

**TOWNSHIP OF LONG HILL
ORDINANCE 469-21
AN ORDINANCE CONCERNING STORMWATER MANAGEMENT AND AMENDING SECTION 146 OF
THE TOWNSHIP LAND USE ORDINANCE**

Statement of purpose: To amend the Township stormwater management ordinance to comply with NJDEP regulations as recommended by the Township Engineer.

WHEREAS, under the *Stormwater Management Act (N.J.S. 40:55D-93 to 40:55D-94)*, every municipality is required to prepare a stormwater management plan as an integral part of its master plan and to adopt a stormwater control ordinance; and

WHEREAS, Township Engineer Paul W. Ferriero has recommended that the Township stormwater management ordinance be amended as set forth herein;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Township Land Use Ordinance is amended as follows:

Section 1. Section LU-146 of the Township Land Use Ordinance, 1996 is amended in its entirety to read as follows:

§ LU-146 STORMWATER MANAGEMENT.

§ LU-146.1 Applicability.

- a. This ordinance shall be applicable to any minor or major site plan or subdivision that requires Planning Board or Board of Adjustment approval.
- b. This ordinance shall also be applicable to all major developments undertaken by Long Hill Township, the Board of Education and any other agencies subject to review by the Township.
- c. This ordinance shall also be applicable to minor developments as defined herein and any major development that does not require subdivision or site plan review.
- d. The following actions are exempt from this section provided they do not meet the definition of major development:
 1. Any activity protected from municipal regulation by the Right-to-Farm Act, provided that the activity is being performed in accordance with a "Farm Conservation Plan".
 2. The planting and harvesting of crops, plants, flowers or shrubs in areas devoted to single family use on the subject property.
 3. The removal and replacement of an existing impervious driveway where no change in grade or footprint occurs.
 4. Rehabilitation of existing vegetated areas where there is no material change in grade, surface type, or storm water runoff patterns.
 5. Maintenance work performed by the Township through the Department of Public Works or through a municipal contract with an outside entity.
 6. Projects exempted by State law from the requirements of this ordinance.

§ LU-146.2 Definitions.

Unless otherwise defined herein, all terms in this ordinance shall be as defined in N.J.A.C. 7:8.

Exempt Development – Any project that disturbs less than 1,000 square feet of lot area and results in an increase in impervious surface of less than 400 square feet.

Minor Development – Any project that disturbs 1,000 square feet or more of lot area or results in an increase of impervious surface of 400 square feet or more and that does not meet the definition of major development.

Major Development – any 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 conditions 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.”

§ LU-146.3 Design Standards.

a. **Major Developments.** All major developments shall have their stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) and the NJDEP Stormwater Rule (N.J.A.C. 7:8) to include Green Infrastructure as outlined in N.J.A.C. 7:8. These standards shall apply to all projects, residential and nonresidential as well as projects by the Township, Board of Education and other agencies subject to review by the Township.

b. **Minor Developments** shall be designed to include the following stormwater management measures where applicable:

1. Seepage pits or other infiltration measures shall be provided with a capacity of four inches of runoff for each square foot of increased impervious area.
2. When the approving agency finds that the existing conditions are not conducive to infiltration, the applicant may provide other stormwater management facilities as to result in a

Zero Net Runoff as calculated by the Modified Rational Method.

3. When the ground surface is changed in character such that an increase in runoff results, but the new surface is not impervious, seepage pits or other stormwater management facilities shall be provided to result in a Zero Net Runoff Rate as calculated by the Modified Rational Method.

c. Drywell Design: Stone used in the infiltration devices shall be 2 1/2 inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices. The infiltration of water during the rainfall event shall not be counted as a "credit" toward the storage requirement.

d. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

e. For the purposes of this section, gravel areas that are subject to compaction (such as driveways, parking areas and walking paths) shall be considered impervious. Pool surface areas, patios and decks shall be considered impervious. Gravel areas not subject to compaction (such as decorative stone used in planting beds) shall be considered pervious.

f. All roof gutters shall be protected from the accumulation of leaves and litter by the installation of a gutter cap leaf separation device within the project area. Gutter screens or louvers are not acceptable.

§ LU-146.4 Waivers and Exceptions.

a. **Standards for Relief.** Waivers from strict compliance with the major development design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh ANY detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.

b. **Mitigation.** If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan. All mitigation projects are subject to the approval of the Township Engineer.

c. **Reviewing Agency.** All applications subject to the review of the Planning Board or Board of Adjustment shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Township Engineer.

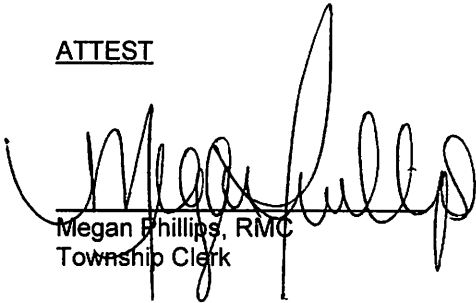
d. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST


Megan Phillips, RMC
Township Clerk


Guy Piserchia, Mayor

1st Reading and Introduction: January 20, 2021

1st Publication: Echoes Sentinel January 28, 2021

Referral to Planning Board: January 21, 2021

Notice to County Planning Board Prior to Adoption: January 21, 2021

Notice to Clerks of Adjoining Municipalities (if required): January 21, 2021

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