[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm)~~

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

b. Submissions required for review by the Department should be mailed to ~~The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.~~ 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 IX.** Borough Ordinance Chapter 44-8c2(b). This section shall be amended to remove the text designated as ~~stricken~~ and add the underlined text as follows:

(b) The overflow grate spacing shall be no ~~less~~ greater than two inches across the smallest dimension.

**SECTION X.** 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 adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION XI.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION XII.** This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law.