

Egg Harbor Township

Ordinance No. 14

2021

An ordinance to amend Chapter 94 of the Code of the Township of Egg Harbor entitled “Design, Performance and Improvement Standards”, specifically Article IV entitled “Standards”

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, in the County of Atlantic, New Jersey as follows:

SECTION 1. Chapter 94 of the Code of the Township of Egg Harbor, specifically Section 94-44.A (1)(a) is hereby amended by adding the following:

§94-44. Scope and purpose.

- [9] 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.

SECTION 2. Chapter 94 of the Township Code of the Township of Egg Harbor, specifically Section 94-44.A (1)(b) is hereby amended by deleting it in its entirety and replacing it with the following:

- (b) Therefore, it is the purpose of this section to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted Master Plan and land use ordinances of Egg Harbor Township and to to establish minimum stormwater management requirements and controls for “major development,” as defined below.

SECTION 3. Chapter 94 of the Code of the Township of Egg Harbor, specifically Section 94-44.A (3)(a) is hereby amended by deleting it in its entirety and replacing it with the following:

- (a) All non-residential and residential major developments occurring within Egg Harbor Township that require preliminary or final site plan or subdivision review; and

SECTION 4. Chapter 94 of the Code of the Township of Egg Harbor, specifically Section 94-44.B (3) is hereby amended by deleting it in its entirety and replacing it with the following:

- (3) Checklist requirements. Any application for approval of a major development shall include at least the following information. All required engineering plans shall be submitted to Egg Harbor Township in AutoCAD 2000 or higher on a USB/Flash drive,, registered and rectified to NJ State Plane Feet NAD 83 or Shape Format NJ State Plan Feet NAD 83, and all other documents shall be submitted in both paper and commonly used electronic file formats such as pdf, word processing, database or spreadsheet files. Three copies of each item shall be submitted.

SECTION 5. Chapter 94 of the Code, specifically Section 94-44.C (2) (a) is hereby amended by deleting it in its entirety and replacing it with the following:

- (a) In complying with the stormwater runoff quality standards in **§ 94-44D (4) (a)**, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds, 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

SECTION 6. Chapter 94 of the Code, specifically Section 94-44.D (2) (a) is hereby amended by deleting it in its entirety and replacing it with the following:

- (2) Stormwater runoff quantity and rate standards.
 - (a) There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetlands transition area or surface water body. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site. 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.

SECTION 7. Chapter 94 of the Code, specifically Section 94-44.D (2) (e) is hereby amended by deleting it in its entirety and replacing it with the following:

- (e) In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with Subsection **D (2) (d) [1], [2] and [3]** above shall only be applied if 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.

SECTION 8. Chapter 94 of the Code, specifically Section 94-44.D is hereby amended by adding the following:

D. Stormwater management performance standards for major development.

(9) Green Infrastructure Requirements:

(a) 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.

(b) 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. Alternative stormwater management measures may be used to satisfy the requirements only if the measures meet the definition of green infrastructure. Alternative stormwater management measures that function in a similar manner to a BMP are subject to the contributory drainage area limitation 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 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 § 94-44D(8).

[1] Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this article 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)
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	80	Yes	Yes	2
Vegetative Filter	60-80	No	No	--

(Notes corresponding to annotations (a) through (g) are found at end of Table 3)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality)				
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)	2 ^(b)
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

(Notes corresponding to annotations ^(b) through ^(d) at end of Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only 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)
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
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 § 94-44E(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 § 94-44G
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 94-44G.

E. 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 the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §94-44D(9)(b)[1] and/or an alternative stormwater management measure. 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, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §94-44D(9)(b).
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
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, unless the project is granted a waiver from strict compliance.

SECTION 9. Chapter 94 of the Code, specifically Section 94-44.E thru L is hereby amended to read as 94-44.F thru M.

SECTION 10. Chapter 94 of the Code, specifically Section 94-44.H hereby amended by adding the following definitions:

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 chapter.

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.

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.

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.

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.

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.

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.

SECTION 11. All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 12. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 13. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EGG HARBOR, IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, HELD FEBRUARY 17, 2021, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD AT THE EGG HARBOR TOWNSHIP COMMUNITY CENTER, IN SAID TOWNSHIP ON MARCH 17, 2021.

Dated: February 17, 2021

Eileen M. Tedesco, RMC
Township Clerk