MOORESTOWN TOWNSHIP

ORDINANCE NO. 13-2017

AMENDING THE CODE OF THE TOWNSHIP OF MOORESTOWN, CHAPTER 158-25 ENTITLED STORMWATER MANAGEMENT

WHEREAS, the Moorestown Environmental Advisory Committee performed a routine review of the Township's Stormwater Management regulations and has made recommendation to the Moorestown Township Planning Board; and

WHEREAS, the Moorestown Township Planning Board adopted Resolution No. 2017-14 recommending that the Township Council amend Chapter 158-25 to provide:

- for the inclusion of a definitional section;
- that any nonstructural stormwater management strategies incorporated into the site design and approved by the governing body shall be deed restricted in perpetuity;
- a performance standard for erosion control, groundwater recharge and runoff quantity;
- substituting acid producing soils in place of solution-prone carbonate rocks as an item to be accounted for in determining structural stormwater measurement design measures;
- access to escape features in stormwater management basins for maintenance and safety as an item to be included in the design; and
- adoption of a mitigation plan.

WHEREAS, the Township Council has reviewed said recommendations and wishes to incorporate same into Chapter 158-25.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, in the County of Burlington, State of New Jersey, that Chapter 158-25 be hereby amended as follows:

Section 1: Chapter 158-25 shall be amended as follows.

Section 2: Subsection C.(5)(b) shall be amended to add the following paragraph after paragraph [9][d]:

> [10] Deed restrictions of a stormwater management measure, shall be approved by the governing body and made in perpetuity.

Section 3: Subsection C.(6)(a)[2] shall be amended to add the following paragraph after paragraph [c]:

> [d] See Moorestown Mitigation Plan adopted herein and included at the end of this chapter as "Subdivision of Land, 158 Attachment 12).

Section 4: Subsection E.(1)(a) shall be amended to replace the words "solution-prone carbonate rocks (limestone)" with the words "acid-producing soils" as follows:

(a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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)~~ acid-producing soils.

Section 5: Subsection G.(2)(c) shall be amended to add paragraph [5] as follows:

[5] Provide access for maintenance and safety.

Section 6: Chapter 158-25 shall be amended to insert a new subsection "B. Definitions" after subsection A. as follows:

B. Definitions (in accordance with N.J.A.C. 7:8-1.2 and any amendments thereto).

As used in this chapter, the following terms shall have the meanings indicated.

AREA OF DISTURBANCE - Disturbance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. (see MAJOR and MINOR DEVELOPMENT)

BMPS - Best management practices as found in the latest edition of the New Jersey Stormwater Best Management Practices Manual.

COMPACTION - The increase in soil bulk density.

CORE - A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY - 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 - The New Jersey Department of Environmental Protection (DEP).

DESIGNATED CENTER - A state development and redevelopment plan center as designated by the State Planning Commission, such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER - A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but are not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT - 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, by any person, 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 lands, "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.

DRAINAGE AREA - A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD - A neighborhood 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.

ENVIRONMENTALLY CRITICAL AREAS - An area or feature which is of significant environmental value, including but not limited to, stream corridors; natural heritage priority sites; habitat 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.

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FLOODPLAIN - The area inundated by NJDEP's regulatory flood, including the water course that creates it. NJDEP's regulatory flood means NJDEP's adopted Flood Hazard Area Design Flood along streams for which NJDEP has an adopted flood hazard area and floodway study, and the 100 –year flood along non-delineated streams for which NJDEP has not delineated a flood hazard area.

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION - The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT - Any development that provides for ultimately disturbing one or more acres of land or increasing an impervious surface by one-quarter acre or more. (see AREA OF DISTURBANCE)

MINOR DEVELOPMENT - Any development or redevelopment, that adds or replaces (alone or in combination) 1,000 or more square feet, but less than or equal to 5,000 square feet of impervious surface, or that provides for ultimately disturbing 1,000 or more square feet but less than or equal to 5,000 square feet of land. Minor development includes both private and public projects and activities. (see AREA OF DISTURBANCE)

MUNICIPALITY - Any city, borough, town, township, or village.

NODE - An area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.

NUTRIENT - A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PENALTIES - see VIOLATIONS.

PERSON - Any individual, corporation, company, partnership, firm, association, Township of Moorestown, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT - 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, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE - The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT - 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 - The lot or lots upon which a development is to occur or has occurred.

SOIL - All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN SUBURBAN AREA, (PA2) - An area to provide much of stated future development promising growth in centers and other compact forms, protect the character of the existing stable community.

STATE PLAN POLICY MAP - 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 - Water resulting from precipitation (including rain, snow, sleet, and hail) 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 BASIN - An excavation or embankment and related areas designed to retain or detain

stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), wet pond (a permanent pool of water) or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE - Any structural or nonstructural strategy, 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 - Water flow on the surface of the ground or in storm sewers resulting from precipitation.

STREAM - A small narrow river. In New Jersey considered "waters of the State."

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD - A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN REDEVELOPMENT AREA - 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;

VIOLATIONS - Any person violating this article or failing to comply with any of its provisions shall, upon conviction, be subject to the penalties set forth in Chapter 66.

WATERS OF THE STATE - The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND - An area that is inundated or saturated by surface water or groundwater 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."

WET POND - A permanent pool of water meeting the Residential Site Improvement Standards (RSIS).

Section 7: Subsections B through J, as well as any references to Subsections B through J within the subsections, shall be re-lettered as follows: ~~B.~~ C.; ~~C.~~ D.; ~~D.~~ E.; ~~E.~~ F.; ~~F.~~ G.; ~~G.~~ H.; ~~H.~~ I.; I. ~~J.~~; ~~J.~~ K.

Section 8: Chapter 158, "Attachment 12, Moorestown Mitigation Plan" shall be added as Attachment 12 as follows:

SUBDIVISION OF LAND

158 Attachment 12:1

Mitigation Plan

This mitigation plan is provided for any proposed development that is granted a variance or exemption from the stormwater management design and performance standards. Presented is a hierarchy of options.

Moorestown Township has opted to consider mitigation projects in accordance with the NJDEP's "Guidance for the Development of Municipal Mitigation Plans" document, dated February 2006.

As identified in NJDEP's Mitigation Plan Guidance Document, municipalities may:

1) Identify a pool of specific mitigation projects that could be selected by an applicant to offset the effect of a requested waiver/exemption or to address an existing stormwater problem; or

2) Choose to provide a process through which an applicant has the flexibility and responsibility to identify an appropriate mitigation project and a location to implement the mitigation project to offset the deficit that would be created by the grant of a waiver/exemption or to address a stormwater based impairment.

Moorestown has opted to provide a mitigation plan using BOTH (specific and applicant-identified mitigation project) options.

It must be stressed that requested exceptions will be granted only at the discretion of the Township. In addition, the issuance of a waiver(s) granted by

NJDEP under a Land Use permit does not automatically waive the requirement for mitigation to be performed under a municipal review.

A. Specific (Township-identified) Mitigation Project Criteria

1. The mitigation project must be implemented within the same drainage area, as defined by the HUC14s, as the proposed development. The project must provide additional groundwater recharge benefits, or provide protection of previously developed property from stormwater runoff. The developer must also ensure long- term maintenance for the project, including those maintenance requirements under Chapters 8 and 9 of the NJDEP Stormwater Best Management Practices Manual.

    a. The applicant may select one project from the following list to compensate for not meeting the requirements of the performance standards. More detailed information can be obtained from the Township Engineer.

    HUC 02040202100030
    North Branch Pennsauken Creek

    Groundwater Recharge

    - Retrofit existing detention basin to provide additional annual groundwater recharge.
    - Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

    Water Quality

    - Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.
    - Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
    - Enhance vegetative buffer within the "stream corridor."
    - Purchase of easements along the "stream corridor."
    - Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

    Water Quantity

    - If an applicant cannot meet the water quantity reductions required on-site, the additional water quantity reduction

should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be implemented to control previously uncontrolled runoff or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

HUC 02040202090020
Pompeston Creek

- Combat erosion caused by the Pompeston Creek on MEND property at 39/47 Beech Street.

Groundwater Recharge

- Retrofit existing detention basin to provide additional annual groundwater recharge.
- Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.
- Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
- Enhance vegetative buffer within the "stream corridor."
- Purchase of easements along the "stream corridor."
- Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

Water Quantity

- If an applicant cannot meet the water quantity reductions required on-site, the additional water quantity reduction should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be

implemented to control previously uncontrolled runoff or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

HUC02040202090010
Swede Run

Groundwater Recharge

- Retrofit existing detention basin to provide additional annual groundwater recharge.
- Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.
- Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
- Enhance vegetative buffer within the "stream corridor."
- Purchase of easements along the "stream corridor."
- Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

Water Quantity

- If an applicant cannot meet the water quantity reductions required on-site, the additional water quantity reduction should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be implemented to control previously uncontrolled runoff or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

HUC 02040202080040
Kendles Run

Groundwater Recharge

- Retrofit existing detention basin to provide additional annual groundwater recharge.
- Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.
- Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
- Enhance vegetative buffer within the stream corridor.
- Purchase of easements along the "stream corridor."
- Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

Water Quantity

- If an applicant cannot meet the water quantity reductions required on-site, the additional water quantity reduction should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be implemented to control previously uncontrolled runoff or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

HUC 02040202080020
Rancocas Creek

Groundwater Recharge

- Retrofit existing detention basin to provide additional annual groundwater recharge.
- Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.

- Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
- Enhance vegetative buffer within the "stream corridor."
- Purchase of easements along the "stream corridor."
- Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

Water Quantity

- If an applicant cannot meet the water quantity reductions required on-site, the additional water quantity reduction should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be implemented to control previously uncontrolled runoff or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

HUC 02040202080010
Parkers Creek

Groundwater Recharge

- Retrofit existing detention basin to provide additional annual groundwater recharge.
- Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.
- Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
- Enhance vegetative buffer within the "stream corridor."
- Purchase of easements along the "stream corridor."
- Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

Water Quantity

- If an applicant cannot meet the water quantity' reductions required on-site, the additional water quantity reduction should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be implemented to control previously uncontrolled runoff or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

HUC 02040202100020
Strawbridge Lake

Groundwater Recharge

- Retrofit existing detention basin to provide additional annual groundwater recharge.
- Replace impervious parking lot with permeable paving to provide additional groundwater recharge.

Water Quality

- Retrofit existing stormwater management facility to provide removal of 80% of total suspending solids from the parking lot runoff.
- Retrofit existing parking area to provide removal of total suspended solids. The retrofit BMP must be installed underground and may not reduce number of parking spaces.
- Enhance vegetative buffer within the "stream corridor."
- Purchase of easements along the "stream corridor."
- Removal of invasive plant species within riparian corridors, targeted wetland areas and stream corridors and replant with native species.

Water Quantity

- If an applicant cannot meet the water quantity reductions required on-site, the additional water quantity reduction should be provided within the same watershed or sub-watershed (HUC14) to meet the required total amount of the water quantity reduction. This can be done in several ways. The flood storage area along a waterway can be increased, new best management practices can be implemented to control previously uncontrolled runoff

or an existing stormwater structure can be retrofitted to decrease the volume and peak of runoff.

2. If a suitable site cannot be located in the same drainage area as the proposed development, as discussed in Option 1, the mitigation project may provide mitigation that is not equivalent to the impacts for which the variance or exemption is sought, but addresses the same issue. For example, a variance given for· meeting the 80 percent TSS requirement would result in an alternate project that addresses water quality impacts due to fecal impairment. A list of specific projects that can be used to address the mitigation option is below.

   Water Quality
   - Re-establish a vegetative buffer (minimum 50 foot wide) as a goose control measure and to filter stormwater runoff.
   - Provide goose management measures, including public education at a local park.

In consideration of any mitigation project identified above, the Applicant shall provide the Township all necessary environmental information and data sufficient to address sensitive receptors associated with the project, as outlined in NJDEP regulations, and as outlined in the Applicant-Identified Mitigation Project requirements addressed below.

B. <u>General (Applicant-Identified) Mitigation Project Criteria</u>

In order to select an appropriate mitigation project to respond to a requested waiver/exemption requires, an assessment of the impact that would result from the requested deviation from full compliance with the standard(s) in the drainage area affected by the proposed project is required. For example, a waiver for stormwater quantity requirements must focus on the impacts of increased runoff on flooding, considering both quantity and location. Stormwater quality mitigation must aim to prevent an increase in pollutant load to the waterbodies that would be affected by the waiver/exemption. Ground water recharge mitigation must seek to maintain the base-flow and aquifer recharge in the area that would be affected by the waiver/exemption. For the purpose of this discussion, the term "sensitive receptor" is used to refer to a specific area or feature that would be sensitive to the impact assessed above.

Selection of an appropriate mitigation project for a requested waiver/exemption must adhere to the following requirements:

1. The project must be within the same area that would contribute to the receptor impacted by the project. Note that depending on the

specific performance standard waived, the sensitive receptor and/or the contributory area to that receptor may be different. If there are no specific sensitive receptors that would be impacted as the result of the grant of the waiver/exemption, then the location of the mitigation project can be located anywhere within the municipality, and should be selected to provide the most benefit relative to an existing stormwater problem in the same category (quality, quantity or recharge).

2. Legal authorization must be obtained to construct the project at the location selected. This includes the maintenance and any access needs for the project in the future.

3. The project should be close to the location of the original project, and if possible, be located upstream at a similar distance from the identified sensitive receptor. This distance should not be based on actual location, but on a similar hydraulic distance to the sensitive receptor. For example, if the project for which a waiver is obtained discharges to a tributary, but the closest location discharges to the main branch, it may be more beneficial to identify a location discharging to the same tributary.

4. For ease of administration, if sensitive receptors are addressed, it is preferable to have one location that addresses any and all of the performance standards waived, rather than one location for each performance standard.

5. It must be demonstrated that implementation of the mitigation project will result in no adverse impacts to other properties.

6. Mitigation projects that address stormwater runoff quantity can provide storage for proposed increases in runoff volume, as opposed to a direct peak flow reduction.

All necessary information to support a specific waiver request(s) must be provided by the Developer(s) for consideration by the Township, in accordance with applicable NJDEP and/or Township requirements, an as outlined in NJDEP's "Guidance for the Development of Municipal Mitigation Plans" document, dated February 2006.

At the Township's discretion, a developer may be permitted to fund analyses to identify potential mitigation projects that could be used to address deficits in complying with each of the performance standards. However, the funding option shall only be allowed where the· project requesting the waiver will have no measurable impact with respect to flooding, erosion, water quality

degradation, etc. The funding option may also be appropriate in situations where the size of an individual project requesting a waiver/exemption is small, or the degree of deficit in complying with the design and performance standard(s) is small. Or, where the project requiring mitigation is for one individual single family home, given authority constraints, a financial contribution may be a preferred option.

Finally, the following information will be obtained and provided by the Developer of an approved waiver for the Township to comply with its annual NJDEP MS4 permitting requirements (i.e., required for all Township-approved mitigation projects):

1. Impact from noncompliance. Provide a table quantifying what would be required for the project to achieve the standards, the extent to which this value will be achieved on site and the extent to which the value must be mitigated off site.

2. Narrative and supporting information regarding the need for the waiver, including:

    - The waiver cannot be due to a condition created by the applicant. If the applicant can comply with the Stormwater Management rules through a reduction in the scope of the project, the applicant has created the condition and a waiver cannot be issued. Demonstrate that the need for a waiver is not created by the applicant.

    - Provide a discussion and supporting documentation of the site conditions peculiar to the subject property that prevent the construction of a stormwater management facility that would achieve full compliance with the design and performance standards. Site conditions may include soil type, the presence of karst geology, acid soils, a high groundwater table, unique conditions that would create an unsafe design, as well as conditions that may provide a detrimental impact to public health, safety and welfare.

    - Demonstration that the grant of the requested waiver/exemption would not result in an adverse impact that would not be compensated for by offsite mitigation.

3. Identify the sensitive receptor(s) related to the performance standard from which a waiver is sought. Demonstrate that the mitigation site contributes to the same sensitive receptor.

4. Provide the design details of the mitigation project. This includes, but is not limited to, drawings, calculations, and other information needed to evaluate the mitigation project.

5. List the party or parties responsible for the construction and the maintenance of the mitigation project. Documentation must be provided to demonstrate that the responsible party is aware of, has authority to, and accepts the responsibility for construction and maintenance. Under no circumstance shall the responsible party be an individual single-family homeowner. Selection of a project location that is under municipal authority avoids the need to obtain authority from a third party for the construction and future maintenance of the project.]

6. Include a maintenance plan that addresses the maintenance criteria at N.J.A.C. 7:8-5.8. In addition, if the maintenance responsibility is being transferred to the municipality or another entity, the entity responsible for the cost of the maintenance must be identified. The municipality may provide the option for the applicant to convey the mitigation project to the municipality, if the applicant provides for the cost of maintenance in perpetuity.

7. Obtain any and all necessary local, State or other applicable permits for the mitigation measure or project. Permits must be obtained prior to the municipal approval of the project for which mitigation is being provided.

8. Demonstrate that the construction of the mitigation project coincides with the construction of the proposed project. A Certificate of Occupancy or final approval by the municipality for the project requiring mitigation cannot be issued until the mitigation project or measure receives final approval. Any mitigation project proposed by the municipality to offset the stormwater impacts of that municipality's own project must be completed within 6 months of the completion of the municipal project, in order to remain in compliance with their NJPDES General Permit.

C. Stream Corridor Protection Plan (Optional)

It should be noted that there are no Special Water Resource Protection Areas designated Category One (N.J.A.C 7:9B) or upstream perennial or intermittent streams of said waters within Moorestown. If such water bodies are found or designated at a later date, future major development within 300 feet of said waters will be regulated in accordance with N.J.A.C 7:8-5.5(h) as outlined in the model stormwater ordinance.

However, it should further be noted that the Township recognizes the value of riparian Buffers in minimizing Non-Point Source (NPS) discharges into local waterways. As recommended in this MSWMP, riparian buffers of future developments may be considered by the Township on a case-by-case basis as well.

Section 9: All other sections of Chapter 158 shall remain as written.

Section 10: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 11: Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 12: Effective Date. This ordinance shall take effect 20 days after adoption.

Section 13: Short Title. This Ordinance shall be known as Ordinance 13-2017.

NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on August 28, 2017. This ordinance will be further considered for final passage by the Township Council at a meeting to be held at the Town Hall, Council Chamber, 111 West Second Street, Moorestown, New Jersey on September 11, 2017 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk