

Ordinance #2020-39

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING STORMWATER MANAGEMENT REGULATION FOR SMALL AND LARGE PROJECTS AND AMENDING CHAPTER 10B OF THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

WHEREAS, on March 2, 2020 the New Jersey Department of Environmental Protection published amendments to the Stormwater Management Rules, N.J.A.C. 7:8, for purposes of replacing the existing requirements, which Rules are to be implemented by municipalities on or before March 1, 2021; and

WHEREAS, based on the amended Stormwater Management Rules, the Princeton Flood and Storm Water Commission created a subcommittee for purposes of updating the relevant portions of Princeton’s land use ordinance which regulate stormwater management in Princeton for all development; and

WHEREAS, based on its work, the subcommittee has drafted a new, separate Stormwater Management Ordinance which would regulate stormwater management for development that is subject to site plan and subdivision review and approval pursuant to N.J.S.A. 40:55D-37 et seq. and the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21; and

WHEREAS, the subcommittee has drafted this ordinance which would amend Princeton’s zoning ordinance for purposes of regulating stormwater management for development that is not subject to site plan and subdivision review and approval pursuant to N.J.S.A. 40:55D-37 et seq. and the New Jersey Residential Site Improvement Standards, which includes subdivision and individual lot applications for detached one and two dwelling-unit buildings; and

WHEREAS, pursuant to N.J.S.A. 40:55D-65d., Princeton may, through its zoning ordinance, establish for particular uses or classes of uses, reasonable standards for the provision of adequate physical improvements, including, but not limited to, water, sewerage and drainage facilities; and

WHEREAS, the Princeton Flood and Storm Water Commission recommends that Princeton adopt this ordinance at this time; and

WHEREAS, this ordinance shall be referred to the Princeton Planning Board prior to adoption for its review and issuance of a report pursuant to N.J.S.A. 40:55D-26.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Section 10B-241 of Article XI, Division 1 of Chapter 10B of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”), entitled “Zoning,” which sets forth the definitions for zoning regulations under Article XI, Chapter 10B, is amended by adding new definitions as follows:

Large project. Any development which results in an increase in impervious surface or disturbance, consistent with the “major development” definition in section 10B-227.1, and is exempt from the site plan review and approval requirements under article X of this chapter.

Small project. Any development which results in an increase in impervious surface of four (400) hundred or more square feet, does not meet the definition of a “major development” or “minor development” under section 10B-227.1 of this chapter and is exempt from the site plan review and approval requirements under article X of this chapter.

Section 2. Article XI of Chapter 10B of the Township Code is amended to add a NEW division, and corresponding sections 10B-332 through 10B-338, thereto as follows:

Division 7. Stormwater Runoff Discharge Requirements for Small and Large Projects.

10B-332. Small projects - general requirements.

The stormwater runoff requirements applicable to small projects (as defined in section 10B-241 of this article) are as follows:

(a) For each square foot of new impervious surface, 2 gallons of stormwater shall be managed on site using green infrastructure practices. Of that volume 0.78 gallons (equivalent to the water quality design storm of 1.25 inches) must be retained on site, while the remainder may be discharged offsite from the stormwater management measure. The green infrastructure practices are those listed below and shall be designed and implemented as required by the Princeton Stormwater Management Ordinance. The use of cisterns and drywells is allowed only where the other listed methods cannot meet the requirements of this subsection 10B-332(a).

- (1) Grass Swale
- (2) Green Roof
- (3) Pervious Paving System
- (4) Small-Scale Bioretention Basin / Rain Gardens

- (5) Small-Scale Infiltration Basin
 - (6) Small-Scale Sand Filter
 - (7) Vegetative Filter Strip
 - (8) Cistern
 - (9) Dry Well
- (b) To the extent the required volumes from subsection 10B-332(a) cannot be entirely managed or retained on site through the green infrastructure BMPs listed above, the municipal engineer may allow the use of other stormwater management measures, with preference given to other green infrastructure BMPs that are allowed under N.J.A.C. 7:8, the Municipal Stormwater Management Rules.
- (c) All development applications subject to this section shall be reviewed by the municipal engineer to confirm that all stormwater runoff created by the proposed development is adequately controlled and does not cause a material adverse impact on adjoining property, such as but not limited to flooding of a basement or the land surface, concentrated flows outside of natural stream channels, and disturbance of off-site stormwater management measures. For any stormwater management practice that involves infiltration or a subsurface component, the applicant shall provide information regarding the depth to seasonal high water table. For infiltration practices, the applicant shall provide the soil permeability, the designed infiltration rates of each relevant stormwater management techniques, and groundwater mounding calculations in accordance with the BMP Manual.
- (d) Where the discharge from the stormwater management measure cannot reasonably be designed to avoid causing a material adverse impact on adjoining property as described in subsection 10B-332(c) above, the discharge shall be directed to a storm sewer, gutter, swale, or other suitable stormwater runoff conveyance measure that avoids such impacts.
- (e) If the municipal engineer determines that the discharge from the stormwater management measure cannot be designed to meet the requirements of subsection 10B-332(c) or (d) above, the stormwater discharge from the site shall be reduced to a safe and non-harmful level through on-site retention using green infrastructure practices, or to the extent that green infrastructure practices are technically impracticable, such other measures (including but not limited to gray stormwater infrastructure) as may be required by the municipal engineer.
- (f) The terms, phrases, words and their derivations as used in this division shall have the meanings stated in section 10B-227.1 of the Princeton Stormwater Management Ordinance, unless their use in the context of this division clearly demonstrates a different meaning.

10B-333. Small projects - design standards.

Design standards for the green infrastructure practices and stormwater management measures shall be the same as for major development in the Princeton Stormwater Management Ordinance, as set

forth in section 10B-227.3, except for subsections 10B-227.3(d), (e), (r), (s) and (t) (which subsections shall not apply to small projects).

10B-334. Small projects - stormwater management: maintenance and repair

Plans for stormwater management measure maintenance shall be prepared in accordance with the Princeton Stormwater Management Ordinance, as set forth in section 10B-227.9.

10B-335. Small projects - deed notice.

All green infrastructure measures and stormwater management measures as required in this division shall be reflected in a deed notice containing a description of the green infrastructure facility and stormwater management measure(s) used, in a form approved by the municipal attorney and recorded in the Mercer County Clerk's Office. Proof that the required deed notice has been filed shall be submitted to the municipal engineer prior to issuance of certificate of occupancy or final inspection.

10B-336. Small projects - post construction requirements.

- (a) The applicant shall provide a photographic record of the installation and final stormwater BMPs.
- (b) The applicant shall comply with section 10B-227.10 of the Princeton Stormwater Management Ordinance, entitled "Inspection and permitting."

10B-337. Large Projects.

The stormwater management standards and requirements for "Major Development," as set forth in the Princeton Stormwater Management Ordinance, shall be applicable to large projects.

10B-338. Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this division, or otherwise violates this division, shall be subject to the penalties set forth in section 10B-107 of this chapter.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, as required by law, shall be applicable within the entire municipality of Princeton, and shall become a part of the new Princeton Code once completed and adopted.