



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 12/12/23 06:30 PM  
Department: Township Clerk  
Category: Amend  
DOC ID: 8130

**ORDINANCE (ID # 8130)**

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**Ordinance No. 42-2023 AMENDING THE STORMWATER CONTROL ORDINANCE FOR THE TOWNSHIP OF TEANECK TO REGULATE PRIVATELY-OWNED SALT STORAGE BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #42-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.**

AMENDING THE STORMWATER CONTROL ORDINANCE FOR THE TOWNSHIP OF TEANECK TO REGULATE PRIVATELY-OWNED SALT STORAGE

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #42-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

11/21/23      Township Council      INTRODUCED

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Mark J. Schwartz, Councilman
<b>SECONDER:</b>	Michael S Pagan, Councilman
<b>AYES:</b>	Katz, Schwartz, Orgen, Pagan, Belcher, Gee, Goldberg

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 42-2023 AMENDING THE STORMWATER CONTROL  
ORDINANCE FOR THE TOWNSHIP OF TEANECK TO REGULATE  
PRIVATELY-OWNED SALT STORAGE BE IT RESOLVED BY THE  
TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT  
ORDINANCE #42-2023 PASS UPON SECOND AND FINAL READING AND  
THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED  
TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE  
APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

**WHEREAS**, as part of the New Jersey Department of Environmental Protections' Municipal Stormwater Regulation Program ("MS4"), all municipalities in the State of New Jersey are required to adopt certain ordinances related to stormwater controls, including related to privately-owned salt storage; and

**WHEREAS**, the Township seeks to comply with all state statutes and regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council that:

**SECTION I.** Chapter 38, "Stormwater Controls," of the Township Code of the Township of Teaneck is hereby amended to read as follows:

**Sec. 38-1. Scope and purpose.**

- (a) Policy statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure best management practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- (b) Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls for major development, as defined below in § 38-2. [The purpose of this chapter is also to prevent stored salt and other solid de-icing materials from being exposed to stormwater, by establishing requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality \(privately-owned\), including residences, in the Township of Teaneck to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.](#)
- (c) Applicability.
  - (1) This chapter shall be applicable to the following major developments:
    - a. Nonresidential major developments; and

- b. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

- (2) This chapter shall also be applicable to all major developments undertaken by the Township of Teaneck.

- (d) Compatibility with other permit and ordinance requirements.

- (1) Development approvals issued pursuant to this chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- (2) This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law, except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

### **Sec. 38-2. Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA CENTERS, CORES OR NODES - Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP - The map used by the Department to identify the location of coastal planning areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

COMMUNITY BASIN - An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION - The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA - The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE - A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY - An agency designated by the County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- (a) A county planning agency; or
- (b) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DE-ICING MATERIALS means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

DEPARTMENT - The Department of Environmental Protection.

DESIGN ENGINEER - A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER - A state development and redevelopment plan center as designated by the State Planning Commission, such as urban, regional, town, village, or hamlet.

DEVELOPMENT-The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; any mining excavation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, "development" means any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agriculture Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE - The placement or reconstruction of impervious surface or motor vehicle surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving are not considered disturbance for the purposes of this definition.

DRAINAGE AREA - A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOODS - Neighborhoods designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CONSTRAINED AREA - The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership, such as wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's

Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREA - An area or feature which is of significant environmental value, including but not limited to stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE-A stormwater management measure that manages stormwater close to its source by:

- (a) Treating stormwater runoff through infiltration into subsoil;
- (b) Treating stormwater runoff through filtration by vegetation or soil; or
- (c) Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 - An area within which water drains to a particular receiving surface water body, also known as a "subwatershed," which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION - The process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY - One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2 that serves as the primary representative of the committee.

MAJOR DEVELOPMENT -

- (a) An individual development as well as multiple developments that individually or collectively result in:
  - (1) The disturbance of one or more acres of land since February 2, 2004;
  - (2) The creation of 1/4 acre or more of regulated impervious surface since February 2, 2004;
  - (3) The creation of 1/4 acre or more of regulated motor vehicle surface since March 2, 2021; or
  - (4) A combination of Subsection (a)(2) and (3) above that totals an area of 1/4 acre or more. The same surface shall not be counted twice when determining if the combination area equals 1/4 acre or more.
- (b) "Major development" includes all developments that are part of a common plan of

development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection (a)(1), (2), (3) or (4) above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered major development.

**BMP MANUAL** - The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 38-4(g) of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

**NODE** - An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

**NUTRIENT** - A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

**PERSON** - Any individual, corporation, company, partnership, firm, association, political subdivision of this state and any state, interstate or federal agency.

**PERMANENT STRUCTURE** - A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

- (1) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- (2) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- (3) The structure shall be erected on an impermeable slab;
- (4) The structure cannot be open sided; and
- (5) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

**POLLUTANT** - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly

or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE - The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE - Any of the following, alone or in combination:

- (a) A net increase of impervious surface;
- (b) The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a new stormwater conveyance system is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- (c) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- (d) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE - Any of the following, alone or in combination:

- (a) The total area of motor vehicle surface that is currently receiving water;
- (b) A net increase in motor vehicle surface; and/or
- (c) Water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT - Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE - The lot or lots upon which a major development is to occur or has occurred.

SOIL - All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) - An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP - The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

**STORM DRAIN INLET - the point of entry into the storm sewer system.**

STORMWATER - Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BMP - An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE-Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater, or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER MANAGEMENT PLANNING AGENCY - A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA - The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

STORMWATER RUNOFF - Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA-A flood hazard area in which the flood elevation resulting from the two-, ten-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm but fluvial in more frequent storm events.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD - A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES - A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA - Previously developed portions of areas:

- (a) Delineated on the State Plan Policy Map (SPPM) as the metropolitan planning area (PA1), designated centers, cores or nodes;
- (b) Designated as CAFRA centers, cores or nodes;
- (c) Designated as urban enterprise zones; and
- (d) Designated as Urban Coordinating Council empowerment neighborhoods.

WATER CONTROL STRUCTURE - A structure within, or adjacent to, a water which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.



WATERS OF THE STATE - The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

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**Sec. 38-11. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
      - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
  5. Containers must be sealed when not in use; and
  6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be

permanent, and thus not restricted to October 15 -April 15.

- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**Sec. 38-12. Exemptions to De-Icing Material Storage Requirements**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**Sec. 38-13. Violations and penalties.**

Any person violating the provisions hereof, or any part hereof, shall be subject to a fine or penalty as provided in § 1-6 of the Township Code.

**SECTION II.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION III.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION IV.** This Ordinance shall take effect after passage and publication in the manner provided by law.

ATTEST:

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Doug Ruccione  
Township Clerk

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Michael Pagan,  
Mayor