Ordinance: #1,688
Introduced: 5-6-2024
Adopted: 5-20-2024
Effective: 6-9-2024

ORDINANCE 8-24

BOROUGH OF LINCOLN PARK
NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing Ordinance was introduced to pass on first reading at a meeting of the Council of the Borough of Lincoln Park held on May 6, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Borough Council to be held on May 20, 2024 at 7:00 p.m. or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

ORDINANCE 8-24

AN ORDINANCE TO AMEND CHAPTER 24 STORMWATER MANAGEMENT OF THE CODE OF THE BOROUGH OF LINCOLN PARK,

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) recently adopted amendments to the Stormwater Management rules contained in New Jersey Administrative Code (N.J.A.C. 7:8); and

WHEREAS, the Stormwater Management rules represent the minimum standard for municipal stormwater control ordinances; and

WHEREAS, the Borough of Lincoln Park (hereinafter "Borough") Stormwater Control Ordinance contained in Chapter 24 Stormwater Management of the Borough Code must be revised to be consistent with these newly adopted amendments; and

WHEREAS, the Borough desires to amend Chapter 24 Stormwater Management of the Borough Code to conform with the amendments to the Stormwater Management rules in N.J.A.C. 7:8; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey, as follows:

SECTION 1. **Chapter 24-2, Definitions**., of the Code of the Borough of Lincoln Park is hereby amended as follows:

Add the below definitions after the definition of "PUBLIC DISCHARGE" to read as follows:

PUBLIC ROADWAY OR RAILROAD- 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-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 2. Chapter 24-3 General provisions and applicability, Section B. Applicability, of the Code of the Borough of Lincoln Park is hereby amended to add the following subsections:

(3). An application required by ordinance pursuant to b above that has been submitted prior to **May 20, 2024**, shall be subject to the stormwater management requirements in effect on **May 19, 2024**.

(4). An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to **May 20, 2024**, shall be subject to the stormwater management requirements in effect on **May 19, 2024**.

(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 3. Chapter 24-4 **Stormwater management for major development,** of the Code of the Borough of Lincoln Park is hereby amended to amend and/or add the following subsections:

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 Subsections **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/.

P. Groundwater recharge standards.

(2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § **24-5**, either:

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

(4) 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 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. Stormwater runoff quantity standards.

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § **24-5**, 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 2-, 10-, and 100-year storm events, as defined and determined in § **24-5 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;

(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 in § **24-5 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;

(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 § **24-5 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; or

SECTION 4. Chapter § 24-5 **Calculation of stormwater runoff and groundwater recharge,** of the Code of the Borough of Lincoln Park is hereby amended to amend and/or add the following subsections:

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

(1) The design engineer shall calculate runoff using the following method:

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://www.nrc.gov/docs/ML1421/ML14219A437.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873

(b) **Delete.**

(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 § **24-5A(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).

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

(1) 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 2-, 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.

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
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 2-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected 2-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the 2-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to **§ 24-5C(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 Change 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

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 5. Chapter § 24-7 **Sources for technical guidance,** of the Code of the Borough of Lincoln Park is hereby amended to amend and/or add the following subsections:

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/.

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

SECTION 6. Chapter § 24-8 Safety for stormwater management basins, of the Code of the Borough of Lincoln Park is hereby amended to amend and/or add the following subsections:

B. Requirements for trash racks, overflow grates and escape provisions.

(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:

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

SECTION 7. The Mayor and Borough Clerk, together with all appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 8. All Ordinances of the Borough of Lincoln Park which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 9. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 10. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST:

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Andrew Seise, Council President

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Courtney Fitzpatrick, RMC,CMC,MMC,CMR
Borough Clerk
Borough of Lincoln Park

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Mayor Dr. David Runfeldt

INTRODUCED:	**May 6, 2024**
PUBLISHED IN DAILY RECORD:	**May 7, 2024**
PUBLIC HEARING AND ADOPTION:	**May 20, 2024**
PUBLISHED IN DAILY RECORD:	**May 21, 2024**
EFFECTIVE:	**June 9, 2024**