



September 22, 2023

Mendham Township Committee
2 West Main Street
PO Box 520
Brookside, NJ 07926

**RE: Backer Farm
VNHA #45568-300-31**

Dear Committee Members,

I am retained by Mr. Peter Banos, Mr. Perry Cyprus, Mrs. Judy Dreskin, Mr. Steven Dreskin, Mrs. Lisa Pantel, Mrs. Robert D Pierson, Mrs. Melissa Vinci-Rainis, Mr. David Rainis, Dr. Richard M. Watson, Mrs. Vicki Wayne, Mr. Frank Xu, Mrs. Nina Yacavino, all residents of Mendham Township, to review the most recent revisions to the Backer Farm project relative to Stormwater Management. I reviewed relevant information and produced the attached letter dated August 25, 2023.

For your convenience, I have summarized below the four major points of the attached letter.

1. It is my opinion that the project as depicted on the Stormwater Management Plan meets the NJDEP Stormwater Management Rule definition of a Major Development.
2. The extent of the sod and former outdoor equine riding areas intended to be used for overflow temporary parking for the brewery and events should be defined and their frequency of use for vehicles established so a determination can be made if these areas qualify as a “motor vehicle surface” under current stormwater management regulations and runoff from these areas managed as required.
3. Stormwater Management should be provided for the project as a NJDEP Major Development in accordance with applicable stormwater management requirements.
4. Backer Exhibit MM Proposed Licensed Area depicts the former parking configuration for the project. All exhibits should be updated to depict the current proposal.

On behalf of my clients, I respectfully request your consideration of my comments during your review of the project.

If you have any questions or would like to discuss any of the information presented in the attached letter with me, please feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'John Ryder', written over a circular blue stamp or seal.

John Ryder, PE
Principal Engineer

JCR/mem

Y:\VNHADATA\PROJECTS\45568\CORRESPONDENCE\BANOS 8-25-23 LETTER\1_LETTER_MENDHAM TOWNSHIP COMMITTEE.DOCX

cc w/encl.: Peter Banos



August 25, 2023

Mr. Peter Banos
47 Ironia Road
Mendham, NJ 07945

**RE: Review Comments
Proposed Farm Based Brewery at Backer Farm
BF Partners LLC - Backer Farm
Block 109, Lot 23
Mendham Township, Morris County, New Jersey
VNHA No. 45568-300-31
PEN-PETBA21001**

Dear Mr. Banos:

As requested, Van Note Harvey Division of Pennoni, (VNHA) reviewed documents recently submitted to the Morris County Agricultural Review Board for the above referenced project to comment on the project relative to stormwater management.

Documents reviewed included:

1. Backer Farm County Agricultural Development Board Site Specific Agricultural Management Practice Application Exhibit List, updated July 20, 2023.
2. Backer Exhibit E-8 Site Plans for Backer Farm, last revised June 16, 2023.
3. Backer Exhibit E-9 Stormwater Management Plan for Backer Farm, dated March 13, 2023.
4. Backer Exhibit NN-2 Event Management Plan, last updated June 7, 2023.
5. Backer Exhibit MM Proposed Licensed Area, January 24, 2022.

From our review of the above documents, VNHA offers the following comments:

1. Exhibit E-9 Stormwater Management Plan for Backer Farm represents the project is not a “Major Development” as defined by the NJDEP Stormwater Management Regulations. Upon my review of the project as depicted on Stormwater Management Plan, Exhibit E-9 and the Site Plans, Exhibit 8, and the current NJDEP Stormwater Management Regulations, N.J.A.C. 7:8, effective date July 17, 2023, it is my opinion that the project does meet the NJDEP definition for a Major Development.

NJDEP DEFINITIONS

The NJDEP Stormwater Management Regulations define terms key to identifying an activity as a Major Development. The key terms relevant to my review of the above documents are highlighted on the attached excerpts of the NJDEP Stormwater Management Rules and are “Development,” “Major Development” “Regulated Impervious Surface,” “Regulated Motor Vehicle Surface” and “Motor Vehicle.”

The thresholds for meeting the NJDEP Major Development definition are based on the area of the project, creation of regulated surfaces and when regulated surfaces are created. Regulated surfaces include “regulated impervious surface” and “regulated motor vehicle surface.”

A development that results in the creation of one-quarter acre or of “regulated impervious surface” since February 2, 2004, is defined as a “major development” :

NJDEP defines “regulated impervious surface” as any of the following, alone or in combination:

- a. A net increase of impervious surface;
- b. 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);
- c. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- d. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

NET INCREASE OF IMPERVIOUS SURFACE

Per General Note No. 1 of Exhibit E-9 Stormwater Management Plan for Backer Farm, Exhibit E-9 focuses on existing conditions of the site as of 2020 to 2021 and not as of February 2, 2004, as required by the NJDEP Stormwater Management Rules and restated in Item # 1 and 2 of the Stormwater Management Plan Summary presented on Exhibit E-9. This is significant since impervious surface areas created subsequent to February 2, 2004, and used for the project are considered “existing” and reduce the “increase in impervious surfaces” calculated for the project by the Stormwater Management Plan Summary on Exhibit E-9.

Based on my review of aerial photography, it appears the Temporary Greenhouse and the east-end access driveway to the greenhouse were constructed subsequent to February 2, 2004, as they did not exist on April 12, 2004, the date of the attached Google Earth image. As this improvement required a state permit and was constructed subsequent to February 2, 2004, the impervious surface created by this improvement should be included in the total increase of impervious lot coverage since February 4, 2004. It is not. Gravel surfaces were also recently created (prior to 2020) and are considered existing impervious for the purposes of the calculations on Exhibit E-9. Furthermore, the Temporary Greenhouse is proposed to be relocated to southeast of the Vegetable Greenhouse on the Site Plan and it is shown at that location on Exhibit E-9; however, the impervious surface created by this structure is not included in the proposed Total Impervious Lot Coverage. Correcting the Existing and Proposed Coverages Table on Exhibit E-9 to account for only the Temporary Greenhouse and east-end access driveway being a development for which the impervious surface should be accounted for as “created since February 2, 2004,” reduces the existing Total Impervious Lot Coverage to 42,058 square feet (sf), a reduction of 2,970 sf for the Temporary Greenhouse, 660 sf for the east-end access driveway and increases the proposed Total Impervious Lot Coverage to 52,1566 sf. With this correction, the “net increase of impervious coverage” is 10,098 sf.

NEW STORMWATER CONVEYANCE

Per the NJDEP definition of “Regulated Impervious Surface” (see Item b, above), the total area of impervious surface collected by a new stormwater conveyance (even if that impervious surface existed prior to February 2, 2004) is considered regulated impervious surface. There is no existing stormwater conveyance and discharge location for the stormwater runoff from the existing barn. A

stormwater conveyance and CULTEC Stormwater Management System is proposed for the barn specifically to manage stormwater and discharge the stormwater runoff into the ground. The proposed collection, conveyance, and infiltration of runoff from 4,528 square feet of the proposed barn roof area (where a collection, conveyance and disposal system does not presently exist) is a new stormwater conveyance system where one does not presently exist. Consequently, the total area of impervious surface collected by the stormwater management system for the barn is a “regulated impervious surface.”

MAJOR DEVELOPMENT

The project proposes a net increase of 10,098 sf of impervious surface and 4,528 sf of existing impervious for which stormwater is managed with a new collection, conveyance, and discharge system, presumably to offset the additional runoff created by the net increase of impervious surface. Both areas are regulated impervious surfaces per NJDEP definitions and total 14,626 sf or 0.33 acres. It is understood that the project will be reviewed by the County Agricultural Board and the State Agricultural Development Committee and stormwater management will be reviewed by Mendham Township. Since the project is a development that will create more than one-quarter acre or more of “regulated impervious surface,” it is a Major Development per the current NJDEP Stormwater Management Regulations.

REGULATED MOTOR VEHICLE SURFACE

“Regulated motor vehicle surface” proposed by the project must also be considered to determine if the project meets the definition of a Major Development. Parking is proposed for patrons of the brewery on gravel areas north and west of the brewery. Vehicle access drives and a total of 47 parking spaces for patrons, employees and the dwelling are proposed. Per Exhibit E-9, the net increase in motor vehicle surface is 4,291 sf. The NJDEP Stormwater Management Regulations define, “regulated motor vehicle surface” as any of the following, alone or in combination:

- a. A net increase in motor vehicle surface; and/or
- b. The total 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, where the water quality treatment will be modified or removed.

“Motor vehicle surface” is defined by NJDEP as 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.

“Motor vehicle” is defined by the regulations as land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles and low speed vehicles. Motor vehicle does not include farm equipment.

2. The Event Management Plan for this proposed project describes an intent to utilize sod and a former outdoor equine riding arena for overflow, temporary parking for the brewery and events, including brewery events. This overflow parking will be in addition to the parking shown on the Site Plan and quantified on Stormwater Management Plan. Although the extent of the former equine riding area can be defined and quantified, the sod areas that will be used for parking are not. The frequency of use of these two areas for vehicles is not clearly stated. As the intended use of these areas for vehicles appears to qualify these areas as a “motor vehicle surface,” the extent of these areas should be defined and their frequency of use for vehicles established so a determination can be made if these areas qualify as a “motor vehicle surface” under the current Stormwater Management Regulations.

It is recommended that NJDEP be consulted for this determination and be advised of all proposed parking areas for the project, including the 47 spaces and access drives and extent and frequency of all parking proposed in sod and the former equine riding arena. If it is determined that these event parking areas are a “motor vehicle surface,” these parking areas would produce a net increase in “motor vehicle surface” created by the project which would also need to be considered to determine if the project is a Major Development.

It should also be considered that the permanent parking proposed to be dedicated for the brewery on the “existing motor vehicle” parking area of 0.23 acres displaces existing areas presently used for overflow, temporary parking, essentially increasing the extent of overflow, temporary parking required on the site for the project in the sod and former equine riding arena areas by approximately the same area.

3. Stormwater Management should be provided for the project as a NJDEP Major Development in accordance with applicable stormwater management requirements.
4. Backer Exhibit MM Proposed Licensed Area depicts the former parking configuration for the project. All exhibits should be updated to depict the current proposal.

You are authorized to submit this letter to government agencies that are reviewing the plans and to BF Partners LLC and other parties.

Should you have any questions or require anything additional, please feel free to contact me by phone or email.

Very truly yours,



John C. Ryder, P.E.
Principal Engineer

JCR/tes

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Enclosures

Backer Farm 4-14-2004

Google Earth

Image © 2023 Maxar Technologies

Backer Farm

Ironta Rd

Ironta Rd

Ironta Rd

Ironta Rd

Ironta Rd

Ironta Rd



500 ft

CHAPTER 8

STORMWATER MANAGEMENT

Authority

N.J.S.A. 12:5-3, 13:1D-1 et seq., 13:9A-1 et seq., 13:19-1 et seq., 40:55D-93 through 99, 58:4-1 et seq., 58:10A-1 et seq., 58:11A-1 et seq., and 58:16A-50 et seq.

Source and Effective Date

Effective: May 20, 2021.
See: 53 N.J.R. 1085(a).

Chapter Expiration Date

Chapter 8, Stormwater Management, expires May 20, 2028.

Chapter Historical Note

Chapter 8, Practices and Procedures of the Division of Water Resources, was adopted as R.1978 d.48, effective February 9, 1978. See: 10 N.J.R. 101(b). Chapter 8, Practices and Procedures of the Division of Water Resources, was repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

Chapter 8, Storm Water Management, was adopted as R.1983 d.24, effective February 7, 1983. See: 14 N.J.R. 1022(a), 15 N.J.R. 142(b).

Pursuant to Executive Order 66(1978), Chapter 8, Storm Water Management, was readopted as R.1988 d.99, effective February 5, 1988. See: 19 N.J.R. 2227(a), 20 N.J.R. 526(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Storm Water Management, was readopted as R.1993 d.113, effective February 4, 1993. See: 24 N.J.R. 4469(a), 25 N.J.R. 990(a).

Pursuant to Executive Order No. 66(1978), Chapter 8, Storm Water Management, was readopted as R.1998 d.121, effective February 4, 1998. See: 29 N.J.R. 5127(a), 30 N.J.R. 826(a).

Chapter 8, Storm Water Management, was repealed by R.2004 d.48 and Chapter 8, Stormwater Management was adopted as new rules by R.2004 d.48 and R.2004 d.61, effective February 2, 2004. See: 35 N.J.R. 119(a), 35 N.J.R. 1328(a), 35 N.J.R. 4220(a), 36 N.J.R. 670(a), 36 N.J.R. 781(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 8, Stormwater Management, was extended by gubernatorial directive from February 2, 2009 to February 2, 2010. See: 41 N.J.R. 1025(a).

Petition for Rulemaking. See: 42 N.J.R. 733(c), 1085(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 8, Stormwater Management, was extended by gubernatorial directive from February 2, 2010 to February 2, 2011. See: 42 N.J.R. 468(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 8, Stormwater Management, was extended by gubernatorial directive from February 2, 2011 to August 2, 2012. See: 43 N.J.R. 620(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 8, Stormwater Management, was scheduled to expire on August 2, 2014. See: 43 N.J.R. 1203(a).

Chapter 8, Stormwater Management, was readopted, effective June 26, 2014. See: 46 N.J.R. 1687(c).

Chapter 8, Stormwater Management, was readopted, effective May 20, 2021. See: Source and Effective Date.

Petition for Rulemaking. See: 54 N.J.R. 2103(a), 2108(a), 2240(a), 2404(b).

Case Notes

New Jersey Department of Environmental Protection (NJDEP) had a sufficient factual basis to grant permits to fill approximately 7.69 acres of wetlands in connection with the Xanadu Redevelopment project, its determination that mitigation of traffic and air quality problems must be addressed in stages due to the nature of the project was not an arbitrary and capricious resolution, and development of the surrounding wetlands did not violate N.J.A.C. 7:7E-3.27(c)1 because there was little, if any, possible water dependent use for the property and no prudent or feasible alternative to developing the project on a non-wetlands site. However, the NJDEP process of reviewing future submissions for compliance with conditions contained in the approval failed to provide an adequate opportunity for public comment; therefore, the NJDEP was required to develop a system that ensures the opportunity for such comment. In re Stream Encroachment Permit, 402 N.J. Super. 587, 955 A.2d 964, 2008 N.J. Super. LEXIS 201 (App.Div. 2008).

Trial court properly reversed a township land use board's denial of a developer's application for a major subdivision development and ordered conditional subdivision approval subject to the issuance of necessary storm water and sewer disposal treatment permits and approval by the New Jersey Department of Environmental Protection (DEP), as those issues were under the jurisdiction of the DEP and, if the requisite permit was ultimately granted by the DEP, the interests of the township and its citizens would be protected. Dowel Assocs. v. Harmony Twp. Land Use Bd., 403 N.J. Super. 1, 956 A.2d 349, 2008 N.J. Super. LEXIS 194 (App.Div. 2008).

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SUBCHAPTER 1. GENERAL PROVISIONS

7:8-1.1 Scope and purpose

(a) This chapter establishes general requirements for stormwater management plans and stormwater control ordinances, as well as content requirements and procedures for the adoption and implementation of regional stormwater management plans and municipal stormwater management plans under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and implementing rules.

(b) This chapter establishes design and performance standards for stormwater management measures required by rules pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.

(c) This chapter establishes safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1.

Amended by R.1991 d.510, effective October 21, 1991.

See: 22 N.J.R. 2870(a), 23 N.J.R. 3134(b).

Added reference to N.J.S.A. 58:10A-1 et seq.

7:8-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores, and CAFRA Nodes pursuant to N.J.A.C. 7:7-13.16.

“CAFRA Centers, Cores, or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:7-13.

“Community basin” means an infiltration basin, 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 basin, 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 Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency; or
2. A county water resources 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 Re-development 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 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 on agricultural land, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (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 runoff, 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, auto-cycles, 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 achievement of the stormwater management standards specified in this chapter. The 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 review agency, in accordance with 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, groundwaters 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. A net increase in motor vehicle surface; and/or
2. The total 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, 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.