

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 15-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 30-502.1
OF THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH
ENTITLED “STORMWATER MANAGEMENT”**

WHEREAS, the Borough of Ogdensburg (“Borough”) regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

WHEREAS, on March 2, 2020, the New Jersey Department of Environmental Protection (“NJDEP” or “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1 et seq. (“Amended Rules”), which required municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules; and

WHEREAS, on July 17, 2023, the NJDEP promulgated the Inland Flood Protection Rule which further amended stormwater management rules at N.J.A.C. 7:8-1 et seq. further requiring municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that Section 30-502.1 of the Land Development Regulations of the Borough entitled “Stormwater Management” is hereby amended as follows:

SECTION I.

Section 30-502.1.1 of the Code entitled “Scope and Purpose” is hereby amended to add new sections 30-502.1.1(C)(3) – (C)(5) as follows:

§ 30-502.1.1 Scope and Purpose

C. Applicability.

3. An application required by ordinance pursuant to (C)(1) above that has been submitted prior to December 11, 2023, shall be subject to the stormwater management requirements in effect on December 10, 2023
4. An application required by ordinance for approval pursuant to (C)(1) above that has been submitted on or after March 2, 2021, but prior to December 11, 2023, shall be subject to the stormwater management requirements in effect on December 10, 2023.

5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

SECTION II.

Section 30-502.1.2 entitled “Definitions” is hereby amended to add new definitions alphabetically as follows:

§ 30-502.1.2 Definitions.

PUBLIC ROADWAY OR RAILROAD

A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

PUBLIC TRANSPORTATION ENTITY

A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

SECTION III.

Section 30-502.1.4 entitled “Stormwater Management Requirements for Major Development” is hereby amended to delete and replace the URL referenced in Section 30-502.1.4(E) as follows:

§ 30-502.1.4 Stormwater Management Requirements for Major Development.

- E. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

The remaining portions of Section 30-502.1.4(E) are unchanged and shall remain in full force and effect.

SECTION IV.

Section 30-502.1.4 entitled “Stormwater Management Requirements for Major Development” is hereby amended to delete and replace Sections 30-502.1.4(P)(2)(b) and 30-502.1.4(P)(4)(a) as follows:

§ 30-502.1.4 Stormwater Management Requirements for Major Development.

P. Groundwater Recharge Standards.

- 2(b). Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 30-502.1.5(D), is infiltrated.
- 4(a). 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 approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

SECTION V.

Section 30-502.1.4 entitled “Stormwater Management Requirements for Major Development” is hereby amended to delete and replace Sections 30-502.1.4(R)(2)(a)-(c) as follows:

§ 30-502.1.4 Stormwater Management Requirements for Major Development.

R. Stormwater Runoff Quantity Standards.

- 2(a). Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Sections 30-502.1.5(C) and (D), respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- 2(b). 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Sections 30-502.1.5(C) and (D), respectively, 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;

- 2(c). Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Sections 30-502.1.5(C) and (D), respectively, 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

SECTION VI.

Section 30-502.1.5 entitled "Calculation of Stormwater Runoff and Groundwater Recharge" is hereby amended to delete Sections 30-502.1.5(A)(1)(a)-(b) and replace same with new Section 30-502.1.5(A)(1), and delete and replace Section 30-502.1.5(A)(2), and add new Sections 30-502.1.5(C)-(D) as follows:

§ 30-502.1.5 Calculation of Stormwater Runoff and Groundwater Recharge.

- A(1).** The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

- A(2).** For the purpose of calculating curve numbers 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 "curve number" applies to the NRCS methodology above at Section 30-502.1.5(A)(1). A curve number 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 has 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. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Sussex	1.03	1.04	1.07

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Sussex	1.24	1.29	1.50

SECTION VII.

Section 30-502.1.6 entitled “Sources for Technical Guidance” is hereby amended to delete and replace the URLs referenced in Sections 30-502.1.6(A) and 30-502.1.6(A)(2), and delete and replace the address for The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection as follows:

§ 30-502.1.6 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<http://dep.nj.gov/stormwater/bmp-manual/>

- A(2). Additional maintenance guidance is available on the Department's website at:

<http://dep.nj.gov/stormwater/bmp-manual/>

- B. Submissions Required for Review by the Department Should be Mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

The remaining portions of Section 30-502.1.6 are unchanged and shall remain in full force and effect.

SECTION VIII.

Section 30-502.1.8 entitled “Safety Standards for Stormwater Management Basins” is hereby amended to delete and replace Section 30-502.1.8(C)(2)(b) as follows:

§ 30-502.1.8 Safety Standards for Stormwater Management Basins.

- (C)(2)(b) The overflow grate spacing shall be no greater than two inches across the smallest dimension.

SECTION IX.

Section 30-502.1.10 entitled "Maintenance and Repair" is hereby amended to delete and replace the URL referenced in Section 30-502.1.10(B)(8) as follows:

§ 30-502.1.10 Maintenance and Repair.

(B)(8) Maintenance and inspection guidance can be found on the Department's website at:

<http://dep.nj.gov/stormwater/maintenance-guidance/>

The remaining portions of Section 30-502.1.10 are unchanged and shall remain in full force and effect.

SECTION X.

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION XI.

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

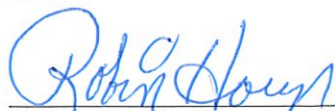
SECTION XII.

This Ordinance shall take effect immediately upon final passage and publication according to law.

SECTION XIII.

The Borough Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Borough Clerk is further directed to refer this Ordinance to the Borough land use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Borough Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Attest:



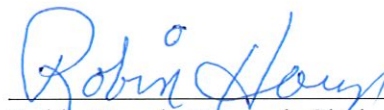
Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on November 13, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on December 11, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.


Robin Hough, Borough Clerk

Roll call vote for Introduction of Ordinance 15-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption of Ordinance 15-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo				✓ Late
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 15-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING SECTION 30-502.1 OF THE LAND
DEVELOPMENT REGULATIONS OF THE BOROUGH ENTITLED
“STORMWATER MANAGEMENT”.**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 13th day of November, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 11th day of December, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.


Robin Hough, RMC/CMR