



**CITY OF LAMBERTVILLE
VOTING SESSION MEETING
MARCH 18, 2021, 6:00 P.M.
VIRTUAL MEETING
USING THE ZOOM MEETING PLATFORM
AGENDA**

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Fahl called the meeting to order at 6:00 p.m. and she asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: This meeting is being held in compliance with the Open Public Meetings Act with the annual notice advertised in the January 11, 2021 Trenton Times, notice was provided to the Hunterdon County Democrat and the Trenton Times, members on the list serve, to department heads, the City Attorney and City Engineer, and the meeting agenda was posted on the Bulletin Board at City Hall, the glass doors of the elevator entrance, and to the City's website at www.lambertvillenj.org.

The meeting agenda provides for action items at the extent known at the time of publication.

This meeting will be recorded using the Zoom meeting platform.

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Fahl.

Also, present: William Opel – City Attorney, Kristina Majeski – Deputy Clerk, Cynthia Ege – City Clerk.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Fahl led the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces and for those serving on the front lines of COVID.

CLOSED SESSION: Authorizing a Closed Session at the March 18, 2021 Session of the Lambertville City Council to Discuss Attorney/Client Issues Related to Contracts and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(b) (7).

RESOLUTION

“Authorizing a Closed Session at the February 18, 2021 Lambertville City Council Meeting to Discuss Attorney/Client Privilege Related to Contracts, Acquisition of Property” Pursuant to: N.J.S.A. 10:4-12

(7)

WHEREAS, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

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WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on March 18, 2021, using the Zoom Meeting Platform, to discuss the following matters: *Attorney/Client Privilege Matters Related to Contracts, and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(b)(7)*.

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

ADOPTED:

Mayor Fahl and City Council convened in closed session at 6:01 p.m. with a motion made by Councilwoman Lambert and seconded by Councilwoman Taylor. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl and City Council re-convened in regular session at 7:18 p.m. with a motion made by Councilman Sanders and seconded by Councilman Stegman. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

MEETING MINUTES

Mayor Fahl asked for a motion to approve the following sets of minutes: February 18, 2021 Voting Session Minutes, February 18, 2021 Closed Session Minutes, February 25, 2021 Special Session Minutes, February 25, 2021 Closed Session Minutes, March 2, 2021 Work Session Minutes, and March 2, 2021 Closed Session Minutes. Councilwoman Lambert made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS

Consent Agenda: *The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.*

Mayor Fahl informed the members of the public that the public hearing for the sale of the ABC License for DeAnna's, listed on the meeting agenda as Resolution Number 45-2021 is being moved to the March 25, 2021 meeting agenda. She asked for a motion to approve Resolution Number 41-2021, and 53-2021 through 58-2021.

RESOLUTION NUMBER 41-2021: *A Resolution to Authorize the Mayor and City Clerk to Sign the Discharge of Mortgage for Marie Collins, Block 1005, Lot 38, in the Amount of \$14,857.00 recorded on June 4, 1996 and \$25, 000 recorded on April 15, 2005.*

RESOLUTION NUMBER 41-2021

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A Resolution to Authorize the Mayor and City Clerk to Sign the Discharge of Mortgage for Marie Collins, Block 1005, Lot 38, in the Amount of \$14,857.00 recorded on June 4, 1996 and \$25,000 recorded on April 15, 2005.

WHEREAS the City of Lambertville filed the following mortgage notes with the County of Hunterdon for Marie Collins for the property at 203 North Union Street, Block 1003, Lot 8 As Shown on the Tax Map in the City of Lambertville:

June 4, 1996 in the amount of \$14,857.00

April 15, 2008 in the amount of \$25,000.00

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the mortgage notes for Marie Collins for the property at 203 North Union Street, Block 1005, Lot 38 for the Small Cities Grants have been paid in full; and

BE IT FURTHER RESOLVED that and the City Clerk is hereby authorized to file the Discharge of Mortgage with the County of Hunterdon.

ADOPTED: March 18, 2021

~~RESOLUTION NUMBER 45-2021: A Resolution to Authorize the Transfer of ABC License for 1017-33-003-003 from DeAnna's of Lambertville LLC to Taverna 54 LLC, advertised in the February 4 and February 11 edition of the Trenton Times.~~

~~RESOLUTION NUMBER 45-2021~~

~~*A Resolution to Authorize the City Clerk to Sign the Person to Person Transfer of Liquor License Number 1017-33-003-003 from DeAnna's to Taverna 54 LLC.*~~

~~WHEREAS, an application has been filed by Taverna 54 LLC for a Person to Person Transfer of Plenary Retail Consumption License Number 1017-33-003-003, heretofore issued to DeAnna's of Lambertville LLC, for premises located at 54 North Franklin Street, Lambertville, New Jersey;~~

~~WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;~~

~~WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;~~

~~WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;~~

~~NOW, THEREFORE BE IT RESOLVED that the Mayor and Council do hereby approve the transfer of the aforesaid Plenary Retail Consumption License to Taverna 54 LLC, and do hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred XXXX to Taverna 54 LLC for premises located at 54 North Franklin Street, Lambertville."~~

~~ADOPTED: March 18, 2021~~

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RESOLUTION NUMBER 53-2021: A Resolution to Authorize the Transfers in the 2020 Budget.

Resolution Number 53-2021
RESOLUTION AUTHORIZING 2021 APPROPRIATION RESERVE TRANSFERS

WHEREAS, various 2020 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2020 Budget in the last two months of 2020; and

WHEREAS N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers be made between the 2021 Appropriation Reserves as follows:

FROM:

0-01-23-220-299 - Group Health Insurance - \$2,892.00

TO:

0-01-27-340-200 - Dog Regulation - \$2,892.00

RESOLUTION NUMBER 54-2021: A Resolution to Authorize the Refund of a Garbage Permit to Chelsea Abraham in the Amount of \$20.

Resolution Number 54-2021

A Resolution to Authorize the Refund of a Garbage Permit to Chelsea Abraham in the Amount of \$20

NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the refund of a garbage permit to Chelsea Abraham in the amount of \$20 is hereby authorized.

RESOLUTION NUMBER 55-2021: A Resolution to Authorize the Extension of the Contract with Triad for 2021 Services in an Amount Not to Exceed \$15,000.00

Resolution Number 55-2021

A Resolution to Authorize the extension of the Contract with Triad for Professional Services Through December 31, 2021 at an Amount Not to Exceed \$15,000.00

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Whereas the City of Lambertville entered into a contract with Triad on August 20, 2020 for a one-year term, ending June 30, 2021; and

Whereas the not to exceed amount is \$15,000.00 per year; and

Whereas the City would like to extend the contract through December 31, 2021 with a contract not to exceed amount of \$15,000.00 for the contract period.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the Mayor, City Attorney and City Clerk are hereby authorized to sign the contract with Triad with an amount not to exceed \$15,000.00 for the term ending December 31, 2021.

RESOLUTION NUMBER 56-2021: *A Resolution to Authorize the Performance Bond Letter of Credit for Church Street Three, Block 1076, Lots 14.01, 14.02, 14.03 from \$86,376.00 to \$30,768.00 as an Escrow Cash Deposit.*

Resolution Number 56-2021

A Resolution to Authorize the Performance Bond Letter of Credit Release and the Acceptance of a Cash Performance Bond for Church Street Three, for Block 1076, Lots 14.01, 14.02 and 14.03 from \$86,376.00 to \$30,768.00 as an Escrow Cash Deposit

Whereas the Church Street Three gave the City of Lambertville a letter of credit in the amount of \$86,376.00 for the development of block 1076, lots 14.01, 14.02 and 14.03; and

Whereas, the project is substantially complete, and the City Attorney and the City Engineer has signed off on the release of the performance bond and the acceptance of the cash bond.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the request from Church Street Three for the release of the Letter of Credit provided for the Performance Bond and the acceptance of the cash bond is hereby authorized.

RESOLUTION NUMBER 57-2021: *A Resolution to Authorize the Refund of Expenses Incurred for the Mailing for a Public Hearing Due to Errors with the City 's Zoom Meeting Account.*

Resolution Number 57-2021

A Resolution to Authorize the Refund of Expenses Incurred for the Mailing for a Public Hearing Due to Errors with the City's Zoom Meeting Account

Whereas, due to errors with the Zoom Meeting Platform, the public hearings were cancelled causing the applicant to renotice for the public hearings; and

Whereas, at the February 18, 2021 session, the Governing Body authorized the City Attorney to draft a policy which includes an approval by resolution of the Governing Body.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following reimbursements are hereby authorized:

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Diane Dona, 18 Jefferson Street for an application to the Zoning Board of Adjustment with a failed public hearing of October 29, 2020, 60 certified mailings in an amount not to exceed \$276.21.

Laura Scully, Esq., 26 South Main Street, for a variance application to the Zoning Board of Adjustment with a failed public hearing of July 30, 2020, in an amount not to exceed \$416.03.

RESOLUTION NUMBER 58-2020: A Resolution to Appoint the 2021 CRS Committee

Resolution Number 58-2020

A Resolution to Appoint the 2021 CRS Committee

Whereas the City of Lambertville participates in the ISO's program to reduce the flood insurance rates for property owners who reside in the flood plain; and

Whereas a City employee must be the CRS Coordinator; and

Whereas the CRS Committee is comprised of residents who own properties in the flood plain, the Flood Plain Manager, an Insurance Agent, a licensed engineer, and volunteers who have past knowledge of flooding in Lambertville.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following people are hereby appointed to serve on the CRS Committee: Cynthia Ege – Coordinator, John Miller – Volunteer, Christiana Pollock – Volunteer, Diana Pursell – Insurance Broker, Muriel Meserve (Lambert Lane), Marcus Rayner (North Union Street), Tom Eagan (Ferry Street).

Councilman Stegman made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

BILLS LIST

Mayor Fahl asked for a motion to approve the Bills List for the evening. Council President Taylor made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING

ORDINANCE NUMBER 05-2021: A Bond Ordinance to Reappropriate Balances in Bond Accounts for the purpose of funding Engineering for 2021 Road Projects.

Please note: this is not authorizing new debt.

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Mayor Fahl read the ordinance into the record by title. She informed the members of the public that this Ordinance is to reappropriate balances in bond accounts so that they can be used for the Engineering for the 2021 projects, *Grant Avenue (Route 179 to Belvidere Avenue), .14 miles, Allen Street (Belvidere Avenue to Coryell Road) .06 miles.*

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO GRANT AVENUE AND ALLEN STREET IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR, INCLUDING \$113,150 EXPECTED TO BE RECEIVED AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$200,000, including \$113,150 expected to be received as a New Jersey Department of Transportation grant (the "NJDOT Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the NJDOT Grant.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Grant Avenue and Allen Street, including, but not limited to, milling, paving and reconstruction, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are

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inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$200,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION AND FIRST READING: March 18, 2021

PUBLIC HEARING AND SECOND READING: April 22, 2021

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 05-2021. Councilwoman Lambert made the motion and Council President Taylor seconded the

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motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 06-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter III, Human Rights Council, Amending the Requirements for Membership.

Mayor Fahl read the Ordinance into the record by title. She informed the members of the public present that this removed the requirement of residency and adds a representative from the student body at the South Hunterdon Regional School District as a member.

ORDINANCE NUMBER 06-2021

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Section 17.4, Human Rights Council, Appointments, Compensation, Terms, Vacancies

§ 3-17.4 Council Established; Appointment; Compensation; Terms; Vacancies.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council (LHRC) will consist of a total of 11 members, from both the public and private sector, and is hereby established in the City of Lambertville. The members of the City of Lambertville Human Rights Council (LHRC) shall be appointed by the Mayor, with the advice and consent of the Lambertville City Council.

a.

Public Sector Members:

1. : The Mayor of the City of Lambertville, or his or her representative, to run concurrent with the Mayor's three-year term;

2. : The President of the Lambertville City Council, or his/her representative, for a one-year term;

3. : The Police Director or **Officer-in-Charge** of the City of Lambertville or his/her representative, for a one-year term;

4. : The Director of Public Assistance of the City of Lambertville, for a three-year term concurrent with the Mayor's three-year term;

5. : The President of Board of Education from the Lambertville-Stockton-West Amwell unified school district, or his/her representative, for three-year term concurrent with their term;

6. : The Chairperson of the Lambertville Free and Public Library, or his or her representative, for a one-year term.

b. : Private Sector Members:

Existing:

1.

A resident of the City of Lambertville for a two-year term;

2.

A resident of the City of Lambertville for a three-year term;

3.

A resident of the City of Lambertville for a five-year term.

4.

A resident of the City of Lambertville.

[Added 5-16-2019 by Ord. No. 11-2019]

5.

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A resident of the City of Lambertville.
[Added 5-16-2019 by Ord. No. 11-2019]
All members of the LHRC shall serve without compensation.

Change to:

There shall be five members from the private sector appointed to serve on the Human Rights Council. They shall be appointed by the Mayor with the advice and consent of the Governing Body and do not need to be residents of the municipality. One member may be a student at the South Hunterdon Regional School District.

INTRODUCTION AND FIRST READING: March 18, 2021

PUBLIC HEARING AND SECOND READING: April 22, 2021

Discussion ensued regarding the residency requirement for membership. Members of Council felt that the approval process in place, with the advice and consent of council, would give them what is necessary to approve membership.

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 06-2021. Council President Taylor made the motion and Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by the majority of the members present, with Councilman Stegman voting no. MOTION CARRIED.

ORDINANCE NUMBER 08-2021: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter XIX, Stormwater Management. Reviewed and recommended by the Environmental Commission, the City Engineer, City Planner.*

Please note: the tables in this ordinance may not copy fully into the minutes.

**ORDINANCE NUMBER 08-2021
AN ORDINANCE TO AMEND THE LAMBERTVILLE CITY CODE, 2014, CHAPTER XIX,
STORMWATER MANAGEMENT**

§ Z-1500. STORMWATER MANAGEMENT.

[ADDED 4-17-2006 BY ORD. NO. 2006-09; AMENDED 9-15-2015 BY ORD. NO. 23-2015]¹

§ Z-1500.1. Scope and Purpose.

A. Policy Statement.

As municipalities throughout New Jersey are developed, impervious surfaces create increased amounts and rates of stormwater runoff during precipitation events. This runoff picks up large amounts of pollutants that collect on parking lots, roadways, rooftops, and other paved or hardened surfaces, and then flows through stormwater conveyances to our streams, rivers, and beaches. The increased runoff rate and volume also lead to erosion and flooding in and downstream developed areas.

¹ Editor's Note: See also the City of Lambertville Stormwater Management Plan dated March 2005 on file at the City Offices.

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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. Stormwater management measures shall occur with the understanding and acceptance of stormwater as a resource; GI BMPs, LID and non-structural measures shall be tailored to a site and applied wherever and to the maximum extent.

GI BMPs and LID practices not only address stormwater runoff but may also result in multiple benefits, including providing open space and beautifying neighborhoods, cooling and cleansing the air, reducing asthma and heat-related illnesses, and saving on heating and cooling energy costs.

B. Purpose.

The purpose of this § 1500 is to establish minimum stormwater management requirements and controls for major development and to reduce the amount of nonpoint source pollution entering surface and ground waters. This § 1500 guides new development in a manner that is proactive and minimizes harmful impacts to natural resources. The requirements of this ordinance are intended not only to meet but also exceed the design and performance standards found in the New Jersey Stormwater Management Rules at N.J.A.C. 7:8. The environmental objectives of these requirements are to reduce pollution in waterways from stormwater runoff, reduce flooding and streambank erosion, and enhance groundwater recharge. Specifically, this § 1500 shall:

1. Reduce artificially induced flood damage to public health, life, and property;
2. Minimize increased stormwater runoff rates and volumes;
3. Minimize the deterioration of existing infrastructures that would result from increased rates of stormwater runoff;
4. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;
5. Prevent an increase in nonpoint source pollution and improve future water quality;
6. Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;
6. Control and minimize soil erosion and the transport of sediment;
7. Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;
8. Maintain adequate baseflow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;
9. Protect all surface water resources from degradation; and
10. Protect ground water resources from degradation and diminution.

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C. Applicability.

1. This § 1500 shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

- a. Non-residential major developments; and
- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21. The provisions of both this § 1500 and the RSIS are to be applied and reviewed concurrently for any residential major development.
- c. In the case of agricultural or horticultural development that meets the definition of "major development" under N.J.A.C. 7:8, a farm conservation plan that addresses the protection of soil and water resources shall be developed and implemented. Such a plan shall be approved by the Hunterdon County Soil Conservation District.

2. This § 1500 shall also be applicable to all major developments undertaken by the City of Lambertville.

3. This § 1500 does not apply, but the goals here within shall be encouraged, for activities of Hunterdon County, the State of New Jersey and the government of the United States of America when those activities are specifically exempted from municipal regulation by relevant State or Federal law.

D. Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued for subdivisions and site plans pursuant to this § 1500 are to be considered an integral part of development approvals under the subdivision and site plan review process 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 § 1500 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This § 1500 shall be construed to assure consistency with the requirements of New Jersey laws and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NJPDES Permits and any amendments or revisions thereto or re-issuance thereof. This § 1500 is not intended to interfere with, abrogate, or annul any other § 1500, rule or regulation, statute, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

§ Z-1500.2. DEFINITIONS. [ORD. NO. 23-2015]

For the purpose of this ordinance, 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 CENTER, CORES or NODES

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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

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).

CATEGORY ONE (C₁) WATERS

Waters of the State, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle within the same HUC 14 watershed, designated in N.J.A.C. 7:9B-1.15(c) through (h) for purposes of implementing the anti-degradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources(s).

COMMUNITY BASIN

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.

COMPACTION

The increase in soil bulk density

CONTRIBUTORY DRAINAGE AREA

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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

The Hunterdon County Planning Board, as designated by the County Board of Chosen Commissioners to review municipal stormwater management plans and implementing ordinance(s).

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGN ENGINEER

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

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of project design and preparation of drawings and specifications. The design engineer shall note his/her education and training specific to stormwater management in the qualification process.

DESIGNATED CENTER

A State Development and Redevelopment Plan Center, such as urban, regional, town, village, or hamlet, as designated by the State Planning Commission.

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.

DISTURBANCE

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

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

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

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; well head protection areas; and ground water recharge areas. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, or by the Department pursuant to the Highlands Act at N.J.S.A. 13:20-32k. and 13:20-34a(4).

EMPOWERMENT NEIGHBORHOODS

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.

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EROSION

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

GREEN INFRASTRUCTURE

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.

GROUND WATER

A body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

"HUC 14" or "HYDROLOGIC UNIT CODE 14"

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

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area.

INFILTRATION

The process by which water from precipitation seeps into the soil to a level below the normal root soil of plant species.

LEAD PLANNING AGENCY

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.

LOW IMPACT DEVELOPMENT (LID)

A development approach that uses practices to manage stormwater close to its source that results in or mimics that of natural hydrologic processes in order to preserve hydrologic and ecologic functions of receiving waters, such as preservation of natural landscape features, minimizing impervious surfaces, infiltration, evapotranspiration, or other use of stormwater.

MAINTENANCE PLAN

A document required for all major development projects for stormwater management maintenance. The document shall contain specific preventive 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 preventive and corrective maintenance (including replacement).

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MAJOR DEVELOPMENT

An individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one-half or more acres of land since February 2, 2004;
2. The creation of 5,000 square feet or more of “regulated impervious surface” since February 2, 2004;
3. The creation of 5,000 square feet 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 5,000 square feet or more. The same surface shall not be counted twice when determining if the combination area equals 5,000 square feet 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.”

MAXIMUM EXTENT PRACTICABLE

Compliance with the specific objective to the greatest extent possible taking into account equitable considerations and competing factors, including but not limited to, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement given site-specific environmental conditions, cost and technical or engineering feasibility.

MITIGATION

An action by an applicant -providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this § 1500, and has received a waiver from strict compliance from the municipality. Mitigation, for the purposes of this § 1500, includes both the mitigation plan detailing how the project's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same.

MOTOR VEHICLE

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

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

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Any city, borough, town, township, or village, but refers specifically to the City of Lambertville in this document.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL

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 §1500.4.E.5. of this §1500 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

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

NONSTRUCTURAL STORMWATER MANAGEMENT TECHNIQUES

Techniques that control or reduce stormwater runoff in the absence of stormwater structures (e.g., basins and piped conveyances), such as minimizing site disturbance, preserving important site features including, but not limited to, natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns, increasing time of concentration and maintaining and enhancing natural drainage features and characteristics.

NUTRIENT

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of plants, algae and other organisms or vegetation.

NUTRIENT CONCENTRATION

The amount of a nutrient in a defined volume of water (such as milligrams of nitrogen per liter). The relationship between nutrient concentration and nutrient load can vary and depends on the surface water flow, the volume of water in the water body or aquifer, and watershed characteristics.

NUTRIENT LOAD

The total amount of a nutrient such as nitrogen or phosphorus entering the water during a given time, such as "tons of nitrogen per year", or "pounds of phosphorus per day." Nutrients may enter the water from runoff, ground water recharge, point source discharges, or the air (in the form of wet deposition such as rain or snow as well as dry deposition).

PERMEABLE

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A surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

PERSON

Any individual, corporation, company, partnership, firm, association, City of Lambertville, political subdivision of this State and any state, interstate, or Federal agency 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, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and non-hazardous pollutants.

POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water to the extent that the pollutant concentration or level violates either the Ground Water Quality Standards (N.J.A.C. 7:9C) or the Surface Water Quality Standards (N.J.A.C. 7:9B) of New Jersey.

RECHARGE

The amount of water from precipitation that infiltrates into the ground, and becomes part of a ground water body.

REGULATED IMPERVIOUS SURFACE

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

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

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3. 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.

RETENTION

The storage of runoff indefinitely until it is lost through soil infiltration, evaporation, plant uptake, irrigation, non- potable reuse or any combination of these destinations.

REVIEW AGENCY (MUNICIPAL)

The municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.

SEDIMENT

Solid material, mineral or organic, that is in suspension and 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 major development is to occur or has occurred.

SOIL

All unconsolidated mineral and organic material of any origin.

SOLID AND FLOATABLE MATERIALS

Sediment, debris, trash, and other floating, suspended, or settleable solids.

SOURCE MATERIAL

Any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. 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.

SPECIAL RESOURCE WATERS

Water bodies receiving special protections due to their drinking water status or role as high-quality habitat for Threatened and Endangered species or species of commercial or recreational importance. This includes waterways so designated through the NJ Stormwater Management Rules (N.J.A.C. 7:8) because of exceptional ecological significance, exceptional water supply significance, exceptional recreational significance, exceptional shellfish resource, or exceptional fisheries resource. Waters so designated are protected by a 300-foot buffer extending on either side of the waterway measured perpendicular from top-of-bank or center of channel for waterways lacking a defined top-of-bank.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

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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

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 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

An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin BMP may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (a 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 ground water recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF

The flow of stormwater on or across the surface of the ground, in drainage facilities or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY

A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA

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.

STREAM BUFFER

A strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands. A stream buffer may encompass wetlands, may be contained within a flood plain or floodway or may extend beyond a wetland, floodplain or floodway boundary.

STRUCTURAL STORMWATER TECHNIQUES

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A stormwater management measure that involves control of concentrated stormwater runoff or infiltration such as stormwater basins, piped conveyance systems and manufactured stormwater devices, and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.

THREATENED AND ENDANGERED SPECIES

Endangered Species are those whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over- exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened Species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, or by the Department pursuant to the Highlands Act at N.J.S.A. 13:20-32k. and 13:20-34a(4).

TIDAL FLOOD HAZARD AREA

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.

TIME OF CONCENTRATION

The time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

TRANSITION AREA

An area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem. Also called "buffer" area.

“URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD”

A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“URBAN ENTERPRISE ZONES”

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”

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;

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3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“WATER CONTROL STRUCTURE”

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

The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, 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 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.

§ Z-1500.3. GENERAL STANDARDS. [ORD. NO. 23-2015]

A. Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be designed to meet the erosion control, ground water recharge, stormwater runoff quantity control and quality treatment standards in § 1500.4, as described in technical guidance documents listed in § 1500.7. As detailed in § 1500.4, to the maximum extent practicable, these standards shall be met by incorporating green infrastructure strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design along with the practicable green infrastructure strategies.

2. The standards in this § 1500 only apply to new major development as defined in this § 1500 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 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. When these standards (§ 523) are applicable, they shall be applied in lieu of § 522, Drainage Requirements, of the City's Zoning Ordinance.

§ Z-1500.4. STORMWATER MANAGEMENT REQUIREMENTS. [ORD. NO. 23-2015]

A. ~~Nonstructural Stormwater Management Strategies.~~ Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To the maximum extent practicable, the standards in paragraphs C, D, and E shall be met by incorporating green infrastructure measures set forth in this § 1500.4 into the design. The applicant shall identify the ~~nonstructural~~ green infrastructure measures incorporated into the design of the project. Documentation of the use of ~~nonstructural~~ stormwater management measures shall require the preparation by the applicant of the NJDEP Low Impact Development Checklist and provide testimony. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any or only

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specific green infrastructure stormwater management measures identified in paragraph A.2 below into the design of a particular project, the applicant shall identify the strategy or strategies considered and provide a basis for the contention. In both cases, the applicant bears the burden of proving any impracticability.

3. To satisfy the groundwater recharge and stormwater runoff quality standards at § 1500.C and E, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 1500.E. and/or an alternative stormwater management measure approved in accordance with [§ 1500.C](#). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

4. To satisfy the stormwater runoff quantity standards at [§ 1500.D](#), the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with [§ 1500.C](#).

5. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with [§ 1500.H](#) 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 [§ 1500.E](#) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 1500.4 C, D, and E.

~~6. Any land area used as a nonstructural stormwater management measure to meet the performance standards in paragraphs B and C shall be:~~

~~a. Dedicated to a government agency;~~

~~b. Subjected to a conservation restriction filed with the Hunterdon County Clerk's office; or~~

~~c. Subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.~~

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7. The New Jersey Stormwater Best Management Practices Manual provides guidance and qualitative assessment called the Low Impact Development Checklist for green infrastructure BMP's that shall be used to describe the measures proposed by the applicant.

B. Erosion Control, ~~Ground Water Recharge and Stormwater Runoff~~ Quantity Control Standards.

~~1. This § 1500.4 contains minimum design and performance standards to control erosion, maintain ground water recharge, and control stormwater runoff quantity impacts of major development projects.~~

1. For major development projects the minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules. While the trigger to submit an Application for Soil Erosion and Sediment Control Plan Certification is 5,000 square feet, there may be instances, such as with steep slopes, where a lower threshold has merit. In the case where slopes exceed 15% as defined by the City's Steep Slope Ordinance, and a 150 square feet area is proposed to be disturbed, an Erosion Control Design must accompany the application.

C. Onsite Retention and Groundwater Recharge Standards

1. The minimum design and performance standards for onsite retention and ground water recharge are as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff, onsite retention, and ground water recharge calculations in § 1500.5B, the following criteria that results in the greatest infiltration volume :

a. Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains 100% of the site's pre-developed average annual ground water recharge volume;

b. Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's projected stormwater runoff volume produced by the two-year, twenty-four-hour storm from pre-developed to post-developed conditions is fully infiltrated ; or

c. Demonstrate through hydrologic and hydraulic analysis that the onsite retention volume of [1.0 / 1.25 / 1.5] inches over all impervious surfaces is infiltrated or retained onsite.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below

4. The following two types of stormwater runoff shall not be recharged:

a. Stormwater runoff from areas of high pollutant loading. High pollutant loading areas are: 1) areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied; 2) areas where pesticides are loaded/unloaded or stored; 3) 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; and 4) areas where recharge would be inconsistent with a 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

b. 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.

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5. Where the onsite retention volume cannot be infiltrated, reused or evapotranspired, the onsite retention volume shall be slow released at a rate of not more than 0.02 cfs per acre of drainage area to mimic receiving water groundwater discharge flow. The retention volume shall be released within 72 hours.

Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess and certify the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to, raising the groundwater table so as to cause surface ponding, flooding of basements and other subsurface facilities, and interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity of a ground water recharge measure.

D. Stormwater Runoff Quantity Standards

1. The minimum design and performance standards for the control of stormwater runoff quantity are as follows:

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 1500.5, complete one of the following:

3. Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the two-, ten-, and 100-Year storms do not exceed, at any point in time, the site's pre-developed runoff hydrographs for the same storms;

a. Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions: 1) there is no increase in pre- developed stormwater runoff rates from the project site for the two-, ten-, and 100-Year storms; and 2) any increased stormwater runoff volume or change in stormwater runoff timing for these storms will not increase flood damage at or downstream of the project site. When performing this analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances.

b. Design onsite stormwater management measures so that the peak post-developed stormwater runoff rates from the project site for the two-, ten- and 100-Year storms are 50%, 75% and 80%, respectively, of the site's peak pre-developed stormwater runoff rates. Peak stormwater outflow rates for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. The percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application provided that such areas are: 1) protected from future development by conservation easement, deed restriction, or other acceptable legal measures or 2) would be subject to review under these standards if they are proposed for any degree of development in the future.

1. 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. Stormwater Runoff Quality Standards.

1. 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.

2. Stormwater management measures shall be designed to reduce the post-construction load of total

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suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

- a. 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.
 - b. 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.
3. 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 2 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.
4. The water quality design storm shall be 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.
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 § 1500.4A, C, D, and E. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at: https://njstormwater.org/bmp_manual2.htm.
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 1				
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal

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	Rate (percent)			High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

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<p align="center">Table 2</p> <p align="center">Green Infrastructure BMPs for Stormwater Runoff Quantity</p> <p align="center">(or for Groundwater Recharge and/or Stormwater Runoff Quality</p> <p align="center">with a Waiver or Variance from N.J.A.C. 7:8-5.3)</p>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

<p align="center">Table 3</p> <p align="center">BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</p> <p align="center">Stormwater Runoff Quantity</p> <p align="center">only with a Waiver or Variance from N.J.A.C. 7:8-5.3</p>
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Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

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Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

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 § 1500.6. Alternative stormwater management measures may be used to satisfy the requirements at § 1500.4A only if the measures meet the definition of green infrastructure at § 1500.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 1500.4A are subject to the contributory drainage area limitation specified at [§ 1500.4A](#) 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 [§ 1500.4A](#) 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 [§ 1500.4H](#) is granted from [§ 1500.4A](#).

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Table 4					
Water Quality Design Storm Distribution					
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050

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22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

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8. If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B - (AXB)/100$, where

R = total TSS percent load removal (expressed as a whole number) from application of both BMPs, and

A = the TSS percent removal rate (whole number) applicable to the first (upstream) BMP

B = the TSS percent removal rate (whole number) applicable to the second (downstream) BMP

In cases where three (or more) BMPs are used in series, the applicant shall calculate the TSS reduction for the two most upstream BMPs in the series using the above formula, then substitute the result (R) of that calculation in the formula for "A" when calculating the combined result with the next BMP in the series.

9. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 1500.4A, C, D, and E 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.

f	

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10. Stormwater management measures shall also be designed to reduce, to the maximum extent practicable, the post- construction nutrient load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent practicable, the design of the site shall include green infrastructure measures that optimize nutrient removal while still achieving the performance standards in § 1500.4A, C, D, and E. This standard may be superceded by a more stringent numeric effluent limitation imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Daily limits for nutrient loading (TMDL) may apply to the site development based on conditions of regulator approvals.

11. 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 (C-1) waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area, and all perennial or intermittent streams. An applicant 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.

a. C-1 Corridors. The applicant shall preserve and maintain a riparian zone around C-1 corridors in accordance with the following:

(1) A 300-foot riparian zone shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession.

(2) All stormwater shall be discharged outside of and flow through the riparian zone and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (applies to both C-1 and local stream corridors)

(3) If stormwater discharged outside of and flowing through the C-1 special water resource protection area cannot comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the riparian zone, provided that:

(a) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(b) Stormwater discharges allowed by this section shall achieve a 95% TSS post-construction removal rate;

(c) Thermal pollution by stormwater discharges shall be addressed to ensure no significant increase or decrease in temperature occurs in the receiving waterway outside of the mixing zone;

(d) The encroachment shall only be allowed where the applicant

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demonstrates to the satisfaction of the review agency that the ecological value and condition of the riparian zone will be maintained to the maximum extent practicable;

(e) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(f) All encroachments proposed under this section shall be reviewed and approved by the Department prior to approval by the review agency.

(4) A stream corridor protection plan for a waterway subject to paragraph E.11 shall maintain or enhance the current ecological value and condition of the riparian zone as defined in paragraph E.11 .a(1) above.

(5) Paragraph E.11 does not apply to the construction of one individual single family dwelling that is not part of a larger development and is on a lot receiving preliminary or final site plan approval on or before prior to December 3, 2018. (applies to both C-1 and local stream corridors).

(6) Encroachment within the designated 300-foot riparian zone under paragraph E.11 .a(1) above shall only be allowed where previous development or disturbance has occurred (for example, pre-existing active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates to the satisfaction of the review agency that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. Waivers and requests for encroachments from the buffer requirements applicable to C-1 waters as defined in N.J.A.C. 7:9B cannot be granted by any local board or official, but, as required by State law, can only be sought and obtained from the New Jersey Department of Environmental Protection.

2. Local Stream Corridors. Applicants proposing development on properties abutting waters and watercourses which are not designated as Category One (C-1) but constitute permanent freshwater streams and classified as FW1 or FW2 pursuant to N.J.A.C. 7:9B-1.4 shall be designed to prevent any increase in stormwater and meet the following criteria:

(1) Preserve and maintain a City of Lambertville stream corridor on each side of the waterway, what if 75' riparian designation?? measured perpendicular to the waterway from the top of bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing structures, vegetation or vegetation allowed to follow natural succession is provided.

(2) Applicants must comply with paragraphs 1500.4-E.11 .a(2) and a(5) above.

(3) A waiver to permit encroachment within the designated riparian zone as defined above shall be allowed where the applicant can show that previous development or disturbance has occurred (for example, active residential use, parking, accessory structure or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the local special water resource protection area will be maintained to the maximum extent practicable. All encroachments proposed under this subparagraph shall be subject to review and approval by the City of Lambertville Board having jurisdiction over the application.

12. Provide other source controls to prevent or minimize the use, exposure and/or mobilization of pollutants and prevent or minimize the release and transport of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

a. Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy paragraph 12.c below;

b. Site design features that help to prevent discharge of trash and debris from drainage systems;

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c. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

d. When establishing vegetation after land disturbance, application of fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules. Prior to applying fertilizer, soil tests must be conducted onsite to determine the type of fertilization necessary.

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

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 Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

F. Maintenance Plan.

The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 1500.11.

G. Exemptions.

The following linear development projects are exempt from the ground water recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 1500.4A, C, D, and E:

1. The construction of an underground utility line provided that the disturbed areas are revegetated

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upon completion;

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

3. 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 constructed of permeable material such as wood chips, unpacked gravel, and porous pavement (See § 1500.9 for guidance).

H. Waivers from Strict Compliance.

1. A waiver from strict compliance with the ground water recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 1500.4A, C, D, and E 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:

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

2. The applicant demonstrates, through an alternatives analysis acceptable to the review agency, that through the use of stormwater management measures, the option selected complies with the requirements of § 1500.4A, C, D, and E to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of § 1500.4A, C, D, and E, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. 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 F.1.c above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 1500.4A, C, D, and E that were not achievable on-site.

2. A waiver from strict compliance with the requirements of § 1500.4A, C, D, and E may be issued only in those cases where an applicant has demonstrated the inability or impracticality of strict compliance, other than projects addressed under paragraph F.1, with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, whichever is stricter. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure meeting the policy contained in § 1500.15 of this section and Section 6.0 of the City of Lambertville Municipal Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical within the same HUC-14 watershed within which the subject project is proposed, or contribute funding toward a regional stormwater control project, or provide for equivalent treatment at an alternate location, or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site. See § 1500.15, Mitigation Plan, for further details.²

I. Threatened and Endangered Species.

When 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 muhlenbergi* (bog turtle) (see also definition for Environmental Critical Areas in § 1500.2), is present on a site, stormwater management measures shall be

² The Stormwater Management Plan can be found on file at the City Offices.

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implemented to avoid adverse impacts caused by pollutant discharge, the creation of concentrated flow, or the alteration of recharge. Applicants should consult the City's Environmental Resource Inventory for technical information.

J. 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 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 Section IV.O, P, Q and R 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 X.B.5. 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.

K. 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 § 1500.4 of this ordinance 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 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 M 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 M above.

L. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 1500.4A, C, D, and E and any applicable Soil Conservation District guidelines for stormwater runoff quantity 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.

**§ Z-1500.5. CALCULATION OF STORMWATER RUNOFF , ONSITE RETENTION, AND
GROUND WATER RECHARGE.**

[ORD. NO. 23-2015]

A. Stormwater Surface Runoff Calculations.

1. In complying with the design and performance standards in § 1500.4, the design engineer shall calculate stormwater runoff using one of the following methods:

a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation, NRCS Dimensionless Unit Hydrograph, and appropriate NRCS Twenty-Four-Hour

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design storm, 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 — ~~Hydrology, and the current~~ [Technical Release 55 – Urban Hydrology for Small Watersheds \(TR-55\), dated June 1986](#) or superceding document; or at United States Department of Agriculture Natural Resources Conservation Services, 220 Davison Avenue, Somerset, New Jersey 08873; or (DEP puts website URLs for resources as well, should we include in here?)

b. The Rational Method for peak stormwater runoff rate calculations and the Modified Rational Method for stormwater runoff hydrograph calculations. Use of the Rational Method and Modified Rational Method are limited to drainage areas of two acres or less. Neither the Rational Method nor Modified Rational Method shall be used to calculate runoff volumes for ground water recharge or stormwater runoff infiltration purposes. The Intensity-Duration-Frequency curves determining the rainfall rates in inches per hour for the Rational Method must be taken from NOAA - National Weather Service. 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: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. When selecting or calculating runoff coefficients for pre-developed project site conditions using any of the above methods, the project site's land cover shall be assumed to be woods with good hydrologic condition. However, another land cover may be used to calculate runoff coefficients if: 1) such land cover has existed at the site or portion thereof site without interruption for at least two years immediately prior to the time of application; and 2) the design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records. If more than one land cover other than woods has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations. All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have applied appropriate conservation practices. The term "runoff coefficient" applies to both the NRCS methodology above at § 1500.5A.1.a and the Rational and Modified Rational Methods at § 1500.5A.1.b. 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. 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).

3. In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows and culverts, that reduce pre-developed site stormwater runoff rates and/or volumes.

4. In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate twenty-four-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration.

5. In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within a drainage area.

6. Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as

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applicable, upon the Two-Step methodology as described in the Department's current Stormwater Best Management Practices Manual or the NRCS methodology described in the current Technical Release 55 – Urban Hydrology for Small Watersheds.

7. 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.

B. Ground Water Recharge Calculations.

1. In complying with the design and performance standard in § 1500.4, the design engineer-professional hydrogeologist may calculate ground water recharge in accordance with The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the [New Jersey Stormwater Best Management Practices Manual](#) or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420

2. Field testing is required to derive values for permeability (hydraulic conductivity). Field methodologies that are applied should be as per N.J.A.C. 7:9A-6.4 through 7:9A-6.7.

C. Onsite Retention Volume

Onsite retention volume shall be calculated as the prescribed depth of precipitation over all impervious surfaces proposed as part of a major development.

Onsite retention volume (ft³) = Precipitation Depth (in) x (1 ft/12 in) x Impervious Area (ft²)

§ Z-1500.6. STANDARDS FOR STRUCTURAL STORMWATER MANAGEMENT MEASURES.

[ORD. NO. 23-2015]

A. Structural Management Measures Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to factor into the design the existing site conditions which may cause the measure to fail, have an adverse effect on water quality or quantity, or cause harm or damage to persons or property, 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 significant land filling.

2. Structural 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 1/3 the width of the diameter of the orifice or 1/3 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 § 1500.9B. All structures must be reviewed and approved by the Planning Board and/or the City Public Works Director for compliance with this section.

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3. Structural 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. The measures are to be sequenced in the site development process so that erosion control standards are met and so the measure is not compromised or impaired by construction runoff.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 1500.9.

6. Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Guidelines for Management Measures.

Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual and other documents as described in § 1500.9. Other stormwater management measures may be utilized provided the design engineer demonstrates to the satisfaction of the review agency that the proposed measure and its design will accomplish the required water quantity, ground water recharge, retention and water quality design and performance standards established by § 1500.4.

C. Manufactured Treatment Devices.

1. Manufactured treatment devices may be used to meet the requirements found in § 1500.4, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department and the applicant has made a record that non-structural techniques are infeasible for the site in question.

2. Non-verified manufactured treatment devices may also be used for purposes other than underground discharge of stormwater, where such devices provide a clear benefit to stormwater quality or flow control in a manner that facilitates improved nonstructural stormwater management controls on the site, or avoids the need for approval of off-site mitigation. Such devices may be beneficial as pretreatment to aboveground stormwater management systems. The benefits of proposed non-verified manufactured treatment devices must be proved to the satisfaction of the review agency.

3. Manufactured treatment devices may be used only where the maintenance plan required by § 1500.11 ensures that the manufactured device will be properly maintained for its functional lifespan and will be replaced as needed with management measures that are at least as effective as the original manufactured treatment device working in accordance with manufacturers specifications.

§ Z-1500.7. 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://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

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https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§ Z-1500.8. SOLIDS AND FLOATABLE MATERIALS CONTROL STANDARDS.

A. Site design features identified under § 1500.4.E.6 above, or alternative designs in accordance with § 1500.4.E.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 § 1500.8.A.2 below.

1. 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:

a. 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

b. 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.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

c. 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.

2. The standard in A.1. above does not apply:

a. 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;

b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

c. 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:

(1) 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

(2) A bar screen having a bar spacing of 0.5 inches.

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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).

d. 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

e. 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.

§ Z-1500.9. SAFETY STANDARDS FOR STORMWATER MANAGEMENT BASINS.

A. General Scope.

This § 1500.9 sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This § 1500.9 applies to any new stormwater management BMP.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in the outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings to ensure proper functioning of the structural stormwater management measure in accordance with the following:

a. The trash rack should be constructed primarily of bars aligned in the direction of flow with a maximum bar spacing of approximately 1/2 the diameter or width of the hydraulic opening it is protecting, with no space greater than six-inches between the bars.

b. The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.

c. The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft² sq. ft.

2. An overflow grate is a device intended to prevent obstruction to the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no more than two inches across the smallest dimension.

c. 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 lbs./ft² sq.

3. Structural stormwater management measures shall include escape provisions as follows:

a. If a stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet

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structure.

b. Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See § 1500.9D for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum slope of the interior and exterior of an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical in accordance with N.J.A.C. 7:8-6.2(c)3.

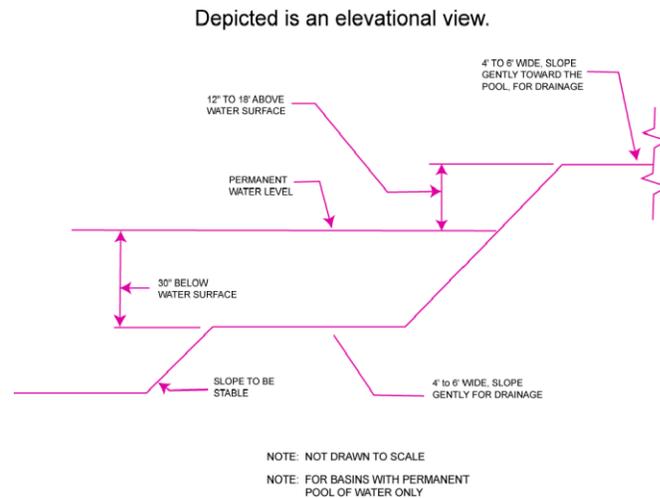
d. An emergency drawdown method for detention basins is required where the permanent pool will be more than 2 1/2 feet deep. This drawdown method must consider downstream or offsite stability at the outfall in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

C. Variance or Exemption from Safety Standards.

1. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Safety Ledges in a New Stormwater Management Basin. Figure 1.

Depicted is an elevational view.



§ Z-1500.8- 10 REQUIREMENTS FOR A SITE DEVELOPMENT STORMWATER PLAN.

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this § 1500, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 1500.10c below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate through paragraph C., Submission Requirements, that the project meets the standards set forth in this § 1500.

3. The applicant shall submit to the approving municipal authority the required number of

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copies of the materials listed in the checklist for site development stormwater plans in accordance with § 1500.10C of this section.

B. 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 (the review agency). That review agency shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this § 1500.

C. Submission Requirements.

The information in § 1500.10C.1 through C.7 below shall be provided unless a waiver is approved through § 1500.10C.8 below:

1. Existing Site Conditions Topographic Base Map (including topography, streams, roads and current built environment).

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 appropriate to show site details, showing two-foot contour intervals. The following additional elements should be considered and presented as appropriate and in combinations sufficient to adequately indicate the existing site conditions and that of the surrounding environs:

a. Hydrology.

(1) Perennial or intermittent streams as shown on the USGS 7.5 Minute Quadrangle Maps and as indicated in the Soil Survey of Hunterdon County, New Jersey.

(2) Special water resource protection areas along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys.

(3) Wetlands, NJDEP Linear Non-Tidal Wetlands, Marshlands and NJDEP Letter of Interpretation findings.

(4) FEMA Q3 Flood Data 100-Year-Floodplains and Floodways.

(5) Geometry of on-site drainage areas.

b. Boundaries and Buffers.

(1) Appropriate buffers to streams, rivers, wetlands, marshlands, ponds, lakes and other water bodies as specified in pertinent ordinances, rules, regulations, statutes or other provisions of law imposed by local, County, State or Federal agencies.

(2) Existing and proposed bearing and distances of property lines.

(3) Existing and proposed conservation, maintenance, construction, reconstruction, sight, utility, drainage and right-of way easements and dedications.

c. Vegetation and Landscaping.

(1) Pervious and vegetated surfaces, i.e. woodlands, grasslands and other significant natural features not listed if being utilized for LID credit.

(2) Native and invasive stands of vegetation.

(3) Vegetated habitat for Threatened and Endangered Species.

d. Geology and Soils (as indicated in the Soil Survey of Hunterdon County, New Jersey).

(1) Steep slopes, 10% or > slopes.

(2) Soil types.

(3) Highly erodible soils, with an erodibility factor (K) of 0.40 or <.

(4) Drainage Class and recharge potential.

(5) Colloidal soils.

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- (6) Depth to bedrock.
- (7) Seasonal high water table.
- (8) Soils subject to dynamic compaction and compacted soils.
- (9) Soil pH.
- (10) Shrink swell potential.
- (11) Deeply fractured bedrock.
- (12) Hardpans and plough pans.
- e. Existing Man Made Structures and Activities.
 - (1) Existing buildings and significant permanent manmade features.
 - (2) Roads by classification, parking areas and other impervious surfaces.
 - (3) Bridges and culverts.
 - (4) Utilities, sub-surface and above ground.
 - (5) Mining/quarry operations and blasting areas.
 - (6) Acid or other hazardous runoff.
 - (7) Areas of fill and buried debris.
 - (8) Wellheads and associated ground water withdrawals pipes, discharges and BMP's of existing stormwater utilities.
 - (9) Groundwater mounding.
 - (10) Septic systems and wells of adjacent lots.
 - (11) Leaking sanitary lines.
 - (12) Previous land use (agricultural, industrial, commercial).

2. Environmental Site Analysis.

A written and graphic description of the natural and man- made features of the site and its environs. 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 critical areas and to those that provide particular opportunities or constraints for development. The applicant should consult the City's Environmental Resource Inventory, DEP websites and other pertinent sources of local data. Incorporation of nonstructural strategies demonstrates adherence to a low impact development (LID) approach. The written description should include a list of the following nonstructural strategies (1500.10.C.2.i-ix), with a clear yes/no indication of if the strategy was included in the plan and brief description:

- i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment lost;
- ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- iii. Maximize the protection of natural drainage features and vegetation;
- iv. Minimize the decrease in “time of concentration” from pre-construction to post-construction. “Time of concentration” is defined as the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed;
- v. Minimize land disturbance including clearing and grading;
- vi. Minimize soil compactions;
- vii. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
- ix. Provide other source controls in order to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:
 - 1. Site design features that help to prevent accumulation of trash and debris in drainage systems;

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2. Site design features that help to prevent discharge of trash and debris in drainage systems;
3. Site design features that help prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
4. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Project Description and Site Plan(s).

A map (or maps) at a scale appropriate for the site 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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Stormwater Site Planning and Design Summary. This plan shall provide a demonstration of how the goals and standards of Sections 1500.3 through 1500.6 are being met, including both nonstructural and structural approaches. The focus of this plan shall be to describe how the site is being managed or developed to meet the objective of controlling ground water recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible. Refer to the Municipal Stormwater Management Plan and/or the Municipal Stormwater Pollution Prevention Plan for additional requirements. It should explain in full the maps required by this section.

5. Stormwater Management Facilities Map(s). The following information, illustrated on a map at a scale appropriate for the site, shall be included:

a. 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, land area to remain in natural vegetation, and details of the proposed plan to infiltrate, manage, control and dispose of stormwater.

b. 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.

6. Calculations.

a. Comprehensive hydrologic and hydraulic design and discharge stability calculations for the pre-development and post-development conditions for the design storms specified in Section 1500.4 of this ordinance.

b. When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, 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. The municipality shall be notified of site investigation activities and given the opportunity to have a witness, either prior to approval or as a condition of approval, as appropriate for the specific type of measure. Subsequent to approval of the major development, post-construction bulk soil density and infiltration testing shall be required for all infiltration measures that were used as justification for meeting the recharge standard, to ensure that they were properly constructed.

7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 1500.11.

8. Waiver from Submission Requirements. The review agency may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 1500.10C.1 through C.6 when it can be demonstrated that the information requested is impossible to obtain or it would create a significant economic hardship on the applicant to obtain and its absence will not materially affect the review process.

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§ Z-1500. 11. MAINTENANCE AND REPAIR. [ORD. NO. 23-2015]

A. Applicability.

1. Projects subject to review pursuant to § 1500.1C of this section shall comply with the requirements of § 1500.11B and C.

B. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. This plan shall be separate from all other documents and designed for ongoing use by the site owners or operators in performing and documenting maintenance and repair, and by the municipality in ensuring implementation of the maintenance plan. The final maintenance plan shall be updated and provided to the municipality post-construction to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions.

2. The maintenance plan shall contain specific preventive maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal and disposal; safety needs; identification of methods and disposal sites for materials removed during maintenance; maintenance requirements for created wetlands and other ecological systems; safety devices and systems; warranty and operational standards from the manufacturers of any manufactured treatment devices (See § 1500.6C); and the name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement), using maintenance guidelines for stormwater management measures from Section 6 of the Municipal Stormwater Management Plan, Municipal Stormwater Pollution Prevention Plan and any relevant regional stormwater management plan. 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. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for continuing maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. 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.

4. If the person responsible for maintenance identified under paragraph B.2 above is not a public agency, the maintenance plan and any future revisions based on paragraph B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventive and corrective maintenance shall be performed to maintain the function of the stormwater management measures, including, but not limited to, repairs or replacement to the structures; 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.

6. The person responsible for maintenance identified under paragraph B.2 above shall maintain a detailed log of all preventive 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.

7. The person responsible for maintenance identified under paragraph B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under paragraph B.2 above shall retain, submit annually to the municipality and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the

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documentation required by paragraphs B.6 and B.7 above. The report should be submitted to the Lambertville City Clerk by March 15th of every year that certifies the completion of maintenance responsibilities for the prior year.

9. The requirements of paragraphs B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency of competent jurisdiction.

10. In the event that the stormwater management facility becomes a danger to public safety or public health or 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 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 City 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.

C. Nothing in this § 1500.11 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.

D. The maintenance plan shall specifically provide a specific municipal right of access for inspection of measures, and for maintenance if required under paragraph B.9.

E. The person(s) identified in paragraph B.2 above for the long term maintenance of the facility shall cause to be prepared and submit a report to the Lambertville City Clerk by March 15th of every year that certifies the completion of maintenance responsibilities for the prior year. The responsible party shall allow a representative of the City to inspect the stormwater management facilities.

§ Z-1500.12. PENALTIES.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine or imprisonment in accordance with Section 900 of the Lambertville Subdivision Ordinance, Section 1000 of the City Zoning Ordinance, and all applicable sections of the municipal code of the City of Lambertville. In accordance with the aforementioned codes and ordinances, in the event the City determines to abate any violation after the owner thereof has been notified to abate the violation and fails or refuses to do so, the City, upon completing the abatement, shall be entitled to a lien upon the property on which the violation took place, in the amount of the funds expended by the City in conducting the abatement work, which shall run with the property until satisfied in full, with interest, as provided in State law for abatement of nuisances.

§ Z-1500.13. EFFECTIVE DATE. [ORD. NO. 2006-09 ADOPTED 4-17-2006]

This § 1500 shall take effect immediately upon the approval by the County Review Agency, or 60 days from the receipt of Ordinance No. 2006-09 by the Hunterdon County Planning Board if the Hunterdon County Planning Board, as county review agency, should fail to act.

§ Z-1500.14. SEVERABILITY.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this § 1500 shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this § 1500.

§ Z-1500.15. MITIGATION PLAN.

The Board having jurisdiction over an application requiring a stormwater management plan shall have the jurisdiction to grant a waiver from strict compliance with the performance requirements of this § 1500 or the Stormwater Management Plan. The waiver may be granted where an applicant has demonstrated the inability or impracticality of strict compliance with § 1500, and/or the Stormwater Management Plan upon the following conditions. The applicant must demonstrate one of the following: (1) an inability to apply any of the Best Management Practices and methodologies as defined and approved herein and in the Stormwater Management Plan, due to an extraordinary and exceptional situation uniquely affecting the

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subject property or the structures thereon, resulting in a peculiar and exceptional practical difficulty or undue hardship; or (2) that the purposes of this § 1500 and Stormwater Management Plan can be advanced by a deviation from the Best Management Practices and methodologies as defined and approved herein and in the Stormwater Management Plan, where the benefits of such deviation substantially outweigh any detriment.

In requesting a waiver as to any application, the applicant may submit as reasons for the waiver the site conditions of the proposed project, including soils types; thin soil cover; low permeability soils, and/or shallow depths to groundwater (high groundwater levels), unique conditions which would create an unsafe design, or conditions which would provide a detrimental impact to public health, welfare or safety.

The waiver cannot be granted due to conditions created by the applicant. If the applicant can comply with the requirements of

§ 1500 and the Stormwater Management Plan through reduction of the size of the project, the hardship is self-imposed and the Board lacks jurisdiction to grant any waiver under this section.

The applicant must propose a suitable mitigation method through submission of a mitigation plan which will conform as closely as possible to the design and performance standards of this § 1500, through structural or non-structural stormwater management measures, governing stormwater quality, quantity, and groundwater recharge.

The mitigation plan shall include sufficient data and analyses, including an alternatives analysis, which demonstrate how on-site compliance is to be maximized.

The mitigation plan must provide stormwater management results compatible with the same HUC-14 watershed within which the subject project is proposed. Alternatively, the mitigation plan may (1) provide for funding toward an offsite or regional stormwater control project, if available and practicable, or (2) fund an analysis to determine a more appropriate mitigation method to be presented to the Board for approval; or (3) provide for equivalent treatment at an alternate location, or (4) provide some other equivalent water quality benefit, if an on-site method is not proposed, provided the results required herein are achieved.

The applicant shall be responsible for locating an appropriate site for mitigation of the performance section for which the waiver is sought.

The funding option shall be allowed only in situations where there will be no immediate impact upon a sensitive receptor. Contribution to a regional, municipal or offsite mitigation plan shall be allowed for any application for one individual single-family residence. When approved by the Board, receipt of the financial contribution shall be deemed to satisfy the mitigation requirement for that application.

The Board having jurisdiction over the individual application may determine that, due to the size of the project necessary to mitigate for the waiver, it is not practical to require a mitigation project.

In all instances the Board having jurisdiction over the application shall have the power to impose additional conditions as may be appropriate under the circumstances of the application. The Board shall make specific findings of fact and conclusions consistent with this section (1) showing the inability or impracticality of strict compliance with § 1500 and the Stormwater Management Plan and (2) justifying the approval of the applicant's mitigation plan, in order to satisfy the reporting requirements of the municipality's NJPDES permit and other applicable state law requiring the submission of reports to any state or county review agency. The Board shall also have the power to require mitigation as to applications which have received waivers from the New Jersey Department of Environmental Protection.

For purposes of this § 1500, "Mitigation" shall incorporate the definition set forth in § 1500.2 and shall include situations where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8 in addition to the requirements set forth in this § 1500.

INTRODUCTION AND FIRST READING: March 18 2021

PUBLIC HEARING AND SECOND READING: April 22, 2021

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Mayor Fahl read the Ordinance into the record by title. She informed the members of the public that this has been reviewed by the City Engineer, City Planner, Construction Official, Zoning Officer and has been sent to the Environmental Commission for input.

Fahl: this has been thoroughly reviewed by our planner, engineers and several members of the community that are specialist. These changes are required by the dept because of change at the state level. Tried to split the baby, to bet to the regulatory goals of the state and not having ownerous rules for members of the community fo .

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 08-2021. Councilman Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 09-2021: *An Ordinance to Amend the Lambertville Land Use Ordinances, Section 510, Landscaping. As recommended by the Planning Board. At the March 3, 2021 Session.*

ORDINANCE NUMBER 09-2021

An Ordinance to Amend the Lambertville Land Use Code, Section 510, Landscaping

§ 510 LANDSCAPING. (Added 4-16-01 by Ord. No. 2001-07) Editor's Note: Former §510, Pending Applications for Building Permits, repealed by Ord. No. 2001-07. APPLICABILITY. This ordinance shall be a minimum standard and shall apply to all newly developed public and private buildings, developments, and land within the incorporated areas of the City. This ordinance shall also apply to the expansion or renovation of any existing development when the expansion or renovation of the existing landscape is equal to fifty percent (50%) of the total undeveloped area of a lot or when the total square footage of a structure is expanded by fifty percent (50%) or greater. EXEMPTIONS. The following areas are exempt from this ordinance: (1) community gardens; (2) community play areas; (3) non-invasive food plants on residential properties; (4) turfgrass in public rights-of-way; (5) agricultural lands; (6) scientific and educational purposes; and (7) cemeteries The City, however, encourages the protection and promotion of appropriate native vegetation in these areas to the maximum extent practicable. 510.1 General Provisions. The following general provisions shall apply to the installation and design of landscapes: A. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals singly or in common as well as inanimate materials such as rocks, water, sculpture, art, walls, fences, and paving materials. B. A landscape design shall be provided as part of site plan and subdivision submissions. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section. C. The Board of Jurisdiction may require additional landscaping to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development. D. Where subdivisions only are applied for, the minimum standards shall apply to street trees, foundation plantings, and to common open space and areas proposed to be dedicated to the public. E. All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation. F. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities and storm water management facilities and should generally be no closer than 6 feet measured horizontally. G. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native plant species are

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strongly discouraged. The City shall require a minimum coverage of appropriate native vegetation in all newly landscaped areas, as set forth in APPLICABILITY section of this ordinance. However, at no time shall the minimum coverage of appropriate native vegetation be less than 75%. The City declares that invasive species are a public nuisance that degrade landscaped and natural areas. The City shall prohibit the planting on all public and private properties of any plant species identified as invasive by the New Jersey Department of Environmental Protection, or identified as “widespread” or “emerging”, or are on the ‘Do Not Plant list’ published by the NJ Invasive Species Strike Team. For any action requiring regulatory approval by the Planning board, the city may include a requirement that the owner of the property remove any invasive species that the city deems to be a public nuisance.

510.2 Landscape Design Guidelines.

A. Landscaping shall be conceived holistically and be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building proposed.

B. In the landscape design of sites, areas shall be designated for retaining existing trees and the replacement of trees cleared from the site.

C. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.

D. Plant's susceptibility to disease, their colors, textures, shapes, blossoms, and foliage characteristics shall be considered in the overall design of a landscape plan.

E. Local soil conditions and water availability shall be considered in the choice of landscaping.

F. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.

510.3 Street Trees.

A. Location. Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Trees shall be spaced evenly along the street between the curb and sidewalk. Where the distance between the curb and sidewalk is less than 5 feet, sidewalks should be placed in a public access easement outside of the right-of-way to create a planting strip at least 5 feet wide to facilitate street tree growth. In areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows: Tree Size at Maturity (Height in feet) Soil Volume (in cubic feet) Large trees (45'+) 200 Medium-sized trees (30'-45') 150 Small trees (to 30') 100 Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

B. Spacing. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size. Tree Size at Maturity (Height in feet) Planting Interval (in feet) Large trees (45'+) 40 Medium-sized trees (30'-45') 30 Small trees (to 30') 20 Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and street lights.

C. Street Tree Type. All street trees shall be large deciduous trees except directly under utility wires. Tree species selection shall be approved by the Board in consultation with the Shade Tree Commission, as required by Chapter 3, Article IV, section 3-16 of the City Code and in accordance with the most current recommended tree list as specified by the Shade Tree Commission. Alternate selections may be approved at the discretion of the Board in consultation with the Shade Tree Commission.

D. Planting Specifications. Street trees shall be substantially uniform in size and shape, and have straight trunks. Trees shall be properly planted and staked in accordance with standards promulgated by the American Nurserymen's Association. Provision shall be made by the developer for regular watering and maintenance until trees are established. Trees are to be guaranteed for two years after the date of planting; dead or dying trees shall be replaced by the developer during the next suitable planting season. If a tree is replaced, the replacement tree is to be guaranteed for two years after the date of planting. The developer is released from this guarantee only after a tree has survived for two consecutive years.

510.4 Additional Recommended Trees. Any of the trees on the list currently recommended by the Shade Tree Commission may also be used for other purposes in the design of landscapes. The trees in Table 5.3 are recommended for site development purposes: Table 5.3 Additional Recommended Trees. Botanical Name Common Name Minimum Planting Size Acer negundo

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Boxelder 6'-7' ht' Amelanchier alleghiensis Allegheny Serviceberry 6'-7' ht' Amelanchier canadensis Shadblow (Downy Serviceberry) 6'-7' ht' Betula lenta Black Birch 7' to 8' ht. Betula nigra River Birch 7' to 8' ht. Betula populifolia Gray Birch 10'-12' ht Cornus alternifolia Alternate-leaf or Pagoda Dogwood 8' to 10' ht. Cornus florida Flowering Dogwood 8' to 10' ht. Diospyros virginiana Common Persimmon 2-1/2" to 3" cal. Ilex opaca American Holly 6' to 7' ht. Juniperus virginiana Eastern Red Cedar 8' to 10' ht. Magnolia virginiana Sweetbay Magnolia 8' to 10' ht. Pinus strobus White Pine 8' to 10' ht. Pinus virginiana Virginia Pine 8' to 10' ht. Platanus occidentalis Sycamore 8' to 10' ht. Prunus americana American Plum 2"-2 1/2" cal. Pseudotsuga menziesii Douglas Fir 8' to 10' ht. Quercus palustris Pin Oak 2-1/2" to 3" cal. Table 5.3 Additional Recommended Trees - Continued Salix nigra Black Willow 8' to 10' ht. Ulmus americana 'Delaware' American Elm, 'Delaware' 3"-3 1/2" cal. 510.5 Fall Planting Hazard. Certain trees have been identified as having a high degree of transplantation failure if installed during the Fall season. These should be noted on landscape plans as "Spring planting season only". The Fall planting hazard trees include the following genus and/or species: Betula Pyrus Carpinus Quercus ssp., excluding Q. palustris Crataegus Tilia tomentosa Ilex opaca Liquidambar styraciflua Liriodendron tulipifera 510.6 Recommended Shrubs. The following shrubs are recommended for site development use: Table 5.4 Recommended Shrubs. Botanical Name Common Name Minimum Height at Planting Alnus serrulata Smooth Alder 5'-6' Aronia arbutifolia Red Chokeberry 30" to 36" Aronia melanocarpa Black Chokeberry 30" to 36" Asimina triloba Pawpaw 30" to 36" Calycanthus floridus Carolina Allspice 2'-3' Ceanothus americanus New Jersey Tea 18" to 24" Celphalanthus occidentalis Buttonbush 24" to 36" Clethra alnifolia Summersweet 24" to 30" Comptonia peregrina Sweetfern 18" to 24" Cornus amomum Silky Dogwood 30" to 36" Cornus racemosa Gray Dogwood 30" to 36" Cornus sericea Red Osier Dogwood 30" to 36" Cornus stolonifera lutea syn. Cornus sericea ssp. sericea Yellowtwig Dogwood 30" to 36" Corylus americana American Hazelnut 30" to 36" Corylus cornuta Beaked Hazelnut 2'-3' Fothergilla gardenii ** Dwarf Fothergilla 12"-18" Fothergilla major ** Large Fothergilla 30" to 36" Hamamelis virginiana Witch Hazel 54" to 60" Hydrangea arborescens Wild Hydrangea 24" to 30" Table 5.4 Recommended Shrubs - Continued Hypericum prolificum Shrubby St. Johnswort 12"-18" Ilex glabra Inkberry 24" to 30" Ilex glabra compacta Compact Inkberry 18" to 24" Ilex verticillata Winterberry Holly 36" to 42" Itea virginica Virginia Sweetspire 24" to 30" Juniperus horizontalis bar harbor Bar Harbor Juniper 6" Juniperus horizontalis wiltoni Blue Rug Juniper 6" Kalmia latiflora Mountain Laurel 30" to 36" Leucothoe axillaris Coast Leucothoe 18" to 24" Lindera benzoin Spicebush 36" to 42" Myrica pensylvanica Northern Bayberry 30" to 36" Physocarpus opulifolius Ninebark 30" to 36" Potentilla fruticosa syn. Dasiphora fruticosa Bush Cinquefoil 12" to 18" Rhododendron arborescens Smooth Azalea 30" to 36" Rhododendron catawbiense ** Catawba Rhododendron 30" to 36" Rhododendron maximum Rosebay Rhododendron 30" to 36" Rhododendron periclymenoides Pinxter-flower Azalea 30" to 36" Rhododendron prinophyllum Mountain Azalea 30" to 36" Rhododendron viscosum Swamp Azalea 30" to 36" Rhus aromatica, incl. "Gro-Low" var. Fragrant Sumac 18" to 24" Rhus copallina Shining or Winged Sumac 18"-24" Rosa virginiana Virginia Rose 24" to 30" Rubus odoratus Purple-flowering Raspberry 18" to 24" Salix discolor Pussy Willow 30" to 36" Table 5.4 Recommended Shrubs - Continued Botanical Name Common Name Minimum Height at Planting Sambucus canadensis Elderberry 30" to 36" Sambucus racemosa Red Elder 30" to 36" Spiraea alba Meadow-sweet 18" to 24" Spiraea latifolia Meadow-sweet 18" to 24" Spiraea tomentosa Steeple-bush 18" to 24" Symphoricarpos orbiculatus Coralberry 18" to 24" Thuja occidentalis American Arborvitae 8' to 10' Thuja occidentalis nigra Dark American Arborvitae 8' to 10' Vaccinium angustifolium Lowbush Blueberry 12 to 18" Vaccinium corymbosum Highbush Blueberry 30" to 36" Viburnum acerifolium Maple-leaf Viburnum 24" to 30" Viburnum dentatum Arrowwood 30" - 36" Viburnum lentago Nannyberry 30" - 36" Viburnum nudum var. nudum Possom-haw Viburnum 30" - 36" Viburnum prunifolium Blackhaw viburnum 30" - 36" Viburnum trilobum American Cranberrybush 2'-3' **Native in U.S. further south 510.8 Buffers. Landscaping buffers are areas required to minimize and visually screen any adverse impacts or nuisances on a site or from any adjacent area. A. General requirements. 1. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening

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function. 2. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required yard area. 3. Buffers shall be continuous except for access drives as approved by the Board of Jurisdiction. Storm water management facilities, parking, dumpster enclosures, accessory building or above ground structures, and similar encroachments shall not be permitted in the required buffer area. B. The minimum width of a landscape buffer shall be dependent on the proposed use of a property and the land uses adjacent to it in accordance with Table 5.9. Table 5.9 Required Minimum Buffer Widths. Proposed Land Use Adjacent Land Use Residential Type A (1) Residential Type B (2) CBD Retail/ Office Other Retail/ Office Institutional/ Quasi-public Industrial Residential Type A (1) None None 10 ft. 15 ft. None 25 ft. Residential Type B (2) None None 5 ft. 10 ft. None. 25 ft. CBD Retail/ Office 10 ft. 5 ft. None None None 15 ft. Other Retail/ Office 15 ft. 10 ft. None None None 15 ft. Institutional/ Quasipublic 15 ft. 10 ft. None None None 25 ft. Industrial 25 ft. 25 ft. 15 ft. 15 ft. 25 ft. None (1) - Residential Type A equals single family detached, duplex and semi-detached dwellings. (2) - Residential Type B equals all other dwellings except those in institutional settings, i.e. residential health care facilities, skilled nursing facilities and assisted living facilities. The Institutional category shall apply to these exceptions. C. Required buffer widths may be reduced by 5 feet in width if an opaque fence or wall is used in conjunction with plantings and is sufficiently high to visually obstruct the view of persons at ground level. See §507 for fence and wall regulations. 510.9 Parking and Loading Area Landscaping. The objectives of the landscape architectural treatment of all parking areas shall be to provide for safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to limit paved areas, to provide for screening from the public right-of-way and adjacent buildings, to reduce the overall visual impact of parking lots, and to provide shade and reduce heat island effects. All non-residential parking lots and residential parking lots in excess of 5 spaces shall conform to the following requirements: A. The minimum width of landscape islands shall be 8 feet on the side of parking spaces and 10 feet between parking bays. If sidewalks are incorporated through the long axis of the landscape islands, their width shall be added to these requirements. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis. B. Landscape islands within parking lots shall be planted with a combination of deciduous trees, evergreen and deciduous shrubs, and ground cover at the rate of 6 large or medium trees, 4 small or ornamental trees and 60 shrubs per 100 lineal feet along the long axis of the island. C. Parking and loading areas shall be screened by a combination of hedges, fences and/or walls. The minimum screening height at planting shall be 2½ feet and shall have a height of at least 4 feet within 3 years of installation. Loading dock areas shall be screened with a minimum height of 6 feet at planting and shall achieve a height of at least 10 feet 5 years after installation. Land use mitigation buffers pursuant to Table 5.11 may be used to meet these requirements. D. Parking lot lighting should be sited within landscape islands, however, without hindering necessary lighting coverage. See also §511 for lighting requirements. E. No more than 20 parking spaces shall be placed in one row of parking without an intervening landscape island. 510.10 Historic District Landscaping. Landscape design within the Lambertville Historic District and historic sites outside of the district shall encourage the preservation of historic resources and natural amenities and areas of unique character within the landscape. This may include, but is not limited to, bodies of water, streams, windbreaks, groves of trees, hedge rows, orchards, unique vistas, historic structures and landmarks. Redevelopment in the Lambertville Historic District shall be designed to preserve and utilize cultural resources of the historic landscape. 510.11 Site Protection and General Planting Requirements. A. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least 4 inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. B. Removal of Debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with New Jersey Department of Environmental Protection regulations. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may, subject to approval of the City Engineer, be used as mulch in landscaped areas, provided they have been properly

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composted. C. Slope Plantings. Landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 3:1 shall be planted with ground covers appropriate for the purpose and soil conditions, water availability, and environment. D. Additional Landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy, or for aesthetic reasons in accordance with a typical planting plan approved by the Board of Jurisdiction. E. Planting Details. Planting details shall be consistent with the American Nurserymen's Association recommendations as they may be amended or superseded. 510.12 Tree Protection Standards. A. Standards for Tree Retention. The following standards shall apply to all trees regardless of location: 1. Existing trees on a site contemplated for development shall be retained to the greatest feasible extent. 2. In off-street parking areas and storm water management facilities, islands of trees shall be retained. These requirements shall not pertain to individual single family detached and two-family dwellings. 3. No paving of any impervious nature shall be placed within the dripline of any tree, and the grade shall be such that drainage of rainwater will water the root area without pooling or exceeding the requirements of the species. Excess water shall be admitted to storm sewers in the parking lot or drained by other means acceptable to the City Engineer. 4. Any live tree which is substantially damaged as a result of grading or general construction shall be replaced with another tree. A tree shall be substantially damaged when 1/2 or more of the tree bark is destroyed below 4 feet or the trunk is girdled. 5. Any tree used in a required planting, or to replace a damaged tree, shall have a trunk or main stem which is at least 2.5 inches in caliper in accordance with the specifications herein, unless the tree is used for storm water management facility plantings, and shall meet the specifications of the American Nurserymen's Association standards. 6. Existing trees are encouraged to be used for the required buffer zone of trees and shrubs to be established in accordance with §510.8. 7. Trees in the area between the street line and the setback line of the building shall be preserved to the greatest extent possible. 8. Specimen trees in excess of 24 inches in diameter, measured 4½ feet above grade, shall not be removed unless diseased or constitute a hazard to the general public. 9. No trees on public rights-of-way, parks, or public areas are to be removed by private individuals except as approved by the Administrative Officer or other officer designated by the Governing Body. The removal of trees shall not be permitted from a Master Plan right-of-way unless trees are dead, diseased, or endanger life or property, or a letter of approval is obtained from the Governing Body or Administrative Officer. Conversely, no trees are to be planted on public rights-of-way without express approval granted as part of a site plan or subdivision application or by the Administrative Officer. B. Methods of Tree Protection. All persons shall exercise due care to protect trees which are to be retained from damage during construction. Critical root zones shall be protected by the use of fencing located at the dripline in accordance with the City of Lambertville engineering standards. The procedures in this subsection shall be observed in order to protect retained trees, as follows: 1. Protection from mechanical injury. a. Prior to any grubbing or clearing, all trees in the tree protection zone from its edge to a depth of 25 feet into the zone shall be protected from equipment damage by enclosing the area at the dripline. Individual trees to be retained shall be completely encircled as required herein. All exposed roots, trunks, and low lying branches shall be equally protected. Groups of trees in an area to be retained after construction may be protected by fencing the entire area where they are located. Compaction of the ground by mechanical, vehicular, storage of materials, or other means within the dripline shall not be permitted. b. Feeder roots shall not be cut within the dripline; however, if feeder root cutting is waived in order to further other objectives of this section, such cuts shall be made by hand with pruning shears to produce sharp, clean cuts. Removal of feeder roots by mechanized equipment shall not be permitted. c. Tree trunks and exposed roots shall not be damaged. However, accidental damage shall be addressed and action taken to avoid further injury to the tree. Damaged branches shall be sawed off at the branch collar. No shellac or pruning paint shall be used. When the portion of the tree that is damaged is diseased, pruning equipment shall be dipped in alcohol to prevent further spread of disease. d. Deciduous trees shall be given a liquid, slow-release, low-nitrogen, all-purpose fertilizer to aid in their recovery from potential damage from construction activities. Such application shall be made at a distance of one foot from

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the trunk extending out in concentric circles to the dripline. The fertilizer shall be injected into the ground at the time of the cease of construction and one year thereafter. e. Trees shall not be used for roping, cabling, signs, or fencing. Nails and other fastening devices shall not be driven or attached to the tree. f. The area in the critical root zone under the dripline shall be left open to provide access for water and nutrients. No impervious cover, storage of equipment, materials, debris or fill shall be allowed within this area except as specifically approved by the Board of Jurisdiction. g. Trees being removed under the allowances in this section shall not be felled, pushed, or pulled into a tree protection or tree save area. 2. Protection from grade change. a. Increase in grade. If an increase in the grade of the land is proposed, the applicant shall install either: (1) A system of gravel and drains at the old soil level which opens into a dry well built around the trunk and individually designed for the contour of the land to provide aeration and drainage. (2) A retaining wall between the existing grade and higher grade to the satisfaction of the City Engineer. b. Lowering the grade. If a lowering of the grade is proposed one of the following methods to protect the tree shall be followed: (1) Terracing the grade at the dripline and out from the tree. (2) A retaining wall between the existing grade and lower grade to the satisfaction of the City Engineer. 3. Protection from excavation. Trenches for utility lines or other similar uses shall adhere to the following, listed in descending order of preference: a. Trenches shall bypass the critical root area unless the approving authority determines that no other practical alternative exists; in which case b. Trenches should be tunneled under the feeder roots a minimum of 2 feet from existing grade, unless the approving authority determines that no other practical alternative exists; in which case c. Trenches may be dug within the dripline of the tree, provided that the following provisions shall be observed: (1) Trenches shall be no closer to the trunk than half the distance to the dripline. (2) Roots shall be cut with sharp hand tools to reduce feeder root damage. (3) The trench shall be backfilled within the shortest amount of time possible and the soil shall not be compacted. d. Protection during cleanup. (1) All construction debris shall be hauled to an approved landfill or recycling facility and shall not be buried or burned. (2) Snow fences, barriers or other tree protection devices shall be the final item to be removed from the site prior to occupancy. Sec. 3. DEFINITIONS. (a) Appropriate Native Vegetation: indigenous vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site (b) Community Garden: a public or community use area intended for the purposes of gardening (c) Community Play Area: public use areas, including school and athletic fields, composed of predominantly turfgrass intended for use for recreational purposes (d) Endangered Plant: any plant species which is in danger of extinction throughout all or a significant part of its range (e) Caliper: a measurement of the size of a tree equal to the diameter of the trunk six (6) inches from the root ball (f) (g) Invasive Plant: a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive plants are those plants recognized by the New Jersey Department of Environmental Protection and those on the most recent New Jersey Invasive Species Strike Team "Do Not Plant List." (h) Landscaped Area: the entire parcel less the building footprint, driveway, paved areas of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of landscaped areas. (i) Landscaping: any combination of living plants and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). (j) Native Plant: those species of indigenous plants occurring within the state prior to European contact, according to best scientific and historical documentation. More specifically, it includes those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape. (k) Natural Community: a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment. (l) Natural Area: an area on a site that contains natural vegetation and that will be undisturbed during development and will remain undisturbed when the property is fully developed (m) Tree: a self-supporting woody plant having a single trunk or a multi-trunk of lower branches, growing to a mature height of at least sixteen (16) feet (n) Turfgrass: continuous plant coverage consisting of a grass species that is mowed to maintain an established height.

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INTRODUCTION AND FIRST READING:

March 18, 2021

PUBLIC HEARING AND SECOND READING:

April 22, 2021

Mayor Fahl read the ordinance into the record by title. She informed the members of the public present that this Ordinance originated in the Parks and Recreation Commission, was reviewed by the Environmental Commission, and was acted on at the Planning Board at the March 3, 2021 session.

Mayor Fahl acknowledged the work of the volunteers, Mary Anne Borge, Lambertville Goes Wild and members of Parks and Rec, and said this is encouraging the right kind of bio diversity. We will hear this ordinance and then after we do the public hearing, it goes back to planning board for final vote to ensure it is consistent with the master plan.

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 09-2021. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – SECOND READING

ORDINANCE NUMBER 01-2021: An Ordinance to amend the Lambertville City Code, 2014, Dumpster Permit

Note: This is not regarding the City's Third Can/Food Waste Program.

Mayor Fahl read the Ordinance into the record by title. She informed the members of the public that this amends the language pertaining to dumpster permits and increases the fees.

ORDINANCE 01-2021

An Ordinance to amend the Revised General Ordinances of the City of Lambertville, 1990, Chapter XII: Sanitation; Recycling.

BE IT ORDAINED by the Mayor and City Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the revised general ordinances of the City of Lambertville, 1990, Chapter XII Sanitation, Recycling be amended as follows:

Section 12-3.2 Definitions. As used in this section:

City shall mean the City of Lambertville.

Dumpster shall mean a container or debris-transfer body commonly used for the placing and/or collection of debris and building materials during building construction and/or renovations which, for the purposes of this section, shall include movable storage units containing refuse or debris.

POD shall mean a container for the purpose of storing items used for the placing and/or collection of household items, furniture, and or supplies.

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Section 12-3.6 Permit Term; Expiration, Additional fees is amended as follows:

- a. No permit shall be granted by the City Clerk for a term longer than seven (7) days.
- b. Permits issued within a six-month time frame shall pay the following fees:
 - a. Permit 1, initial application, seven (7) day period: \$50.00.
 - b. Permit 2, second application, seven (7) day period: \$100.00.
 - c. Permit 3, third application, seven (7) day period: \$125.00.
 - d. Permit 4, fourth application, seven (7) day period: \$150.00.
- e. Permits issued beyond four weeks within a six-month time frame shall only be granted for special circumstances which shall be outlined in a letter to the City Clerk. The fee shall be \$175.00 per week beyond the initial four-week time frame and must receive approval from the following departments: Public Works, Police Department, and the Clerk.
- c. Upon the expiration of the permit, the permit holder shall remove or cause to be removed the dumpster, POD or similar container from the sidewalk, street, or public place.
- d. Failure to remove the dumpster, POD, or container after the expiration of the permit shall result in a fine of \$500.00 per occurrence.

This ordinance shall take effect immediately upon adoption according to law.

Introduction: February 18, 2021

Adoption: March 18, 2021

Mayor Fahl opened the Public Hearing for Ordinance Number 01-2021 and she asked for Council Comments. There being no comments from the Governing Body, Mayor Fahl asked for public comments. There being no comments from the members of the public, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 01-2021. Councilman Sanders made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 01-2021. Councilman Sanders made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 02-2021: An Ordinance to amend the Lambertville City Code, 2014: Pay to Play Ordinance

Mayor Fahl read the Ordinance into the record by title. She informed the members of the public that Councilman Sanders took the lead on this ordinance.

ORDINANCE NUMBER 02-2021

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING REGULATIONS FOR THE AWARD OF PUBLIC CONTRACTS TO POLITICAL CONTRIBUTORS

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WHEREAS the City of Lambertville (the “**City**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS the Governing Body of the City desires to amend the City Code of Ordinances (the “**Code**”) Chapter 2, Administrative Code, to add Article XIII, Public Contracts, to ensure adequate regulation of political contributions made to elected City officials; and

WHEREAS, the Governing Body has determined that such regulations are necessary to ensure public confidence in the award of public contracts to certain political contributors performing business within the City; and

WHEREAS, the Governing Body has determined that it would be in the best interest of the City to amend Chapter 2 of the Code as follows:

ARTICLE XIII PUBLIC CONTRACTS

§ 2-13 PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS.

§ 2-13.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the City, or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional or insurance coverage services or any other consulting services, from any professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any City of Lambertville municipal candidate or holder of the public office having ultimate responsibility for the award of contract, or campaign committee supporting such candidate or officeholder, or to any City of Lambertville party committee, or to any political action committee that regularly engages in the support of municipal elections and/or municipal parties (PAC) within one (1) calendar year immediately preceding the date of the contract or agreement.

b. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the City or any department or agency thereof or of its independent authorities for the rendition of professional or insurance coverage services or any other consulting service shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any City of Lambertville municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate of officeholder, or to any City of Lambertville party committee, or to any PAC that regularly engages in the support of municipal elections and/or municipal parties between the time of first communications between that business entity and the City regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

c. For purposes of this section, a "professional business entity" is an entity seeking or performing a public contract for professional or insurance coverage services or any other consulting services and which may be an individual including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

d. For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

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1. The Governing Body of the City of Lambertville and the Mayor of the City of Lambertville if the contract requires approval or appropriation from the Governing Body.

2. The Mayor of the City of Lambertville, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.

§ 2-13.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Governing Body, or municipal party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

§ 2-13.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure professional services or insurance coverage services or any other consulting services, with any professional business entity, the City or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offer or has not made a contribution in violation of Section 2-13.1.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the City and shall be in addition to any other certifications that may be required by any other provision of law.

§ 2-13.4 Return of Excess Contributions.

A professional business entity or City candidate or officeholder or municipal party committee or PAC referenced in this section may cure a violation of Section 2-13.1, if, within sixty (60) days after the contribution, the professional business entity notifies the Governing Body in writing and seeks and receives reimbursement of a contribution from the City candidate or municipal political party or PAC referenced in this section.

§ 2-13.5 Emergency Exceptions.

Notwithstanding the foregoing, the Governing Body recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should such a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as made be promulgated, from time to time, by the Governing Body with regard to same. No such emergency contracts, however, may be awarded without submission to the City Clerk of a certification establishing the basis for the deviation from the procedures outlined herein.

§ 2-13.6 Penalty.

a. It shall be a breach of the terms of the City of Lambertville professional service agreement for a business entity to:

1. Make or solicit a contribution in violation of this section;
2. Knowingly conceal or misrepresent a contribution given or received;

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3. Make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
 4. Make or solicit any contribution on the condition or with the agreement that it will be contributed to campaign committee of any candidate or holder of the public office of the City of Lambertville;
 5. Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this section;
 6. Fund contributions made by third parties, including consultants, attorneys, family members, and employees;
 7. Engage in any exchange of contributions to circumvent the intent of this section; or
 8. Directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.
- b. Furthermore, any professional business entity who violates paragraph a. above shall be disqualified from eligibility for future City of Lambertville contracts for a period of four (4) calendar years from the date of the violation.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body hereby amends Chapter 2 of the Code as set forth herein above.
3. It is the intent of the Governing Body to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 2 of the Code shall remain unchanged and have full force and legal effect.
4. If any section, paragraph, subdivision, clause, sentence, phrase, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk and shall be provided to the Secretary of State of the State of New Jersey.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

INTRODUCTION AND FIRST READING: February 18, 2021

PUBLIC HEARING AND SECOND READING: March 18, 2021

Mayor Fahl opened the public hearing for Ordinance Number 02-2021 and she asked for Council comments.

Councilwoman Lambert asked if there was a time period time when the contractor can become eligible to respond to proposals. Councilman Sanders responded that Section t 2-13.1A has a temporal quality, section a is the prohibition as to the city, and it provides the details as well as the period of negotiation of the contract. He responded that the this is brand new, not amending an existing ordinance.

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Mayor Fahl asked for public comments. Hearing no public comments, Mayor Fahl asked for a motion to closed the public hearing for Ordinance Number 02-2021. Councilman Sanders made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 02-2021. Councilman Sanders made the motion and Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 03-2021: *A Multi-Purpose Bond Ordinance to Fund the Fund Equipment Upgrades for the Vehicles Owned by the City of Lambertville in an Amount of \$33,500 plus bonding fees.*

Mayor Fahl read the Ordinance into the record by title. She informed the members of the public present that this will allow the City to make vehicle repairs on the large equipment on anything with a value of 5 years.

BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF VARIOUS EQUIPMENT AND TRUCKS IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$33,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$31,900 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The purpose described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as a general improvement. For the purpose described in Section 3(a), there is hereby appropriated the sum of \$33,500, including the sum of \$1,600 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$31,900 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the rehabilitation of various equipment and trucks, including, but not limited to, a street sweeper, a pick-up truck, and a skid steer, including all related costs and expenditures necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the purpose is as stated in Section 2 hereof.

(c) The estimated cost of the purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than

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one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3(a) of this bond ordinance is not a current expense. It is a purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$31,900, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$3,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to

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pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The number of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Fahl opened the public hearing for Ordinance Number 03-2021 and asked for Council comments. There being no comments from the Governing Body, Mayor Fahl asked for public comments. There being no public comment, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 03-20-21. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 03-2021. Councilman Sanders made the motion and Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 04-2021: An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 40 Delaware Avenue.

Mayor Fahl read the Ordinance into the record by title. She informed the members of the public that this will add a handicapped parking space in front of 40 Delaware Avenue.

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ORDINANCE NUMBER 04-2021

An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 40 Delaware Avenue.

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front of 40 Delaware Avenue by Philip J. Faherty, Jr. is authorized as follows:

Delaware Avenue, between Union and Main Street, on the north side of the street in front of 40 Delaware Avenue.

INTRODUCED: February 18, 2021

PUBLIC HEARING AND ADOPTION: March 18, 2021

Mayor Fahl opened the public hearing for Ordinance Number 04-2021 and she asked for Council comments. The Governing Body had no comment.

Mayor Fahl asked for public comments. There being no public comment, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 04-2021. Councilman Sanders made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 04-2021. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative voice vote/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

COUNCIL SUBCOMMITTEE UPDATES

MAYOR FAHL informed the members of the public present that the City has been deep in executive session discussing contracts. There is a Special Session of the Governing Body scheduled for March 25, 2021 at 6 pm to introduce a bond ordinance to fund the acquisition of the Closson property with a public hearing on April 22. Members of the Community Advisory Team (CAT) will be on that call and will be going through presentation with multiple members of our team, and will review environmental findings, potential site use, and we will introduce bond ordinance with public hearing in late April.

COUNCILWOMAN LAMBERT gave an update on Parks and Recreation Commission, Green Team.

PARKS AND RECREATION:

- Cavallo Park to repair broken equipment,
- Ely Field to repair a bridge, lighting, and the Lambertville Public School Community Garden will be starting asap. There will be a second Saturday series that kicks off on March 27th with a "Find the Bunny Scavenger Hunt" organized by Parks and Recreation Commission. The Summer Camp will be held this year and will run for six weeks, starting on June 26. Councilwoman Lambert commented that the materials were

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purchased for the lights at Ely Field and the work will be completed within the next two weeks. The lighting repairs do not include the football lights.

Councilman Sanders questioned the hours that the parks are opened. Discussion ensued. Concern was expressed for the rules Governing the Parks to allow for participation. Good to codify those rules so neighbors aren't concerned about late night and noise. Councilwoman Lambert will review the Ordinance.

- **GREENTEAM:** Lambertville will celebrate an "Earth Month" this year. This is a collaborative effort including the Environmental Commission, Parks and Recreation, the Library, Lambertville Goes Wild, and the ACME Screening Room. Visit the city's website at www.lambertvillevillenj.org and view the Earthmonth page for details about activities coming up.

COUNCILMAN SANDERS – Pay to Play Ordinance, Marijuana Ordinance, PennEast Pipeline

- **Marijuana:** Councilman Sanders noted that the passage of a state law legalized small amounts of marijuana. The law provides municipal officials with the final say on whether to host a business related to marijuana and that local protections and zoning would still govern. He further noted that w has benefited from the early work of others analyzing the law including the New Jersey State League of Municipalities, our attorney, and planner. The state law gives local entities 180 days from when the bill was signed to take action. So, we have until August 22, 2021. Councilman Sanders said he hoped to meet in the next two weeks with local volunteers to go through our options.

- **PennEast:** Councilman Sanders reported that the PennEast Committee would be meeting on March 23, 2021. IN the past few months, they have been working on keeping up citizen engagement and providing up-to-date information on developments with the pipeline. Towards that goal, they have done Facebook live interviews with key stakeholders and experts, which are posted on the City's website. Councilman Sanders noted that the most recent development was the Biden Administration's unfortunate continuation of the Trump Administration's legal position on the matter now before the Supreme Court: whether the Natural Gas Act delegates to Federal Energy Regulatory Commission certificate-holders the authority to exercise the federal government's eminent-domain power to condemn land in which a state, in this case New Jersey, claims an interest. He noted that the Hunterdon County Commissioners and Congresswoman Bonnie Watson Coleman had joined others in condemning the Biden Administration's position on this legal issue

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COUNCILMAN STEGMAN reported on the Hunterdon County Economic Development Grant regarding Zoning Ordinances. He informed the members of the public present that he met with the City Planner and Zoning Officer; met with an application who had issues getting their application off the ground; and he looked at the issues that held up the application. He is working on a timeline backwards to meet a goal of presenting it to council. Will touch base with Emily tomorrow to see if she has had opportunity to think about how to approach it. The goal is to make this process more user friendly. He is working with the City Planner and will report back to the Governing Body.

COUNCIL PRESIDENT TAYLOR – Human Rights Commission, Electric Bills and Community Aggregation

- HUMAN RIGHTS COUNCIL – no report.
- ELECTRIC BILLS AND COMMUNITY AGGREGATION: Council President Taylor reported that she received several questions from residents about electric bills and changes with community aggregation. We are going to schedule for a representative to come to a council meeting so people understand changes.

ANNOUNCEMENTS

STREET SWEEPER is suspended through March 31, 2021. It will resume the regular schedule on April 5, 2021.

SPECIAL SESSION: The Governing Body will hold a Special Session on Thursday, March 25, 2021 to introduce a Bond Ordinance to fund the purchase of the Closson property.

LAMBERTVILLE PUBLIC LIBRARY, ANDREA MITCHELL SCHOOL FOR ARTS AND SCIENCES, are jointly sponsoring a speaker series via Zoom which will cultivate into a Lambertville centered conversation to continue our community work to think about race and community. The link is on the website, will send out in an update so everyone has it.

PUBLIC COMMENT

Stephen Harris asked about the project on George Street and he expressed concern for the newly paved roadway. Mayor Fahl responded that the utility company is being made to pave George Street curb to curb.

Paul Stevens asked what will be included in the bond Ordinance for the acquisition of the Closson Property scheduled for March 25th. Mayor Fahl responded that it will include the full cost for the acquisition, everything else is still in draft. Mr. Stevens asked if moving the police was included. Mayor Fahl commented that there are multiple options, with some site changes, there are a myriad of potential options, and we don't have a draft ordinance as it isn't written.

ADJOURNMENT

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The meeting adjourned at 8:25 p.m. with a motion made by Councilman Stegman and seconded by Councilman Sanders. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege
CMR, RMC, City Clerk