TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING CHAPTER 308 OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK AND REVISING STORMWATER MANAGEMENT REGULATIONS

BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-1 entitled "Scope and Purpose", shall be amended by the following additions to Subsection C ("Applicability") which additions shall read, in their entirety, as follows:

4. 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.

5. 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.

6. 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 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-2 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 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-4 entitled "Stormwater Management

Requirements for Major Development", shall be amended 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(2)(a) 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 Subsection 308-5 D of this ordinance, is infiltrated.

P(3)(c) 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 308-5 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 308-5 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 308-5 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 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-5 entitled "Calculation of Stormwater Runoff and Groundwater Discharge" shall be amended by the following amendments to Subsections A(1) and A(2) which shall read, in their entirety, as follows:

A.(1) 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.(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 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 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-5 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 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-6 entitled "Sources for Technical Guidance" shall be amended by the following amendment to Subsections B which shall read as follows:

B. 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. Chapter 308, "Stormwater Management Regulations", of the Revised General Ordinances of the Township of Pequannock, Section 308-8 entitled "Safety Standards for Stormwater Management Basins" shall be amended by the following amendment to Subsection C(2)(b) which shall read as follows:

C.(2)(b) - The overflow grate spacing shall be no greater than two inches across the smallest dimension.

Section 8. 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 9. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 10. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 13, 2024
Adopted: February 27, 2024

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Ryan Herd, Mayor

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Carol J. Marsh, Township Clerk