

BOROUGH OF HIGHLAND PARK
REGULAR MEETING
JUNE 18, 2024 – 7:00 PM

To attend the meeting electronically, please follow the instructions below:

By phone:
1-929-205-6099
Webinar: 920 9574 9666

By computer, smartphone or tablet:
<https://zoom.us/j/92095749666>

MISSION STATEMENT OF THE BOROUGH OF HIGHLAND PARK:

The Mission of the Highland Park Borough Council is to establish a government based upon the principles of good government: ethics, efficiency and the effective provision of services.

The Borough Council is committed to creating a thriving community, which is sustainable economically, environmentally and socially.

The Borough Council is further committed to creating a community which values its unique and diverse populations and encourages direct public participation in the governing process.

AGENDA

* Denotes Consent Agenda Posted Items. Ordinarily, consent agenda items, pursuant to Ordinance No. 920, are not read nor debated unless there is a request by a member of Council or the public. Furthermore, unless requested by a member of Council for a separate vote, all consent agenda items, as per Council's Rules of Order, Article IV, shall be considered in the form of one **MOTION**.

1. Call to Order and Open Public Meetings Statement.
2. Pledge of Allegiance.
3. Roll Call.
4. Honors, Awards and Presentations.
 - The Retirement of Highland Park High School Principal - Michael Lassiter
5. Approval of Minutes.
 - 5.a **MOTION** to approve minutes as distributed:
 - May 21, 2024 Regular and Executive Session Mtg.

ROLL CALL VOTE

6. Council Reports.

7. Borough Administrator's Report.
8. Borough Attorney's Report.
9. Mayor's Report.
10. Public Participation.
(21 minutes total; 3 minutes per speaker limited to items on this Agenda. Comments from members of the public attending the meeting in-person will be heard first, followed by members of the public attending the meeting via Zoom.)
11. Ordinances Requiring a Second Reading.
 - 11.a **Ordinance No. 24-2085** An Ordinance to Amend Chapter 230, Article XX of the "Code of the Borough of Highland Park, 2010" Concerning Stormwater Management
 - a. Public Hearing
 - b. **MOTION** to adopt/reject Ordinance 24-2085 **ROLL CALL VOTE**
12. Ordinances Requiring a First Reading.
 - 12.a **Ordinance No. 24-2086** An Ordinance Amending On-Street Parking Regulations for Residences Occupied by Persons with a Physical Disability and Amending the "Code of the Borough of Highland Park, 2010".

MOTION to approve/reject Ordinance No. 24-2086, authorize publication as required by law, and set up public hearing for July 16, 2024 **ROLL CALL VOTE**
 - 12.b **Ordinance No. 24-2087** An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning Signage Regulations and Other Design Standards

MOTION to approve/reject Ordinance No. 24-2087, authorize publication as required by law, and set up public hearing for July 16, 2024
ROLL CALL VOTE
 - 12.c **Ordinance No. 24-2088** An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of Highland Park, Chapter 138, "Sewer and Water"

MOTION to approve/reject Ordinance No. 24-2088, authorize publication as required by law, and set up public hearing for July 16, 2024
ROLL CALL VOTE
13. Consent Agenda Items - Resolutions. **MOTION** to adopt/reject **ROLL CALL VOTE**
 - 13.a *6-24-161 Resolution to Approve 2024-2025 ABC Licenses - Plenary Retail Distribution and Consumption.

- 13.b *6-24-162 Resolution to Approve 2024-2025 ABC Club License
- 13.c *6-24-163 Resolution to Approve 2024-2025 Inactive ABC License - Four W Properties LLC
- 13.d *6-24-164 Chapter 159 - 2024 Clean Communities Grant
- 13.e *6-24-165 Chapter 159 - 2024 Sustainable Jersey Grant
- 13.f *6-24-166 Chapter 159 - NJDCA Local Recreation Improvement Grant
- 13.g *6-24-167 Chapter 159 - Middlesex County Swimming Lessons Pilot Program Grant
- 13.h *6-24-168 Resolution Authorizing Extension of Memorandum of Understanding between the New Jersey Board of Public Utilities and the Borough of Highland Park in Connection with the Phase II Town Center Distributed Energy Resource (TCDER) Microgrid Incentive Program
- 13.i *6-24-169 Resolution Authorizing Action on Release of Performance Bond - Suburban Real Estate Development
- 13.j *6-24-170 Resolution Authorizing a Professional Services Agreement with ETM Associates, LLC for Additional Landscape Architectural Services related to the Preparation of a Feasibility Study and Concept Plan for the Raritan River Trail Connector
- 13.k *6-24-171 Resolution Authorizing Payment of the \$133,704.32 Special Assessment to the Middlesex County Joint Insurance Fund
- 13.l *6-24-172 Resolution to Approve Pay Estimate No. 4 with Top Line Construction Corp. for Improvements to Riverview Avenue, Washington Avenue, Executer Street and Various Roads
- 13.m *6-24-173 Resolution Authorizing Amendment to Annual Salary Resolution
- 13.n *6-24-174 Resolution Authorizing Water/Sewer Bill Adjustment
- 13.o *6-24-175 Resolution Awarding Tree Watering Contract to Bartlett Tree Service for Tree Watering Services
- 13.p *6-24-176 Resolution Authorizing Cannabis Retail Business License for Herbalicity LLC, 246 Raritan Avenue
- 13.q *6-24-177 Resolution to Approve Bills List

14. Appointments.

15. Second Public Participation.

(3 minutes per speaker on any topic; subject to 9 PM conclusion. Comments from members of the public

attending the meeting in-person will be heard first, followed by members of the public attending the meeting via Zoom.)

16. Recess (5 minutes).

17. Executive Session.

17.a 6-24-178 Executive Session: (1) Potential Litigation - Block 2201, Lots 6, 7, 9, 10, 46,
47, 48; (2) Redeveloper Negotiations - Tract A
MOTION adopt/reject. **ROLL CALL VOTE**

18. MOTION to adjourn.

19. **Next Scheduled Meeting:** July 16, 2024 @ 7 PM

ORDINANCE NO. 24-2085
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX, NJ

AN ORDINANCE TO AMEND CHAPTER 230, ARTICLE XX OF THE “CODE OF THE BOROUGH OF HIGHLAND PARK, 2010” CONCERNING STORMWATER MANAGEMENT.

WHEREAS, the Borough Council of the Borough of Highland Park, a Municipal Corporation of the County of Middlesex, State of New Jersey, finds that the public health, safety and general welfare of the Borough shall be promoted by the revision and amendment of the Borough’s Land Use Ordinance to fully ensure the Borough’s continued ability to comply with the New Jersey Department of Environmental Protection Stormwater Management and Control Standard; and

WHEREAS, amendments to the Land Use Ordinance and the adoption of new State Compliant Regulations for Stormwater Management are necessary to meet new regulations adopted by the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, as follows:

1. Chapter 230, Article XX of said Code concerning Stormwater Management is hereby amended and shall read as follows, ~~strike through~~ material deleted; underlined material added:

§ 230-176. Scope and purpose.

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in **§ 230-177**.
- C. Applicability.

(1) This ordinance shall be applicable to the following major developments:

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

(2) This ordinance shall also be applicable to all major developments undertaken by the Borough of Highland Park.

(3) An application required by ordinance pursuant to 1(b) above that has been submitted prior to June 18, 2024, shall be subject to the stormwater management requirements in effect on June 17, 2024.

(4) An application required by ordinance for approval pursuant to 1(b) above that has been submitted on or after March 2, 2021, but prior to June 18, 2024, shall be subject to the stormwater management requirements in effect on June 17, 2024.

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

- D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 230-177. Definitions.

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 Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A. A county planning agency; or

B. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 230-179.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

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

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

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 230-178. Design and Performance Standards for Stormwater Management Measures.

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

(1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

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

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§ 230-179. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with **§ 230-185**.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§§ 230-179.P, Q and R**:
- (1) The construction of an underground utility line provided that the disturbed areas are revegetated 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 made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§§ 230-179.O, P, Q and R** 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, that through the use of stormwater management measures, the option selected complies with the requirements of **§§ 230-179.O, P, Q and R** to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of **§§ 230-179.O, P, Q and R**, 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 **§ 230-179.D.3** above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of **§§ 230-179.O, P, Q and R** that were not achievable onsite.
- E. 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 **§§ 230-179.O, P, Q and R**. 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~~
- <https://dep.nj.gov/stormwater/bmp-manual/>
- F. 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 Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal 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	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
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

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 230-179.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 § 230-177;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 230-177.

G. 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 § 230-181.B. Alternative stormwater management measures may be used to satisfy the requirements at § 230-179.O only if the measures meet the definition of green infrastructure at § 230-177. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 230-179.O.2 are subject to the contributory drainage area limitation specified at § 230-179.O.2 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 § 230-179.O.2 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 § **230-179.D** is granted from § **230-179.O**.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § **230-183.C**;
 - (3) 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;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § **230-183**; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § **230-177** may be used only under the circumstances described at § **230-179.O.4**.
- K. Any application for a new agricultural development that meets the definition of major development at § **230-177** shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §§ **230-179.O, P, Q** and **R** 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.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §§ **230-179.P, Q** and **R** 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.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the

Middlesex County 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 §§ **230-179.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 § **230-185.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.

N. 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 § **230-179** 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 Middlesex County 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.

O. 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 satisfy the groundwater recharge and stormwater runoff quality standards at § **230-179.P and Q**, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § **230-179.F**. and/or an alternative stormwater management measure approved in accordance with § **230-179.G**. 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

(3) To satisfy the stormwater runoff quantity standards at § **230-179.R**, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § **230-179.G**.

(4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § **230-179.D** 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 § **230-179.G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § **230-179.P, Q and R**.

(5) 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 § 230-179.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 230-179.D.

P. Groundwater Recharge Standards

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

(2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 230-180, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D. of this ordinance, is infiltrated.

(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 types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(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.

Q. 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 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 is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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
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

(5) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

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

(6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 230-179.P, Q and R.

(7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

(9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

(10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

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

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 230-180, complete one of the following:

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

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

§ 230-180. Calculation of Stormwater Runoff and Groundwater Recharge.

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

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

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

~~https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf~~

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

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

~~(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A 9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:~~

~~<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>~~

(2) For the purpose of calculating ~~runoff coefficients~~ curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "~~runoff coefficient~~ curve number" applies to ~~both~~ the NRCS methodology above at ~~§ 230-180.A.1.a. and the Rational and Modified Rational Methods at § 230-180.A.1.b.~~ A ~~runoff coefficient~~ curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover ~~have~~ has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 - Urban Hydrology for Small Watersheds* or other methods may be employed.

(5) 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. Groundwater recharge may be calculated in accordance with the following:

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; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

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

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

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

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
<u>Atlantic</u>	<u>1.01</u>	<u>1.02</u>	<u>1.03</u>
<u>Bergen</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Burlington</u>	<u>0.99</u>	<u>1.01</u>	<u>1.04</u>
<u>Camden</u>	<u>1.03</u>	<u>1.04</u>	<u>1.05</u>
<u>Cape May</u>	<u>1.03</u>	<u>1.03</u>	<u>1.04</u>
<u>Cumberland</u>	<u>1.03</u>	<u>1.03</u>	<u>1.01</u>
<u>Essex</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Gloucester</u>	<u>1.05</u>	<u>1.06</u>	<u>1.06</u>
<u>Hudson</u>	<u>1.03</u>	<u>1.05</u>	<u>1.09</u>
<u>Hunterdon</u>	<u>1.02</u>	<u>1.05</u>	<u>1.13</u>
<u>Mercer</u>	<u>1.01</u>	<u>1.02</u>	<u>1.04</u>
<u>Middlesex</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Monmouth</u>	<u>1.00</u>	<u>1.01</u>	<u>1.02</u>
<u>Morris</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Ocean</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Passaic</u>	<u>1.00</u>	<u>1.02</u>	<u>1.05</u>
<u>Salem</u>	<u>1.02</u>	<u>1.03</u>	<u>1.03</u>
<u>Somerset</u>	<u>1.00</u>	<u>1.03</u>	<u>1.09</u>

<u>Sussex</u>	<u>1.03</u>	<u>1.04</u>	<u>1.07</u>
<u>Union</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Warren</u>	<u>1.02</u>	<u>1.07</u>	<u>1.15</u>

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

Table 6: Future Precipitation Change Factors

<u>County</u>	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>10-year Design Storm</u>
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Bergen</u>	<u>1.20</u>	<u>1.23</u>	<u>1.37</u>
<u>Burlington</u>	<u>1.17</u>	<u>1.18</u>	<u>1.32</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Cape May</u>	<u>1.21</u>	<u>1.24</u>	<u>1.32</u>
<u>Cumberland</u>	<u>1.20</u>	<u>1.21</u>	<u>1.39</u>
<u>Essex</u>	<u>1.19</u>	<u>1.22</u>	<u>1.33</u>
<u>Gloucester</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>
<u>Hudson</u>	<u>1.19</u>	<u>1.19</u>	<u>1.23</u>
<u>Hunterdon</u>	<u>1.19</u>	<u>1.23</u>	<u>1.42</u>
<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>
<u>Middlesex</u>	<u>1.19</u>	<u>1.21</u>	<u>1.33</u>
<u>Monmouth</u>	<u>1.19</u>	<u>1.19</u>	<u>1.26</u>
<u>Morris</u>	<u>1.23</u>	<u>1.28</u>	<u>1.46</u>
<u>Ocean</u>	<u>1.18</u>	<u>1.19</u>	<u>1.24</u>
<u>Passaic</u>	<u>1.21</u>	<u>1.27</u>	<u>1.50</u>
<u>Salem</u>	<u>1.20</u>	<u>1.23</u>	<u>1.32</u>
<u>Somerset</u>	<u>1.19</u>	<u>1.24</u>	<u>1.48</u>
<u>Sussex</u>	<u>1.24</u>	<u>1.29</u>	<u>1.50</u>
<u>Union</u>	<u>1.20</u>	<u>1.23</u>	<u>1.35</u>
<u>Warren</u>	<u>1.20</u>	<u>1.25</u>	<u>1.37</u>

§ 230-181. 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.

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

(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:

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

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

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.~~

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

§ 230-182. Solids and Floatable Materials Control Standards.

A. Site design features identified under § 230-179.F above, or alternative designs in accordance with § 230-179.G 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 § 230-182.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:

i. 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

ii. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

(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.

§ 230-183. Safety Standards for Stormwater Management Basins.

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

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 230-183.C.1, § 230-183.C.2, and § 230-183.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

(d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(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 ~~less~~ greater 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 pounds per square foot.

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

(a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With

the prior approval of the municipality pursuant to § 230-183.C, a free-standing outlet structure may be exempted from this requirement;

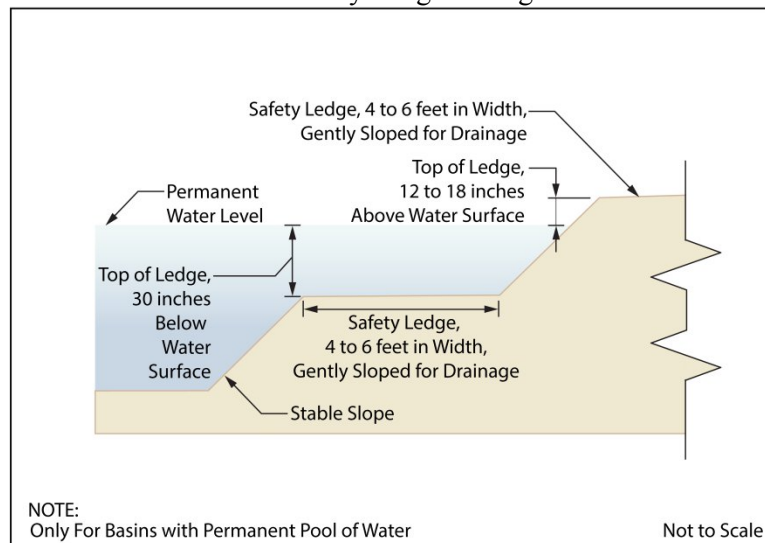
(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 230-183.E for an illustration of safety ledges in a stormwater management BMP; and

(c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 230-184. 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 ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 230-184.C below as part of the submission of the application for approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

(3) The applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with § 230-184.C of this ordinance.

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. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan.

The following information shall be required:

(1) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(2) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §§ 230-178 - 230-180 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, 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, and details of the proposed plan to 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 calculations for the pre-development and post-development conditions for the design storms specified in § 230-179 of this ordinance.

(b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 230-185.

(8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 230-184.C.1 through § 230-184.C.6 of this ordinance when it can be demonstrated

that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 230-185. Maintenance and Repair.

A. Applicability. Projects subject to review as in § 230-176.C of this ordinance shall comply with the requirements of § 230-185.B and § 230-185.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.

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(4) 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.

(5) If the party responsible for maintenance identified under § 230-185.B.3 above is not a public agency, the maintenance plan and any future revisions based on § 230-185.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.

(6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The party responsible for maintenance identified under § 230-185.B.3 above shall perform all of the following requirements:

(a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

(b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

(c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 230-185.B.6 and B.7 above.

(8) The requirements of § 230-185.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, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

[https://dep.nj.gov/stormwater/maintenance-guidance/.](https://dep.nj.gov/stormwater/maintenance-guidance/)

(9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Post a two year maintenance guarantee in accordance with N.J.S.A 40:55D-53.

§ 230-186. Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties provided in Chapter 1, Article III, General Penalty. Each day that a violation persists shall be a separate violation hereof.

§ 230-187. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

§ 230-188. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Introduced on first reading by title: May 21, 2024

ADOPTED: June 18, 2024

ATTEST:

APPROVED: June 18, 2024

Jennifer Santiago, Borough Clerk

Elsie Foster, Mayor

**ORDINANCE NO. 24-2086
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR
RESIDENCES OCCUPIED BY PERSONS WITH A PHYSICAL DISABILITY AND
AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010".**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, THAT:**

Section 278-17. Designation of On-Street Accessible Parking Spaces is hereby amended as follows:

- D. The following on-street locations are designated as Accessible Parking Spaces. Such spaces are for the use by persons who have been issued windshield placards or wheelchair symbol license plates, pursuant to N.J.S.A. 39:4-204 et seq.:

*Voting District 12 – add 282 South 11th Avenue location.

Section 2. This Ordinance shall take effect upon its passage and publication as provided for by law.

Introduced on first reading by title: June 18, 2024

ADOPTED:

ATTEST:

APPROVED:

Jennifer Santiago, Borough Clerk

Elsie Foster, Mayor

**ORDINANCE NO. 24-2087
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX
COUNTY, NEW JERSEY AMENDING CHAPTER 230, LAND DEVELOPMENT
CONCERNING SIGNAGE REGULATIONS AND OTHER DESIGN STANDARDS**

BE IT ORDAINED by the Borough Council of the Borough of Highland Park that the following amendments to Chapter 230 are hereby enacted (underlined material is new and is added; ~~struckthrough~~ material is deleted):

SECTION 1. Section 230-3 of the "Code of the Borough of Highland Park" concerning definitions is hereby amended as follows:

§ 230-3 Definitions.

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

MURAL

A painted image or design on a fence, wall, retaining wall, building, or ground surface, which may or may not include a sign. Only that portion of the mural containing a sign shall be regulated as a sign.

SIGN

Any device, display, structure, or part thereof that displays or includes any letters, numbers, symbols, other characters, logos, graphics, or images used as or which is in the nature of communicating a message.

SIGNABLE AREA

The area or areas on a commercial building facade where signs may be placed without disrupting facade composition. The signable area will often include panels at the top of show windows, transoms over storefront doors and windows, signboards on fascias, and areas between the top of the storefront and the sills of second-story windows.

SIGN, AWNING

A sign that is painted on or applied to an awning.

SIGN, BILLBOARD

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, DIRECTIONAL

A sign which provides directional messages, principally for bicycle, pedestrian, or vehicular traffic, such as but not limited to "one-way," "entrance" and "exit."

SIGN, DIRECTORY

A sign which provides a listing of multiple businesses or occupants of a building on the premises on which the sign is located.

SIGN, FREESTANDING

Any non-movable sign that is not affixed to a building.

SIGN, ILLUMINATED

A sign that is lighted by or exposed to artificial lighting by lights on or in the sign or directed toward the sign.

SIGN, SANDWICH BOARD

A sign that is placed on the ground, consisting of two (2) sign faces placed together at an angle to form an "A" shape structure which tapers from a wide base to a narrow top.

SIGN, BLADE

A sign that is affixed to the exterior wall of a building, projecting at a 90-degree angle.

SIGN, ROOF

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the decline of a building with a mansard roof.

SIGN, WALL-MOUNTED

A sign that is attached to, displayed on, or painted on an exterior wall of a building.

SIGN, WINDOW

A sign that is applied, attached, or painted on the exterior or interior of a window or located within three (3) feet of the glass such that it can be seen from the exterior of the structure through a window.

SECTION 2. Section 230-115 of the "Code of the Borough of Highland Park" concerning general signage regulations is hereby amended as follows:

§ 230-115 Signage.

- A. Purpose and intent. Signs perform an important function in identifying and promoting properties, residences, businesses, services, events, and other matters of interest to the public. The purpose and intent of this section is to regulate the use of signs so that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and to preserve the aesthetic character of the Borough. These standards are designed to protect and promote the public health, safety, morals, and general welfare by:
 - (1) Providing clear and uniform standards controlling the type, number, and physical dimensions of signs, and establishing reasonable limits on the time, place, and manner of sign display.
 - (2) Preventing the disruptions, obstructions, and hazards to pedestrian and vehicular traffic that signs may cause.
 - (3) Avoiding excessive conflicts from large or multiple signs to minimize clutter, unsightliness, and confusion.
 - (4) Establishing a clear and flexible permitting process for the review and approval of signs.
- B. Applicability and permits.
 - (1) Applicability. Any sign erected, altered, or maintained after the effective date of this section shall conform to the standards contained herein.
 - (2) Zoning permits.
 - (a) It shall be unlawful for any person to erect or maintain within the Borough of Highland Park any permanent sign without a zoning permit issued by the Zoning Official and a construction permit has been issued by the Construction Code Official, where applicable, except that zoning permits shall not be required for signs for single- and two-family dwellings, temporary signs, and exempt signs as provided for herein, and provided that all applicable standards of this section are complied with.
 - (b) Application for a zoning permit involving a sign shall contain the following:

- [1] Name, address, telephone number and email address of the applicant.
 - [2] Name, address, telephone number and email address of the property owner.
 - [3] The relationship between the applicant and the property owner and the written consent of the property owner.
 - [4] Name, address, telephone number and email address of the person erecting the sign.
 - [5] Location of property upon which sign is to be erected.
 - [6] Position of the proposed sign on the property or building.
 - [7] Sketch or photograph of the existing property or building, and adjacent properties or buildings.
 - [8] Sketch or rendering of the proposed sign, indicating size, color, material used and lighting (if any), drawn to scale.
 - [9] Further information as the Zoning Official shall require showing compliance with this section and all other applicable laws and ordinances.
- (3) Site plan applications. If any sign is included in a site plan or subdivision application, the zoning permit shall be issued by the Zoning Official and the construction permit shall be issued by the Construction Official, where applicable, following approval by the Planning Board or Board of Adjustment.
- (4) Site plan exemptions. If any sign requires a minor deviation from this section, such sign may be exempt from obtaining site plan approval at the determination of the Zoning Official, limited to any one or a combination of the following: (1) adding one (1) additional sign in addition to the maximum number of signs permitted; (2) any sign with an area that is no greater than 25% greater than the maximum permitted area of sign; (3) any sign with a height that is no greater than 25% greater than the maximum permitted height of sign; (4) any sign with a width that is no greater than 25% greater than the maximum permitted width of sign; or (5) any sign with an individual letter, height, number of other characters or images that is no greater than 25% greater than the maximum permitted height of individual letters, numbers, symbols, other characters, logos, graphics, or images. The process by which an exemption is applied for shall be as follows:
- (a) An applicant may request an exemption upon submission of a completed zoning permit including the information pursuant to §230-115.B.(2)(b) and a statement setting forth reasons for the exemption.
 - (b) The Zoning Official may approve the exemption request after consultation with the Chairperson of the Planning Board and a representative of Main Street Highland Park and after the application has been reviewed by the Borough Planner to verify and confirm that all other aspects of the application conform to applicable design standards.
 - (c) The Zoning Official shall act on the exemption request within 10 business days upon receipt of a complete permit and statement.

- (d) In the case where the exemption is denied, such minor deviations shall be subject to minor site plan review.
 - (e) All other deviations from this section shall be subject to minor site plan review.
- (5) Expiration of zoning permit. If the work authorized under the zoning permit has not been completed within one (1) year from the date of issuance, the zoning permit shall become null and void.

C. General provisions.

- (1) Maintenance.
- (a) Any sign, together with all supporting and decorative elements, shall be maintained in good repair, including cleaning, painting, replacing of defective parts and otherwise maintaining a presentable condition.
 - (b) The area surrounding freestanding signs shall be kept neat, clean, and landscaped. The property owner shall be responsible for maintaining the condition of the area upon which it is located.
 - (c) If the Zoning Official or Construction Official shall find that any sign or part thereof is in a state of disrepair or has become dilapidated, the Zoning Official or Construction Official shall give written notice to the owner of the sign and the property owner to correct the conditions within 20 calendar days from the date of the mailing of the notice. If the sign is not brought back to a presentable condition, or if the applicant does not file an appeal, within the time provided, such shall constitute a violation of this section.
 - (d) If the Zoning Official or Construction Official shall find that any sign or part thereof is insecure or unsafe, the Zoning Official or Construction Official shall give written notice to the owner of the sign and the property owner to correct the conditions within 48 hours from the date of the mailing of the notice. If the sign is not repaired or removed within the time provided, such shall constitute a violation of this section, and the Zoning Official or Construction Official shall be permitted to cause the removal, transportation and storage of said sign, at the expense of the property owner upon which it is located.
 - (e) In the event that any sign is removed by or at the direction of the Zoning Official or Construction Official as hereby provided for, the Zoning Official or Construction Official shall certify the cost of removal, transportation, and storage to the Borough Council. The Borough Council by resolution shall cause the cost as indicated by said certificate to be charged against said lands. The amount so charged shall forthwith become a lien upon said lands, the same to bear interest at the same rate as taxes and shall be collected in the same manner as taxes.
- (2) Replacements or alterations. If any sign is altered, except for any change in the message on the sign for an existing business or for the purposes of customary maintenance and/or repairs, the sign shall thereafter conform to the standards contained herein.
- (3) Non-conforming signs. Any lawfully non-conforming sign may be re-lettered or repaired. However, non-conforming signs shall not be rebuilt, enlarged, changed, or altered in size, location, or appearance unless such

sign is made to conform to the standards contained herein. Any such change shall require a zoning permit.

- D. Design standards and guidelines. The standards and guidelines contained herein shall be applicable to any project subject to site plan or subdivision review, site plan exemptions, and zoning permits.
- (1) Signs shall be located at or near the public entrance of a building.
 - (2) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
 - (3) Signs shall fit within the existing facade features, shall be confined to signable areas, shall be mounted so that the method of installation is concealed, and shall not interfere with door and window openings, conceal architectural details, or obscure the composition of the facade where they are located.
 - (4) Whenever possible, signs located on multiple storefronts within the same building shall be placed at the same height, in order to create a unified sign band.
 - (5) Whenever possible, signs located on multiple buildings within the same block face shall be placed at the same height, in order to create a unified sign band.
 - (6) In the case of older buildings, signs shall be placed on a facade only in an historically appropriate fashion. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only, and not directly into masonry surfaces. Drilling to provide electrical service should also follow the same rule.
 - (7) In the case of converted residences, signs shall be placed next to the main entrance or above the window, below any stoop or porch roof structure, or below any added mansard or pent roof structure between the first and second floors.
 - (8) The preferred materials for signs shall be wood, metal, and masonry. Signs using wood shall use only high-quality exterior grade wood with suitable grade finishes.
 - (9) The preferred materials for applied letters shall be wood, painted cast metal, and anodized aluminum.
 - (10) Sign colors shall be limited in number and shall be compatible with the colors of the building façade and of nearby signs. A dull or matte finish is recommended, for it reduces glare and can enhance legibility.
- E. Computation of sign area. For purposes of this section, the size of any sign shall be computed as follows:
- (1) The size of any sign shall be computed by determining the total area of any signboard, sign face, or sign background at its largest horizontal and vertical dimensions, not including any supporting and decorative elements incidental to the display itself.
 - (2) Where any sign is mounted, affixed, applied, or painted directly on a wall, window, awning, or other surface without a defined sign area, the size of such sign shall be computed by determining the total area as measured by the largest horizontal and vertical dimensions of the related group of letters, numbers, symbols, other characters, logos, graphics, or images.

- (4) Any sign having two (2) sign faces shall have a total area consisting of the area of only one (1) side of the sign, but both sides may be used, and shall be considered as one (1) sign.
 - (4) In the case of any sign, other than a sandwich board sign, having two (2) sign faces with an interior angle of 15 degrees or greater, such sign shall be considered as two (2) separate signs.
- F. Proportion of sign content. Where letters, numbers, symbols, other characters, logos, graphics, or images are mounted, affixed, applied, or painted directly onto a signboard, the area of the related group of letters, numbers, symbols other characters, logos, graphics, or images shall not fill more than 80% of the total area of the signboard.
- G. Illumination of signs. For purposes of this section, the illumination of signs shall be regulated as follows:
- (1) External illumination.
 - (a) Signs that are externally illuminated by spotlights shall be permitted, provided that the light source is diffused, shielded, projected primarily on the sign, and not directly visible from the street. Such lighting may include but is not limited to ground-mounted spotlights for freestanding signs, gooseneck-type light fixtures for wall-mounted or awning signs, or bracketed light fixtures for blade signs.
 - (2) Internal illumination.
 - (a) Box-type or cabinet signs that are internally illuminated shall be permitted, provided that the lighting only illuminates the translucent letters, numbers, symbols, other characters, logos, graphics, or images on an opaque background. Such signs may also be backlit, provided that the light source is directed to the surface upon which it is affixed and is not directly visible.
 - (b) Box-type or cabinet signs that are internally illuminated with a translucent background shall not be permitted.
 - (c) Signs with individually fabricated and mounted front-lit channel letters, numbers, symbols, other characters, logos, graphics, or images shall be permitted, provided that the light source is not directly visible. In the case where such channel letters are affixed to a raceway or wireway, such raceway or wireway shall be the same color as the surface upon which it is affixed.
 - (d) Signs with individually fabricated and mounted back-lit channel letters, numbers, symbols, other characters, logos, graphics, or images shall be permitted, provided that the light source is directed to the surface upon which it is affixed and is not directly visible. In the case where such channel letters are affixed to a raceway, such raceway shall be the same color as the surface upon which it is affixed.
 - (e) LED, neon, or similar signs placed inside a window or display case shall be permitted, provided that the light source is not directly visible from the exterior.
 - (f) Electronic message center (EMC), digital, video display, or similar signs placed inside a window or display case shall be permitted.

- (g) LED, neon, or string lighting placed inside the perimeter of a window or display case shall be permitted, provided that the light source is not directly visible from the exterior.

H. Permitted residential development signs.

(1) Multi-family dwellings in the MFAH district.

- (a) A maximum of one (1) freestanding sign shall be permitted on the property, provided that the sign does not exceed 24 square feet in area. Such sign shall be provided with a monument-style base with planter area. No such sign shall be internally illuminated. In the case where external illumination is utilized, such illumination shall be directed downward (or shielded to minimize upward light pollution) and projected primarily on the sign.
- (b) Any permitted freestanding sign shall be located no closer than 10 feet and no greater than 60 feet from the South Sixth Street public right-of-way.

(2) Garden apartments, townhouses, mid-rise residential structures, and planned unit residential developments in the RM-G, RM-T, RM-M, and RMT-W districts.

- (a) A maximum of one (1) freestanding sign shall be permitted on the property, provided that the sign does not exceed 24 square feet in area, does not exceed a height of seven (7) feet from grade, and does not exceed eight (8) feet in width. Such sign shall be provided with a monument-style base with planter area. No such sign shall be illuminated.
- (b) Any permitted freestanding sign shall be located no closer than 10 feet from any lot line.

(3) Garden apartments, townhouses, mid-rise residential structures, and planned unit residential developments in the PURD-1 and PURD-2 districts.

- (a) A maximum of one (1) freestanding sign shall be permitted on the property, provided that the sign does not exceed 24 square feet in area, does not exceed a height of seven (7) feet from grade, and does not exceed eight (8) feet in width. Such sign shall be provided with a monument-style base with planter area. No such sign shall be internally illuminated. In the case where external illumination is utilized, such illumination shall be directed downward (or shielded to minimize upward light pollution) and projected primarily on the sign, and provided that a minimum distance of 100 feet shall separate any illuminated sign from any existing residential property.
- (b) Any permitted freestanding sign shall be located no closer than 10 feet from any lot line.

(4) Mid-rise residential structures in the RMT-H district.

- (a) A maximum of one (1) freestanding sign shall be permitted on the property, provided that the sign does not exceed 25 square feet in area and does not exceed a height of eight (8) feet from grade. Such sign shall be provided with a monument-style base with planter area. No such sign shall be internally illuminated. In the case where external illumination is utilized, such illumination shall

be directed downward (or shielded to minimize upward light pollution) and projected primarily on the sign.

- (b) Any permitted freestanding sign shall be located no closer than 10 feet from any lot line and located no closer than five (5) feet from internal driveways, unless existing topographic conditions prevent this. A reasonable distance must then be provided.
- (c) A maximum of two (2) wall signs flanking the sides of the entrance road shall be permitted, provided that each sign does not exceed 30 square feet in area, does not exceed a mounting height of eight (8) feet from grade, and does not exceed 2.5 feet in height.

I. Permitted signs for ground-floor businesses in the CBD and C districts.

- (1) Freestanding signs. A maximum of one (1) freestanding sign shall be permitted on the property, subject to the following standards:
 - (a) Maximum size of the sign shall not exceed six (6) square feet in area.
 - (b) Maximum height from grade to the uppermost portion of the sign, together with all supporting and decorative elements, shall not exceed five (5) feet.
 - (c) Maximum height of the sign shall not exceed three (3) feet.
 - (d) Maximum width of the sign shall not exceed three (3) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed one (1) foot.
 - (f) No portion of such sign shall be located within 10 feet from any lot line. No portion of such sign shall project or extend over sidewalks, walkways, driveways, or parking areas.
 - (g) Such sign shall be constructed of wood, with wood or cast-iron brackets, and shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
 - (h) No such sign shall be internally illuminated. In the case where external illumination is utilized, no such illumination shall be permitted after 10:00 p.m.
- (2) Wall-mounted signs. A maximum of three (3) wall-mounted signs shall be permitted for each business, subject to the following standards:
 - (a) Maximum size of all such signs, taken together, shall not exceed a total of 24 square feet in area. In the case of a building having a front façade width greater than 24 feet, the maximum size of all such signs, taken together, shall not exceed 10% of the front façade, not to exceed a total of 48 square feet in area.
 - (b) Maximum height from grade to the uppermost portion of each sign shall not exceed the top of the wall to which it is affixed in the case of single-story buildings or the bottom of any second story window in the case of multi-story buildings.
 - (c) Maximum height of each sign shall not exceed three (3) feet.
 - (d) Maximum width of each sign shall not exceed 16 feet.

- (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on each sign shall not exceed 18 inches.
- (3) Blade signs. A maximum of one (1) blade sign shall be permitted for each business, subject to the following standards:
- (a) Maximum size of the sign shall not exceed 12 square feet in area.
 - (b) Maximum height from grade to the uppermost portion of the sign, together with all supporting and decorative elements, shall not exceed the top of the wall to which it is affixed in the case of single-story buildings or the bottom of any second story window in the case of multi-story buildings. Minimum height from grade to the lowermost portion of the sign, together with all supporting and decorative elements, shall be eight (8) feet.
 - (d) Maximum height of the sign shall not exceed four (4) feet.
 - (e) Maximum width of the sign shall not exceed four (4) feet.
 - (f) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed two (2) feet.
 - (g) Maximum horizontal projection of the sign, together with all supporting and decorative elements, shall not exceed five (5) feet. Such sign shall be permitted to project or extend over a public sidewalk within a public right-of-way, provided that such sign shall be no closer than five (5) feet from the face of curb.
 - (h) No such sign shall be located within eight (8) feet from another blade sign.
 - (i) In the case where external illumination is utilized, such illumination shall be from above or beside the sign, directly attached to a supporting or decorative element, and located no greater than one (1) foot from such sign.
- (4) Awning signs. A maximum of three (3) awning signs shall be permitted for each business, subject to the following standards:
- (a) Maximum size of all such signs, taken together, shall not exceed a total of 10 square feet in area.
 - (b) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on each sign shall not exceed eight (8) inches.
 - (c) Such signs shall be silk-screened or sewn on the awning. No such signs shall be painted onto or taped to the awning.
 - (d) No such signs shall be internally illuminated. In the case where external illumination is utilized, such illumination shall be from above the awning.
- (5) Window signs. Any number of window signs shall be permitted for each business, subject to the following standards:
- (a) Maximum size of all such signs, taken together, shall not exceed 15% of the total area of ground-floor windows, including window portions of doors. In the case of a business having a total of less than 100 square feet of ground-floor windows, including window

portions of doors, the maximum size of all such signs, taken together, shall not exceed 25% of the total area of ground-floor windows, including window portions of doors. Additionally, no individual sign shall exceed eight (8) square feet in area.

- (b) Maximum height of each sign shall not exceed four (4) feet.
 - (c) Maximum width of each sign shall not exceed four (4) feet.
 - (d) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on each sign shall not exceed 18 inches.
 - (e) Such signs shall be stenciled, etched, silk-screened, hand-painted, or vinyl sheets applied on the interior of the window. No such signs shall be taped to the window.
 - (f) No such signs shall be externally illuminated. In the case where internal illumination is utilized, such signs shall be affixed to the interior of the window.
- (6) Sandwich board signs. A maximum of one (1) sandwich board sign shall be permitted for each business, subject to the following standards:
- (a) Maximum size of the sign shall not exceed six (6) square feet in area.
 - (b) Maximum height from grade to the uppermost portion of the sign shall not exceed four (4) feet.
 - (c) Maximum height of the sign shall not exceed three (3) feet.
 - (d) Maximum width of the sign shall not exceed three (3) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed 18 inches.
 - (f) Such sign shall be located along the frontage of the business and its location shall not interfere with pedestrian or vehicular circulation on a walkway, sidewalk, driveway, or street.
 - (g) Such sign shall be permitted to be displayed during the hours of the business only, shall be removed from the sidewalk, and stored inside the business upon the close of business each day.
 - (h) Such sign shall be constructed of wood, chalkboard and/or finished metal. Letters, numbers, symbols, other characters, logos, graphics, or images shall be handwritten, painted, or printed. Plastic signs or signs with individual changeable letters shall not be permitted.
 - (i) No such sign shall be illuminated.
- (7) Additional signs.
- (a) Ground-floor businesses located on corner lots, therefore having a second façade fronting on a public street, shall be permitted to have one (1) additional wall-mounted sign, one (1) additional blade sign, and/or three (3) additional awning signs on the façade of the building facing the side street, provided that such signs conform to the standards contained herein. In the case where the additional sign faces a residential district, no such sign shall be illuminated.

- (b) Ground-floor businesses having a side or rear façade facing a public space, pedestrian walkway, driveway, or parking area shall be permitted to have one (1) additional wall-mounted sign, one (1) additional blade sign, and/or three (3) additional awning signs on the façade of the building facing the public space, pedestrian walkway, driveway, or parking area, provided that such signs conform to the standards contained herein. In the case where the additional sign faces a residential district, no such sign shall be illuminated.
- (c) Ground-floor barbershops shall be permitted to have one (1) traditional barber pole, subject to the following standards:
 - [1] Minimum height from grade to the lowermost portion of the barber pole, together with all supporting and decorative elements, shall be eight (8) feet.
 - [2] Maximum height from grade to the uppermost portion of the barber pole, together with all supporting and decorative elements, shall not exceed the top of the wall to which it is affixed in the case of single-story buildings or the bottom of any second story window in the case of multi-story buildings.
 - [3] Maximum horizontal projection of the barber pole, together with all supporting and decorative elements, shall not exceed three (3) feet.
 - [4] Such barber pole shall be located within five (5) feet of the main entrance to the business.
- (d) Ground-floor restaurants and cafes shall be permitted to have one (1) wall-mounted menu board or display case, subject to the following standards:
 - [1] Maximum size of the menu board or display case shall not exceed three (3) square feet in area.
 - [2] Maximum height from grade to the uppermost portion of the menu board or display case shall not exceed six (6) feet.
 - [3] Maximum height of the menu board or display case shall not exceed three (3) feet.
 - [4] Maximum width of the menu board or display case shall not exceed three (3) feet.
 - [5] Such menu board or display case shall be located within five (5) feet of the main entrance to the business.
 - [6] Such menu board or display case shall be constructed of wood or metal, with the menu clearly visible through a glass front.

J. Permitted signs for ground-floor businesses in the PO and residential districts.

- (1) Freestanding signs. A maximum of one (1) freestanding sign shall be permitted on the property, subject to the following standards:
 - (a) Maximum size of the sign shall not exceed three (3) square feet in area.

- (b) Maximum height from grade to the uppermost portion of the sign, together with all supporting and decorative elements, shall not exceed five (5) feet.
 - (c) Maximum height of the sign shall not exceed three (3) feet.
 - (d) Maximum width of the sign shall not exceed three (3) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed one (1) foot.
 - (f) No portion of such sign shall be located within five (5) feet from any lot line. No portion of such sign shall project or extend over sidewalks, walkways, driveways, or parking areas.
 - (g) The sign shall be constructed of wood, with wood or cast-iron brackets, and shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
 - (h) No such sign shall be internally illuminated. In the case where external illumination is utilized, no such illumination shall be permitted after 10:00 p.m.
- (2) Wall-mounted signs. A maximum of one (1) wall-mounted sign shall be permitted for each business, subject to the following standards:
- (a) Maximum size of the sign shall not exceed three (3) square feet in area.
 - (b) Maximum height from grade to the uppermost portion of the sign shall not exceed the top of the wall to which it is affixed in the case of single-story buildings or the bottom of any second story window in the case of multi-story buildings.
 - (c) Maximum height of the sign shall not exceed three (3) feet.
 - (d) Maximum width of the sign shall not exceed three (3) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed one (1) foot.
 - (f) Such sign shall be constructed of wood, with wood or cast-iron brackets, and shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
 - (g) No such sign shall be illuminated.
- (3) Window signs. Any number of window signs shall be permitted for each business, subject to the following standards:
- (a) Maximum size of all such signs, taken together, shall not exceed 10% of the total area of ground-floor windows, including window portions of doors, and no individual sign shall not exceed three (3) square feet in area.
 - (b) Maximum height of each sign shall not exceed three (3) feet.
 - (c) Maximum width of each sign shall not exceed three (3) feet.

- (d) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on each sign shall not exceed one (1) foot.
- (e) Such signs shall be stenciled, etched, silk-screened, hand-painted, or vinyl sheets applied on the interior of the window. No such signs shall be taped to the window.
- (f) No such signs shall be illuminated.

K. Permitted building name signs for buildings in the CBD and C districts.

- (1) Wall-mounted building name signs. A maximum of one (1) wall-mounted sign identifying the name of the building shall be permitted for each building, subject to the following standards:
 - (a) Maximum size of the sign shall not exceed 12 square feet in area.
 - (b) Maximum height from grade to the uppermost portion of the sign shall not exceed the top of the wall to which it is affixed.
 - (c) Maximum height of the sign shall not exceed two (2) feet.
 - (d) Maximum width of the sign shall not exceed eight (8) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed one (1) foot.
 - (f) No such sign shall be illuminated.

L. Permitted directory signs for buildings in the CBD and C districts.

- (1) Freestanding or wall-mounted directory signs. A maximum of one (1) freestanding or wall-mounted sign serving as a directory of one (1) or more businesses located within a building, and there exists no entrance to such businesses on the front of the building, shall be permitted, subject to the standards contained herein.
- (2) In the case of a freestanding directory sign, such sign shall constitute as the only permitted freestanding sign located on the property and shall be subject to the following standards:
 - (a) Maximum size of the sign shall not exceed six (6) square feet in area, within which the primary name panel and each individual tenant panel shall not exceed one (1) square foot in area.
 - (b) Maximum height from grade to the uppermost portion of the sign, together with all supporting and decorative elements, shall not exceed five (5) feet.
 - (c) Maximum height of the sign shall not exceed three (3) feet.
 - (d) Maximum width of the sign shall not exceed three (3) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed six (6) inches.
 - (f) No portion of such sign shall be located within five (5) feet from any lot line. No portion of such sign shall project or extend over sidewalks, walkways, driveways, or parking areas.

- (g) Such sign shall be constructed of wood, with wood or cast-iron brackets, and shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
 - (h) No such sign shall be internally illuminated. In the case where external illumination is utilized, no such illumination shall be permitted after 10:00 p.m.
- (3) In the case of a wall-mounted directory sign, such sign shall be in addition to any permitted wall-mounted signs located on the building and shall be subject to the following standards:
- (a) Maximum size of the sign shall be six (6) square feet in area, within which the primary name panel and each individual tenant panel shall not exceed one (1) square foot in area.
 - (b) Maximum height from grade to the uppermost portion of the sign shall not exceed the top of the wall to which it is affixed in the case of single-story buildings or the bottom of any second story window in the case of multi-story buildings.
 - (c) Maximum height of the sign shall not exceed three (3) feet.
 - (d) Maximum width of the sign shall not exceed three (3) feet.
 - (e) Maximum height of letters, numbers, symbols, other characters, logos, graphics, or images on the sign shall not exceed six (6) inches.
 - (f) No such sign shall be illuminated.

M. Permitted signs for specific uses in specific districts.

- (1) Any use other than single- and two-family dwellings in the QP, CS, C/R and SC districts.
 - (a) A maximum of one (1) freestanding shall be permitted on the property, provided that the sign does not exceed 12 square feet in area and does not exceed a height of six (6) feet from grade. Such sign shall be provided with a monument-style base with planter area. No such sign shall be internally illuminated. In the case where external illumination is utilized, no such illumination shall be permitted after 10:00 p.m.
 - (b) Any permitted freestanding sign shall be located no closer than 10 feet from any lot line.
- (2) Any use other than single- and two-family dwellings in the LI district.
 - (a) A maximum of one (1) freestanding sign shall be permitted on the property, provided that the sign does not exceed 24 square feet in area and does not exceed a height of six (6) feet from grade. Such sign shall be provided with a monument-style base with planter area. No such sign shall be internally illuminated. In the case where external illumination is utilized, no such illumination shall be permitted after 10:00 p.m.
 - (b) A maximum of one (1) wall-mounted sign shall be permitted on the building, provided that the sign does not exceed 5% of the front façade, not to exceed 24 square feet in area. No such sign shall be illuminated.

- (3) Churches, synagogues, and other similar places of worship in any district.
 - (a) A maximum of one (1) freestanding sign shall be permitted on the property, provided that the sign does not exceed 16 square feet in area and does not exceed a height of six (6) feet from grade. Such sign shall be provided with a monument-style base with planter area. No such sign shall be internally illuminated. In the case where external illumination is utilized, no such illumination shall be permitted after 10:00 p.m.
 - (b) A maximum of three (3) wall-mounted signs shall be permitted on the building, provided that all such signs, taken together, do not exceed 5% of the front façade, not to exceed a total of 16 square feet in area. No such sign shall be illuminated.

- N. Temporary signs. The following signs are authorized without a zoning permit, so long as such signs conform to the standards contained herein.
 - (1) Temporary window advertising signs for ground-floor businesses in the CBD and C districts. Any number of temporary window advertising signs shall be allowed, subject to the following standards:
 - (a) Maximum size of all such signs, taken together, shall not exceed 25% of the total area of ground-floor windows, including window portions of doors.
 - (b) Such signs may be constructed of paper, cardboard, or plastic.
 - (c) Such signs shall be allowed to be displayed for a period not to exceed 30 days and shall clearly indicate the date of their posting.
 - (d) No such sign shall be illuminated.

 - (2) Temporary special signs advertising the opening of a new ground-floor business or change in ownership of an existing ground-floor business in the CBD, C and PO districts. Any number of temporary special signs shall be allowed, subject to the following standards:
 - (a) Maximum size of all such signs, taken together, shall not exceed 16 square feet in area, exclusive of banners, flags, pennants, balloons, and similar types of signage which shall also be permitted under this section only.
 - (b) Such signs may be constructed of paper, cardboard, or plastic.
 - (c) Such signs shall be allowed to be displayed for a period not to exceed 30 days and shall clearly indicate the date of their posting.
 - (d) No such sign shall be illuminated.

 - (3) Temporary construction signs in any district. A maximum of three (3) temporary construction signs shall be allowed, subject to the following standards:
 - (a) Maximum size of all such signs, taken together, shall not exceed 24 square feet in area.
 - (b) Maximum height from grade to the uppermost portion of a freestanding sign, together with all supporting and decorative elements, shall not exceed three (3) feet.

- (c) Maximum height of each sign shall not exceed three (3) feet.
 - (d) Maximum width of each sign shall not exceed three (3) feet.
 - (e) Such signs may be constructed of wood, metal, or plastic.
 - (f) Such signs shall be allowed to be displayed during the course of construction and shall be removed within seven (7) days after completion of the construction work.
 - (g) No such sign shall be illuminated, except for construction safety lights placed in hazardous areas.
- O. Exempt signs. The following signs are authorized without a zoning permit, so long as such signs conform to the standards contained herein.
- (1) Official traffic signs.
 - (2) Public or regulatory signs installed, required, or authorized by local, state, or federal governments, agencies, or utilities, including but not limited to traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
 - (3) Lamppost banners or overhead banners spanning a street or roadway advertising public functions or fund-raising events for charitable, or religious, civic, philanthropic, or educational organization installed, required, or authorized by local government.
 - (4) Historical tablets, cornerstones, memorial plaques, and emblems installed, required, or authorized by local government.
 - (5) Holiday and seasonal displays.
 - (6) Art and murals, provided that such are non-commercial in nature, and not illuminated.
 - (7) Personal expression signs of any sign type, including flags, provided that such signs are non-commercial in nature, and not illuminated. There shall be a maximum of three (3) such signs on each property and the maximum size of all such signs, taken together, shall not exceed six (6) square feet in area.
 - (8) Street address signs, provided that there are not more than two (2) such signs stating the address, number and/or name of the occupants of the premises, are non-commercial in nature, and not illuminated. Within residential districts, such signs shall not exceed three (3) square feet in area. Within non-residential districts, such signs shall not exceed five (5) square feet in area.
 - (9) Security and warning signs, provided that such signs are non-commercial in nature, and not illuminated. Within residential districts, such signs shall not exceed two (2) square feet in area. Within non-residential districts, there shall be a maximum of one (1) larger sign not to exceed five (5) square feet in area. All other signs shall not exceed two (2) square feet in area.
 - (10) Private roadway, driveway, or premises signs, provided that such signs are non-commercial in nature, and not illuminated. Within residential districts, such signs shall not exceed two (2) square feet in area. Within non-residential districts, there shall be a maximum of one (1) larger sign not to exceed five (5) square feet in area. All other signs shall not exceed two (2) square feet in area.

- (11) Directional, loading zone, entrance, and exit signs, provided that such signs are non-commercial in nature, and not illuminated. Such signs shall not exceed three (3) square feet in area and shall not exceed three (3) feet in height.
 - (12) Virtual signs which are projected onto a sidewalk for a ground-floor business in the CBD and C district, provided that there is not more than one (1) such sign for each business and such sign does not exceed six (6) square feet in area as measured on the sidewalk. The projector shall be oriented to project onto the sidewalk along the frontage of the business and shall be turned off upon the close of business each day.
 - (13) Signs which are an integral part of vending machines, including gasoline pumps, provided they do not exceed two (2) square feet in area.
 - (14) Garage sale signs in accordance with Chapter 213.
- P. Prohibited signs. All types of signs not expressly permitted by this section are prohibited, including, but not limited to, the following:
- (1) Signs which move in whole or in part by any means, including fluttering, rotating or motion, nor which emit smoke, visible vapors, particulate matter, sound, odor, or open flames.
 - (2) Signs which are interactive, or display animation, scrolling, flashing or intermittent text, graphics, or lights.
 - (3) Signs which directly or indirectly causes or produces any glare into a street or upon any property.
 - (4) Signs of such design and location that they interfere with, obstruct, imitate, resemble, compete for attention with or may be mistaken for official traffic light, signs or signals.
 - (5) Signs which are affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed so as to advertise a business to the passing vehicle or pedestrian shall not be permitted.
 - (6) Signs which prevent free ingress or egress from any window, door, fire escape or other openings for emergency access and escape.
 - (7) Signs which are located within a clear sight triangle.
 - (8) Signs which are located within a public right-of-way, except for those owned and operated by a duly constituted government authority, including but not limited to any street tree, lamppost, fire hydrant, or utility pole.
 - (9) Signs commonly known as "roof" or "sky" signs which are supported principally by the roof and which project above and over the roof of the structure.
 - (10) Signs containing information which state or imply that a property may be used for any purpose not permitted as governed by the regulations of this chapter.
 - (11) Signs on a vacant or unimproved property which do not exclusively specify the sale, lease, transfer, zone or permitted use of the property.
 - (12) Signs erected without the permission of the property owner, except for those authorized or required by local, state, or federal government.

- (13) Strings or streamers, flags, pennants, spinners or similar devices strung across, upon, over or along any building or building.
- (14) Inflatable devices or balloon signs, except for balloons used for temporary purposes as provided herein.
- (15) Signs or advertising matter that exhibit statements, words, or pictures of indecent or obscene nature, or promote illegal activity.

SECTION 3. §230-132 of the "Code of the Borough of Highland Park" concerning signage regulations within the RA Single-Family Residential Zone is hereby amended as follows:

§230-132 RA Single-Family Residential Zone.

The following regulations shall apply in the RA Residential Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. Reserved.

SECTION 4. §230-133 of the "Code of the Borough of Highland Park" concerning signage regulations within the RB Two-Family Residential Zone is hereby amended as follows:

§230-133 RB Two-Family Residential Zone.

The following regulations shall apply in the RB Residential Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. Reserved.

SECTION 5. §230-134 of the "Code of the Borough of Highland Park" concerning signage regulations within the RA-E Single-Family Residential — Ecological Preservation Zone is hereby amended as follows:

§230-134 RA-E Single-Family Residential — Ecological Preservation Zone.

- A. (No changes)
- B. (No changes)

- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.
- I. (No changes)

SECTION 6. §230-134.1 of the "Code of the Borough of Highland Park" concerning signage regulations within the MFAH Multifamily Residential-Overlay Zone is hereby amended as follows:

§230-134.1 MFAH Multifamily Residential-Overlay Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. (No changes)
- I. (No changes)
- J. (No changes)
- K. (No changes)
- L. (No changes)
- M. (No changes)
- N. (No changes)
- O. (No changes)
- P. (No changes)
- Q. (No changes)
- R. (No changes)
- S. (No changes)
- T. (No changes)
- U. Reserved.

SECTION 7. §230-135 of the "Code of the Borough of Highland Park" concerning signage regulations within the RM-G Residential Multifamily – Garden Apartment Zone is hereby amended as follows:

§230-135 RM-G Residential Multifamily – Garden Apartment Zone.

The following regulations shall apply in the RM-G Residential Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.

SECTION 8. §230-136 of the "Code of the Borough of Highland Park" concerning signage regulations within the RM-T Residential Multifamily – Townhouse Zone is hereby amended as follows:

§230-136 RM-T Residential Multifamily – Townhouse Zone.

The following regulations shall apply in the RM-T Residential Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.

SECTION 9. §230-137 of the "Code of the Borough of Highland Park" concerning signage regulations within the RM-M Residential Multifamily – Mid-Rise Zone is hereby amended as follows:

§230-137 RM-M Residential Multifamily – Mid-Rise Zone.

The following regulations shall apply in the RM-M Residential Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)

- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. Reserved.

SECTION 10. §230-138 of the "Code of the Borough of Highland Park" concerning signage regulations within the RMT-W Residential Multifamily Townhouse – Waterfront Preservation Zone is hereby amended as follows:

§230-138 RMT-W Residential Multifamily Townhouse – Waterfront Preservation Zone.

The following regulations shall apply in the RMT-W Residential Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. (No changes)
- I. Reserved.

SECTION 11. §230-139 of the "Code of the Borough of Highland Park" concerning signage regulations within the RMT-H Residential Multifamily Townhouse – Historic Preservation Zone is hereby amended as follows:

§230-139 RMT-H Residential Multifamily Townhouse – Historic Preservation Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. (No changes)
- I. (No changes)
- J. Reserved.
- K. (No changes)

SECTION 12. Section 230-139.1 of the "Code of the Borough of Highland Park" concerning signage regulations within the PURD-1 Planned Unit Residential Development Zone is hereby amended as follows:

Section 230-139.1 PURD-1 Planned Unit Residential Development Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.
- I. (No changes)
- J. (No changes)
- K. (No changes)

SECTION 13. §230-139.2 of the "Code of the Borough of Highland Park" concerning signage regulations within the Planned Unit Residential Development-2 (PURD-2) Zone is hereby amended as follows:

§230-139.2 Planned Unit Residential Development-2 (PURD-2) Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.
- I. (No changes)
- J. (No changes)
- K. (No changes)
- L. (No changes)
- M. (No changes)
- N. (No changes)

- O. (No changes)

SECTION 14. §230-140 of the "Code of the Borough of Highland Park" concerning signage regulations within the CBD Central Business District Zone is hereby amended as follows:

§230-140 CBD Central Business District Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. (No changes)
- I. Reserved.

SECTION 15. §230-141 of the "Code of the Borough of Highland Park" concerning signage regulations within the C Commercial Zone is hereby amended as follows:

Section 230-141 C Commercial Zone.

The following regulations shall apply in the C Commercial Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. (No changes)
- I. Reserved.

SECTION 16. §230-142 of the "Code of the Borough of Highland Park" concerning signage regulations within the PO Professional Office Zone is hereby amended as follows:

§230-142 PO Professional Office Zone.

The following regulations shall apply in the PO Professional Office Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)

- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.

SECTION 17. §230-143 of the "Code of the Borough of Highland Park" concerning signage regulations within the LI Light Industrial Zone is hereby amended as follows:

§230-143 LI Light Industrial Zone.

The following regulations shall apply in the LI Light Industrial Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. (No changes)
- I. Reserved.

SECTION 18. §230-144 of the "Code of the Borough of Highland Park" concerning signage regulations within the QP Quasi-Public Zone is hereby amended as follows:

§230-144 QP Quasi-Public Zone.

The following regulations shall apply in the QP Quasi-Public Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.

SECTION 19. §230-145 of the "Code of the Borough of Highland Park" concerning signage regulations within the CS Community Service Zone is hereby amended as follows:

§230-145 CS Community Service Zone.

The following regulations shall apply in the CS Community Service Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. Reserved.

SECTION 20. §230-146 of the "Code of the Borough of Highland Park" concerning signage regulations within the C/R Conservation/Recreation Zone is hereby amended as follows:

§230-146 C/R Conservation/Recreation Zone.

The following regulations shall apply in the C/R Conservation/Recreation Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. Reserved.

SECTION 21. §230-147 of the "Code of the Borough of Highland Park" concerning signage regulations within the SC Senior Citizen Housing Zone is hereby amended as follows:

§230-147 SC Senior Citizen Housing Zone.

The following regulations shall apply in the SC Senior Citizen Housing Zone.

- A. (No changes)
- B. (No changes)
- C. (No changes)
- D. (No changes)
- E. (No changes)
- F. (No changes)
- G. (No changes)
- H. Reserved.

SECTION 22. §230-158 of the "Code of the Borough of Highland Park" concerning architectural design standards and guidelines in the C, PO and CBD Districts Zone is hereby amended as follows:

§230-158. Architectural design standards and guidelines.

A. (No changes)

B. (No changes)

C. (No changes)

D. (No changes)

E. (No changes)

F. (No changes)

G. (No changes)

H. (No changes)

I. (No changes)

J. (No changes)

K. (No changes)

L. (No changes)

M. (No changes)

N. (No changes)

O. (No changes)

P. (No changes)

Q. (No changes)

R. (No changes)

S. (No changes)

T. (No changes)

U. Storefront design.

- (1) Buildings with frontages having active ground-floor uses shall be fenestrated with transparent windows and doors for a minimum of 60% of the street frontage at grade to allow for visibility to the inside of the ground-floor uses.
- (2) In no case shall more than 40% of the total area of ground-floor windows, including window portions of doors, be covered by signs, arts, murals, paint, opaque panels, or similar treatments.
- (3) In no case shall ground-floor windows, including window portions of doors, utilize interior film or reflective, opaque, or tinted glazing.

- (4) In no case shall ground-floor windows, including window portions of doors, be blocked by lowered ceilings, shelving, refrigeration units, cases, or other obstructions, except for products displayed by the business that are oriented to the street.
- (5) Ground-floor windows may utilize sun shading devices, such as blinds, shades, curtains, or similar window coverings, provided that such devices are utilized only for purposes of reducing solar heat gain through the windows. Shade is encouraged to be accomplished by the use of awnings, overhangs, trellises, and similar treatments.
- (6) These standards shall apply unless superseded by other local, state, or federal law.

V. Awnings and canopies.

- (1) Fixed or retractable awnings are permitted at ground-floor level and on upper levels where appropriate, provided they complement a building's architectural style; are compatible with its materials, colors and details; do not conceal architectural features, such as cornices, columns, pilasters or decorative details; do not impair facade composition; and are designed to work within the building's facade subdivisions.
- (2) Awnings shall be sloped having a standard or concave shape. Awnings having a balloon, dome, bullnose, quarter-round, waterfall, and other convex shape shall not be permitted, unless the shape of the opening is arched, in which case an awning shall follow the contour of the opening. Awnings shall not wrap around corners of buildings. The underside of the awning shall remain open.
- (3) The minimum height from grade to lowermost portion of an awning shall be eight (8) feet. Valences shall not exceed more than 12 inches in height. Valences that are unframed and flexible may extend into the vertical clearance area.
- (4) Awnings shall be constructed of a non-vinyl cloth or canvas with a matte finish or material similar in appearance and texture. Metal or aluminum awnings shall be prohibited. Only solid or striped patterns are permitted.
- (5) Canopies shall be permitted to extend over the sidewalk but shall not restrict pedestrian circulation and shall follow the standards set forth for awnings.
- (6) Particular attention shall be taken with selection of the appropriate supporting structure and hardware, as well as with the location and method by which it is attached to the building facade.
- (7) Where multiple awnings and/or canopies are utilized within a single building, such shall be located at the same height and utilize the same shape, material, and color as a means of unifying the structure.

W. (No changes)

SECTION 23. Any article, section, paragraph, subsection, clause, or other provision of the BOROUGH Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 24. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 25. This ordinance shall take effect upon its passage and publication and filing with the County of Middlesex Planning Board, and as otherwise provided for by law.

Introduced at the meeting on: June 18, 2024.

Adopted at the public hearing on: _____, 2024.

ATTEST:

APPROVED: _____, 2024

Jennifer Santiago
Borough Clerk

Elsie Foster
Mayor

BOROUGH OF HIGHLAND PARK
PRIMARY SIGN MATRIX

SIGN TYPE	Maximum Number	Maximum Area	Maximum Height from Grade	Maximum Sign Height	Maximum Sign Width	Maximum Character Height	Location Standards	Other Standards	illumination Standards
Residential Development Signs									
Uses in MFAH District	1 per property	24 SF	N/A	N/A	N/A	N/A	Min. 10' Setback from Lot Line; Max. 60' Setback from So. 6th Ave.	Provided with a monument-style base with planter area	No internal illumination
Uses in RM-G, RM-T, RM-M, and RMT-W Districts	1 per property	24 SF	7'	N/A	8'	N/A	Min. 10' Setback from Lot Line	Provided with a monument-style base with planter area	No illumination
Uses in PURD-1 and PURD-2 Districts	1 per property	24 SF	7'	N/A	8'	N/A	Min. 10' Setback from Lot Line; If externally illuminated, Min. 100'	Provided with a monument-style base with planter area	No internal illumination
Uses in RMT-H District									
Freestanding Sign	1 per property	25 SF	8'	N/A	N/A	N/A	Min. 10' Setback from Lot Line; Min. 5' Setback from Driveway	Provided with a monument-style base with planter area	No internal illumination
Wall-Mounted Roadway Entrance Sign	2 per property	30 SF Each	8'	2.5'	N/A	N/A	N/A	N/A	N/A
Ground-Floor Business in the Central Business District & Commercial District									
Freestanding Sign	1 per property	6 SF	5'	3'	3'	1'	Min. 10' Setback from Lot Line	Construction Standards; See §230-115.I.(1)(g)	No internal illumination; If externally illuminated, turn off after 10 PM
Wall-Mounted Sign	3 per business	24 SF Total or 10% of Façade NTE 48 SF Total	Top of Wall or Bottom of Second-Story Window	3'	16'	18"	N/A	N/A	N/A
Blade Sign	1 per business	12 SF	Top of Wall or Bottom of Second-Story Window; Min. 8'	4'	4'	2'	Max. 5' Projection; Min. 5' Setback from Curb	No closer than 8' from another blade sign	If externally illuminated, light fixture within 1' of sign
Awning Sign	3 per business	10 SF Total	N/A	N/A	N/A	8"	N/A	Construction Standards; See §230-115.I.(4)(c)	No internal illumination; If externally illuminated, light fixture above awning
Window Sign	N/A	15% / 25% of Windows Total; 8 SF Each	N/A	4'	4'	18"	N/A	Construction Standards; See §230-115.I.(5)(e)	No external illumination; If internally illuminated, affixed to window
Sandwich Board Sign	1 per business	6 SF	4'	3'	3'	18"	N/A	Time and Construction Standards; See §230-115.I.(6)(g) & (h)	No illumination
Additional Signs - See §230-115.I.(7)									
Ground-Floor Business in the Professional Office District & Residential Districts									
Freestanding Sign	1 per property	3 SF	5'	3'	3'	1'	Min. 5' Setback from Lot Line	Construction Standards; See §230-115.J.(1)(g)	No internal illumination; If externally illuminated, turn off after 10 PM
Wall-Mounted Sign	1 per business	3 SF	Top of Wall or Bottom of Second-Story Window	3'	3'	1'	N/A	Construction Standards; See §230-115.J.(2)(f)	No illumination
Window Sign	N/A	10% of Windows Total; 3 SF Each	N/A	3'	3'	1'	N/A	Construction Standards; See §230-115.J.(3)(e)	No illumination
Building Name Signs in the Central Business District & Commercial District									
Wall-Mounted Building Sign	1 per building	12 SF	Top of Wall	2'	8'	1'	N/A	N/A	No illumination
Directory Signs in the Central Business District & Commercial District									
Freestanding Directory Sign	1 per property or building	6 SF Overall; 1 SF per Tenant	5'	3'	3'	6"	Min. 5' Setback from Lot Line	Construction Standards; See §230-115.L.(2)(g)	No internal illumination; If externally illuminated, turn off after 10 PM
Wall-Mounted Directory Sign	1 per building	6 SF Overall; 1 SF per Tenant	Top of Wall or Bottom of Second-Story Window	3'	3'	6"	N/A	N/A	No illumination
Other Uses									
Any use other than single- and two-family dwellings in QP, CS, C/R, and SC districts	1 per property	12 SF	6'	N/A	N/A	N/A	Min. 10' Setback from Lot Line	Provided with a monument-style base with planter area	No internal illumination; If externally illuminated, turn off after 10 PM
Any use other than single- and two-family dwellings in LI District									
Freestanding Sign	1 per property	24 SF	6'	N/A	N/A	N/A	N/A	N/A	No internal illumination; If externally illuminated, turn off after 10 PM
Wall-Mounted Sign	1 per building	5% of Façade NTE 24 SF	N/A	N/A	N/A	N/A	N/A	N/A	No illumination
Churches, synagogues, and other similar places of worship in any district.									
Freestanding Sign	1 per property	16 SF	6'	N/A	N/A	N/A	N/A	Provided with a monument-style base with planter area	No internal illumination; If externally illuminated, turn off after 10 PM
Wall-Mounted Sign	3 per building	5% of Façade NTE 16 SF Total	N/A	N/A	N/A	N/A	N/A	N/A	No illumination

**ORDINACE NO. 24-2088
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX,**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLAND PARK,
CHAPTER 328, "SEWER AND WATER"**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
HIGHLAND PARK AS FOLLOWS:**

SECTION 2. Section 328-23 of the "Code of the Borough of Highland Park" shall have the water consumption rates increased as shown below and the relevant portions of the ordinance shall read as follows (strikethroughs reflects deletions; underlined material is new):

§ Section 328-23 **Water consumption rates.**

A. Rates. The rate charged for all water used by each consumer shall be as follows:

Usage Amount (cubic feet)	Rate
0 to 799	\$44.76 <u>\$49.24</u> flat charge
800 to 999	\$58.04 <u>\$63.84</u> flat charge
1,000 to 3,499	\$72.50 <u>\$79.75</u> per 1,000 cubic feet
3,500 and up	\$77.57 <u>\$85.33</u> per 1,000 cubic feet

SECTION 3. Section 328-38 of the "Code of the Borough of Highland Park" shall have the sewer rental rates increased as shown below and the relevant portions of the ordinance shall read as follows:

§ 328-38 **Sanitary sewer rentals.**

A. Rates. Sewer rental shall be paid quarterly for the use of the sanitary sewers connected to any premises or lot in the Borough of Highland Park, in accordance with the following rates and classifications:

(4) Rates. The rates charged for all sewer rentals for each consumer shall be as follows:

Usage Amount (cubic feet)	Rate
0 to 799	\$35.64 <u>\$39.20</u> flat charge
800 to 999	\$45.80 <u>\$50.38</u> flat charge
1,000 to 3,499	\$55.42 <u>\$60.96</u> per 1,000 cubic feet
3,500 and up	\$59.29 <u>\$65.22</u> per 1,000 cubic feet

SECTION 4. This Ordinance shall take effect upon its passage and publication as provided for by law and shall further take effect as of the third quarter of 2024.

Introduced and passed on first reading by title: June 18, 2024

ADOPTED:

ATTEST:

APPROVED:

Jennifer Santiago
Borough Clerk

Elsie Foster
Mayor

**RESOLUTION NO. 6-24-161
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION TO APPROVE 2024-2025 ABC LICENSES - PLENARY RETAIL DISTRIBUTION AND CONSUMPTION.

WHEREAS, applications for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicants, and

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said applications are complete in all respects.
2. The applicants and the premises are qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to and consistent with Title 33.
3. The applicants have disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
4. The Mayor and Council are of the opinion that said applications should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

PLENARY RETAIL CONSUMPTION LICENSES

Pad-Thai, Inc. d/b/a Pad Thai, 217 Raritan Ave. – 1207-33-005-004
 Wilhelm & Young, Inc. d/b/a Park Pub, 180-182 Woodbridge Ave. - 1207-33-011-002
 Kiadan Inc., 13B North 4th Ave., Pino's Wine Cellar - 1207-33-010-011
 Eisigian LLC t/a Mr. Pi Sushi & Kumamoto Noodle – 1207-33-004-008

PLENARY RETAIL CONSUMPTION LICENSES WITH BROAD C

Highland Park Wine & Liquor LLC, 97 Woodbridge Ave., WITH BROAD PACKAGE PRIVILEGE-1207-32-003-008

PLENARY RETAIL DISTRIBUTION LICENSES

Rite Aid of New Jersey, Inc., d/b/a Rite Aid 2561, 332 Raritan Avenue – 1207-44-001-005
 Surdas LLC t/a Park Liquors, 80 Raritan Avenue – 1207-44-007-006
 Kiadan Inc., d/b/a Pino's Fruit Basket Shoppe, 13A North 4th Ave. – 1207-44-006-010

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2024 and shall expire June 30, 2025.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-162
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION TO APPROVE 2024-2025 ABC CLUB LICENSE.

WHEREAS, application for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicant, and

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said application is complete in all respects, including submission of the club member list.
2. The officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The club maintains all records required by N.J.A.C. 13:2-8.8. (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursements).
4. The Mayor and Council are of the opinion that said application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

CLUB LICENSES

The White Mountains Cretans Fraternity, 1152-1154 Raritan Avenue - 1207-31-012-002

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2024, and shall expire June 30, 2025.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-163
BOROUGH OF HIGHLAND PARK
MIDDLESEX COUNTY**

**RESOLUTION TO APPROVE 2024-2025 INACTIVE ABC LICENSE –
FOUR W PROPERTIES LLC**

WHEREAS, application for renewal license issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) has been made by the hereinafter applicant, and

WHEREAS, said application has been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to the applicant:

1. Said application is complete in all respects.
2. The applicant has obtained a Special Ruling to permit the filing of renewal application of an Inactive License for the 2023-2024, 2024-2025 license term.
3. The applicant is qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to and consistent with Title 33.
4. The applicant has disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
5. The Mayor and Council are of the opinion that said application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal application of an inactive license issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and is hereby approved with the specific condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2025 to wit:

PLENARY RETAIL CONSUMPTION LICENSE W/ BROAD PACKAGE PRIVELEGE

Four W. Properties, 149 Livingston Avenue, New Brunswick, NJ 08901 – 1207-32-008-014 (POCKET)

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to maintain the aforesaid license certificate in the municipal file, which license shall be effective July 1, 2024, and shall expire June 30, 2025.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-164
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
2024 CLEAN COMMUNITIES GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$35,526.23, which is now available from the 2024 Clean Communities Grant, and

BE IT FURTHER RESOLVED that the like sum of \$35,526.23 is hereby appropriated under the caption of 2024 Clean Communities Grant.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-165
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
2024 SUSTAINABLE JERSEY GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$2,000.00, which is now available from the 2024 Sustainable Jersey Grant, and

BE IT FURTHER RESOLVED that the like sum of \$2,000.00 is hereby appropriated under the caption of 2024 Sustainable Jersey Grant.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION 6-24-166
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJDCALocal RECREATION IMPROVEMENT GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$75,000.00, which is now available from the NJDCA Local Recreation Improvement Grant, and

BE IT FURTHER RESOLVED that the like sum of \$75,000.00 is hereby appropriated under the caption of NJDCA Local Recreation Improvement Grant.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a Resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-167
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
MIDDLESEX COUNTY SWIMMING LESSONS PILOT PROGRAM GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$16,000.00, which is now available from the Middlesex County Swimming Lessons Pilot Program Grant, and

BE IT FURTHER RESOLVED that the like sum of \$16,000.00 is hereby appropriated under the caption of Middlesex County Swimming Lessons Pilot Program Grant.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a Resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-168
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION TO AUTHORIZE EXTENSION OF MEMORANDUM OF UNDERSTANDING AMONG NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE BOROUGH OF HIGHLAND PARK FOR PHASE II TCDER MICROGRID INCENTIVE PROGRAM

WHEREAS, on May 2, 2021, by Resolution 5-21-129, the Borough Council authorized a two-year Memorandum of Understanding with the New Jersey Board of Public Utilities for the Phase II TCDER Microgrid incentive program; and

WHEREAS, the MOU between the New Jersey Board of Public Utilities and the Borough of Highland Park has expired; and

WHEREAS, additional work remains to be done, including submission of a design report, review and approval/rejection of said report and associated release of financial retainage by the New Jersey Board of Public Utilities, necessitating a new Memorandum of Understanding.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that:

1. The Mayor is hereby authorized and directed to execute the Memorandum of Understanding extending the term of the prior Memorandum of Understanding between the Borough of Highland Park and the New Jersey State Board of Public Utilities, attached to the original of this resolution.
2. Copies of this Resolution shall be forwarded to the Borough Administrator and the Chief Financial Officer.

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

MEMORANDUM OF UNDERSTANDING
BETWEEN AND AMONG
THE NEW JERSEY BOARD OF PUBLIC UTILITIES,
AND
BOROUGH OF HIGHLAND PARK

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), is made this ____ day of _____, 2024, by and between BOROUGH OF HIGHLAND PARK (“Recipient”) **and The NEW JERSEY BOARD OF PUBLIC UTILITIES** (“BPU” in general or “Board” when referring to Board of Commissioners) (collectively the “Parties”) setting forth the roles and responsibilities of the Parties in connection with a time extension for the Phase II Town Center Distributed Energy Resource (“TCDER”) Microgrid Incentive Program (“Program”).

WHEREAS, the MOU between and among the BPU, and Borough of Highland Park, dated May 10, 2021 has expired after its two-year term ended on May 9, 2023;

WHEREAS, additional work remains to be done, namely the submission of a design report by the Recipients, review and approval/rejection of said report by the BPU **and associated release of financial retainage by the BPU, necessitating a new MOU;**

NOW THEREFORE, in consideration of the promises and mutual representations, warranties, and covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

I. INCORPORATION

The MOU between and among the BPU, and (insert name of recipient), dated (May 10, 2021) (“Prior MOU”), including the appendices, is hereby incorporated by reference into this MOU as if set forth at length herein. The terms of the MOU set forth in this document shall prevail in the event of any conflict with the terms of the Prior MOU, including its appendices.

II. SCOPE OF THE AGREEMENT

28 This MOU applies only to the design of a TCDER Microgrid as set forth in the Recipient's
29 application submitted to the Board and attached hereto. Conformance to the terms of this MOU
30 and timely completion of the design of a TCDER Microgrid does not guarantee the Recipient's
31 future participation in any other related programs. Furthermore, the terms and conditions included
32 or incorporated herein represent the entire scope of this agreement and supersede all former
33 representations whether written or verbally communicated.

34 **III. DUTIES OF THE PARTIES**

35 A. The Recipient will submit a TCDER Microgrid Design to the BPU in accordance
36 with the terms and conditions of this MOU and incorporated documents.

37 B. The Recipient is solely responsible for fully complying with the terms and
38 conditions of this MOU, the above-referenced incorporated documents, and any and all duly
39 executed subsequent agreements between the Parties.

40 C. The budgetary matters, as expressed in Section III of the Prior MOU, are
41 unchanged. No new funds are being provided.

42 D. Every 90 days beginning from the execution of this MOU, the Recipient shall
43 submit a report to the Deputy Director of Distributed Energy Resources in the BPU's Clean Energy
44 Division in which progress of the TCDER II Microgrid Design is noted along with the
45 corresponding funding spent for that time period and the interest accrued from the dedicated
46 account holding the Initial Incentive Funds (see Section III.D of the Prior MOU).

47 E. The remaining 25% of the Total Incentive Budget, minus any interest accrued from
48 the Initial Incentive Funds dedicated account as outlined in Section III.D of the Prior MOU, will
49 be retained by the BPU until the Recipient's completion of the design and review of the design by
50 Board Staff. The design review conducted by Board Staff shall be limited to: 1) verification that
51 the project designed is substantially similar to the project described in the Program application, or

52 an alternative design that may be approved by Board Staff, and 2) verification that the level of
53 design is at least the level of design described in the Program application. In the event that Staff
54 finds that one or both of these conditions is not met, Staff shall inform the Recipient of the
55 deficiencies and allow the Recipient to correct the deficiency within 60 days of receiving Staff's
56 notice. If the deficiency is not corrected by that time, the remaining 25% of the award will not be
57 released to the Recipient.

58 F. The BPU and the Recipient expressly agree and acknowledge that the undistributed
59 25% of the Total Incentive Budget is held in trust by BPU, and shall remain exclusively committed
60 to the funding of the Recipient's TCDER Microgrid Design until Board Staff completes its review
61 to release the 25%, minus any interest accrued from the Initial Incentive Funds dedicated account
62 as outlined in Section III.D of the Prior MOU, and provides the required verification as set forth
63 in Section III.E and either: (a) the Total Incentive Budget is entirely exhausted; or (b) the
64 Recipient's TCDER Microgrid Design is completed (whether through completion or by
65 termination short of completion) and all monetary obligations of the Recipient, up to the amount
66 of the total incentive award of \$196,450 incurred regarding the TCDER Microgrid Design, are
67 paid and/or discharged in full.

68 G. Any unused portion of the Total Incentive Budget shall be returned to the Program's
69 general budget in a timely manner determined by Board Staff if the TCDER Microgrid Design
70 does not require the Total Incentive Budget or, for whatever reason, the TCDER Microgrid Design
71 does not move forward, is cancelled, is materially changed or otherwise indefinitely delayed. Any
72 expenses in excess of the incentive amount shall be paid in full by the Recipient in order to
73 complete the TCDER Microgrid Design in accordance with the terms of this MOU.

74 H. The Total Incentive Budget may not be diverted to pay for any work conducted
75 prior to the date of execution of the Prior MOU. Furthermore, the Total Incentive Budget must
76 only be used in furtherance of the completion of the TCDER Microgrid Design specifically.

77 I. The Recipient shall procure the services necessary to complete the TCDER
78 Microgrid Design in compliance with N.J.S.A. 52:32-2, N.J.S.A. 52:34-9.1, et seq., and N.J.S.A.
79 52:35-1, et seq., and any and all applicable State and local procurement laws, rules, and procedures.

80 J. The BPU reserves the right to withhold or deny incentive funding if the BPU or
81 BPU Staff determines that disbursing funds would be unlawful or otherwise inappropriate.

82 K. All requisitions, pay applications, and invoices submitted for costs or expenses
83 associated with the TCDER Microgrid Design shall be subject to review and approval by the
84 Recipient according to its standard procedures.

85 L. This MOU may be terminated in writing duly executed by the Recipient and BPU.
86 Early termination hereof shall be not effective unless in writing and approved by the BPU. In the
87 event of such termination, BPU shall continue to hold in trust the remaining balance of funds from
88 the Total Incentive Budget which is sufficient to cover the sum total of all contractual obligations
89 which remain outstanding on the TCDER Microgrid Design. Subject to the foregoing sentence,
90 the Recipient and BPU agree to finalize accounts associated with the Total Incentive Budget within
91 ninety days of termination.

92 M. Recipient shall cooperate with BPU regarding any audit conducted of the activities
93 performed under this MOU as it relates to the disbursement of the Total Incentive Budget,
94 including compliance with various operating and reporting procedures, which may hereinafter be
95 promulgated by BPU or the State. In the event of such an audit, Recipient shall provide BPU with
96 access to and reporting from Recipient's financial records and management systems, including

97 paper documents, worksheets, grant management systems, contract management systems, and
 98 databases.

99 N. To the extent an audit is performed as to the use of the Total Incentive Budget, Recipient
 100 shall coordinate with BPU in drafting a response to such audit(s), as necessary. Recipient shall be
 101 responsible for any recoupment of the Total Incentive Budget that may be required as a result of
 102 the audit findings.

103 O. The term of this MOU may be extended with approval from BPU Staff for any
 104 additional term deemed appropriate for the completion of the Project, provided such extension
 105 does not require additional funding.

106

107 **IV. DESIGNATED REPRESENTATIVES**

108 Written communication between the Parties for the purpose of this MOU as defined above
 109 shall be delivered to the following representatives.

110 New Jersey Board of Public Utilities
 111 Attn: Veronique Oomen
 112 Deputy Director Distributed Energy Resources, Division of Clean Energy
 113 44 S. Clinton Ave, Trenton, NJ 08625
 114 Email: Veronique.Oomen@bpu.nj.gov

115

116 Copy: Ian Alex Cary Email: alexander.cary@bpu.nj.gov

117

118 Borough of Highland Park
 119 Attn: Mayor Elsie Foster Email: efoster@hpboro.com
 120 221 South Fifth Avenue, Highland Park, NJ 08904

121

122 Copy: Teri Jover, Borough Administrator Email: tjover@hpboro.com
 123 221 South Fifth Avenue, Highland Park, NJ 08904

124

125 **V. MISCELLANEOUS**

126 A. No Personal Liability. No official or employee of BPU shall be charged personally
 127 by the Recipient, its employees, agents, contractors, or subcontractors with any liability or held

128 liable to the Recipient, its employees, agents, contractors, or subcontractors under any term or
129 provision of this MOU or because of its execution or attempted execution or because of any breach
130 or attempted or alleged breach of this MOU.

131 No official or employee of the Recipient shall be charged personally by BPU, its
132 employees, agents, contractors, or subcontractors with any liability or held liable to BPU, its
133 employees, agents, contractors, or subcontractors under any term or provision of this MOU or
134 because of its execution or attempted execution or because of any breach or attempted or alleged
135 breach of this MOU.

136 B. Captions. The captions appearing in this MOU are inserted and included solely for
137 convenience and shall not be considered or given effect in construing this MOU, or its provisions,
138 in connection with the duties, obligations, or liabilities of the Parties or in ascertaining intent, if a
139 question of intent arises. The preambles are incorporated into this paragraph as though fully set
140 forth herein.

141 C. Entirety of Agreement. This MOU and its attachments represent the entire and
142 integrated agreement between the Parties and supersedes any and all prior agreements or
143 understandings (whether or not in writing). No modification or termination hereof shall be
144 effective, unless in writing and approved as required by law.

145 D. Amendments. This MOU may be amended by the written request of any Party and
146 with the consent of the other Party. Any proposed amendment of this MOU shall be submitted by
147 one Party to the other Party at least five (5) business days prior to formal discussion or negotiation
148 of the issue. Any agreed amendment of this MOU shall be set forth in writing and signed by an
149 authorized representative of each Party in order to become effective.

150 E. No Third-Party Beneficiaries. This MOU does not create in any individual or entity
151 the status of third-party beneficiary, and this MOU shall not be construed to create such status.

152 The rights, duties, and obligations contained in this MOU shall operate only between the Parties
 153 and shall inure solely to the benefit of the Parties. The provisions of this MOU are intended only
 154 to assist the Parties in determining and performing their obligations under this MOU. The Parties
 155 intend and expressly agree that only the Parties shall have any legal or equitable right to seek to
 156 enforce this MOU, to seek any remedy arising out of a Party's performance or failure to perform
 157 any term or condition of this MOU, or to bring any action for breach of this MOU.

158 F. No Assignment. This MOU shall not be assignable, but shall bind and inure to the
 159 benefit of the Parties hereto and their respective successors.

160 G. Governing Law. This MOU and the rights and obligations of the Parties shall be
 161 interpreted, construed, and enforced in accordance with the laws of the State of New Jersey.

162 H. Authority. By execution of this MOU, the Parties represent that they are duly
 163 authorized and empowered to enter into this MOU and to perform all duties and responsibilities
 164 established in this MOU.

165 I. Term. This MOU shall be effective as of the date hereinabove written and, unless
 166 terminated sooner as set forth in Section III.M L above, shall remain in effect until: 5/6/2024

- 167 • The release of the final 25% retained of the Total Incentive Budget (minus
 168 any interest accrued from the Initial Incentive Funds dedicated account as outlined
 169 in Section III.D of the Prior MOU), or 5/6/2024
- 170 • The determination by Board Staff that the retained 25%, or any remaining
 171 funds, will not be released to the Recipient.

172 J. Counterparts. This MOU may be executed in duplicate parts, each of which shall
 173 be an original, but all of which shall together constitute one (1) and the same instrument.

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[SIGNATURE PAGE FOLLOWS]

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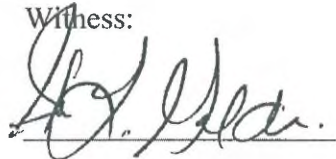
IN WITNESS WHEREOF, the parties have signed this Memorandum of Understanding the date first written above.

Witness: Borough of Highland Park

_____ By: _____

Dated: _____

Witness: New Jersey Board of Public Utilities



By: Christine Guhl-Sadovy
President Christine Guhl-Sadovy

Dated: 5/6/2024

APPROVED AS TO FORM:

Attorney General, State of New Jersey

By: Matko Ilic
Deputy Attorney General
5/13/2024

**RESOLUTION NO. 6-24-169
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION ACTION ON PERFORMANCE BOND RELEASE –
SUBURBAN REAL DEVELOPMENT, LLC**

WHEREAS, on April 5, 2022, Suburban Development LLC, posted with the Borough of Highland Park a performance bond No. RU101503, issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33, for a total amount of \$84,503.33, in connection with preliminary and final major subdivision application and design standard exceptions on the property known as 238 Clevealnd Avenue, Block 403, Lots 31-33, in the Borough of Highland Park; and

WHEREAS, on April 16, 2024, by Resolution 4-24-126, adopted by the Highland Park Council request for release of performance bond No. RU101503, issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33, for a total amount of \$84,503.33 was denied per the Botough Engineer’s Report dated March 25, 2024; and

WHEREAS, the developer for the referenced project has requested that the release of performance bonds; and

WHEREAS, the Borough Engineer has conducted a site inspection of this project and filed report dated June 4, 2024 recommending the denial of release of Performance Bond No. RU101503, issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that

1. Suburban Development LLC is hereby denied the request for relase of Performance Bond No. RU101503 issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33, for a total amount of \$84,503.33, in accordance with the Borough’s Engineers report dated June 4, 2024.
2. Certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official and Suburban Development LLC.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-170
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ETM ASSOCIATES, LLC FOR ADDITIONAL LANDSCAPE ARCHITECTURAL SERVICES RELATED TO THE PREPARATION OF A FEASIBILITY STUDY AND CONCEPT PLAN FOR THE RARITAN RIVER TRAIL CONNECTOR

WHEREAS, the Borough of Highland Park received a grant in the amount of \$250,000 from the State of New Jersey for a feasibility study of a bicycle and pedestrian River Trail that would connect Donaldson and Johnson Parks along the Raritan River; and

WHEREAS, on December 20, 2022 the Borough Council approved Resolution No. 12-22-286, authorizing a professional services agreement with ETM Associates LLC to conduct the feasibility study and develop a concept plan for the Raritan River Trail Connector (now referred to as the Highland Park River Greenway); and

WHEREAS, there is need for additional professional services related to the project, including regulatory agency outreach, title searches, boundary surveys, site survey work and ecological assessments, and there are funds remaining in the original grant to complete said services; and

WHEREAS, the Borough of Highland Park has solicited these services without a “fair and open process” as defined by P.L. 2004, c.19, the “Local Unit Pay-to-Play Law,” and will require completion of all necessary Pay-to-Play forms, including the Campaign Contributions Affidavit and the Certification Regarding Political Contributions, pursuant to N.J.S.A. 19:44A-20.8 and N.J.S.A. 19:44A-20.26, respectively; and

WHEREAS, a contract for these services may be awarded without public advertising for bids as the contract is for “Professional Services” as defined by the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Borough Council of the Borough of Highland Park desires to award a contract to ETM Associates, LLC, whose proposal is attached, in an amount not to exceed \$143,375.00; and

WHEREAS, funds for this purpose are available in Grant Account No. G-02-41-757-200 in an amount not to exceed \$143,375.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer certification no. 2024-58.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park that:

- 1) The Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough an agreement for professional services with ETM Associates, LLC, 1202 Raritan Avenue, Highland Park, NJ 08904, attached hereto.
- 2) Notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 18th day of June 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

2024

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, entered into this 18th day of June 2024, by and between the **BOROUGH OF HIGHLAND PARK**, a municipal corporation of the State of New Jersey, having its principal offices located at 221 South 5th Avenue, Highland Park, New Jersey 08904 (hereinafter referred to as "**BOROUGH**") and Timothy Marshall, Principal of ETM Associates, LLC, 1202 Raritan Avenue, Highland Park NJ 08904 (hereinafter referred to as "**COMPANY**").

WITNESSETH:

WHEREAS, the **BOROUGH** requires additional professional landscape architectural services related to the preparation of a feasibility study and concept plan for the Raritan River Trail Connector; and

WHEREAS, the **BOROUGH** has adopted a Resolution authorizing the award of a Contract for said professional services to the **COMPANY** without competitive bidding as permitted by *N.J.S.A. 40A:11-1, et seq.*

NOW, THEREFORE, IT IS AGREED between the **BOROUGH** and the **COMPANY**, as follows:

1. Effective June 18, 2024, the **COMPANY** shall render professional services for the **BOROUGH** as required by the **BOROUGH**.
2. The **BOROUGH** agrees to compensate the **COMPANY** as set forth on the proposal dated May 21, 2024, the amount of said compensation shall not exceed **\$143,375.00**, unless amended by further action of the **BOROUGH** for the above mentioned services.
3. The **BOROUGH** agrees to pay the **COMPANY** for any actual disbursements and out of pocket expenses incurred in carrying out its duties.

4. The **COMPANY** shall submit monthly billing to the **BOROUGH** for said services, if any, on vouchers as required by the **BOROUGH**. The **BOROUGH** agrees to process and pay said vouchers in the same manner as other municipal vouchers. The **BOROUGH** requires billing for professional services to be done to the nearest 1/4 hour.

5. The parties hereto hereby incorporate by reference herein the Affirmative Action Addendum attached hereto and made a part hereof as *Exhibit A*.

6. The **COMPANY** agrees to file its New Jersey Business Registration Certificate with the **BOROUGH's** Chief Financial Officer.

7. The **COMPANY** agrees to adhere to and comply with the provisions of the New Jersey Local Unit Pay-to-Play Act, *N.J.S.A. 19:44A-20.1*, and will require completion of all necessary Pay-to Play forms, including the Campaign Contributions Affidavit and the Certification Regarding Political Contributions, pursuant to *N.J.S.A. 19:44A-20.8* and *N.J.S.A. 19:44A-20.26*, respectively.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals the date first above written.

ATTEST:

BOROUGH OF HIGHLAND PARK

Jennifer Santiago, Borough Clerk

By: _____
Elsie Foster, Mayor

WITNESS:

ETM ASSOCIATES, LLC

By: _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)

N.J.A.C. 17:27 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

EXHIBIT A (Cont)

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: http://www.state.nj.us/treasury/contract_compliance).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Signature

Date

Print Name and Company

Proposal for The

HIGHLAND PARK RIVER GREENWAY PHASE II CONSULTANT SERVICES

Prepared for The Borough of Highland Park
May 21, 2024

Submitted to:
Jennifer Santiago
Borough Clerk
221 So. 5th Avenue
Highland Park, NJ 08904

Submitted by:

ETM Associates LLC
1202 Raritan Avenue
Highland Park, NJ
08904-3643



ETM ASSOCIATES, L.L.C.

PUBLIC SPACE MANAGEMENT
PUBLIC SPACE DESIGN
PROJECT MANAGEMENT



Attn: Jennifer Santiago

Re: Highland Park River Greenway -Phase II Consultant Services

Dear Ms. Santiago

We are pleased to submit this proposal to continue to build upon the work completed in the Feasibility Study and Concept Plan for the Highland Park River Greenway. The proposed scope and goals of these additional services have been identified as the logical "next steps" in developing the Greenway project. The proposed scope includes:

- Pre-Application and informal meetings with key agencies
- Title Searches for all properties within the proposed project area
- Boundary Surveys for all properties within the proposed project area
- Additional site survey work at the proposed ramp location (topographic and existing trees)
- Preliminary Ecological Assessment

The above proposed scope of work serves to complete the necessary steps in order to advance the project to Design Development and Construction Documentation/Permitting.

For this proposed work,ETM is teaming with a number of sub-consultants to complete the work. The team includes:

- Manterra Design - Civil Engineering: Pre-application meetings
- Environmental Technologies Inc.- Environmental Engineering: Pre-application meetings (DEP)
- Dolan & Dean - Traffic Engineering: Pre-application meetings (NJDOT)
- Harris Surveying - Surveyors: Boundary Surveys + additional site survey work
- Sherwood Design Engineers: Ecological Evaluation

Thank you for the opportunity to submit our proposal for this work. We look forward to hearing from you soon. If you have any questions or need additional information, please feel free to contact me either by email, tim@etmassociatesllc.com or by phone at 732.572.6626, x1. You may also contact Dave Sitler by email at dave@etmassociatesllc.com or by phone at 732.572.6626, x2.

Regards,

Timothy Marshall
Principal
ETM Associates, LLC



PROJECT APPROACH & SCOPE OF WORK



PROPOSED SCOPE OF WORK

The proposed scope includes:

- Pre-Application and informal meetings with key agencies
- Title Searches for all properties within the proposed project area
- Boundary Surveys for all properties within the proposed project area
- Additional site survey work at the proposed ramp location (topographic and existing trees)
- Preliminary Ecological Assessment

TASK 1 - PRE-APPLICATION AND INFORMAL MEETINGS WITH KEY AGENCIES

As indicated in the Highland Park River Greenway Feasibility Study, several outside agency approvals have been identified for the proposed project. Given the numerous approvals and the length of time anticipated for outside agency approvals, it is recommended that informal/pre-application meetings be coordinated and held with the agencies having jurisdiction. Below, is a list of the outside agencies in which our office will assist with the coordination, preparation of submission material, and/or attendance:

New Jersey Department of Environmental Protection

It is anticipated that the project may require approvals from the New Jersey Department of Environmental Protection (NJDEP) for a Water Development In-Water and Upland Individual Permit, NJDEP Flood Hazard Individual Permit, Freshwater Wetlands General Permit(s) and Riparian Licensing/Grant. Our team includes an environmental consultant that will set up an informal meeting with NJDEP to provide a general overview of the proposed project. We will provide high level drawings which will show the environmental constraints that have been identified, along with the proposed conceptual improvements. The intent of the meeting will be to identify which permits will be required for the proposed improvements, along with the required submission material(s), required application fees and anticipated approval timeframe.

New Jersey Department of Transportation

It is anticipated that the project will require approvals from the New Jersey Department of Transportation (NJDOT) for Occupancy/Right-Of-Way permit to construct a new sidewalk/ramp which will come off the Department's Right-Of-Way. As the proposed sidewalk connection is within NJDOT jurisdiction, permitting will be required. With the sidewalk adjacent to the bridge, the connection may require review by additional NJDOT departments. As such, we propose a pre-application meeting with NJDOT. Our team includes a traffic engineering consultant (Dolan & Dean) to set up a pre-application with NJDOT. The intent of the meeting will be to identify which permits will be required for the proposed improvements, along with the required submission material(s), required application fees and anticipated approval timeframe.

Freehold Soil Conservation District

As the project will disturb more than 5,000 s.f. of land, approvals will be required from the local soil conservation district. Our office will set up and attend an informal meeting with the Freehold Soil Conservation District and present the conceptual design. The intent of the meeting will be to discuss the required submission materials, required application/certification fees and anticipated approval timeframe.



ETM ASSOCIATES, L.L.C.

PROJECT MANAGEMENT
PUBLIC SPACE MANAGEMENT
PUBLIC SPACE DESIGN

Middlesex County Planning Board

The project connects two County parks and will most likely require approval from the Middlesex County Planning Board. Our office will set up a pre-application meeting with the County Engineers and Planners to discuss the proposed project and to understand the items which will be needed for submission. In addition, we will obtain information regarding required application fees and timeframe for approvals.

Middlesex County Planning Board

A sewer utility pipe traverses along the proposed River Greenway. Our office will set up an informal meeting to provide a general overview of the project and how it may affect said utility line. We will work with the agency to determine any constraints that may be imposed on the project due to the utility line. We will additionally inquire about any drawings and specifications which may be required for approval from their office.

Summary of Findings

At the conclusion of outside agency pre-application and informal meetings, our office will prepare a summary of findings. The summary will include a list of agencies that meetings were held with, the date(s) of such meetings, bullet point meeting take aways, anticipated approval timeframe, anticipated application fees and any important information which may affect the design or approval(s) of the proposed project.

TASK 2 - TITLE SEARCHES AND LEGAL SERVICES

Title Searches

The proposed Greenway project alignment resides within up to twenty-five (25) individual properties that would be the subject of a title search. Importantly, the title searches are crucial in determining ownership of the properties affected by the Greenway, the existence of any liens/mortgages and the existence of any deed restrictions/easements. The searches will establish a baseline of property ownership and the rights of third parties which is essential information if and when a fee simple or easement interest is acquired for the Greenway. In essence, the searches will determine how easy or difficult it will be to acquire needed access rights.

Legal Services

Our team includes the services of a land use lawyer that will provide legal review and will provide a baseline of ownership, mortgages, liens, deed restrictions and easements affecting the subject properties. This is a starting point for then acquiring title to or easements across the Greenway areas. The actual acquisition of a fee simple title or an easement would require additional legal services.



ETM ASSOCIATES, L.L.C.

PROJECT MANAGEMENT
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PUBLIC SPACE DESIGN

TASK 3 - BOUNDARY SURVEYS

Our professional land surveyor team will conduct individual boundary surveys for all properties that overlap the proposed Greenway alignment. The surveys will establish a baseline of property ownership in support of the title searches that will also be conducted as part of the scope of this project. Individual boundary surveys will be provided as separate PDF files in addition to a working AutoCAD file. Our team would rely upon the Borough to notify property owners of pending boundary survey work and secure permissions to complete property surveys.

TASK 4 - ADDITIONAL SITE SURVEY WORK AT PROPOSED RAMP LOCATION

The surveyor team will conduct additional site survey work in the proposed ramp hillside location. Survey work will include additional topographic spot elevations at hillside/sidewalk transition, sewer pipe sections, and lower wall area. A full tree survey of the hillside will also be included. This work will support future permitting and agency coordination/pre-approval in addition to supporting future design development. The survey information will be provided as separate PDF files in addition to a working AutoCAD file.

TASK 5 - PRELIMINARY ECOLOGICAL ASSESSMENT

The proposed scope of work also includes a preliminary ecological assessment prepared by Sherwood Engineering. The assessment will be an important piece in supporting agency coordination/pre-application in addition to providing key data in supporting the final ecological design of the Greenway. The Ecological Assessment scope of work will include:

- Baselines and Current Data Review
- Site walk (1 day two people)
- Initial evaluation of eco-types + Evaluation of findings
- Red flags/ risk assessment
- Next steps assessment
- Summary report

TASK 6 - SUMMARY/NEXT STEPS REPORT

We will prepare a final report document that compiles all information into a unified package. The package will include an outcomes summary, issues/concerns analysis, and next steps recommendations. The intent is to provide a clear path forward to advance the project property acquisition/easements, design development, permitting, and construction documentation.

WORK SCHEDULE

We understand that all work in this proposal must be completed by the end of the 2024 calendar year. Our team is poised to begin work immediately and we estimate all work tasks to be completed within 5 months.



ETM ASSOCIATES, L.L.C.

PROJECT MANAGEMENT
PUBLIC SPACE MANAGEMENT
PUBLIC SPACE DESIGN

FEE PROPOSAL

Our team has included sufficient time to complete the services outlined in this proposal including all agency pre-application meetings, investigatory work, survey tasks, and overall project management.

A fixed price proposal of **\$143,375** is proposed for the completion of the Project including all project-related expenses.

HP RIVER GREENWAY - TEAM FEE PROPOSAL

Tasks	Task Fees
1 - Agency Pre-application and Informal Meetings	\$27,900
2 - Ecological Evaluation	\$30,380
3 - Individual Property Title Searches	\$38,160
4 - Individual Property Boundary Surveys	\$33,710
5 - Additional Site Survey at Proposed Ramp Location	\$8,010
6 - Summary/Next Steps Report	\$5,215
Project Total	\$143,375

Thank you for your consideration of our qualifications and proposal. We are highly enthusiastic about providing the consulting services that will produce the results you seek. Dave Sitler will be the primary contact for this project and can be reached at 732.572.6626 or at dave@etmassociatesllc.com.

Thank you for the opportunity to submit a proposal.

Sincerely,

E. Timothy Marshall
ETM ASSOCIATES, LLC

**RESOLUTION NO. 6-24-171
HIGHLAND PARK BOROUGH
COUNTY OF MIDDLESEX**

**RESOLUTION OF THE BOROUGH OF HIGHLAND PARK
AUTHORIZING PAYMENT OF THE \$133,704.32 SPECIAL ASSESSMENT
TO THE MIDDLESEX COUNTY JOINT INSURANCE FUND**

WHEREAS the Borough of Highland Park (the Borough) was previously a member of the Middlesex County Joint Insurance Fund (the Fund); and

WHEREAS the Fund has levied a special assessment on members as a result of a 2021 certified annual audit of the years 2001-2020 and have determine cumulative deficits exist for certain years that the Borough was a member of the Fund; and

WHEREAS the New Jersey Department of Banking and Insurance conducted a Statutory Examination of the audit; and,

WHEREAS the Borough proposes to satisfy this special assessment of \$133,704.32 by acknowledging the amount of the current supplemental assessment and stating that it intends to make payments as follows: (a) payment of \$47,751.54 before June 30, 2024, and (b) the remaining balance in six (6) equal annual installments without interest starting in the first quarter of 2025; and

WHEREAS the supplemental assessment is subject to revision upon the completion and filing of each certified annual audit, the Borough acknowledges that the supplemental assessment may be revised up or down depending upon the results of the Fund's future certified annual audits; and

WHEREAS the Borough has not previously made any payment toward the supplemental assessment; and

WHEREAS the Borough has proposed this payment plan if the Commissioners of the Fund will waive the accrued interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park approve the payment of \$133,704.32 in supplemental assessments to the Middlesex County Municipal Joint Insurance Fund; and be it:

FURTHER RESOLVED that, without waving any of its rights, the Borough shall make the first payment of \$47,751.54 no later than June 30, 2024; and be it

FURTHER RESOLVED that remaining balance be paid in six (6) equal annual installment payments of \$14,325.46 to the Fund; each payment shall be made on or before March 31, starting in March of 2025; and be it

FURTHER RESOLVED that the Chief Financial Officer and all necessary Borough officers and employees are authorized to make payments to the Fund in accordance with the foregoing; and be it

FURTHER RESOLVED that all necessary Borough officers and employees are authorized to execute documents to effectuate the foregoing subject to attorney review.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

- 1. Borough Attorney
- 2. Borough CFO
- 3. Middlesex County Municipal Joint Insurance Fund

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on June 18, 2024

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-172
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION TO APPROVE PAY ESTIMATE NO. 4 – TOP LINE CONSTRCUTION CORP. FOR IMPROVEMENTS RIVERVIEW AVENUE, WASHINGTON AVENUE AND EXETER STREET AND VARIOUS ROADS WITH TOP LINE CONSTRCUTION CORP.

WHEREAS, pursuant to Resolution No. 10-23-216, adopted October 10, 2023, the Borough Council authorized execution of a contract with Top Line Construction Corp. for Improvements to Riverview Avenue, Washington Avenue and Exeter Street and various roads, in an amount not to exceed \$738,868.15, without further resolution of Council; and

WHEREAS, by Resolution 1-24-20, adopted on January 16, 2024, the Borough Council authorized Pay Estimate No. 1 in the amount of \$360,604.22 as set forth by CME Associates memo dated December 14, 2023, in accordance with said Pay Estimate for work performed from November 27, 2023 to December 14, 2023; and

WHEREAS, by Resolution 1-24-21, adopted on January 16, 2024, the Borough Council authorized Pay Estimate No. 2 in the amount of \$74,547.00 and Change Order No. 1 reflecting as-built quantities for each contract and supplemental work performed, including the supplemental work requested by the Borough on South 11th Avenue and Wayne Street, in the amount of \$23,761.64 and for a total contract amount not to exceed \$762,629.79; and

WHEREAS, by Resolution No. 6-24-140, adopted on May 7, 2024, the Borough Council authorized Pay Estimate No. 3 in the amount of \$47,980.96 and Change Order No. 2, the change order reflects the supplemental work requested by the Borough to mill and pave a portion of South 3rd Avenue, starting from Valentine Street towards Donaldson Street. The change amount is an increase of \$29,500.00 in the contract amount, and for a total contract amount not to exceed \$792,129.79; and

WHEREAS, it appears from Pay Estimate No. 4, filed by CME Associates dated June 6, 2024, that certain work under said contract has been completed and approved, and there is due to Top Line Construction Corp. the sum of \$196,775.01 in accordance with said Pay Estimate for work performed from April 20, 2024 to May 31, 2024; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-832-001 in the amount of \$196,775.01, as reflected by the Certification of Funds Available by the Chief Financial Officer Certification No. 2024-59.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that

1. The Chief Financial Officer is hereby authorized and directed to pay Top Line Construction Corp. the sum of \$196,775.01, as certified by the Engineer in Pay Estimate No. 4, subject to the Clerk’s receipt of the Certified Payroll and Project Manning Reports; and
2. That certified copies of this resolution be forwarded to Chief Financial Officer and the CME Associates forthwith.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a Resolution adopted by the Council of said Borough on the June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-173
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the annual Salary Resolution No. 1-24-12, which was adopted on January 2, 2024, showing the names, titles and salaries of the officers and employees of the Borough of Highland Park, is amended as follows:

- Cooper Ballentine, Sports Camp Counselor, \$15.14 Hourly, Effective 06/01/2024
- Hannah Boyson, Art Activity Leader, \$18.50 Hourly, Effective 05/29/2024
- Larraye Brookes, Head Counselor, \$17.00 Hourly, Effective 06/01/2024
- Sarah Ciaccio, Day Camp Assistant Director, \$20.00 Hourly, Effective 06/05/2024
- Jude Crowley, Jr. Camp Counselor, \$15.13 hourly, Effective 06/09/2024
- Oz Duncan, Head Counselor, \$17.50 Hourly, Effective 06/09/2024
- Caitlyn Fulwood, Camp Director, \$6,500 Salary, \$1,000 Planning Stipend, Effective 06/05/2024
- Devorah Goldstein, Camp Counselor, \$16.50 Hourly, Effective 06/01/2024
- Ruby Miller, Camp Counselor, \$16.50 Hourly, Effective 06/01/2024
- Robin Pestka, Activity Leader, \$18.50 Hourly, Effective 06/01/2024
- Lily Solomon, Activity Leader, \$18.50 Hourly, Effective 06/09/2024
- Anthony Steiner, Head Counselor, \$17.00 Hourly, Effective 06/01/2024
- Aaden Wesley, Jr. Camp Counselor, \$15.13 Hourly, Effective 06/01/2024
- Richard Abrams, Police Chief, \$192,833, Effective 01/01/2024 – 06/30/2024
- Richard Abrams, Police Chief, \$214,833, Effective 07/01/2024
- Gaetano Palumbo, Sergeant of Police, \$144,392.00, Effective 07/01/2024
- Sherry Johnson, Assistant Director of Library Services, \$96,340 Salary, Effective 06/01/2024

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on June 18, 2024

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-174
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION TO AUTHORIZE UTILITY BILL ADJUSTMENT

WHEREAS, 446 Harrison Avenue suffered significant damage from Hurricane Ida and was accepted into the Blue Acres Program by the New Jersey Department of Environmental Protection; and

WHEREAS, the water and sewer utility account for 446 Harrison Ave was billed for minimum usage after the home was deemed uninhabitable by Hurricane Ida and the bills were disputed by the homeowners; and

WHEREAS, after a careful review of the account and the unique circumstances, the Borough Administrator along with the Tax Collector recommend the removal of the 1st quarter 2022 bill in the amount of \$73.43 and the removal of interest on the account for the 3rd and 4th quarters of 2021 and 1st quarter 2022 that were in dispute.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Highland Park that:

1. The Tax Collector is hereby directed to remove the 1st quarter 2022 bill and adjust the interest on the 3rd and 4th quarters of 2021 and 1st quarter 2022.
2. A certified copy of this resolution be forwarded to the Chief Financial Officer and Tax Collector forthwith.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-175
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION AWARDDING CONTRACT FOR 2023 TREE WATERING PROJECT TO
THE F.A. BARTLETT TREE EXPERT COMPANY**

WHEREAS, there is a need for tree watering services related to the 2023 tree planting project; and

WHEREAS, three quotes were solicited and two quotes were received as follows

F.A. Bartlett Tree Expert Co.	\$21,875.00
SJC Lawncare, Inc.	\$28,750.00
RichView Consulting	no response given

and

WHEREAS, the Borough Administrator has recommended that said services be purchased from F.A. Bartlett Tree Expert Co., 44 Apple Street, Unit 10, Tinton Falls, NJ 07724 based on their quote for same and previous work done for Highland Park as well as their overall experience and available equipment; and

WHEREAS, funds are available for this purpose in Grant Fund Account No. G-02-41-766-200, as reflected by the Certification of Funds Available by the Chief Financial Officer No. 2024-60.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey that:

1. The Council hereby awards a contract to F.A. Bartlett Tree Expert Co., 44 Apple Street, Unit 10, Tinton Falls, NJ 07724 for the 2024 Tree Watering Project for the total not to exceed contract amount of \$21,875.00.
2. A certified copy of this resolution shall be provided to the Borough Administrator and Chief Financial Officer.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**BOROUGH OF HIGHLAND PARK
2024 TREE WATERING PROGRAM**

PROPOSAL FORM

Company Name: F.A Bartlett Tree Experts

Address: 44 Apple Street, Unit 10, Tinton Falls, NJ 07724

Business Phone: 732-968-0800 **Cell Phone:** _____

Email: jlepore@bartlett.com

A. Scope of Work

- The Borough of Highland Park is seeking a contractor to water 46 street trees on an as needed basis from June 2024 until the Fall of 2024, as more specifically set forth below. These trees were planted in the Spring of 2023.
- Watering shall begin on/about the first week of June 2024 and shall continue into the Fall of 2024, and specifically until daytime temperatures drop below 40 degrees or the trees have finished dropping their leaves.
- The contractor shall report to the Borough on the need for and frequency of watering every week and shall monitor local heat and rainfall conditions to determine the need, in consultation with Borough representatives. The Borough anticipates that the frequency of watering will be one to two times per week during the weeks when there is less than an inch of rain has fallen. This is only an estimate, and the contractor shall be responsible for determining the need for watering and actually completing said watering as needed to maintain the health of the trees based on weather, temperature and actual conditions.
- The contractor must be responsive to Borough requests for adjustments in watering rate.
- The contractor shall notify the Borough of any trees in poor condition due to drought or disease.

The Borough shall provide for bulk water but the vendor is responsible for providing all hoses and fittings necessary to fill from a hydrant.

B. Price

Pursuant to and in accordance to the foregoing Scope of Work, the undersigned has fully familiarized itself with the conditions affecting the cost of the materials and their performance and has carefully reviewed the Scope of Work, and based thereon, hereby affirms and proposes to enter into a contract to provide all supervision, labor, equipment, and all other expenses required to render the services covered by the Scope of Work for the sum indicated below.

**RESOLUTION NO. 6-24-176
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A BUSINESS LICENSE TO
HERBALICITY, LLC TO OPERATE AN ADULT PERSONAL-USE CANNABIS
BUSINESS WITHIN THE BOROUGH OF HIGHLAND PARK**

WHEREAS, the Mayor and Council of the Borough of Highland Park have adopted Chapter 136 of the “Code of the Borough of Highland Park” which authorizes the operation of adult personal-use cannabis businesses within the Borough; and

WHEREAS, Herbalicity, LLC has applied for the issuance of a business license to operate an adult personal-use cannabis business at 246 Raritan Avenue within the Borough; and

WHEREAS, Herbalicity, LLC has received permission from the New Jersey Cannabis Regulatory Commission (“CRC”) to operate an adult personal-use cannabis business and has been issued a State License Number RE000337 for the operation of said business; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 136-7.F of the “Code of the Borough of Highland Park”, the Clerk of the Borough of Highland Park is hereby authorized and directed to issue a business license to Herbalicity, LLC in order to operate at 246 Raritan Avenue an adult personal-use cannabis business once all of the local permits and regulations are satisfied.

I, Jennifer Santiago, Clerk of the Borough of Highland Park, County of Middlesex, State of New Jersey, do hereby certify that the above is a true copy of a Resolution adopted by the Borough Council of said Borough on the 18th day of July 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-177
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that all claims presented prior to this meeting as shown on a detailed list prepared by the Borough Treasurer, and which have been submitted and approved in accordance with Highland Park Ordinance No. 1004, shall be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk shall include in the minutes of this meeting a statement as to all such claims approved as shown in a Bills List Journal in accordance with said Ordinance.

1. The bills approved for payment at this meeting, Bills List 6/18/2024 can be found in the Bills List Journal Book No. 44.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a Resolution adopted by the Borough Council of said Borough on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

**RESOLUTION NO. 6-24-178
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, as follows:

1. The public shall be excluded from the closed session at close of tonight’s open session.
2. The general nature of the subject matter to be discussed is as follows:

Executive Session: (1) Potential Litigation - Block 2201, Lots 6, 7, 9, 10, 46, 47, 48;
(2) Redeveloper Negotiations - Tract A

3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on June 18, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				