Minutes of the Regular Meeting of the Township Committee of the Township of Millburn, in Essex County, New Jersey, held in Town Hall and remotely starting at 7:00 PM on the above date.

Mayor Prupis opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall and remotely at 7:00 PM on March 9, 2021.

Mayor Prupis asked all those present to stand for the Salute to the Flag.

Proclamation

Mayor Prupis presented a Proclamation to Robbie Almgren’s family which declared March 10, 2021, Robbie Almgren’s Day; the Day of the Gentleman Athlete. Family members and friends spoke of Robbie’s legacy and conveyed their gratitude to the Township Committee for honoring Robbie.

At 7:10PM, Mayor Prupis called for a five minute recess and at 7:14PM the meeting resumed.

Roll Call

Upon call of the roll, the following Committee members were recorded present: Maggee Miggins, Dianne Thall Eglow, Richard Wasserman, Sanjeev Vinayak, (remotely, via Zoom), Tara Prupis.

Also present were Business Administrator Alexander McDonald, Township Clerk Christine Gatti (remotely, via Zoom), Township Attorney Christopher Falcon and Administrative Analyst Jesse Moehlman.

Approval of Agenda

Mayor Prupis asked for a motion to approve the agenda. The motion was offered by Mr. Wasserman and seconded by Ms. Miggins.

Vote: All Ayes

Reports

Mayor Prupis reported that on March 3rd a working group of the members of the Rahway River Mayor’s Council met with the Essex County Officials to present the Consensus Plan and are now waiting for a letter of approval from the County Executive. Mayor Prupis announced that on March 2nd they had their second virtual workshop with the Downtown Area Vision Plan. She noted that 215 people registered for the meeting and approximately 145 people participated and draft concepts were presented. She advised that the video of the workshop can be found on YouTube and also on the Downtown Area Vision webpage. She announced that the next Steering Committee with the Perkin’s Eastman Team was scheduled for March 11th where they would debrief from the engagement tools and confirm recommendations. The plan would be presented to the Township Committee on March 23rd. Mayor Prupis advised that the Senior Citizens Advisory Board had their first meeting of 2021 and reported virtual programing is well underway. She commended Senior Citizen Director, Jamie Hawkins, on keeping everyone connected. Mayor Prupis reported that on March 8th, she and Deputy Mayor Wasserman, former Mayor Lieberberg, Paper Mill Playhouse Director Michael Stotts, resident Lori Riseman met to discuss cultural programming at the Bauer Center and pointed out that additional information would be forthcoming. Mayor Prupis announced that the Art Advisory Committee was tentatively scheduled to meet on March 17th and the next Environmental Commission meeting would be March 10th at 7:00 PM.

Ms. Thall Eglow had no reports.

Ms. Miggins advised that the Historic Preservation Committee met this week and approved two applications. She noted the process was very smooth and easy.

Mr. Vinayak reported that Mr. McDonald and his team had done a fantastic job of coming up with Township KPI’s (Key Performance Indicators) which the township would be sharing every month and some would be available on the website for the public.
Mr. Wasserman reported he, Mr. Vinayak, Mr. McDonald and Jason Gabloff, CFO, met weekly to work hard on watching the Township’s expenditures. A report on NJ.com, cited Millburn/Short Hills was eleven out of thirty New Jersey towns whose residents enjoyed the biggest property tax cuts in 2020. Mr. Wasserman thanked residents who supported the town’s food pantry and noted the pantry was currently helping about ten local families. He reported that the SID had been ‘on the move’ and worked tirelessly. He noted that under the direction of Michael Parlavecchio, Millburn’s FLAG received a New Jersey Sustain and Serve Grant in the amount of $200,000, which would benefit restaurants. He added that the marketing and events subcommittees had planned an exciting calendar of activities which would include all five business districts. He provided details on some upcoming SID activities. He advised that the SID had also been working with Historic Preservation Commission Chair, Alison Canfield on a proposal to add lighting and trees on upper and lower Millburn Avenue. He added that a cost estimate and visual presentation would be presented. He announced that the SID March newsletter was released and very well received. He announced that the new SID’s Executive Director Ryan Gleason has decided to step down from this position and has decided to take his career in a different direction.

Mr. McDonald reported on complaints of a strong foul odor, particularly in the South Mountain area, and the township was actively investigating the issue. He reported on the sidewalk cafés license procedure for 2021. He provided a brief update on the parklets. He noted that the township was putting together a spec sheet and demonstrated the specs for the Committee. He advised that the plan was to have the specs and application finalized with approval of two resolutions for consideration at the next Township Committee meeting. The specs would be reported on at the SID meeting on March 11th meeting.

Mr. Falcon reported that Judge Gardner convened a case management conference in regards to the ongoing mediation. He noted that there had been a delay in the frequencies of mediations due to the fact that the Special Master and the representative from the Fair Share Housing Center were diverted to other matters but they were back on track. Mr. Falcon advised that Judge Gardner has extended the township’s immunity to April 30, 2021. He noted that they would hold another case management conference as that date approaches so that the Judge can be informed as to what progress had been made.

Mr. McDonald advised the community that the township would enforce recycling, as there were more contamination occurrences, such as residents disposing non-recyclable items like plastic bags. He encouraged residents to review the procedures on the website through Recycle Coach which explained in detail how to properly dispose of recyclables.

Mayor Prupis reported that on March 3rd she went to Opportunity Project and read a Proclamation in recognition of Brain Injury Awareness Month. She presented the Proclamation to the Committee.

Presentation

Millburn Creative Collective

Mark Robison, Chairperson of the Millburn Creative Collective (MCC), a sub-committee of the Millburn Township Green Team, which promoted creative culture and overall sustainability in the township, was present at the meeting. Mr. Robison provided an overview of the MCC proposed website that would promote the creative people, places, events and businesses in the township through the website, which would be managed by volunteers. He reviewed the total cost of the website which was $435 annually. He further explained what the sub-committee did to promote and carry on Sustainable Jersey’s 5 arts and cultures actions. He advised that their mission statement was “Millburn Creative Collective celebrates, encourages and actively promotes social connections, community collaboration and cooperative programming that fosters artistic vibrancy, cultural diversity, economic health, and environmental well-being.” He noted that one of those 5 actions was to create a website to promote visibility and to help create engagement which would include an events calendar, a local artist spotlight, and a vendor directory.

Ms. Thall Eglow thanked Mr. Robison for his hard work noted that she was excited about it and really thinks it would help Millburn Township.

Mayor Prupis and the Committee reached a consensus to support the MCC.

Public Comment – Consent Agenda

Mayor Prupis asked if there were any comments or questions from the Committee regarding items on the Consent Agenda Resolutions.
Ms. Thall Eglow asked for a clarification on how the Barton Ross agreement was being revised.

Mr. McDonald reviewed the contract amendments which include all three of the projects presented by the Chair of the Historic Preservation Commission. He advised that the total amount of the contract was increased by $75,000. He stated that the three projects would be: Designation of certain parts at the Short Hills Village, the Master Plan Element, and a Historic Survey of the Downtown Area. The initial award of contract was a “not to exceed amount of $50,000.” and that is being amended to read “not to exceed $125,000.”

Mayor Prupis opened public comment.

Jeffery Feld, of 11 Alexander Lane, referred to a memo he submitted prior to the meeting to the Township Committee. He asked for clarification in regards to Resolution 21-082 and questioned whether the certification of the funds were contingent on the adoption of the 2021 Municipal Budget. He reviewed his concerns and recommendations. In regard to the bills list, Mr. Feld stated that he was content that there was little more transparency; however, questioned three items on the bills list and asked for additional information be given to the public and questioned various payments. Mr. Feld spoke on conflicts of interest with regard to the Planning Board Attorney.

Jean Pasternak, of 342 Hobart Avenue, concurred with all of Mr. Feld’s questions. She questions various bills list items and policy regarding food purchases. She noted that she was confused on the contract amount for the Historic Preservation Commission’s (HPC) projects. She made suggestions on how the bills list is presented and questioned the process of approval. She asked a series of questions regarding traffic and environment consultants retained in 2020 and 2021. She voiced questions regarding Perkins Eastman’s. Ms. Pasternak questioned drafting and procedures of approvals of professional retention agreements.

Nancy Stone, of 10 Fielding Road, echoed Ms. Pasternak and Mr. Feld’s questions in regard to the bills list and didn’t understand the amount change for the HPC and advised that she thought the money was going directly to Ms. Canfield and her organization. She mentioned the difficulty with the view of the timer. She applauded Ryan Gleason for stepping down from the SID as he had better opportunities elsewhere and the property owners did not welcome the SID. She questioned additional line items on the bills list.

Ms. Prupis asked if any members of the Committee wanted to respond to any of the comments.

Mr. Vinayak advised many questions were asked and some required longer answers but some could be answered quickly.

Mr. McDonald reviewed various bills list inquiries. He reviewed the townships purchasing process. Mr. McDonald advised that he would provide further clarification and answers to other questions at a later time.

Ms. Miggins reviewed the Historic Preservation Commission request and amendments to Barton Ross’s contract. Mr. Wasserman and Mr. McDonald both confirmed that Barton Ross’ hourly rate had not changed.

Ms. Thall Eglow noted that she did not fully understand the amount paid for the Historic Preservation Commission projects would be paid to Mr. Ross’ firm, instead of to the HPC. She asked for the resolution to be considered separately. Mr. Vinayak received confirmation that the amendment of $75,000 to Mr. Ross’ contract was just for the year for the specific three additional projects.

**Consent Agenda**

Mayor Prupis asked for a motion to approve the items on the consent agenda Resolutions 21-080 – 21-084, with the exception of Resolution 21-082, which has been removed for separate consideration. Mr. Wasserman made a motion to approve the consent agenda with the exception of Resolution 21-082, and it was seconded by Ms. Miggins.

Roll Call Vote:  All Ayes
RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated March 9, 2021, in the following accounts:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$907,576.99</td>
</tr>
<tr>
<td>Capital Fund</td>
<td>134,495.71</td>
</tr>
<tr>
<td>Parking Utility - Operating Fund</td>
<td>4,759.41</td>
</tr>
<tr>
<td>Dog Trust Fund</td>
<td>150.00</td>
</tr>
<tr>
<td>Donation Trust Fund</td>
<td>1,400.00</td>
</tr>
<tr>
<td>Escrow Trust Fund</td>
<td>37,400.46</td>
</tr>
<tr>
<td>Police Off Duty Trust Fund</td>
<td>194,304.00</td>
</tr>
<tr>
<td>Waste Recycling Trust Fund</td>
<td>1,020.00</td>
</tr>
</tbody>
</table>

RESOLUTION 21-081
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS

NOW, THEREFORE BE IT RESOLVED that the Treasurer of the Township of Millburn be and he is hereby authorized and directed to the draw warrants to pay the payees listed below in the specified amounts;

<table>
<thead>
<tr>
<th>Make check payable to</th>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Tax Services</td>
<td>Duplicate pymt</td>
<td>$9,991.13</td>
</tr>
<tr>
<td>Attn: Refunds/Financial Support</td>
<td>2021 taxes</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 14506</td>
<td>overcollection</td>
<td></td>
</tr>
<tr>
<td>Des Moines, IA 50328</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 3304 Lot 11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Slope Dr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valerie Hofer Esq. Trust Account &amp;</td>
<td>Tax Appeal</td>
<td>$3,970.01</td>
</tr>
<tr>
<td>Michael &amp; Wendy Schwartzberg</td>
<td>2019 taxes</td>
<td></td>
</tr>
<tr>
<td>P.O Box 787</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montville, NJ 07045</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 2501 Lot 28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Hilltop Rd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jennifer R. Jacobus Trustee &amp;</td>
<td>Tax Appeal</td>
<td>$3,900.15</td>
</tr>
<tr>
<td>Emily Miller Friend</td>
<td>2020 taxes</td>
<td></td>
</tr>
<tr>
<td>201 Littleton Rd 1st FL.</td>
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<td></td>
</tr>
<tr>
<td>Morris Plains, NJ 07950</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 1401 Lot 36</td>
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<tr>
<td>11 Cross Gates</td>
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<tr>
<td>Jennifer R. Jacobus Trustee &amp;</td>
<td>Tax Appeal</td>
<td>$5,313.83</td>
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<tr>
<td>Andrew &amp; Robyn Fingerman</td>
<td>2020 taxes</td>
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</tr>
<tr>
<td>201 Littleton Rd. 1st FL.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morris Plains, NJ 07950</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 1505 Lot 21</td>
<td></td>
<td></td>
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<tr>
<td>20 Ferndale Rd</td>
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<tr>
<td>Jennifer R. Jacobus Trustee &amp;</td>
<td>Tax Appeal</td>
<td>$1,223.01</td>
</tr>
<tr>
<td>Jeffrey Cohen &amp; Lisa Thiemann</td>
<td>2020 taxes</td>
<td></td>
</tr>
<tr>
<td>201 Littleton Rd. 1st FL.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morris Plains, NJ 07950</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 1901 Lot 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>259 Brookhaven Way</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jennifer R. Jacobus Trustee &amp;</td>
<td>Tax Appeal</td>
<td>$4,140.90</td>
</tr>
<tr>
<td>Nicholas Pappas</td>
<td>2020 taxes</td>
<td></td>
</tr>
<tr>
<td>201 Littleton Rd. 1st FL.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morris Plains, NJ 07950</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 2401 Lot 15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 Hilltop Rd.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Jennifer R. Jacobus Trustee & Shiming Bao & Meijuan Lu
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 2604 Lot 10
102 Fairfield Dr.
Tax Appeal 2020 taxes $1,610.14

Jennifer R. Jacobus Trustee & Richard & Regina Patterson
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 3303 Lot 3
58 Coniston Rd
Tax Appeal 2020 taxes $3,975.26

Jennifer R. Jacobus Trustee & Haibing Li, Pei Liu & Ying Liu
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 3703 Lot 2
100 Minnisink Rd
Tax Appeal 2020 taxes $5,055.75

Jennifer R. Jacobus Trustee & Charles & Bena Booth
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 3703 Lot 8
2 Randall Dr.
Tax Appeal 2020 taxes $1,754.59

Jennifer R. Jacobus Trustee & Sesi Ayadurai & Tirtharaj Choudhury
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 3704 Lot 17
250 Dale Dr.
Tax Appeal 2020 taxes $2,236.09

Jennifer R. Jacobus Trustee & Manish & Yashica Shah
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 4205 Lot 14
65 Dorison Dr.
Tax Appeal 2020 taxes $2,008.82

Jennifer R. Jacobus Trustee & Naveen/Anita Rao % Polcari Adele
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 4903 Lot 53
411 Long Hill Drive
Tax Appeal 2020 taxes $1,926.00

Jennifer R. Jacobus Trustee & Harshal Gorde
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 5003 Lot 8
12 Briarwood Dr.
Tax Appeal 2020 taxes $3,697.92

Jennifer R. Jacobus Trustee & Robert & Christine Akos
201 Littleton Rd. 1st FL.
Morris Plains, NJ 07950
Block 5102 Lot 3
45 Thackeray Dr.
Tax Appeal 2020 taxes $1,230.71

RESOLUTION 21-083
AUTHORIZE ACCEPTANCE AND SIGNATURE OF AMENDMENT TO ESSEX COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Millburn hereby authorizes the acceptance of the Amendment to the PY 2019 Essex County Community Development Block Grant Agreement for the Barrier Free Access to the Municipal Train Station Project located at One Station Plaza, Millburn as recommended by the Township Engineer in order to extend the contract period from January 1, 2021 to June 30, 2021;

BE IT FURTHER RESOLVED that the Mayor and/or Deputy Mayor and Municipal Clerk are hereby authorized to sign the amendment to the grant agreement on behalf of the Township.

RESOLUTION 21-084
SIDEWALK SALES DURING THE MONTHS OF JUNE - AUGUST 2021

WHEREAS, the Millburn Township Code Section 15-8.1 prohibits obstruction of sidewalks with merchandise, etc.; and

WHEREAS, the Township of Millburn supports local businesses in their request to hold sidewalk sales for an extended period of time as business continues to be impacted by the ongoing public health crisis; and

WHEREAS, the Township of Millburn recognizes that holding sidewalk sales may further increase the ability of our retail businesses to conduct business with increased visibility and safety; and

WHEREAS, the Township expects that that businesses participating in extended sales will keep sidewalks clear for safe and proper pedestrian mobility; and

WHEREAS, this resolution will only be in effect from June 1, 2021 through September 6, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that Millburn Township businesses are permitted to hold sidewalk sales limited to the frontage of their business in the Township of Millburn on Fridays, Saturdays and Sundays during their regular business hours from June, 1 2021 through September 6, 2021 with the understanding that all local, state and federal regulations and executive orders shall be followed.

NOW, THEREFORE, BE IT FURTHER RESOLVED that any sidewalk sales that take place outside of the prescribed dates and times in this resolution will be considered in violation of Township ordinance and the relief set forth by this resolution.

Resolution 21-082
Mayor Prupis asked for a motion to approve Resolution 21-082. Ms. Miggins made a motion to approve Resolution 21-082, and it was seconded by Mr. Wasserman.

Roll Call Vote:  Ayes: Mayor Prupis, Ms. Miggins, Mr. Vinayak and Mr. Wasserman
            Nays: Ms. Thall Eglow

RESOLUTION 21-082
AUTHORIZING AMENDMENT TO THE CONTRACT FOR
HISTORIC PRESERVATION CONSULTANT SERVICES [BARTON ROSS & PARTNERS LLC]

WHEREAS, the Township of Millburn entered into a professional service contract by Resolution 21-024 approved by the Millburn Township Committee on January 5, 2021 with Barton Ross & Partners LLC, for the performance of historic preservation consultant services as set forth in its Proposal of Barton Ross & Partners LLC, dated November 19, 2020; and
WHEREAS, the Township Committee wishes to add to the original scope of services to include the additional historic preservation consulting services outlined in the proposals dated February 17, 2021, February 24, 2021 and February 27, 2021 in the additional amount of $75,000.00; and

WHEREAS, the Township continues to reserve the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

NOW, THEREFORE, BE IT RESOLVED that the Millburn Township Committee hereby authorizes the amendment to the contract of January 5, 2021 to include the services included in the proposals dated November 19, 2020, February 17, 2021, February 24, 2021 and February 27, 2021 with Barton Ross & Partners LLC in a form approved by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millburn in the County of Essex as follows:

1. The Mayor and the Township Clerk are hereby authorized and directed to execute the amendment to the agreement in a form subject to the approval of the Township Attorney with Barton Ross, of Barton Ross & Partners, LLC, 184 S. Livingston Avenue, Suite 9-140, Livingston, NJ 07039 for this professional through December 31, 2021. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.

2. Fees for all services are authorized as per the four proposals dated November 19, 2020, February 17, 2021, February 24, 2021 and February 27, 2021 and the Chief Financial Officer has certified funds in an amount not to exceed $125,000.00. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

Ordinance / Second Reading and Consideration of Adoption

Ordinance 2569-21

Ms. Thall Eglow brought forth and reviewed Ordinance 2569-21 for consideration of adoption. Ms. Thall Eglow provided an explanatory statement. Mayor Prupis declared the public hearing open. Since comments or questions were not presented, Ms. Thall Eglow declared the public hearing closed. Ms. Thall Eglow made a motion to approve the ordinance on final reading, which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

ORDINANCE 2569-21

ORDINANCE ADOPTING A STORMWATER CONTROL ORDINANCE FOR THE TOWNSHIP OF MILLBURN DEVELOPMENT REGULATIONS

Statement of Purpose: The purpose of this ordinance is to amend the Stormwater Control Ordinance to be compliant with new standards adopted by the New Jersey Department of Environmental Protection, including: modifying the definition of “Major Development”, changes to existing definitions and the addition of new definitions, updating the requirements for major developments, as well as minor amendments to the Freshwater Wetlands Protection Act Rules, the Flood Hazard Area Control Rules, and the New Jersey Pollutant Discharge Elimination System (NJPDES) rules.

BE IT ORDAINED by the Township Committee of the Township of Millburn, in the County of Essex, that the Development Regulations and Zoning Ordinance be and is hereby amended and supplemented to rescind and replace existing Section 525.3 with the following:

“Section 525.3  Stormwater Control.

a. Scope and Purpose. Stormwater management measures for “major development,” as defined in Section 525.3b, shall be established to meet the erosion control, groundwater recharge, stormwater runoff quantity and stormwater quality standards, in accordance with the Municipal Stormwater Regulation Program, established by the State of New Jersey and in this section.

1. 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.

2. Purpose. The purpose of this Section 525.3 is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 525.3b.

3. Applicability

(a) This Section 525.3 shall be applicable to the following major developments:

(1) Non-residential major developments; and
(2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(b) This Section shall also be applicable to all major developments undertaken by Millburn Township, except those specifically exempted under Section 525.3d.

4. 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 Section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This Section 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 Section 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.

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

“CAFRA CENTERS, CORES OR NODES” 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 chapter.

“COMPACATION” 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 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.

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

"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" means any city, borough, town, township, or village.

"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 chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already
included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. 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 chapter.

“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

“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.


1. 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:

   (a) 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.

   (b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

2. The standards in this Section 525.3 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. 

   Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

d. Stormwater Management Requirements for Major Development.

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with paragraph j., Maintenance and Repair.

2. 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 muhlinebergi (bog turtle).

3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of paragraph d. 16, 17, and 18.

   (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

   (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

   (c) 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.

4. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of paragraph d. 15, 16, 17, and 18 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:

   (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

   (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of paragraph d. 15, 16, 17, and 18 to the maximum extent practicable;
(c) The applicant demonstrates that, in order to meet the requirements of paragraph d. 15, 16, 17, and 18, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(d) 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 paragraph d. 4.(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of paragraph d.15, 16, 17, and 18 that were not achievable onsite.

5. 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 paragraph d. 15, 16, 17, and 18. 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:


6. 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>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality TSS Removal Rate (percent)</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cistern</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>Dry Well (a)</td>
<td>0</td>
<td>No</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Grass Swale (b)</td>
<td>50 or less</td>
<td>No</td>
<td>No</td>
<td>2(c)</td>
</tr>
<tr>
<td>Grass Swale (c)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Roof</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>Manufactured Treatment Device (d) (e)</td>
<td>50 or 80</td>
<td>No</td>
<td>No</td>
<td>Dependent upon the device</td>
</tr>
<tr>
<td>Pervious Paving System (a)</td>
<td>80</td>
<td>Yes</td>
<td>Yes(b)</td>
<td>Yes(b)</td>
</tr>
<tr>
<td>Small-Scale Bioretention Basin (a)</td>
<td>80 or 90</td>
<td>Yes</td>
<td>Yes(b)</td>
<td>Yes(b)</td>
</tr>
<tr>
<td>Small-Scale Infiltration Basin (a)</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
</tbody>
</table>
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)

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality TSS Removal Rate (percent)</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioretention System</td>
<td>80 or 90</td>
<td>Yes</td>
<td>Yes^{(b)}</td>
<td>2^{(b)}</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infiltration Basin</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Sand Filter^{(b)}</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Standard Constructed Wetland</td>
<td>90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Wet Pond^{(d)}</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Notes corresponding to annotations ^{(b)} through ^{(d)} are found beneath 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

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality TSS Removal Rate (percent)</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Roof</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Extended Detention Basin</td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Manufactured Treatment Device^{(h)}</td>
<td>50 or 80</td>
<td>No</td>
<td>No</td>
<td>Dependent upon the device</td>
</tr>
<tr>
<td>Sand Filter^{(c)}</td>
<td>80</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Subsurface Gravel Wetland</td>
<td></td>
<td>No</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Wet Pond</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes to Tables 1, 2, and 3:
(a) subject to the applicable contributory drainage area limitation specified at paragraph d. 15.(b);
(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 Paragraph b.;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at paragraph b.

7. 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 paragraph f. 2. Alternative stormwater management measures may be used to satisfy the requirements at paragraph d. 15 only if the measures meet the definition of green infrastructure at paragraph b. Alternative stormwater management measures that function in a similar manner to a BMP listed at paragraph d. 15.(b) are subject to the contributory drainage area limitation specified at paragraph d. 15.(b) 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 paragraph d. 15.(b) 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 paragraph d. 4 is granted from paragraph d.15.

8. 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.

9. Design standards for stormwater management measures are as follows:
(a) 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);
(b) 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 paragraph h.3;
(c) 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;
(d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at paragraph h.; and
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.

10. 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 paragraph b. may be used only under the circumstances described at paragraph d.15.d

11. Any application for a new agricultural development that meets the definition of major development at paragraph b. shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at paragraph d. 15, 16, 17, and 18 and any applicable Soil Conservation District guidelines for stormwater runoff quality 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.

12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at paragraph d. 16, 17, and 18 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.

13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Essex County Clerk. A form of deed notice shall be submitted to the municipality 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 paragraph d. 15, 16, 17, and 18 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 Section j.2(e). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. 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.

14. 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 paragraph d. of this section 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 Office of the Essex County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with 13. 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 13. above.

15. Green Infrastructure Standards

(a) 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.

(b) To satisfy the groundwater recharge and stormwater runoff quality standards at paragraph d. 16 and 17, the design engineer shall utilize green infrastructure BMPs
identified in Table 1 at paragraph d. 6. and/or an alternative stormwater management measure approved in accordance with paragraph d. 7. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

(c) To satisfy the stormwater runoff quantity standards at paragraph d. 18, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with paragraph d. 7.

(d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with paragraph d.4. 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 paragraph d. 7. may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at paragraph d. 16, 17, and 18.

(e) 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 paragraph d. 16, 17, and 18, unless the project is granted a waiver from strict compliance in accordance with paragraph d. 4.

16. Groundwater Recharge Standards

(a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:

(b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at paragraph e., either:

(1) 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
(2) 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.

(c) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (d) below.

(d) The following types of stormwater shall not be recharged:

(1) 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

(2) 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.

17. Stormwater Runoff Quality Standards

(a) 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.

(b) 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:

(1) 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.

(2) 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.

(c) 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 (b) 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.

(d) 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
March 9, 2021

Millburn Township Committee Meeting Minutes

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:

\[ R = A + B - \left( \frac{A \times B}{100} \right) \]

Where

- \( R \) = total TSS Percent Load Removal from application of both BMPs,
- \( A \) = the TSS Percent Removal Rate applicable to the first BMP,
- \( B \) = the TSS Percent Removal Rate applicable to the second BMP.

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 paragraph d. 16, 17, and 18.

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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.

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.

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.

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.

18. Stormwater Runoff Quantity Standards

(a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

(b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at paragraph e., complete one of the following:

(1) 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;

(2) 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;

(3) 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

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (b) (1), (2), and (3) 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.

The stormwater runoff quantity standards shall be applied at the site’s boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

e. Calculation of Stormwater Runoff and Groundwater Recharge.

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

(a) The design engineer shall calculate runoff using one of the following methods:
(1) 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:


or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

(2) 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:


(b) 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 paragraph e. 1.(a)(1) and the Rational and Modified Rational Methods at paragraph e. 1.(a)(2). 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).

(c) 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.

(d) 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.

(e) 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.

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


or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

g. Solids and Floatables Materials Control Standards.

1. Site design features identified under paragraph d. 6 above, or alternative designs in accordance with paragraph d. 7 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 paragraph g. 1.(b) below.

(a) 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:

1. 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

2. 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.

(b) 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.

(b) The standard in 1.(a) above does not apply:
(1) 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;

(2) Where the Township agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

(3) 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).

(4) 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

(5) 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.

h. Safety Standards for Stormwater Management Basins.

1. This paragraph sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This paragraph applies to any new stormwater management BMP.

2. The provisions of this paragraph 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 paragraph h.3.(a), h.3.(b), and h.3.(c) for trash racks, overflow grates, and escape provisions at outlet structures.

   (a) 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:
      (1) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
      (2) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
      (3) 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
      (4) 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.

   (b) 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:
(1) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
(2) The overflow grate spacing shall be no less than two inches across the smallest dimension
(3) 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.

(c) Stormwater management BMPs shall include escape provisions as follows:

(1) 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 h.3, a free-standing outlet structure may be exempted from this requirement;
(2) 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 h.5 for an illustration of safety ledges in a stormwater management BMP; and
(3) 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.

4. 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.

5. Safety Ledge Illustration

Elevation View – Basin Safety Ledge Configuration

i. Requirements for a Site Development Stormwater Plan:

1. Submission of Site Development Stormwater Plan

(a) 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 paragraph i.3 below as part of the submission of the application for approval.

(b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
2. 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 municipality’s review engineer 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.

3. Submission of Site Development Stormwater Plan

The following information shall be required:

(a) 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.

(b) 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.

(c) 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.

(d) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections c. through e. 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.

(e) Stormwater Management Facilities Map

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

1. 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.
2. 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.

(f) Calculations
(1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section d. of this ordinance.

(2) 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.

(g) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of paragraph j.

(h) Waiver from Submission Requirements

The municipal official or board reviewing an application under this Section 525.3 may, in consultation with the municipality’s review engineer, waive submission of any of the requirements in paragraphs i.3.(a) through i.3.(f) of this Section 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.

j. Maintenance and Repair.

1. Applicability

Projects subject to review as in paragraph a.3 of this Section 525.3 shall comply with the requirements of paragraphs j. 2 and j. 3.

2. General Maintenance

(a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(b) 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.

(c) 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.

(d) 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.

(e) If the party responsible for maintenance identified under paragraph j. 2.(c) above is not a public agency, the maintenance plan and any future revisions based on paragraph j. 2.(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
(f) 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.

(g) The party responsible for maintenance identified under paragraph j. 2.(c) above shall perform all of the following requirements:

1. 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;
2. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
3. 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 paragraphs j. 2.(f) and 2.(g) above.

(h) The requirements of paragraphs j. 2.(c) and 2.(d) 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. The municipality requires the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 for all stormwater management facilities not dedicated to and accepted by the municipality. Maintenance and inspection guidance can be found on the Department’s website at: https://www.njstormwater.org/maintenance_guidance.htm.

(i) 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.

3. 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.

k. Penalties. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of Section 525.3 shall, for each and every violation thereof and for each and every day that such violation thereof continues, be subject to the penalties stated in Section 419, Violations and Penalties.

l. 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.

m. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.
**Old Business**

**Sign Ordinance Sub Committee**

Mayor Prupis asked Mr. McDonald to provide some background on the proposed Sign Ordinance. Mr. McDonald advised that in 2018 and 2019 changes were made to the sign ordinance. He noted that the ordinance was not user-friendly and very cumbersome. He noted that there was more work to be done to the ordinance and recommended the formation of a sub-committee. He stated members who would want to be involved in drafting the language are Jim Weil, Iliana Martinovo, Alison Canfield, Mary McNett, Dan Baer, Ilene Davick, Maggie Miggins, Eileen Davitt, Mayor Prupis and himself. Mayor Prupis and Ms. Miggins would work on the ordinance and the sub-committee would be formed.

Mr. Wasserman believed the Committee should continue to work on the ordinance to simplify the process for the businesses.

Mr. Vinayak added that he supported revising this ordinance not only for our businesses but also for residential zoning.

**Recreational Marijuana**

Mayor Prupis deferred to Mr. Falcon to answer the two questions presented during the last meeting, whether the Township could “opt-in” after “opting-out” and provide clarification regarding the transfer tax.

Mr. Falcon advised that in regards to the “opt-in”/”opt-out” provision, there was nothing in the legislation that would prevent the township from taking advantage if they decided to opt out and then opt in at a later time. He noted that the League of Municipalities reached the same conclusions. In regard to the transfer tax, Mr. Falcon outlined the percentages that pertained to each of the marijuana business licenses. He stated that the tax would be on-going revenue streams and they would continue as long as those establishments operated and generated business. He advised the township was entitled to the cap of the amount of the transfer tax.

Mayor Prupis asked for a consensus from the Committee to determine how best to move forward.

Mr. Vinayak stated he received many emails from residents asking for his support, however, he had worked in the marijuana industry and stood against recreational marijuana in the township. He stated that there was no federally approved research. He explained his research in detail stated overall, the substance was very addictive, and advised that he is against it.

Ms. Thall Eglow understood Mr. Vinayak’s stance; however, Governor Murphy had made it legal and the Committee were trying to be ‘business friendly’. She recalled a previous presentation where the presenter stated that the allowance of marijuana sales would increase foot traffic in the township. She noted that perhaps the purchase of medical marijuana would lead to patrons visiting the restaurants while in town. She stated that the allowance would create jobs and create a huge economic benefit and tax revenues. The tax revenue would be able to be used for what the Township Committee desired. She noted that seven out of ten voters supported the legalization at the last election in Millburn Township. She suggested the allowance in certain areas of town. She noted it would be a lost opportunity. She asked why the Committee would close the window on potential revenue. She advised that she understood Mr. Vinayak did not like marijuana and that was his right; however, that ship had sailed and it was legal in New Jersey. She added that in November, out of 10,000 voters over 7,000 voted in support for this referendum.

Mr. Wasserman stated he was open to the topic being on a future agenda to allow local business owners to express themselves before they made a decision.

Ms. Miggins clarified through Mr. Falcon that there is no cap on the revenue. She advised that was against the allowance and did not believe it had a place in Millburn Township. She stated if Maplewood or Springfield wanted to indulge, that was their right. She said it would not hurt to wait five years.

Mr. Vinayak expressed that his vote was only one vote, and if everyone else was for it, he would accept that. He stated he wanted to be clear that he is for businesses, but the right businesses. He stated in 2021 the township would not raise the municipal portion of taxes in town. He pointed out that Millburn was in good financial health right now. Mr. Vinayak expressed revenues would nowhere be what would be spent.

Ms. Thall Eglow advised if the Committee allowed marijuana businesses must provide their own security and facilities that sold marijuana did not report any increase in crime and suggested a town hall meeting to hear comments from residents and business owners.
Mayor Prupis advised that recreational marijuana had been on the agenda previously and this is not the first time the Committee had talked about marijuana. She stated she agreed with Committeewoman Miggins and stood against the allowance. She believed there is a consensus to have Mr. Falcon draft an ordinance for consideration by the Township Committee prohibiting marijuana in all categories and the public would get the chance to speak on the issue.

Mayor Prupis asked for a vote on instructing Mr. Falcon to draft an ordinance prohibiting marijuana on all categories in Millburn Township.

Roll Call Vote:  Ayes: Mayor Prupis, Ms. Miggins, Mr. Vinayak and Mr. Wasserman

Nays: Ms. Thall Eglow

No other old business was presented.

New Business

Speed Limit Reduction (from Wyoming to Maplewood Border)

Mr. McDonald explained that the township had successfully changed the speed limit from Morris Turnpike to Wyoming from 35mph to 25mph. He advised that the stretch from Wyoming Avenue to the Maplewood border had not been changed and the reduction would call for an ordinance that would make the speed consistently 25mph from Morris Turnpike to the Maplewood border. He added that Essex County required township support. Ms. Thall Eglow added that when school was back in session, she hoped the crossing guard on Wyoming received a blinking stop sign, as it was very dangerous in the area.

Mayor Prupis asked and consensus was reached from the Committee to move forward with the Ordinance.

Ms. Thall Eglow advised she had an item that was new and old business and noted that about two years ago Mr. McDonald has set a protocol for residents and neighborhoods to inform the township if they wanted to have areas in their area improved or changed in regards to traffic concerns. She recalled an issue by South Mountain School at the time, and a resident went to the neighbors and gathered signatures of support or change. She asked Mr. McDonald what the specific time frame would be for a response from town hall when this was brought to his attention. Mr. McDonald stated that a change could take up to 4 months, as he had to verify the change was something all neighbors wanted and also ensure it was the right solution with verification from the Engineering and Traffic Departments. Ms. Thall Eglow asked that Mr. McDonald provide an acknowledgment to the resident that their request was received and was under review.

Mr. Wasserman added that he and Mr. Vinayak had been working with Mr. McDonald to rectify the safety issue on Troy.

Mr. Vinayak said as a township, the Committee was responsible to make sure the town was safe. He stated he had received emails commending the Committee on their hard work; however, when there was a safety issue such as on Troy, it had to be addressed.

No other new business was presented.

Public Comment

Mayor Prupis opened the public comment period.

Jeffrey Feld, of 11 Alexander Lane, announced that the Fair Share Housing litigation extended the township’s immunity until the end of April. He advised that the attorneys of the Woodmont developers accused Millburn in acting in bad faith. Mr. Feld recalled Mr. Falcon’s comments in regard to the complaint against the Mayor was dismissed; however, received a contradicting letter from the Local Finance Board. He stated that he believed that there would be an initiative in the community to convert the elections from partisan to non-partisan. He had advised the clerk a series of questions and had not received answers.

Perri Urso, of 514 Millburn Avenue, said there had been much controversy regarding the SiD and she had noticed that the local TV station has gone dark. Her research directed her to go the Connect with the township’s section of the webpage, which confirmed there is no present broadcasting. On March 4th
she contacted Hometown TV (HTTV) who was hired by Millburn to post current events, meetings, etc., and found that Millburn had severed their relationship which was voted on by the Committee; however, no resolutions were located. She said she emailed the Township Clerk, the Business Administrator, the Attorney, and the Township Committee seeking answers. She voiced her concerns in regards to the public access channel and questioned the franchise fee payment received by the township.

Jean Pasternak, of 342 Hobart Avenue, thanked and complimented the earlier discussion the Committee had regarding marijuana. She thanked Mr. McDonald for a follow-up on a slip and fall accident she experienced. She asked why the resolution for the SID budget was pulled from the agenda. She asked for clarification that there is an $18 million dollar surplus in the coffers. She stated that she had attended the Downtown Vision Plan Workshop and presentation and was disappointed in the turnout. She noted the need for a cost-benefit analysis in order for the public to understand how much items will cost. She stated that she appreciated the Mayor meeting with her; however, she did not want to be treated differently than everyone else.

Nancy Stone, of 10 Fielding Road, thanked all those who opposed the marijuana allowance. She said the resignation of the SID Director is a really big deal and is a step in the right direction for dissolving the SID and added that nobody wanted it, and nobody wanted the tax. She spoke to the conflicts of interest and Barton Ross’ contract amounts. She voiced her displeasure with Mayor Prupis and questioned why the SID Budget was pulled from the agenda.

Sara Sherman, of South Mountain Civic Association, thanked Fire Chief Echavarria and the Fire Department for the prompt response to the odor concern. Fortunately they had not smelled anything since last Wednesday. She hoped that the Flood Mitigation Plan for the Rahway River was received soon. She thanked Mr. McDonald and Mayor Prupis for their participation in the last Mayor’s meeting.

Dominique Urso, of 514 Millburn Avenue, stated that the lack of local TV station was an injustice to the community. She commented on prior Committee meetings where her mother spoke on the validity of the SID and if the stakeholders would be subject to a lawsuit. She asked if Mr. Gleason was hired under false pretenses. She requested that a speed bump be put back in Lot 14 and on Jarvis Lane, as people used it as a cut-through where she personally was almost hit by a car on multiple occasions. She commented on recent articles asked the Committee to stop spreading false information.

Dave Boyko, of 30 Farmstead Road, thanked the Committee for their efforts to improve the town and make it a better place for everyone who lives in town now and in the future. He said he was disappointed in the marijuana vote and said the town needed money and they needed to revitalize the town. He expressed the vote did not make sense to turn away this business.

Meryl Lee Riesebeck, of 91 Whittingham Terrace, was pleased to read the article which highlighted the towns in New Jersey with the biggest decreases in taxes. She said Millburn was one of only two towns in Essex County on that list. She commended the Township Committee members and Mr. McDonald for managing the budget and expenses so well. She stated that she was also encouraged by the efforts to introduce KPI’s to ensure that the effectiveness of the township’s governance could be measured and evaluated. She expressed her concerns about the continued attacks on the Mayor and false statements.

Mayor Prupis asked if any Committee members or and professionals wanted to comment on any of the comments during public comment.

Mr. Vinayak reiterated that there was no increase in taxes from our municipal budget. He said the houses were good and were valued more, so we they had more tax. He noted that there are 566 municipalities in the state and we are number 486 on that list. Millburn was on the lower end of the list.

Ms. Thall Eglow asked Mr. McDonald if the township still paid HTTV and if he could clarify what Ms. Urso’s comments. Ms. Miggins also asked Mr. McDonald who was Mayor at the time when HTTV was removed. Mr. McDonald clarified that the change was an operational move and not personal. He explained that the HTTV was hired to manage a bulletin board and said the channels were #35 on Comcast and #47 on Verizon. He reviewed the use cable franchise fees and noted that they were in the process of managing the system internally so the township could save money on the necessity, even though there were other avenues to receive information. Ms. Thall Eglow asked when the pandemic was over, if the township would still need Zoom capabilities. Mr. McDonald advised it was not a necessity; however, they were in the transition to go back to broadcasting on the TV.
Mr. Wasserman advised that the SID budget would be discussed at a future meeting and stated that everyone would be informed and have a chance to speak on the matter. He also wanted to thank the SID Board as they were working very hard.

Mr. Falcon responded to Mr. Feld’s comments in regard to the Local Finance Board (LFB). Mr. Feld reported that the complaint was dismissed on the merits with prejudice. Mr. Falcon denied the comment. He clarified his comment he reported distinctly on only what he was advised by an official at the Local Finance Board. On February 11th he learned that at its public meeting the Board denied the request for reconsideration and that they would be considering their basis at a later date. Mr. Falcon stated that he said the motion had been denied. Mr. Falcon went on to say that as a result of a previous dismissal several months ago of a complaint that had been filed, nothing remained before the Local Finance Board. He advised the meeting was televised and invited anyone to take a look at it.

Mayor Prupis stated that during her office hours last week she met with an active resident of the community who paid attention to what was continually discussed at the township meetings, and he reminded her of the following quote by Theodore Roosevelt, which she first became aware of when reading a book by Brene Brown, called “Daring Greatly”; and in light of International Woman’s Day, Mayor Prupis wanted to share the author’s mantra to which resonates greatly with her: “Strong back, soft front, wild heart – just be you.” And on to Theodore Roosevelt: “It is not the critic who counts, not the man who points out who stumbles, or the doer of deeds who could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly, who err, who comes short again and again because there is no effort without error and shortcoming, but who does actually strive to do the deeds, who knows great enthusiasm, great devotion, who spends himself in a worthy, cause. Who at the best knows the triumph of high achievement, who, at worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat.”

Adjournment

Mayor Prupis asked for a motion to close the public session of the meeting, which was offered by Ms. Miggins and seconded by Mr. Wasserman. The meeting was adjourned at 9:00 PM. Vote: All Ayes

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Christine A. Gatti, RMC
Township Clerk

Approved: June 1, 2021