

REGULAR MEETING MINUTES CITY COMMISSION – MARGATE CITY

JUNE 3, 2021

MARGATE CITY, NEW JERSEY

THE ATLANTIC CITY PRESS AND THE STAR LEDGER WERE NOTIFIED OF THIS MEETING AND A COPY OF THE SAME WAS POSTED ON THE BULLETIN BOARD AND THE MUNICIPAL WEBSITE.

The Regular Meeting of the Board of Commissioners was held on the above date at 4:05 p.m. via telecommunication and in person at Margate City Hall, 1 South Washington Avenue, Margate, NJ.

Johanna Casey, City Clerk: Reads the statement of compliance and the procedure for in person and telecommunication meeting, followed with the flag salute and roll call is taken: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Fred Verna, Frank Ricciotti, Chief Dan Adams, Chief Matt Hankinson, Scott Abbott, Lisa McLaughlin, Johanna Casey, and Rich Deaney were present.

Swearing In:

Commissioner Amodeo-Gives the oath of allegiance to new Firefighters: Cole Moore and Brady Newell.

Chief Adams: Speaks on the joint fire training with Ventnor City. Welcomes Cole and Brady to the Fire Department.

Commissioner Amodeo: Speaks on how great the fire department and police departments are in Margate.

Approval of Minutes:

The minutes from the May 20, 2021 Workshop/Capital Meeting and Regular Meeting were approved as read on motion by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote three ayes.

Public Comment:

Shelly Kapuston, 7809 Ventnor Ave.: Speaks on concerns she has with the possibility of closing a portion of Essex Avenue again to accommodate a business.

Andrew Rosen, 11 N. Essex Ave.: Speaks against the closing of the portion of Essex Avenue to accommodate a business.

Mike Richmond, 402 N. Exeter Ave.: Speaks on supporting local businesses.

Ed Burger, President Margate Business Association, 9402 Amherst Ave.: On behalf of all the Margate Business Association members, he thanks all the municipal departments and Commissioners for their continued support in helping businesses survive.

Louis Freedman, 302 N. Douglas Ave.: States he is the owner of Bocca. Speaks in favor of closing the portion of Essex Avenue to accommodate his business.

Mark Reel, 7807 Ventnor Ave.: Speaks on people not being able to access his business, Hot Bagels, due to the closing of the portion of Essex Avenue.

Seeing that there were no additional comments, a motion to close Public Comments was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.

Public Comment on Resolutions and Ordinances Adoption:

A motion to close public comment on Resolutions and Ordinance Adoption was put forth by Commissioner Amodeo and seconded by Commissioner Blumberg, with a vote of three ayes.

Ordinances: Introduction:

Johanna Casey: Ordinance #08-2021 is read by title only.

A motion to introduce **Ordinance #08-2021**, prohibiting the operation of any class of cannabis business within Margate City boundaries, was put forth by Mayor Becker, Seconded by Commissioner Amodeo, with a vote of three ayes.

ORDINANCE #08-2021

**AN ORDINANCE BY CITY OF MARGATE CITY IN ATLANTIC COUNTY
NEW JERSEY ESTABLISHING NEW CHAPTER 105 OF
THE CITY OF MARGATE CITY CODE PROHIBITING THE OPERATION OF ANY
CLASS OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”, cannabis distributors or cannabis delivery services) allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Board of Commissioners of the City of Margate City has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the City of Margate City in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of City of Margate City's residents and members of the public who visit, travel, or conduct business in the City of Margate City, to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the City of Margate City; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Margate City of the City of Margate City, in the County of Atlantic and State of New Jersey, as follows:

1. The Code of the City of Margate City is hereby amended to add new Chapter 105, Cannabis.

Section 105-1 Cannabis Establishments - shall be added as follows:

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all classes of cannabis establishments, cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021 c. 16, are hereby prohibited from operating anywhere in the City of Margate City, except for the delivery of cannabis items and related supplies by a delivery service.

Section 105-2 – Violations and Penalties, shall be added as follows:

Any person adjudged guilty of the violation of the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00 or be imprisoned for a term not exceeding 90 days, or both, at the discretion of the Municipal Judge of the City of Margate City.

3. Any article, section, paragraph, subsection, clause, or other provision of the City of Margate City Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of Margate City, NJ

Johanna Casey: Ordinance #09-2021 is read by title only.

A motion to introduce **Ordinance #09-2021**, establishing Chapter 105 “Prohibiting consumption of cannabis, marijuana and hashish in public areas” in the Margate City Code Book, was put forth by Commissioner Amodeo, Seconded by Commissioner Blumberg, with a vote of three ayes.

ORDINANCE #09 – 2021
AN ORDINANCE ESTABLISHING CHAPTER 105
“PROHIBITING CONSUMPTION OF CANNABIS,
MARIJUANA, AND HASHISH IN PUBLIC AREAS” IN THE
CITY OF THE CODE OF THE CITY OF MARGATE CITY,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY

WHEREAS, on February 22, 2021, the Governor of the State of New Jersey signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and marijuana decriminalization laws; and

WHEREAS, the new law legalizes and regulates cannabis use and possession for adults who are 21 and older and two companion laws, A1897 and S3454, decriminalizing marijuana and hashish possession and clarifies marijuana and cannabis use and possession penalties for individuals younger than 21 years old; and

WHEREAS, the new law does not preempt the City’s authority to regulate smoking or vaping these items in public; and

WHEREAS, the City retains authority pursuant to N.J.S.A. 40:48-2 to make, amend, repeal and enforce such ordinances, regulations, or rules not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Commissioners of the City of Margate City having reviewed the matter deems it in the City’s best interests to regulate the use and smoking of marijuana in public areas.

NOW THEREFORE BE IT ORDAINED by the Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

SECTION 1. The following shall be added to Chapter 105, Cannabis:

Section 105-3 – Prohibition of Public Consumption of Cannabis, Marijuana, and Hashish.

§ 105-3 A- City Policy

The purpose of this Chapter is to regulate conduct in public areas affecting the public health, safety and general welfare by protecting residents of and visitors to the City of Margate City from the nuisance and health hazards of secondhand marijuana smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of smoking marijuana around non-marijuana users; by protecting the public from nonconsensual exposure to secondhand marijuana smoke and marijuana related litter and pollution; and, by affirming the family-friendly atmosphere of public areas in the City of Margate City.

§105-3 B – Definitions

MARIJUANA – “Marijuana” means all parts of the Cannabis plant, whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, resin, or oil. For purposes of this section, any reference to “Marijuana” shall also include and incorporate by reference regulated Cannabis, Medical Cannabis, unregulated Marijuana and Hashish.

OPEN SPACE – Means any nature areas, greenbelts, and wildlife and vegetation habitat areas open to the public.

OUTDOOR DINING AREAS – Means dining areas that are not enclosed and part of a restaurant, business, nonprofit entity, place of employment, and located in any public place.

PARKS - Means any public parks owned, leased, or utilized by the City of Margate City.

PUBLIC RIGHT OF WAY - Means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City of Margate City has an interest.

RECREATION AREA - Means any areas open to the general public for recreational purposes, regardless of any fee requirement, including, but not limited to public parks, beach and ocean beach areas, children’s play areas, sports fields, playgrounds, tennis and basketball courts, and senior center outdoor areas.

PROMENADE – Means the elevated public pedestrian walkway constructed over the municipal right-of-way.

SCHEDULED PUBLIC EVENTS – Means any scheduled event within the City of Margate City where the public is invited, some of which may require a permit, including, but not limited to, farmers markets, concerts, parades or festivals.

SMOKING – Means the burning of, inhaling from, exhaling the smoke from or the possession of a lighted marijuana cigarette, pipe, vape, or similar device, or other matter or substance which contains marijuana or any other matter that can be smoked, or the inhaling or exhaling of marijuana smoke or vapor from an electronic smoking device.

SMOKING DEVICE – Means any electronic or other device that can be used to deliver cannabis, marijuana, or hashish or other related substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or other device used to consume these products. This definition includes “vaping” the above-described products.

§105-3 C – Restriction on Public Consumption of Cannabis, Marijuana and Hashish.

It is unlawful for any person to smoke or otherwise use or consume marijuana in or on any public open space, outdoor dining area, parks, public right-of-way, recreation area, promenade, or the area of any scheduled public event.

§105-3 D – Posting Signs.

A sign shall be clearly, sufficiently and conspicuously posted in public areas. The sign(s) shall state “Smoking Marijuana in Public is Prohibited” or substantially similar language, written in lettering that is not less than ¾ inches in height, and shall contain the citation of this City Code Section.

§105-3 E – Enforcement.

The Margate City Police Department is hereby charged with the enforcement of this section. All members of the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this section.

§105-3 F – Penalties.

Any person who is found guilty of violating this section shall pay fines as follows:

- a. For a first offense, a fine of not less than \$100.00 nor more than \$250.00
- b. For a second or subsequent offense, a fine of not less than \$500.00 nor more than \$1,000.00.

SECTION 2. All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 8. This ordinance shall take effect upon its final passage and publication as required by law.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of
Margate City, New Jersey

Johanna Casey: Ordinance #10-2021 is read by title only.

A motion to introduce **Ordinance #10-2021**, amending Chapter 240 Stormwater Management, was put forth by Mayor Becker, Seconded by Commissioner Blumberg, with a vote of three ayes.

Ordinance #10-2021**AN ORDINANCE AMENDING CHAPTER 240 STORMWATER
MANAGEMENT**

**NOW THEREFORE BE IT ORDANINED by the Board of Commissioners of
the City of Margate County of Atlantic and State of New Jersey as follows:**

**Margate City Code Chapter 240 STORMWATER MANAGEMENT shall
be amended as follows:**

§ 240-1. 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 ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined in § 240-2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the City of Margate

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance 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 ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance 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 ordinance 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.

§ 240-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance 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” means 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” means 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” means 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 ordinance.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. 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.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means 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.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge- 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 Agricultural 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” means 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 is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means 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” means 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 well head 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.

“Empowerment Neighborhoods” means 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.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means 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” means 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 one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” - The City of Margate

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means 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 ordinance. 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 ordinance. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this ordinance, provided the design engineer demonstrates to the municipality, in accordance with § 240-4F. of this ordinance 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 ordinance.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means 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, ground waters or surface waters of the State, or to a domestic treatment works.

“Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. 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);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. 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” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
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” means 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” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means 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” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means 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” means 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” means 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 non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means 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.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, 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” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means 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” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, 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” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water 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.

§ 240-3. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. The stormwater management requirements within this ordinance, as they relate to “major development,” supersede other design requirements stipulated in Chapter 175, the Land Use Ordinance of the City Code, including but not limited to the following sections:
 1. Article III, Application Requirements and Development Procedures.
 2. Article IV, Development Requirements and Standards.

§ 240-4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 240-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 240-4P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 240-4O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 240-4O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of § 240-4O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § 240-4D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 240-4O, P, Q and R that were not achievable onsite.
- 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 § 240- 4O, 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://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)

Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A
Blue Roof	0	Yes	No	N/A
Extended Detention	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 240-40.2;
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at § 240-2;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 240-2.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 240-4B. Alternative stormwater management measures may be used to satisfy the requirements at § 240-4O only if the measures meet the definition of green infrastructure at § 240-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 240-4O.2 are subject to the contributory drainage area limitation specified at § 240-4O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 240-4O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 240-4D is granted from § 240-4O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 240-8C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 240-8; and
 - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 240-2 may be used only under the circumstances described at § 240-4O.4.
- K. Any application for a new agricultural development that meets the definition of major development at § 240-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 240-4O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 240-4P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Atlantic County Clerk's Office. A form of deed notice shall be submitted to the City of Margate for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 240-4O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 240-10B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the City of Margate. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Atlantic County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 240-4M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards
1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
 2. To satisfy the groundwater recharge and stormwater runoff quality standards at § 240-4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with § 240-4G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- 3. To satisfy the stormwater runoff quantity standards at § 240-4R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 240-4G.
- 4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 240-4D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 240-4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 240-4P, Q and R.
- 5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right- of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 240-4P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 240-4D.

P. Groundwater Recharge Standards

- 1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- 2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 240-5, either:

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to § 240-4P4 below.
4. The following types of stormwater shall not be recharged:
 - i. 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 or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

- ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 240-4P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post- construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

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 § 240-5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100- year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. 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 2-, 10- and 100-year storm events 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;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events 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
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 240-5. Calculation of Stormwater Runoff and Groundwater Recharge:

- A. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - i. 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.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; or

- ii. 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 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 "runoff coefficient" applies to both the NRCS methodology above at § 240-5A.1.i and the Rational and Modified Rational Methods at § 240-5.A.1.ii. A runoff coefficient 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 have 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).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

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.

§ 240-6. Sources for Technical Guidance:

- 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.

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.

- 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.

§ 240-7. Solids and Floatable Materials Control Standards:

- A. Site design features identified under § 240-4F above, or alternative designs in accordance with § 240-4G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 240-7A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in § 240-7A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4- 7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 240-8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 240-8C.1, § 240-8C.2, and § 240-8C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 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:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 240-8C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 240-8E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration

§ 240-9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 240-9C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 240-9C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the

Planning Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater

Plan The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 240-3 through § 240-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 240-4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 240-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 240-9 C.1 through § 240-9C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 240-10. Maintenance and Repair:

A. Applicability

Projects subject to review as in § 240-10C of this ordinance shall comply with the requirements of § 240-10B and § 240-10C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the

responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under § 240-10B.3 above is not a public agency, the maintenance plan and any future revisions based on § 240-10B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under § 240-10B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 240-10B.6 and §B.7 above.
 8. The requirements of § 240-10B.3 and § 240-10B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 240-11. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance or found to be in violation of the provisions of this ordinance shall be subject to the following penalties: a fine not to

exceed \$1,000 or imprisonment for a term not to exceed 90 days, or both such fine and imprisonment.

§ 240-12. Severability:

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance

§ 240-13. Effective Date:

This ordinance shall take effect upon its final passage and publication as required by law.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of
Margate City, New Jersey



OFFICE OF THE ZONING OFFICER
City of Margate City
Municipal Building
9001 Winchester Avenue
Margate City, New Jersey 08402
McLarnon_roger@margate-nj.com

Memorandum

June 1, 2021

To: Administrator Richard Deaney

Cc: Mayor and Commissioners

From: Roger D. McLarnon, PE, PP, CME, CFM, CPWM; Zoning Officer, and Planner

Ref: Storm Water Management Ordinance revisions

The City of Margate's Stormwater Ordinance is based on a template or "model ordinance" provided by the New Jersey Department of Environmental Protection and the substantial changes are highlighted below.

The New Jersey Department of Environmental Protection (NJDEP) has revised and published new stormwater regulations that will affect land development practices within the State. The revisions require the use of decentralized green infrastructure practices and provide a more objective review process for projects. All municipalities in the State are required to update its stormwater ordinances to reflect and to comply with the new NJDEP rules and regulations.

A major difference is that prior regulations required the use of non-structural stormwater management strategies to "the maximum extent practicable." The new rules eliminate that term and clearly define the standards to be used for design compliance.

Secondly, a component to the new rule is the change in permitted stormwater modeling criteria. Infiltration of captured stormwater through best management practices (BMP's) will now be permitted in engineering calculations. This change will result in smaller stormwater BMP's which will maximize the developable area on a site.

Beyond the use of green infrastructure and the impact of receiving credit for stormwater infiltration, the rules introduce additional changes that will impact development. Guidance is provided on both small and large scale BMPs. New tables clarify the applicability of different BMPs when used to meet the requirements for groundwater recharge, water quality, and quantity standards. Additional engineering calculation methods relevant to green stormwater infrastructure design are also incorporated into the new rules.

The City of Margate will not likely feel the impact of the changes as "Major Development" will likely not occur in Margate due to 100% of Margate is developed and the size of development is limited.

(609) 822-5438 • Fax: (609) 487-1142 • Roger McLarnon, PE, CME, PP - Zoning Officer, Planner

Ordinances: Public/Adoption: None

Resolutions:

A motion to adopt **Resolution #120-2021**, authorizing the payment of claims, was put forth by Commissioner Amodeo, Seconded by Commissioner Blumberg, with a vote of three ayes.

RESOLUTION #120-2021
MARGATE CITY BILL LIST / PAYROLL
June 3, 2021

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey are in receipt of the semimonthly claims submitted by the Chief Financial Officer for payment:

BILLS LIST AMOUNT: \$703,092.18

PREVIOUSLY PAID: \$ 2,836.60

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners does hereby approve the Margate City Bill List / Payroll, and that all claims and bills attached here to be paid in full.

May 28, 2021
12:11 PM

City of Margate City
Purchase Order Listing By P.O. Number

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed
Include Non-Budgeted: Y

Open: N
Rcvd: Y
Bid: Y

Paid: N
Held: N
State: Y

Void: N
Aprv: N
Other: Y
Exempt: Y

First Enc Date Range: First to 06/03/21

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
20-00063	01/09/20	WB MASON W.B. MASON CO., INC.	2020 Finance Office Supplies	Open	149.66-	0.00	
20-00150	01/15/20	WB MASON W.B. MASON CO., INC.	Public Works supplies	Open	80.46	0.00	
20-00464	03/10/20	WB MASON W.B. MASON CO., INC.	Office supplies- Finance	Open	4.90	0.00	
20-00489	03/19/20	WB MASON W.B. MASON CO., INC.	janitorial supplies	Open	239.90	0.00	
20-00495	03/24/20	STATETOX STATE TOXICOLOGY LABORATORY		Open	180.00	0.00	
20-00536	04/07/20	WB MASON W.B. MASON CO., INC.	janitorial supplies	Open	49.95	0.00	
20-01208	09/01/20	MATHISCO Mathis Construction Co., Inc Contract No: U1490000	Amherst Ave reconstruction	Open	152,084.33	0.00 C	
20-01564	12/09/20	WB MASON W.B. MASON CO., INC.	JANITORIAL SUPPLIES	Open	805.41	0.00	
21-00002	01/07/21	NJOIVPEN NJ DIV OF PENSION & BENEFITS	Employee health	Open	206,988.30	0.00 B	
21-00008	01/09/21	J SCOTT John Scott Abbott, Esq. Contract No: C2000024	Solicitor Retainer	Open	7,000.00	0.00 C	
21-00015	01/09/21	PBC PROFESSIONAL BENEFIT Contract No: C2000029	Health broker fee	Open	1,041.67	0.00 C	
21-00016	01/09/21	BROWNBRWN Brown & Brown Metro, LLC Contract No: C2000028	Health broker fee	Open	1,041.67	0.00 C	
21-00023	01/11/21	SEASIO05 Seaside Serenity Counseling Contract No: C2100003	Employee Assistance Program	Open	465.00	0.00 C	
21-00028	02/01/21	DELTADEN DELTA DENTAL PLAN OF NJ Contract No: C2000018	Employee Dental - 2021	Open	844.80	0.00 C	
21-00035	01/12/21	JPM JERSEY PROFESSIONAL MANAGEMENT Contract No: C2100007	2021 Acting Admin & Management	Open	14,868.00	0.00 C	
21-00037	01/12/21	CIOETACD Cioeta Consulting, LLC Contract No: C2100009	Human Resources Professional	Open	4,305.00	0.00 C	
21-00038	01/12/21	VIDEO MOBILE DREDGING VIDEO PIPE INC Contract No: C2100010	Monitoring of Sewer Systems	Open	36,680.00	0.00 C	
21-00039	01/12/21	AGUZZ005 A. Guzzo Landscaping, LLC Contract No: C2100011	2021 Landscaping Maintenance	Open	53,860.32	0.00 C	
21-00042	01/12/21	SWIFT LA SWIFT LAW FIRM Contract No: C2100014	2021 Public Defender	Open	400.00	0.00 C	
21-00055	01/12/21	FASTENAL Fastenal Company	Carpenter Supplies	Open	484.43	0.00 B	
21-00063	01/13/21	METER The Meter Guy, LLC.	Annual Program SCADA System	Open	7,770.00	0.00	
21-00074	01/13/21	CASA CASA PAYROLL SERVICE	2021 Payroll Service	Open	3,303.45	0.00 B	
21-00087	01/14/21	COLONIAL Colonial Electrical Supply Inc		Open	20.04	0.00	
21-00089	01/14/21	HORIZON2 HORIZON EYE CARE PA Contract No: C1900021	2021 Employee Vision	Open	2,310.00	0.00 C	
21-00097	01/14/21	GENTILIN GENTILINI FORD, INC.	Vehicle Repairs	Open	3,790.46	0.00	
21-00100	01/14/21	FARM Farm Credit East, ACA	Parts for Kabota mowers	Open	2,554.58	0.00	
21-00103	01/15/21	WB MASON W.B. MASON CO., INC.	PW Supplies	Open	1,093.33	0.00	
21-00122	01/19/21	ISOLV005 isolved Benefit Service	COBRA admin services	Open	921.69	0.00	
21-00130	01/20/21	ACELECTR ATLANTIC CITY ELECTRIC	General Electric Bills	Open	50.03	0.00	
21-00184	01/21/21	OLD CAPE OLD CAPE, INC.	Concrete / Asphalt	Open	1,610.35	0.00	
21-00189	01/22/21	SAMS Sam's Club	Supplies	Open	752.50	0.00	
21-00230	01/25/21	AE STONE A.E. STONE, INC.	Hot and Cold Patch	Open	416.48	0.00	
21-00244	01/27/21	SOMERS P SOMERS POINT LUMBER, INC.	Lumber - Bulkhead	Open	4,048.12	0.00	
21-00261	01/28/21	NJLM NJ STATE LEAGUE MUNICIPALITIES	NJ MUNICIPALITIES MAGAZINE	Open	100.00	0.00	
21-00265	01/28/21	WB MASON W.B. MASON CO., INC.	W.B. MASON - JJV's	Open	33.31	0.00	
21-00294	02/03/21	SJOVERHE SOUTH JERSEY OVERHEAD DOOR	Repair Gate	Open	350.00	0.00	
21-00317	02/10/21	CASA 2 CASA REPORTING SERVICES LLC	2020 YEAR END CHARGES	Open	240.80	0.00	

May 28, 2021
12:11 PM

City of Margate City
Purchase Order Listing By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
21-00319	02/10/21	ANIMAL SAMUEL W. HOLLAND DBA	2021 ANIMAL CONTROL SERVICES	Open	700.00	0.00	c
Contract No: C1900011							
21-00322	02/11/21	ACUA ATLANTIC COUNTY UTILITIES AUTH	Recycle Jan	Open	73,276.84	0.00	
21-00324	02/11/21	ACUA ATLANTIC COUNTY UTILITIES AUTH	2021 Water Testing	Open	183.40	0.00	
21-00337	02/15/21	RELIA005 Reliance Standard Life	Supplemental Life & AD&D	Open	441.76	0.00	c
Contract No: C2100024							
21-00350	02/02/21	ACTION U ACTION UNIFORM CO. LLC	UNIFORMS AND EQUIPMENT	Open	1,322.00	0.00	
21-00389	02/26/21	LOWES Lowe's Commercial Services	Landscaping Supplies	Open	1,734.54	0.00	
21-00400	03/03/21	WB MASON W.B. MASON CO., INC.	Office Supplies	Open	1,086.42	0.00	
21-00424	03/08/21	ROGERS G The Rodgers Group, LLC	Accreditation Maintenance	Open	5,968.00	0.00	
21-00428	03/09/21	TRI ST Tri-State Diagnostics Corp.	Employee Screening	Open	30.00	0.00	
21-00454	03/15/21	GARDENST GARDEN STATE HIGHWAY PRODUCTS	TRAFFIC SIGNS	Open	638.00	0.00	
21-00458	03/16/21	MBA Margate Business Association	2021 City Events	Open	24,700.00	0.00	B
21-00479	03/23/21	GROFF005 GT Mid Atlantic LLC	Stock / Filter	Open	40.50	0.00	
21-00480	03/23/21	WB MASON W.B. MASON CO., INC.	computer supplies	Open	649.74	0.00	
21-00481	03/23/21	STATLAB Garden State Laboratories, Inc	Water Testing / Samples	Open	1,515.00	0.00	
21-00487	03/24/21	CM 3 CM3 BUILDING SOLUTIONS, INC.	Municipal Building Repair	Open	8,107.00	0.00	
21-00489	03/24/21	ROCCO005 Rocco Tabasso	fund beach badge change fund	Open	750.00	0.00	
21-00492	03/24/21	WB MASON W.B. MASON CO., INC.	office supplies	Open	46.05	0.00	
21-00494	03/24/21	PEACHCO PEACH COUNTRY TRACTOR, INC.	Hydraulic Oil	Open	608.85	0.00	
21-00498	03/25/21	HOMED308 Home Depot Credit Services	Kitchen Cabinets	Open	1,487.99	0.00	
21-00547	04/08/21	ALLEG005 Allegra Marketing Print & Mail	2021 Water Quality Reports	Open	810.00	0.00	
21-00548	04/08/21	ALLEG005 Allegra Marketing Print & Mail	2021 Tax Office Supplies	Open	162.62	0.00	
21-00581	04/14/21	CODY CODY COMPUTER SERVICES, INC	Annual Service Agreement	Open	10,154.67	0.00	
21-00593	04/20/21	STAPLCRE Staples Business Credit	Toner Cartridge	Open	103.61	0.00	
21-00595	04/20/21	ACTION U ACTION UNIFORM CO. LLC	Summer 2021 shirts	Open	1,113.50	0.00	
21-00596	04/21/21	ACREVFIN City of Atlantic City	City elevator inspections	Open	774.00	0.00	
21-00605	04/21/21	STAPLCRE Staples Business Credit	Office Supplies and Stamps	Open	471.57	0.00	
21-00617	04/23/21	MGLFORMS MGL PRINTING SOLUTIONS	Tax Sale Ledger & Ledger Paper	Open	198.00	0.00	
21-00623	04/26/21	HID GLOB HID Global Corporation	Annual Maintenance Agreement	Open	400.00	0.00	
21-00626	04/26/21	FROMUTH Fromuth Tennis	Tennis Supplies	Open	848.60	0.00	
21-00653	04/29/21	PRM STIP PrimeStripe Inc.	Field Paint	Open	901.69	0.00	
21-00658	04/29/21	NJLM NJ STATE LEAGUE MUNICIPALITIES	2021 Virtual Mini Conference	Open	115.00	0.00	
21-00659	04/30/21	WB MASON W.B. MASON CO., INC.	Municipal Bld Office Supplies	Open	511.26	0.00	
21-00673	05/03/21	ALLEG005 Allegra Marketing Print & Mail	Printing	Open	150.00	0.00	
21-00675	05/04/21	SHRED SHRED-IT USA LLC	Shred Event 4/24/21	Open	910.50	0.00	
21-00676	05/04/21	ACTION S ACTION SUPPLY INC	I5 Road Gravel -Dune Crossover	Open	890.24	0.00	
21-00679	05/04/21	AMAZO005 Amazon Capital Services, Inc.	Fire Dept. Materials/Supplies	Open	739.72	0.00	
21-00683	05/06/21	GALLOWAY GALLOWAY WHOLESALE NURSERY LLC	Landscaping	Open	3,350.00	0.00	
21-00685	05/06/21	PROFORMA PROFORMA DYNAMIC RESOURCES	Construction Permit App	Open	430.23	0.00	
21-00694	05/10/21	TACTICAL TACTICAL PUBLIC SAFETY LLC	Radio Batteries - Beach Patrol	Open	4,104.00	0.00	
21-00701	05/11/21	TACTICAL TACTICAL PUBLIC SAFETY LLC	Annual Maintenance Contract	Open	5,250.00	0.00	
21-00708	05/11/21	LUCKY Lucky Dog Custom Apparel	Summer Employee Uniforms	Open	2,320.00	0.00	
21-00717	05/13/21	GALLOWAY GALLOWAY WHOLESALE NURSERY LLC	Landscaping	Open	5,460.00	0.00	
21-00726	05/14/21	SAMS Sam's Club	Fire Department Supplies	Open	239.06	0.00	
21-00727	05/14/21	WITMER Witmer Public Safety Group Inc	Fire Department Equipment	Open	2,592.00	0.00	
21-00730	05/17/21	LUCKY Lucky Dog Custom Apparel	Community Policing Supplies	Open	2,230.99	0.00	
21-00731	05/18/21	ALMO PO Almo Pools Inc	Chemicals for fountains	Open	365.94	0.00	
21-00733	05/19/21	SHEPPARD Sheppard Bus Service	Summer Camp Bus for Trip	Open	2,280.00	0.00	
21-00737	05/20/21	SAID SAID SEW	Beach Patrol Shorts Embroidery	Open	320.00	0.00	
21-00738	05/20/21	WILLIAMS WILLIAMS SCOTSMAN, INC.	Sta. 2 Trailer Rental - 4/2021	Open	286.00	0.00	
21-00739	05/20/21	WITMER Witmer Public Safety Group Inc	Rhyno Dynamic Cutter Blade	Open	136.00	0.00	
21-00740	05/20/21	WITMER Witmer Public Safety Group Inc	Fire Department T-Shirts	Open	1,458.00	0.00	
21-00741	05/20/21	DELTA Delta Line Construction Co.	Repair broken utility neutral	Open	2,030.00	0.00	

May 28, 2021
12:11 PM

City of Margate City
Purchase Order Listing By P.O. Number

Page No: 3

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
21-00746	05/24/21	LUCKY Lucky Dog Custom Apparel	Beach Bage uniforms	Open	5,913.50	0.00	
21-00747	05/19/21	WITMER Witmer Public Safety Group Inc	Fire Dept. Equipment - Webbing	Open	87.00	0.00	
21-00749	05/25/21	VANES005 Vanessa Wong	Refund - Summer Camp	Open	550.00	0.00	
21-00750	05/25/21	OCWATER Boardwalk Adventures	Summer Camp Trip	Open	1,397.50	0.00	
21-00752	05/25/21	AD COMM A&D Commercial Painting, LLC	Repainting Trash Can Huts	Open	3,400.00	0.00	
21-00753	05/25/21	EAST AUT Eastern Autopart Warehouse Inc	Parts - CASE Loader	Open	958.98	0.00	
21-00757	05/26/21	SAMS Sam's Club	Fire Department Supplies	Open	134.16	0.00	
21-00759	05/27/21	STEEL005 Steelman & Co. LLC	Program phone system -Police	Open	140.00	0.00	
21-00760	05/27/21	CM 3 CM3 BUILDING SOLUTIONS, INC.	Freon to Courtroom AC Unit	Open	37.12	0.00	
21-00761	05/27/21	VCI VCI Emergency Vehicle Special	A-21 - Emergency Service	Open	2,255.55	0.00	
21-00763	05/11/21	VERALPH V.E. RALPH & SON, INC.	Beach Patrol EMS Supplies	Open	818.91	0.00	
21-00764	05/18/21	VERALPH V.E. RALPH & SON, INC.	Beach Patrol EMS Supplies	Open	63.72	0.00	
21-00768	05/27/21	NJCPA NJCPA	2021/2022 dues L McLaughlin	Open	360.00	0.00	
21-00769	05/28/21	WB MASON W.B. MASON CO., INC.	print toner	Open	942.83	0.00	

Total Purchase Orders: 103 Total P.O. Line Items: 0 Total List Amount: 703,092.18 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
APPROPRIATIONS	0-01	985.41	0.00	0.00	985.41
APPROPRIATIONS	1-01	482,969.63	0.00	0.00	482,969.63
	1-05	58,545.81	0.00	0.00	58,545.81
Year Total:		541,515.44	0.00	0.00	541,515.44
	C-04	160,191.33	0.00	0.00	160,191.33
	T-14	400.00	0.00	0.00	400.00
Total of All Funds:		703,092.18	0.00	0.00	703,092.18

City of Margate
Additional Bill List - Previously Paid

For meeting on 6/3/2021

Current Fund PO #	Vendor	Description	Amount	Date Paid	Check #
Total Current Account			\$ -		
TRUST OTHER ACCOUNT					
PO #	Vendor	Description	Amount	Date Paid	Check #
21-00014	Leone Thomas	Accumulated Absences	\$ 1,000.00	1-Jun	
21-00085	Chad Stocking	Accumulated Absences	\$ 1,000.00	1-Jun	
Total Trust Other Account			\$ 2,000.00		
LIFE GUARD PENSION					
PO #	Vendor	Description	Amount	Date Paid	Check #
21-00092	John Slattery III	LG Pension	\$ 157.72	1-Jun	
21-00382	John Toland III	LG Pension	\$ 678.88	1-Jun	
Total LIFE GUARD PENSION Account			\$ 836.60		
Total Paid All Funds			\$ 2,836.60		

A motion to adopt **Resolution #121-2021**, authorizing the payment to Colmar Home Center , was put forth by Commissioner Amodeo, Seconded by Commissioner Blumberg, with a vote of two ayes. Mayor Becker abstained from vote.

RESOLUTION #121-2021
AUTHORIZED PAYMENT - COLMAR HOME CENTER

WHEREAS, the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey are in receipt of the monthly claim as submitted by the Chief Financial Officer for payment as follows:

COLMAR HOME CENTER \$ 294.47

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Margate City does hereby approve the Margate City Bill for Colmar Home Center, attached hereto be paid in full.

Consent Agenda:

A motion to adopt the Consent Agenda for **Resolution #122-2021 thru Resolution #127-2021**, was put forth by Commissioner Amodeo, Second by Commissioner Blumberg, with a vote of three ayes.

**RESOLUTION #122-2021
AUTHORIZING INCREASE TO
BEACH BADGE CHANGE FUND CASH FUNDS**

WHEREAS, the Board of Commissioners of the City of Margate City approved Resolution #86 of 2013 on March 21, 2013 approving a Change Fund in the amount of \$1,250.00 for the Beach Badge Fee Program; and

WHEREAS, it is the desire of the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey to increase the establish \$1,250.00 Change Fund for the Beach Badge Fee Program to \$1,500.00 to accommodate the increase need for change; and

WHEREAS, the department/custodian is required to maintain proper records for funds conducive to proper accounting and auditing procedures as required by the City auditor; and

WHEREAS, all custodians as referenced above will bonded in the amount of \$1,000,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Margate City does hereby authorizes increasing the Change Fund for the Beach Badge Fee Program to \$1,500.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Andrew Miles, Recreation Director
3. Marianne Christian

**R E S O L U T I O N #123-2021
AUTHORIZING CHANGE ORDER #2 (INCREASE)
RECONSTRUCTION OF AMHERST AVENUE
PHASE I**

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey authorized Resolution #184-2020 on September 17, 2020 awarding a contract to Mathis Construction Company, Inc., 1510 Route 539 #1, Little Egg Harbor Twp., NJ 08087 as per their proposal for Reconstruction of Amherst Avenue Phase I Amended, in an amount of \$898,452.15; and

WHEREAS, City Engineer, Ed Dennis, of Remington & Vernick Engineers has prepared a letter dated February 26, 2021 regarding an increase in Change Order #1 that relates to water main field adjustments in the amount of \$14,475.04, resulting in a new contract total of \$912,927.19; and

WHEREAS, City Engineer, Ed Dennis, of Remington & Vernick Engineers has prepared a letter dated May 25, 2021 regarding an increase in Change Order #2 that relates to additional water main items in the amount of \$41,717.37, resulting in a new contract total of \$954,644.56; and

WHEREAS, the Chief Financial Officer has certified to the Margate City Board of Commissioners that there are sufficient funds in the amount of \$41,717.37 available under C-06-55-913-903 account for approval of this change order.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey does hereby approve Change Order # 2 to the contract with Mathis Construction Company, Inc., 1510 Route 539 #1, Little Egg Harbor Twp., NJ 08087 to the new contract amount \$954,644.56.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Dennis, City Engineer
3. Mathis Construction Company, Inc., 1510 Route 539 #1, Little Egg Harbor Twp., NJ 08087

Certification Of Availability of Funds

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 954,644.56
Resolution Date: 06/03/21
Resolution Number: 123-2021

Vendor: MATHISCO Mathis Construction Co., Inc
1510 Route 539 #1
Little Egg Harbor, NJ 08087

Contract: U1490000 Amherst Avenue
Reconstruction-Phase I
Clarendon Ave to Douglas Ave

Account Number	Amount	Department Description
C-06-55-913-903	41,717.37	Ordinance 03-2020
Total	41,717.37	

Only amounts for the 2021 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.


Chief Financial Officer

RESOLUTION #124-2021

REGARDING CITY OF MARGATE CITY ZONING AND CODE RELIEF FOR BUSINESSES DURING PANDEMIC

WHEREAS, the City of Margate City Board of Commissioners desires to provide zoning and code relief to assist existing local businesses with valid mercantile licenses which support primary residences, second homeowners and guests to the City of Margate;

WHEREAS, the intent of this relief is to help businesses restore revenue after being required to be shuttered or reduced business during the pandemic;

WHEREAS, the Governing Body desires to further supplement Ordinance 203-Outdoor Dining and Resolution 54-2021 by the extension of allowable outdoor service so that service will stop by 10:00 p.m. and all outdoor music shall cease by 8:00 p.m.

NOW, THEREFORE BE IT RESOLVED, that the City of Margate City Board of Commissioners hereby authorizes the extension of outdoor service as authorized by Resolution #54-2021so that said service may continue to 10:00 p.m. each night conditioned upon outdoor music ceasing at 8:00 p.m. each night.

BE IT FURTHER RESOLVED; that this change in the hours of service shall be in effect immediately and applicable to all eateries and businesses utilizing public rights of way and parking areas and that said relief is temporary until December 31, 2021.

This Resolution shall take effect immediately upon adoption

Updates:

Commissioner Amodeo: States Chief Hankinson was listening to the public comment section. The Chief will take care of the requested “Do Not Enter Sign”.

Adjournment:

There being no further business, Mayor Becker called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Blumberg and seconded by Commissioner Amodeo to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 4:09 p.m.

Board of Commissioners of the City of Margate City, New Jersey

RESOLUTION #125-2021

**AUTHORIZING MARGATE CITY MUNICIPAL RIGHT OF WAY,
NORTH ESSEX AVENUE, DURING PANDEMIC**

WHEREAS, the City of Margate City Board of Commissioners desires to provide zoning and code relief to assist existing local businesses with valid mercantile licenses which support primary residences, second homeowners and guests to the City of Margate; and

WHEREAS, the intent of this relief is to help businesses restore revenue after being required to be shuttered or reduced business during the pandemic; and

WHEREAS, the Governing Body desires to further supplement Ordinance 203-Outdoor Dining and Resolution #124-2021 by the extension of allowable outdoor service area to accommodate 7805 Bocca, LLC, also known as Bocca Coal Fire Bistro; and

WHEREAS, the attached license granted to Bocca Coal Fire Bistro requires the closing of a portion of North Essex Avenue so a tent can be erected.

NOW, THEREFORE, BE IT RESOLVED, that the City of Margate City Board of Commissioners hereby authorizes Boca Coal Fire Bistro use of public right of way, a portion of North Essex Avenue, and said service may continue until 10:00 p.m. each night conditioned upon outdoor music ceasing at 8:00 p.m., in effect June 15, 2021 until September 13, 2021.



CITY OF MARGATE CITY
MUNICIPAL BUILDING
9001 WINCHESTER AVENUE
MARGATE CITY, NEW JERSEY
08402

AGREEMENT BETWEEN CITY OF MARGATE CITY AND

7805 BOCCA, LLC AND LOUIS

FREEDMAN JUNE 3, 2021

Whereas, 7805 BOCCA, LLC a restaurant known as BOCCA COAL FIRE BISTRO is located at 7805 Ventnor Avenue, on the corner of Ventnor and North Essex Avenue, and

Whereas, because of a state of emergency declared by the Governor of New Jersey due to COVID 19 health crisis, restaurants in New Jersey were prohibited to serve indoors (now permitted), and

Whereas, outdoor dining was encouraged and municipalities were allowed to relax zoning restrictions, and

Whereas similar alcohol license restrictions were permitted by the State of New Jersey to be relaxed, and

Whereas, the Margate City Board of Commissioners adopted Resolutions #54-2021 and #124-2021 permitting licenses to expand outdoor dining into public spaces under certain conditions including cessation of service at 10:00pm and cessation of outdoor music at 8:00pm and

Whereas, BOCCA COAL FIRE BISTRO obtained a license to expand its operations into public spaces, and

Whereas, the particular license granted to BOCCA COAL FIRE BISTRO required the closing of a portion of North Essex Avenue so a temporary tent could be erected, and
Whereas, said closing of a public right of way serving a residential neighborhood causes certain inconveniences to the neighborhood, and

Whereas, the expansion of the restaurant business to the outside together with additional noise, lights and litter including amplified music well into the evening resulted in 2020 a number of police calls and the disturbance of the peaceful enjoyment of certain neighboring residential properties, and

Whereas, the Margate Police Chief finds, that with the end of the summer season, that the balance of good will to BOCCA COAL FIRE BISTRO and the Margate Business Community against the balance of the safety and quality of life needs of the community at large favored opening up North Essex Avenue for vehicular traffic, and

Whereas, the Margate Police Chief directed the removal of the BOCCA COAL FIRE BISTRO tent located within the right of way by September 13, and

Whereas, an agreement has been reached between the parties as follows:

1. 7805 BOCCA, LLC shall be permitted to operate under the conditions of the license granted from June 15, 2021 thru September 13, 2021 at which time the tent and all tables, chairs and all other assets owned or leased by BOCCA shall be removed from the roadway curb to curb and the roadway shall be caused to be reopened by the Chief of Police.
2. 7805 BOCCA, LLC shall be permitted to use public areas within the sidewalk according to terms of the original license providing at all times adequate pedestrian and ADA movement is maintained.
3. 7805 BOCCA, LLC shall be permitted outdoor music or "live DJ" from the June 15, 2021, with said music ceasing at 8:00pm each day, until the termination of the approved time limit of September 13, 2021 unless it shall first obtain written approval of the Margate Police Chief and the Margate Commissioner of Public Safety.
4. 7805 BOCCA, LLC shall cease all service to customers no later than 10:00pm.
5. Residents of the affected area of the street closure will be issued one (1) parking permit as authorized by the Chief of Police. The affected area will be "Resident Parking Only."

Approved by Mayor

Date

Approved by City Clerk

Date

Approved by 7805 Bocca, LLC, Louis Freedman

Date

RESOLUTION #126-2021**AUTHORIZING EXTENSION OF TIME FOR COMPLETION OF
SHORE PROTECTION STRUCTURE BY UNION POINT, LLC**

WHEREAS, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, authorized by Resolution #126-2020 the Acceptance of a Bid for the Purchase of Public Lands known as Block 623, Lots 1 & 1.01E by Union Point, LLC, said transfer of property being subject to terms and conditions set forth in an Agreement dated July 13, 2020, between the City of Margate City and Union Point, LLC, which provided for, among other things, the construction of a Shore Protection Structure; and

WHEREAS, pursuant to the aforesaid Agreement, the Shore Protection Structure was contemplated to be completed within six months from settlement, said six month deadline being February 10, 2021, and providing for an extension of the completion time if said Shore Protection Structure was in the process of being completed, conditioned upon the finding of good cause at the sole discretion of the City; and

WHEREAS, an extension for time of completion was granted as authorized by Resolution #42-2021 to a completion date of May 10, 2021 and another extension of time for completion was granted and authorized by Resolution #112-2021 to a completion date of June 10, 2021; and

WHEREAS, the Shore Protection Structure has not been completed and continues to be in the process of being constructed and therefore an extension of another 30 days extending the time of completion to July 12, 2021 has been requested; and

WHEREAS, the Board of Commissioners has considered the request by Union Point LLC for an extension of completion time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City, that it does hereby authorize an extension of time for the completion of the Shore Protection Structure to a completion date of July 12, 2021, which structure is to be certified as approved by the City Engineer; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Edward Dennis, City Engineer
3. Benjamin Zeltner, Esquire, 3030 Atlantic Avenue, Atlantic City, NJ 08401

**RESOLUTION #127-2021
RESOLUTION OF EMERGENCY DETERMINATION
AND AUTHORIZATION FOR EMERGENCY REPAIR OF
600 BLOCK CLERMONT AVENUE WATER MAIN**

WHEREAS, the City of Margate City's City Engineer has investigated the Clermont Avenue Water Main 600 Block and determined that the water main on the 600 block of Clermont Avenue is in need of repair and has memorialized his determination of emergency by letter of May 25, 2021; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-6* captioned "Emergency Purchases and Contracts" statutory authority authorizes emergency contracts which exceed the bid threshold where such emergency affects the public health, safety or welfare; and

WHEREAS, the Governing Body finds the water main of the 600 Block of Clermont Avenue is an integral component affecting the public health, safety and welfare of those residents in area; and

WHEREAS, the City Engineer has provided specifications and has determined to engage Perna Finnigan 1921 E Sherman Ave. Vineland, NJ 08361, for the repair; and

WHEREAS, the Chief Financial Officer has certified to the Margate City Board of Commissioners that there are sufficient funds in the amount of \$157,757.00 available under Ordinance 08-2019 C-06-55-912-902 account for approval of this change order.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City, Atlantic County, State of New Jersey, that it does hereby determine that an emergency exists with regard to the water main on the 600 block of Clermont Avenue and that it does hereby approve and authorizes the City Engineer to procure a contract for the repair and/or replacement of the water main on the 600

Block of Clermont Avenue with said Perna Finnigan 1921 E Sherman Ave. Vineland, NJ 08361 pursuant to the emergency provisions on *N.J.S.A.* 40A:11-6; and

BE IT FUTHER RESOLVED that the certified copy of this Resolution shall be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Ed Dennis, City Engineer
3. Perna Finnigan 1921 E Sherman Ave. Vineland, NJ 08361

CERTIFICATION OF AVAILABILITY OF FUNDS

Pursuant to 40A:4-57, I, Lisa McLaughlin, Chief Financial Officer of the City of Margate, County of Atlantic, do hereby certify that the below listed funds are available.

Contract:

Clermont Avenue Water Main Emergency Repairs

Resolution #: 127-2021

Resolution Date: June 3, 2021

Vendor:

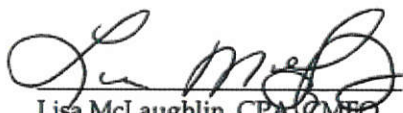
Perna Finnigan, Inc.
Vineland, NJ

Contract Amount:

\$157,757.00

Source of Funds:

Capital Ordinance 08-2019 C-06-55-912-902 \$157,757.00


Lisa McLaughlin, CPA, CMFO
Chief Municipal Finance Officer
Margate City, New Jersey

6/3/21
Date

Update:

Commissioner Amodeo: Speaks on the Atlantic Avenue Road Diet. Reads a letter of May 20, 2021 from the Atlantic County Executive.

Adjournment:

There being no further business, Mayor Becker called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Amodeo and seconded by Commissioner Blumberg to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 4:35 p.m.

Board of Commissioners of the City of Margate City, New Jersey


Mayor, Michael Becker


Commissioner John F. Amodeo


Commissioner Maury Blumberg

Attest:  Johanna Casey, Municipal Clerk