

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

The Tewksbury Township Committee met in a regular session on the above date at the Municipal Building, Mountainville, NJ.

The meeting was called to order at 7:30 PM, roll call held and a quorum established. Mayor Dana Desiderio presided.

Other officials in attendance were Township Committee members Louis DiMare, Peter Melick, Shaun Van Doren and William Voyce.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were approximately four members of the public in attendance.

**1. Open Public Meetings Statement**

The Open Public Meetings Statement was read by Mayor Desiderio.

**2. Flag Salute**

Those present stood and pledged allegiance to the American flag.

**3. Public Participation**

Bob Flowers presented information for a proposed war memorial/gazebo/monument in Mountainville. His concern dealt with how to accept donations from individuals or businesses and where to deposit the funds. He noted that he spoke with the VP of marketing from Peapack Gladstone Bank and they "liked the idea" but requested a letter from the Committee stating that they were interested in the project for the municipality.

Mr. Flowers noted that once this letter was received, a representative will meet with him to discuss the project further.

Mr. Flowers stated that a gazebo larger than 100 square feet should be looked at. It was noted that appropriate building permits would be needed for the structure.

Mr. Flowers noted that one person was killed in the 9-11-attack and questioned if the name should be included on the memorial.

Discussion followed regarding how to accept donations. An escrow account to be administered by the CFO was suggested as the appropriate way to receive contributions with a disclaimer that the donation would not be considered a charitable deduction.

Mayor Desiderio stated that Mr. Flowers should speak with John Anderson from JCP&L to discuss a possible donation.

Mr. Van Doren stated that the matter should be brought up with the Tewksbury Historical Society at a meeting on October 4. He added that the Township had a bridge fund 15 years ago that was administered as an escrow account and funds collected were used for a private engineering study for bridge T 60.

He added that placement of a gazebo would not require LUB approval, but would need approval from the Historic Preservation Commission.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

Mr. Van Doren made a motion to authorize the set up of an escrow account to be administered by the CFO for funds received for the proposed war memorial to be located in Mountainville, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Flowers stressed the need for a letter to be sent to PGB stating that the Committee is in agreement with the proposal.

John Anderson from JCP&L was present to update the Committee on the improved communication for storm response and the overhauls made by the power company. He noted that storm management data will now be based on the tax code and not by zip code and the system will be available for viewing live time.

Various social media is now being used for larger storm events and outages can be reported directly from personal electronic devices.

The use of FAX blasting will no longer be used and e-mail sendings can be created for specific recipients.

The municipal phone numbers that were available earlier were overused, and a new system will be created for municipal use.

Discussion followed regarding Mr. Melick's concern that during an emergency, emergency services should be able to speak with a representative directly rather than going through dispatch. Mr. Anderson assured those present that the new system will work efficiently, adding that additional attention will be paid to any emergency located on county roads.

Webster Todd president of the Oldwick Fire Company (OFC) distributed a letter related to the 06-26-12 Township Committee decision to not modify the deed to allow a cell tower on site. He noted that annually 20-25% of an OFC's members' time is spent fund raising and the income generated from a cell tower would allow members to concentrate more on training and less on fund raising. He stated that the members of the OFC would like to meet with the Committee to discuss alternate ways to deal with the problem.

He stressed that this is an urgent plea from the membership of the OFC, that the matter is a very substantial subject, the Committee is an integral part of the game and the OFC is "not doing a bad job."

Molly Sick from 149 Rockaway Road questioned what could be done to alleviate the dangerous driving conditions and speeding vehicles on Rockaway Road.

Discussion followed regarding the set speed limit, the number of speed limit signs and the need to enforce the speed limit. Mr. Van Doren noted that a speed study was done in the past by the Police Department and he suggested setting up the digital sign that alerts motorists of their speed. He added that a speed study could result in making a speed limit higher based on the formula used to determine a reasonable speed limit.

Dr. Voyce added that enforcement of the speed limit is the key issue.

It was the consensus of the Committee to review the number of speed limit signs on Rockaway Road and to have the digital sign placed on Rockaway Road.

Ms. Sick noted that there is debris in the water by the bridge at Still Hollow Road.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

Mr. Van Doren noted that the area is County owned and they should be notified to coordinate clean up of plastic and other debris.

George Cassa noted that he was present at the Sutton Road bridge reopening and was very pleased with how the work was handled as well as the final product. He noted that he had heard of other pending bridge projects and questioned when information would be available to municipalities.

Mr. Landon noted that the County has a number of bridge projects pending, but budgetary constraints and weather often change the planned order of work to be done.

It was noted that work is currently being done on a bridge on Cold Spring Road that is being rebuilt in the fashion of the Sutton Road bridge.

Mr. Van Doren noted that the County Freeholders' website has links to PDF information related to bridge and road projects throughout the County. It was added that Somerset County will be the lead entity for work to be done on the Vlietown Road bridge.

Mr. Cassa questioned the work that will be done on the Old Mountain Road bridge in Mountainville. Mr. Landon noted that work is currently underway and the deck will be replaced on the bridge in order to make it suitable for unlimited weight. No change will be made to the width of the bridge.

Martin Allen from the law firm of DiFransesco, Bateman , Coley spoke as the attorney for Stickle Properties. He noted that construction of the Lanesley subdivision was progressing as expected with three remaining undeveloped lots. He noted that approval for the subdivision was received before the Highlands Act was enacted. Recently an application was submitted to the Zoning Officer for zoning approval and was denied because the municipality was instructed by the Highlands Council (HC) that no approvals could be granted by the municipality without prior HC training and an empowering Ordinance

Mr. Martin noted that approvals have been granted in the past and, in his opinion, exemption #2 is a simple exemption for the municipality to approve.

He stated that the Committee has the authority to advise the Zoning Officer what to do and agreed that the Zoning Officer has the right to get Township Committee input on his decision.

Mayor Desiderio stated that she understood that municipalities were not able to grant exemptions without HC or DEP approval.

Mr. Selvaggi noted that up until this year, exemptions were being granted, and the HC and DEP has consistently said that municipalities can make a determination on the first seven exemptions. He added that during the past year "the wheels started to come off" and in March a memo was issued that the DEP would empower municipalities to make the determinations – which Tewksbury has been doing all along.

He noted that in the last two months a memorandum of understanding (MOU) between the HC and the DEP was issued stating that municipalities can make determinations, but proper training and enabling Ordinances would be necessary.

He added that, technically, no building permits should be issued.

He noted that no one (HC or DEP) seems to know what to do and a recent call with Gene Feyl, Highlands Executive Director did nothing to clear up the confusion.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

Comments were made regarding exemptions not being subject to the Highlands Act, the Zoning Officer being able to look at an exemption and say whether or not the applicant should go to the DEP or HC and the MOU being the first line of defense in determining who is exempt. He added that he attended many DEP and HC meetings in 2003 and 2004 and has assured that local authority would not be usurped by enactment of the Highlands Act. He opined that the MOU no longer supports this position and information received verbally from HC personnel is different from the MOU. He added that municipalities are forced to follow the mandates of the MOU.

Mr. Allen countered that exemption #2 is a simple exemption as the subdivision was approved before enactment of the Highlands Act.

Mr. Selvaggi suggested asking for a restriction in the deed for future home owners to address the matter of maxing out on limitations and items related to impervious coverage. He added that he does not disagree with the ease that exemption can be evaluated, but the MOU changed everything.

In response to a question from Mr. DiMare, Mr. Selvaggi stated that there is no real down side to the municipality if an exemption is granted –the risk is on the builder and future home owners. He added that if the Committee authorizes the Zoning Officer to make the determination to grant the exemption, there is nothing the HC or DEP can say.

Additional comments were made regarding the training and authorizing Ordinances.

Mr. Selvaggi advised that whatever the Committee decides will have to be applicable to everyone else and property owner may have to go to the DEP . He added that the HC is clear on what qualifies for exemptions and training (when available) should be simple.

Mr. Cassa stated that he understood that the MOU was an option and if a municipality did not want to follow it, they did not have to. He understood that depending on where property was located (planning or preservation area), the applicant would either go to the DEP or the HC for approval. He agreed that the Township should have the ability to operate like it has been.

Mr. Landon qualified Mr. Cassa's statement by noting that the option related to the MOU is to opt to take the training and make the decision in house or to "punt" it to an outside entity.

Mr. Selvaggi stated that the Committee needs to make a decision whether or not they feel comfortable letting the staff make determinations prior to receiving HC training. He added that the matter has become more confusing since the MOU was signed.

Further comments were made regarding the amount of time needed if an application were sent to the DEP or the HC as opposed to being handled in house.

Additional comments were made regarding the number of applicants who have been directed to go to the HC or the DEP since the MOU was signed. Mr. Van Doren felt that these application should come before the Committee.

Mr. Van Doren stated that he had no problem saying this application should be deemed exempt.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

Mr. Landon noted that this action basically would be an act of ignoring the MOU.

Mr. Melick noted that this is a prime example that “validates the absurdity of the Highlands Act”. He added that applicants who have been sent to the DEP or the HC should be contacted and assistance should be given to this and future applicants.

Mr. Landon confirmed that the decision of the Committee is only to enable the Zoning Officer to make a decision – the decision is not telling the Zoning Officer what to do.

Mr. Melick made a motion to direct the Zoning Officer or appropriate official (s) to review this application and all applications received prior to the MOU being made public and to make a determination on the exemption and future ones, seconded by Mr. Van Doren.

Discussion followed regarding Mr. Landon’s statement that the MOU was being ignored.

A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce.

**4. Actions to be taken**

➤ **Appointment**

Mayor Desiderio introduced Fred Root as a potential candidate for the Land Use Board.

Discussion followed as to which position Mr. Root should be appointed.

Mr. Van Doren questioned recent zoning violations for which Mr. Root received notification.

Mayor Desiderio appointed Ed D’Armiento to the position of Alternate #3 on the Land Use Board to complete the unexpired term of Tom Dillon through 12/31/13.

Mayor Desiderio appointed Fred Root to the position of Alternate #4 on the Land Use Board to complete the unexpired term of Ed D’Armiento through 12/31/12.

➤ **Ordinance Public Hearing**

Dr. Voyce made a motion to open the Public Hearing on Ordinance #11-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 08-20-12 Courier News.

There being no comments from the public, Dr. Voyce made a motion to close the Public Hearing on Ordinance #11-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Dr. Voyce made a motion to adopt Ordinance #11-2012, seconded by Mr. DiMare . A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**ORDINANCE #11-2012**

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY  
REVISING CHAPTER 13.12, ENTITLED "GRADING AND SURFACE WATER  
MANAGEMENT"**

**BE IT ORDAINED**, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey that the Code of the Township of Tewksbury is hereby amended by deleting Chapter 13.12, entitled "Grading and Surface Water Management" in its entirety and replacing with the following:

**13.12.010 Title**

This Chapter shall be known as the "Tewksbury Township Grading and Surface Water Management Ordinance."

**13.12.020 General Intent**

The general intent of this Chapter is to manage the increased rate and velocity of surface water runoff created by alterations in the groundcover and natural runoff patterns through proper grading and stormwater management techniques.

**13.12.030 Purposes**

To protect the public health, safety and welfare **and protect the property** of the citizens of Tewksbury Township and the surrounding communities, this Chapter is deemed necessary and essential in order to:

- A. Maintain the adequacy of natural stream channels and prevent accelerated bank erosion by controlling the rate and velocity of runoff discharge to these watercourses so as to avoid increasing the frequency of the bankful stage;
- B. Prevent degradation of the stream biota caused by excessive flushing and sedimentation;
- C. Prevent degradation of stream water quality due to impairment of the stream's biological function;
- D. Enhance the quality of nonpoint runoff by water retention measures;
- E. Preserve present adequacy of culverts and bridges by reducing artificially induced flood peaks;
- F. Reduce public expenditures for replacement or repair of public facilities resulting from artificially induced flood peaks;
- G. Prevent damages to life and property from flooding resulting from excessive rates and velocities of runoff;
- H. Prevent the degradation of property by enhancing the environmental character of the streams of the Township;

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

- I. Deter potential pollution of potable water supplies;
- J. Provide means for groundwater recharge by utilizing NJDEP best management practices (BMP);
- K. Prevent erosion from improper channeling or discharge of stormwater runoff;
- L. Ensure that the ground adjacent to new structures is graded in a manner that will not result in adverse effects to new or existing structures from stormwater runoff;
- M. Establish minimum stormwater management requirements and controls for land disturbance projects.

**13.12.040 Policy**

The declared policy of the Township is to accomplish the above purposes, and to administer the provisions of this Chapter, in such manner as to cause the least possible expense to applicants in complying therewith, and the requirements imposed on applicants by this Chapter shall be liberally construed so as to effect such policy, consistent with law and the purposes and provisions set forth herein.

**13.12.050 Definitions**

"Applicant" means any person submitting a grading and surface water management plan.

"Approved plan" means a plan that depicts proposed grading and measures to control surface water runoff, approved as provided in this Chapter.

"Building" shall have the meaning ascribed to such word by the Municipal Land Use Law.

"Channel" means a watercourse with a definite bed and banks which confine and conduct continuously or intermittently flowing water.

"Development" shall have the meaning ascribed to such word by the Municipal Land Use Law – *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 of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Development Board (CADB) 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" for the purpose of this Chapter is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

"Drainageway" means any watercourse, trench, ditch, depression or other hollow space in the ground, natural or artificial, which collects or disperses surface water from land.

"Dwelling" shall have the meaning ascribed to such word by the Zoning Ordinance of the Township.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

"Grading and surface water management plan" (GSWMP) means a plan consistent with the purposes and policies of this Chapter which fully indicates necessary land treatment measures and techniques including a schedule of implementation and all material, data and fees required as part of such plan by this Chapter.

"Impervious surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water). For the purpose of this Chapter, retaining walls shall be considered impervious surfaces. (Refer to the Township of Tewksbury DRO §706 F. for "existing undersized lots" maximum lot coverage.)

"Infiltration" means the process by which water seeps into the soil from precipitation.

"Land disturbance" means any activity by which or in which land is cleared, graded, transported or filled, or by which or in which the topography or vegetative cover of land is altered. This definition is not intended to encompass alteration of topography or vegetative cover generated by natural phenomena without specific human or other nonnatural intervention.

"Lot" means a lot on the official tax map of the Township, or a lot not yet placed on said tax map but which has received final major or minor subdivision approval pursuant to the ordinance of the Township, however named, requiring subdivision approvals.

"Map" means a map constituting a part of the Tewksbury Township natural resources inventory series, referenced by number which is filed at and available for reference at the Township municipal building.

"Major Development" means any "development" that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which 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."

"Natural drainage pattern" means the topographical pattern or system of drainage of surface water runoff from a particular site including the various drainageways and watercourses which carry surface water only during periods of heavy rains, storms or floods.

"Nonpoint runoff" means surface water entering a channel from no definable discharge source.

"Person" means any person, partnership, joint venture, or corporation.

"Recharge" means the amount of surface water that infiltrates into the ground.

"Seasonal high groundwater table" means as depicted on the Tewksbury Township Environmental Resources Inventory (ERI).

"Structure" shall have the meaning ascribed to such word by the Municipal Land Use Law.

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

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

"Subdivision ordinance" means the ordinance of the Township, however named, containing provision requiring subdivision and/or site plan approval.

"Subwatershed" means an area of surface water runoff within and forming part of a watershed and related to a point of concentration.

"Surface water" means all water produced by rain, flood, drainage, springs and seeps flowing over the land or contained within a natural or artificial watercourse.

"Township" means the Township of Tewksbury, in the County of Hunterdon, New Jersey.

"Existing Undersized Lot" – please refer to the Township of Tewksbury DRO §706 F. for "existing undersized lots" maximum lot coverage.

"Watercourse" means a river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, which is contained within, flows through or borders on, the Township or any portion thereof.

"Watershed" means an area of surface water runoff related to a point of concentration as shown on map watersheds overlay map No. 6 of the Tewksbury Township natural resource inventory series.

"Zoning Officer" means the Zoning Officer of the Township.

"Zoning ordinance" means the ordinance of the Township, however named, containing zoning provisions.

**13.12.060     Applicability**

A Grading and Surface Water Management Plan (GSWMP) shall be required to be submitted to and approved by the Township Engineer prior to construction of any of the following:

A. The creation of any new impervious surfaces that exceed 1000 square feet in area, including but not limited to a new dwelling on a vacant lot, an addition to an existing dwelling, an accessory building, swimming pools, patios, driveway alterations and driveway additions. Unless constructed a minimum of 3 years apart, all new impervious surfaces shall be considered cumulatively towards the 1000 square foot threshold.

B. Any land disturbance greater than 5,000 S.F. in area, with no creation of additional impervious. Unless land disturbance occurs a minimum of 3 years apart, all new land disturbance shall be considered cumulatively towards the 5,000 square foot threshold.

Note: Land disturbances that are greater than 5,000 S.F. in area require certification from the Hunterdon County Soil Conservation District. Also, land disturbances in the Highlands Preservation Area may require compliance with the provisions of the Highlands Water Protection and Planning Act and an application to the N.J. Department of Environmental Protection under such Act. In these instances the Township requests that a copy of the application under such Act submitted to the N.J. Department of Environmental Protection be forwarded to the Zoning Officer for the record.

**13.12.070     Administration**

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

A. When required as under Section 13.12.060 above, a GSWMP shall be submitted and approved as provided in this Chapter prior to issuance of any construction permit required pursuant to the New Jersey State Uniform Construction Code Act for activities in the categories listed in 13.12.060, or, if the construction is of a character that does not require a construction permit, then submitted and approved prior to the commencement of construction.

B. An applicant shall submit three (3) copies of the GSWMP to the Township Land Use Administrator, along with the Checklist form and any waiver request from the Checklist requirements. The foregoing official to whom the plan is submitted shall promptly forward the same to the Township Engineer for review.

C. GSWMPs shall be reviewed by the Township Engineer. The Engineer's consideration of plans shall be guided by the following factors, as more fully defined in the following Sections of this Chapter:

1. The suitability of the applicant's proposed surface water management measures, devices and planning techniques, whether involving on-site or off-site measures, or some combination thereof, in respect to the total surface water runoff, velocities and rates of discharge which the applicant's proposed construction or land disturbance may generate.
2. Existing topography, present vegetation and hydrologic soil factors.
3. Proposed grading of the property.
4. Groundwater recharge and discharge areas and wet soils.
5. Seasonal high groundwater table.
6. The design storm.
7. Natural drainage pattern throughout the subwatershed(s) affected by the plan.
8. Land uses in both the immediate vicinity and surrounding drainage region.
9. Any other applicable or relevant environmental and resource protection ordinances, statutes and regulations.

D. The Township Engineer shall make a decision to approve or disapprove the GSWMP within thirty (30) days of the submission to the proper official of a complete plan. The plan shall be approved only if the Township Engineer has determined, taking into account the foregoing guidelines, that the plan will manage surface water runoff in accordance with the standards contained in this Chapter. If the GSWMP plan is declared "disapproved," three (3) copies of revised plans shall be submitted for review with a cover letter addressing all comments. A revised plan submission without a cover letter is considered incomplete and will be returned to the applicant.

E. The Township Engineer shall communicate in writing his decision on every completed grading and surface water management plan (with reasons for any disapproval) to the official to whom the plan was initially submitted. In the event of the disapproval of a GSWMP which is being considered in conjunction with a Township Land Use Board review of a subdivision or site plan application, the Township Engineer's disapproval shall be submitted to the full membership of the Land Use Board, and, in such event, the reviewing agency shall render a decision in the matter as part of its overall review of the subdivision or site plan application. The reviewing agency may, in accordance with the purposes, policy and provisions

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

of this Chapter, affirm or reverse the Engineer's disapproval, or grant approval on such conditions as it deems appropriate.

**13.12.080 Standards for Grading and Surface Water Management Plan**

A. General Standards. The plan shall be prepared by a professional engineer licensed in the State of New Jersey. In the preparation and implementation of a grading and surface water management plan, the following general standards shall be adhered to:

1. The rate and velocity of runoff from the site of the disturbance following completion of the planned development shall not exceed the pre-existing conditions. The 100-year storm shall be used for calculations.
2. "Major Development" projects must comply with the requirements in Tewksbury Township Development Regulation Ordinance – Article VI – Sections 625 and 626, and with New Jersey Department of Environmental Protection Stormwater regulations, N.J.A.C. 7:8, must receive a Request For Authorization (RFA) to discharge stormwater from the Hunterdon County Soil Conservation District, and must obtain approval if required under the Highlands Water Protection and Planning Act, if the property is within the Highlands Preservation Area.
3. Maximum use shall be made of presently existing surface water runoff control devices, mechanisms or areas such as existing berms, terraces, grass waterways, favorable hydrologic soils, swamps, swales, watercourses, woodlands, floodplains, as well as any proposed retention structure.
4. Evaluation shall be made of the nature of the subwatershed(s) of which the site is a part, the receiving stream channel capacities and point of concentration structure.
5. Surface water runoff shall generally not be transferred from one watershed to another.
6. The plan shall coordinate with the soil erosion-sediment control plan and, where applicable, to other environmental protection ordinances in force.
7. To the greatest possible extent the plan shall avoid the concentration of flow and shall provide for dissipation of velocities at all concentrated discharge points.
8. Vegetative cover shall be re-established in accordance with "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
9. Timing for the plan shall establish permanent surface water management measures prior to construction or other land disturbance, including seeding and establishing sod in grass waterways.

B. Design and Construction Standards. The grading and surface water management plan shall be prepared and implemented in accordance with the following design standards:

1. All graded slopes shall be 3:1 preferred, 2:1 maximum where justifiably necessary.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

2. All outfalls are to be designed in a manner to retard velocities at the outfall and provide stream channel protection.
3. All structures and land treatment practices shall conform to "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
4. All water-carrying structures and/or retention areas shall be completed and stabilized prior to diversion of water to them.
5. Existing natural and man-made drainage related features (such as berms, terraces, grass waterways, favorable hydrologic soils, poorly drained soils, swamps, swales, water courses, woodlands, floodplains) shall be incorporated in the plan to the greatest possible extent in accordance with their functional capability.
6. Drainageways and watercourses which normally carry or receive surface water runoff shall not be overloaded with increased runoff, sediment or other pollution resulting from disturbance of soil and vegetation or incident to development, construction or other activity.
7. Surface water runoff controls shall be designated to assure that the land in question uses no more than its proportionate watershed share of the natural stream and culvert capacity.
8. Drainage swales shall be provided uphill of all structures and sewage disposal systems to divert runoff away from these features.
9. The minimum slope of all drainage swales shall be 1.5%.
10. Drywells shall be provided for all new structures in order to allow for infiltration of roof runoff into the ground. Typically, drywells shall be sized to store 3" of rainfall for the entire roof area of the structure. If drywells are proposed to receive more than 3" of rainfall, back-up calculations indicating roof area/gutter capacity/number of roof leaders required shall be submitted for approval, to demonstrate suitability/capacity of the gutters and roof leaders to collect more than 3" of runoff.
11. Drywells shall not encroach into the seasonal high water table; the minimum depth to seasonal groundwater table or bedrock shall be 2 feet from the bottom of the drywell excavation. Where a shallow water table is present, infiltrator chambers shall be utilized. Alternately, the applicant may propose to implement one or more additional approaches detailed in the "Best Management Practices" per the NJDEP design guidelines.
12. The grading shall be designed so as to provide a 6" drop in the first 10' away from all structures.
13. Where severe slopes (15-25%) or critical slopes (>25%) exist, they shall be delineated on the plan based upon analysis of the 2-foot contours. Any disturbance proposed within critical slopes shall be delineated and a computation placed on the plan to demonstrate compliance with Section 704 of the Tewksbury Township Development Regulations Ordinance 2000, or subsequent Zoning ordinance of the Township.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

14. During construction, natural vegetation shall be preserved to the greatest extent possible to reduce the potential for excess stormwater runoff.

**13.12.090 Data Required**

All grading and surface water management plans required under this Chapter (with the exception of requirements in Section 13.12.100) shall include the following:

- A. Key Map based on the Official Tax Map of the Township of Tewksbury.
- B. A topographic map of the subject lot and adjoining street with 2-foot contour intervals, based upon a field survey, and not USGS maps, for the area to be disturbed and 100 feet beyond.
- C. The location of any existing streams, watercourses, ponds, storm sewers, delineated wetlands, delineated wetland transition areas, stormwater management facilities, and extent of slopes greater than 15% (based upon 2-foot contour intervals) within the proposed area of disturbance and 100 feet beyond.
- D. The location of all existing and proposed new structures, including, but not limited to, buildings, swimming pools, tennis courts, garages, sheds, retaining walls, decks, patios, walkways and stairs, or any other impervious surface within the entire property boundary.
- E. The location, alignment, dimensions and construction details for any existing or proposed driveways, parking and turnaround areas. Driveways shall be designed in accordance with Chapter 12.08 of the Code of the Township of Tewksbury.
- F. A driveway profile shall be submitted for each proposed driveway.
- G. The elevation of the finished garage floor, first floor and lowest floor of the proposed structures.
- H. Measures to mitigate the increase in runoff from impervious surfaces in accordance with the New Jersey Department of Environmental Protection Best Management Practices, such as swales, natural retention areas and dry wells. When used, drywells shall be constructed of precast concrete and typically sized to store three (3) inches of rainfall over the area of the structure, shall be equipped with 6" PVC overflow piping with riprap outfall protection, and shall be backfilled on all sides and bottom with minimum 12" of 1-1/2" to 2-1/2" washed gravel, and be surrounded with filter fabric excluding the bottom of the excavation. Temporary markers shall be provided so that the location of all sub-surface facilities and piping can be included accurately on the as-built plan. All drainage piping associated with dry wells is to be no less than 6" PVC, minimum Schedule 40. Permanent markers shall be provided for all drywells.
- I. The location of all roof leader drains, dry wells, water supply wells, overhead and underground utility lines, and any individual subsurface sewage disposal systems.
- J. Proposed grading at 2-foot contour intervals.
- K. Required building setback lines showing the building envelope and required buffers from environmentally sensitive areas.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

- L. All existing and proposed fences. Proposed retaining walls shall be accompanied by top and bottom of wall elevations and construction details with a note stating that the maximum exposed wall height is 4 feet. Walls with heights exceeding 4 feet shall be accompanied by stability calculations performed by a New Jersey licensed engineer.
- M. Proposed soil erosion and sediment control measures to conform to "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
- N. A calculation of the existing and proposed impervious coverage, and a statement indicating whether the impervious coverage meets the requirements set forth in the Subdivision and Zoning ordinance.
- O. A table showing the actual and proposed distances of existing and proposed development from property lines, and listing the bulk zoning requirements (minimum yards, setbacks, and the like) in the Zoning ordinance which are applicable to the involved lot, and demonstrating that there will be no violation of the Zoning ordinance by the proposed development. A footnote shall list all impervious areas (with the square footage indicated) constructed within 3 years prior to the application for the GSWMP approval.
- P. A calculation of the area of disturbance. Note that "major development" projects must comply with the requirements in Tewksbury Township Development Regulation Ordinance – Article VI – Sections 625 and 626, and with New Jersey Department of Environmental Protection Stormwater regulations, N.J.A.C. 7:8, must receive a Request For Authorization (RFA) to discharge stormwater from the Hunterdon County Soil Conservation District, and must obtain approval if required under the Highlands Water Protection and Planning Act, if the property is within the Highlands Preservation Area.)
- Q. Note that in accordance with NJDEP Stormwater Management Rule FAQ 2.1: "If construction associated with a single-family dwelling requires a planning and/or zoning approval and disturbs one or more acres, the proposed project is subject to the Residential Site Improvements Standards (RSIS) and the requirements of the Stormwater Management Rules. Please note that a zoning permit, which may be required as part of a building permit, is considered a zoning approval under the MLUL. Furthermore, if a new single-family dwelling requires a permit from the NJDEP Division of Land Use Regulation (DLUR) and triggers the Stormwater Management Rules under those permits, it is subject to stormwater review by the NJDEP regardless of the extent of municipal jurisdiction."
- R. Concerning projects in the Highlands Preservation Area – Applicants are advised of the need for Highlands Applicability Determination (HAD) – Applicants shall provide a copy of the NJDEP's determination of whether the project is a Major Highlands Development, and thus regulated, or qualifies for an exemption from the Highlands Act. If the project is not exempt, Highlands Preservation Area Approval (HPAA) will also be required to be furnished.

Alternatively, notes on the plan shall indicate Highlands Act applicability, and, if the design engineer can conclude that the project is not a Major Highlands Development or is exempt from the Highlands Act, notes on plan shall be provided to indicate the

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

citation of the exemption in the Highlands Act. Proper documentation for the exemption must be provided along with a cover letter.

- S. A calculation of the Floor Area Ratio (FAR) as required by the Zoning ordinance.

Failure or inability to comply with any of the above standards or submission requirements shall be grounds for denial of the grading and surface water management plan.

**13.12.100 Data Required (for Additions to Existing Structures or New Accessory Structures with a total area of disturbance less than 1,500 square feet)**

If it pertains solely to additions to existing structures or new accessory structures with a total area of disturbance of less than 1,500 square feet, the grading and surface water management plan required under this Chapter shall include the following:

A. An As-Built or an existing survey of the property showing all improvements existing on the property, all proposed improvements, the location of water supply wells, dry wells and subsurface sewerage disposal facilities, to scale, and any environmental constraints such as but not limited to streams, wetlands, and steep slopes and flood plains. The owner may sketch the proposed improvements on an existing survey. An engineered drawing is not required initially, and any environmental details are also not necessary initially.

B. Any and all documents required for the development of the property by the Construction Official and Health Department, including but not limited to, the building plans by the architect or contractor who will construct the improvement, and septic designs when applicable.

C. Color photographs of the area within and adjacent to the proposed improvements.

Upon review of the submission as set forth in this Section, the Township Engineer, in their discretion, may issue the GSWMP Permit or may require any, or all, of the plan details or requirements set forth in Section 13.12.090.

**13.12.110 Fees**

A. Concurrent with the submission of a Grading and Surface Water Management Plan to the Township, the applicant shall furnish a review and inspection initial fee payable to the Township in one of the following amounts, as applicable to the specific project:

- \$500.00 for an addition to existing structures or a new accessory structure with a total area of disturbance of less than 1,500 square feet,
- \$500.00 for any land disturbance greater than 5,000 S.F. in area, with no creation of additional impervious,
- \$1,200.00 for a "major development" project,
- \$1,000.00 for all other GSWMP applications.

All initial review and inspection fees include:

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

- the review of the GSWMP plan originally submitted and of one plan revision if cover letter is provided,
- two inspections as described in Section 13.12.120 Implementation below.

In the event that more than one (1) plan revision and/or two (2) site visits are required by the Township Engineer or his representative, the Township shall bill the applicant directly in accordance with the Engineer's hourly rate schedule approved by the Township. Immediately after each notification from the Township of the GSWMP plan disapproval (other than after the initial review), the applicant shall make a deposit with the resubmitted plan in the amount of \$400 to replenish the review and inspection funds.

Where additional inspections are required due to non-compliance with the approved plan, or additional inspections are requested by the applicant or his representative (contractor or engineer) for various reasons, applicant shall make deposits of \$150 for each additional inspection to replenish the review and inspection funds.

All outstanding fees shall be paid prior to issuance of a construction permit and approval of the GSWMP. Furthermore, in cases where a GSWMP is prepared as part of a site plan submitted for review and approval under the Subdivision ordinance, if said GSWMP is approved as part of the site plan approval process, no additional GSWMP is required for construction which is part of the approved site plan. In the case of subdivisions which have been submitted for review and approval under the Subdivision ordinance, GSWMPs for individual lots shall be submitted pursuant to this Chapter unless an individual lot GSWMP has been submitted and approved as part of the subdivision approval process and is adhered to for individual lot construction.

**13.12.120 Implementation**

A. Timing. The construction and/or installation of grading and surface water management improvements shall be in accordance with the schedule of sequence of installation as approved.

In order to assure compliance with the terms of the GSWMP, a total of up to two (2) inspections of the site development operations shall be made by the Township Engineer or his/her representative as required during the course of the work: the stormwater management measure(s) construction/installation and the final site inspection prior to the Certificate of Occupancy issuance. In the event that additional site visits are necessary, the Township will bill the applicant for additional fees directly in accordance with the Engineer's hourly rate schedule approved by the Township.

B. Violations. The failure of an owner of property to comply with an approved GSWMP for such property, including any temporary measures to be taken during the performance of GSWMP activity or construction work, shall constitute a violation of this Chapter and the property owner and/or applicant will be subject to penalties as prescribed by this Chapter.

C. Maintenance. The property owner shall be responsible for maintenance of all stormwater control and storage devices on their property, and not the Township.

**13.12.130 Certificate Of Occupancy**

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

A final zoning approval shall not be issued by the Zoning Officer for any property that is the subject of a GSWMP until the Township Engineer has inspected the property and has certified in writing that the property conforms to the GSWMP.

An as-built drawing shall be submitted to the Zoning Officer and Township Engineer and a final inspection shall be requested one (1) week prior to the CO request. The as-built must be signed and sealed by a licensed surveyor, and shall show all improvements, including but not limited to dwellings, driveways, decks, sheds, sidewalks, and swimming pools. In addition, the as-built map shall contain an analysis of the lot coverage in accordance with the Zoning ordinance. The Township Engineer or his representative shall conduct a final inspection and issue a report within seven (7) days of applicant's request for the final inspection. Should the site inspection findings indicate aspects of the final construction that are not in conformance with the approved GSWMP, the Township Engineer may request additional work in order to demonstrate compliance with the approved plan, or the posting of such performance guarantee sufficient to cover the cost of the corrective measures (see below).

In the event that the Township Engineer determines that current weather conditions do not permit the completion of the required work to effectuate full compliance with the GSWMP, the Township Engineer may authorize the Zoning Officer to issue a final zoning approval upon the posting with the Township of a cash deposit in an amount equal to 120% of the estimated cost of the work remaining to be performed. The Township Engineer shall determine the cost of the remaining work to be performed. In the event the work is not completed in a timely fashion, the Township shall have the right to have the work performed and the cost thereof paid from the cash deposit pursuant to the terms of the cash deposit agreement.

**13.12.140 Exemptions**

Notwithstanding any of the provisions of this Chapter, the requirement for obtaining a GSWMP permit shall not apply to:

- A. An existing developed lot except as otherwise required in Section 13.12.060.
- B. Non-residential lots which have already received site plan approval.
- C. Activities exempt from regulation under this Chapter by the Right to Farm Act.
- D. Property owned by the Township of Tewksbury, the Tewksbury Township Board of Education or other governmental body.

The exemptions provided by this Section shall not be construed to preclude the obligation for compliance with any other municipal, county, federal and/or state regulations as required by law.

**13.12.150 Appeals**

Appeals from decisions of the Township Engineer disapproving a GSWMP, provided the GSWMP is not submitted in conjunction with an application for subdivision or site plan approval, may be made by the applicant within ten (10) days of the Township Engineer's decision by notice in writing, specifying the grounds of appeal, filed with the Township Clerk within such ten (10) day period. A hearing of such appeal shall be scheduled before the Township Committee for a date within forty-five (45) days of such notice of appeal, and the applicant shall be given

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

ten (10) days notice of the time and place of such hearing. Such appeal shall be decided by the Township Committee only upon the record before the Township Engineer. The Township Committee may affirm, reverse, or modify the Township Engineer's decision, and shall make its decision within fifteen (15) days of the hearing before it, and furnish a copy thereof to the applicant.

**13.12.140 Violation – Penalty**

A. Any person, firm or corporation violating any provision of this Chapter, including failure to comply with an approved GSWMP, shall be subject to the general penalty set forth in Section 1.08.010 of the Code of the Township of Tewksbury.

B. In addition to the above, the Township Engineer is empowered, after making personal inspection of the site in question, to issue written notice to any property owner on whose property a land disturbance occurs prior to submission and approval of a plan under this Chapter, or to any person causing or creating such land disturbance, ordering such owner or person immediately to cease, or cause to be ceased, such land disturbance, and further requiring such owner or person immediately to take such measures as may, in the Township Engineer's discretion, be reasonably necessary to protect the public health, safety and welfare, consistent with Section 13.12.030 of this Chapter. Compliance with any such order may be enforced under the police power of the Township, and any person, firm or corporation violating any such order shall be subject to the penalties set forth above.

**CHAPTER 13.12**  
**GRADING AND SURFACE WATER MANAGEMENT**  
**Checklist**

Unless specifically requested by the Township Engineer, GSWMP plans for *Additions to Existing Structures or New Accessory Structures with a total area of disturbance less than 1,500 square feet* are exempt from the checklist submittal. All other projects shall complete this checklist.

**Provided/N/A/Waiver**

Project description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plan prepared by a professional engineer licensed in the State of New Jersey.

Key Map based on the Official Tax Map of the Township of Tewksbury.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

- Highlands Applicability Determination (HAD) – NJDEP determination if the project is a Major Highlands Development, and thus regulated, or qualifies for an exemption from the Highlands Act.
- Alternatively, notes on plan shall indicate Highlands Act applicability, and, if the design engineer can conclude that the project is not a Major Highlands Development or is exempt from the Highlands Act, notes on plan shall be provided to indicate the citation of the exemption in the Highlands Act. Proper documentation for the exemption must be provided along with a cover letter.
- Note on plan to indicate if project is a “major development” or a “major highlands development.”
- Applicant Engineer’s Certification that Stormwater Management Rules apply or project is exempt, with citation of the exemption in the Stormwater management Rules and proper documentation.
- Note on plan to indicate any environmental constraints existing on site, and any environmental permits required for the project.
- A topographic map of the subject lot and adjoining street with 2-foot contour intervals, based upon a field survey, and not USGS maps, for the area to be disturbed and 200 feet beyond.
- The location of any existing
  - streams,
  - watercourses,
  - ponds,
  - storm sewers,
  - delineated wetlands,
  - delineated wetland transition areas,
  - flood plain,
  - storm water management facilities,
  - and extent of slopes greater than 15% (based upon 2 ft. contour intervals) within the proposed area of disturbance and **200** feet beyond.
- The location of fences and of all existing and proposed new structures, including, but not limited to, buildings, swimming pools, tennis courts, garages, sheds, retaining walls, decks, patios, walkways, stairs, riding rings, or any other impervious surface within the entire property boundary.
- All existing and proposed easements within the entire property boundary.
- A calculation of the area of disturbance. (Note that “major development” projects must comply with the requirements in Tewksbury Township Development Regulation Ordinance – Article VI – Sections 625 and 626, and with New Jersey Department of Environmental Protection Stormwater

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

regulations, N.J.A.C. 7:8, must receive a Request For Authorization (RFA) to discharge stormwater from the Hunterdon County Soil Conservation District, and must obtain approval if required under the Highlands Water Protection and Planning Act, if the property is within the Highlands Preservation Area.)

- The location, alignment, dimensions and construction details for any existing or proposed driveways, parking and turnaround areas. Driveways shall be designed in accordance with Chapter 12.08 of the Code of the Township of Tewksbury.
- A driveway profile shall be submitted for each proposed driveway.
- The elevation of the finished garage floor, first floor and lowest floor of the proposed structures.
- Measures to mitigate the increase in runoff from impervious surfaces in accordance with the New Jersey Department of Environmental Protection Best Management Practices, such as swales, natural retention areas and dry wells. (When used, drywells shall be constructed of precast concrete and typically sized to store three (3) inches of rainfall over the area of the structure, shall be equipped with 6" PVC overflow piping with riprap protection where it daylight, shall be backfilled on all sides and bottom with min. 12" of 1-1/2" to 2-1/2" washed gravel, be surrounded with filter fabric and connected to the dwelling with 6" PVC. All drainage piping associated with dry wells is to be no less than 6" PVC, minimum Schedule 40. Permanent markers shall be provided for all drywells; Minimum 2 feet separation between bottom of the drywell excavation and seasonal groundwater table or bedrock shall be provided.)
- Soil testing at the exact location of the proposed stormwater management measure infiltration area. All soil profile pits, soil borings, and soil permeability tests and associated documentation shall be conducted under the direct supervision of a licensed New Jersey professional engineer; all documentation shall be provided for the file, along with the Engineer's certification that the soils are suitable for the stormwater management structures proposed.
- The location of:
  - o all roof leader drains,
  - o dry wells,
  - o water supply wells,
  - o overhead and underground utility lines,
  - o and any individual subsurface sewage disposal systems with the minimum required separation distances (NJAC7:9A – Standards for Individual Subsurface Sewage Disposal System).

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

- or a note to indicate the absence of any of the above on the site.
- Proposed grading at 2-foot contour intervals.
- Required building setback lines showing the building envelope and required buffers from environmentally sensitive areas.
- Proposed retaining walls accompanied by top and bottom of wall elevations and construction details with a note stating that the maximum exposed wall height is 4 feet. Walls with heights exceeding 4 feet shall be accompanied by stability calculations performed by a New Jersey licensed engineer.
- Proposed soil erosion and sediment control measures in conformance with "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
- Drainage swales uphill of all structures and sewage disposal systems to divert runoff away from these features.
- A detailed list and calculation of the existing and proposed impervious coverage, and a statement indicating whether the impervious coverage meets the requirements set forth in the Subdivision and Zoning ordinance.
- A table showing the actual and proposed distances of existing and proposed development from property lines, and listing the bulk zoning requirements (minimum yards, setbacks, and the like) in the Zoning ordinance which are applicable to the involved lot, and demonstrating that there will be no violation of the Zoning ordinance by the proposed development. A footnote shall list all impervious areas (with the square foot indicated) constructed within 3 years prior to the application for the GSWMP approval.
- A calculation of the Floor Area Ratio (FAR) as required by the Zoning ordinance.
- Schedule of sequence of installation/construction; notification of start of construction.

Failure or inability to comply with any of the above standards or submission requirements shall be grounds for denial of the grading and surface water management plan.

Waivers requests shall be submitted with adequate justification on separate sheet.

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Dana Desiderio  
Mayor

Dr. Voyce made a motion to open the Public Hearing on Ordinance #12-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

Ms. Brassard provided proof of publication from the 08-20-12 Courier News.

There being no comments from the public, Dr. Voyce made a motion to close the Public Hearing on Ordinance #12-2012, seconded by Mr. DiMare . The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Dr. Voyce made a motion to adopt Ordinance #12-2012, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: None. Abstain: Melick.

**ORDINANCE NO. 12-2012  
TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 10.16, ENTITLED "PARKING," OF THE CODE OF THE TOWNSHIP OF TEWKSBURY**

**BE IT ORDAINED**, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 10.16, entitled "Parking" of the Code of the Township of Tewksbury is hereby amended as follows and all other sections will remain unchanged:

**10.16.020 No Parking at any Time**

No person shall park, or shall stop or stand, a vehicle at any time upon any of the streets or parts thereof described below in this section:

<b>Name of Street</b>	<b>Location</b>
Black River Road	From this road's intersection with County Road 512 (Fairmount Road East) to the Hunterdon County-Morris County line; as to both sides of the road.
Church Street	As to the south side of the street, no parking for the first 25 feet from the County Road 517 intersection. No parking from Block 39 Lot 5 (Van Rensselaer-Prouty) in an easterly direction.
	As to the north side of the street, no parking for the first 25 feet from the County Road 517 intersection. No parking after the driveway located at Block 23 Lot 40 (Olsson).
James Street	From County Road 517 (Old Turnpike Road) easterly a distance of 25 feet as to the southerly side.
James Street	From this road's intersection with County Road 517 (Old Turnpike Road) east a distance of 280 feet; as to the northerly side.
King Street	From this road's intersection with County Road 517 (Old Turnpike Road) west a distance of 540 feet; as to the northerly side.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

King Street	From this road's intersection with County Road 517 (Old Turnpike Road) west a distance of 300 feet; as to the southerly side.
Vernoy Road	From this road's intersection with Valley Brook Road, southerly a distance of 100 feet; as to both sides.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

\_\_\_\_\_  
Dana Desiderio  
Mayor

➤ **Ordinance Introduction**

Dr. Voyce made a motion to introduce Ordinance #13-2012, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing will be held on October 9, 2012 at 7:30 PM.

**ORDINANCE NO. 13-2012  
TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE AMENDING CHAPTER 8.16, ENTITLED "FIRE PREVENTION," OF THE  
CODE OF THE TOWNSHIP OF TEWKSBURY**

➤ **Consent Agenda**

Dr. Voyce requested that the regular and executive session minutes of 08-14-12 be removed from the Consent Agenda.

Mr. Van Doren moved adoption of the Consent Agenda as amended, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #74-2012  
CANCELLATION OF TAX**

**BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey at the recommendation of the Tax Assessor, the Tax Collector is hereby authorized to cancel the following pursuant to NJSA 54:4-91.1

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
36	1 Q6134	New Jersey Water Supply Authority 1851 Highway 31 Clinton, NJ 08809	112.70

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

36	1.02 Q0181	New Jersey Water Supply Authority 1851 Highway 31 Clinton, NJ 08809	18.03
34	11 Q6134	New Jersey Water Supply Authority 1851 Highway 31 Clinton, NJ 08809	2.25

\_\_\_\_\_  
Dana Desiderio  
Mayor

**RESOLUTION #75-2012  
TO CANCEL STALE DATED CHECKS**

**BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to cancel the following stale dated checks.

Check #	Payee	Amount	Issue Date
132	Toshiba	\$546.81	3/23/2011
719	Power Place	\$126.50	6/30/2011
10112	AT&T	\$262.00	11/15/10

\_\_\_\_\_  
Dana Desiderio  
Mayor

**RESOLUTION #76-2012  
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BISSELL  
ROAD ROADWAY IMPROVEMENTS – PHASE III PROJECT**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Tewksbury formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Tewksbury Township-00042 to the New Jersey Department of Transportation on behalf of the Township of Tewksbury.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Tewksbury and that their signatures constitute

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Committee on this 11<sup>th</sup> day of September, 2012.

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Dana Desiderio  
Mayor

**MISCELLANEOUS**

- Claims as submitted by the CFO
- Correspondence List

**ITEMS REMOVED FROM THE CONSENT AGENDA**

Mr. Van Doren made a motion to approve the regular and executive session minute of 08-14-12, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Abstain: Voyce.

- Regular and executive session minutes of 08-14-12

**5. Reports**

➤ **Township Committee Sub Committees & Township Committee Comments**

Mr. DiMare noted the recent storms and cleanup work that was done by the DPW. He added that the question of “where are our raises” is still a concern among some DPW employees.

Congratulations were given to Dr. Voyce for the birth of his grandson on 08/14/12.

Dr. Voyce stated that he met with communications recently to discuss first aid coverage with Clinton Township.

Mr. Melick noted that he will have additional information to report on school issues in the coming weeks.

Mr. Van Doren noted that the Township’s spending is still under budget and the submitted Best Practices worksheet show the Township to be doing well. He suggested that a Pay to Play Ordinance be considered for adoption.

In response to a concern of Mr. Van Doren, Mr. Landon explained that the discrepancy on the Police Chief’s report with regard to false alarms will be corrected in coming months.

Bridge work to be done on Lamington Road was noted although there is no indication (from the County) as to when work will commence.

Discussion followed regarding the purchase of AED’s for Township athletic fields. It was noted that no answer has been received from two Township groups (TTA, TEF) regarding donations, although the TAA has stated that they will donate \$2500.00.

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

Discussion followed regarding waiting for an answer from the other groups or moving forward with the purchase.

Mr. Melick suggested that the DPW move forward with getting the stations ready and installed.

Mr. Melick made a motion to move ahead with the purchase of the AED' s prior to receiving confirmation from the other Township groups with regard to a donation, seconded by Dr. Voyce.

Discussion followed regarding the wording of the motion.

A roll call vote was taken and the motion failed. Ayes: Melick, Voyce. Nays: Desiderio, DiMare, Van Doren.

Mayor Desiderio stated that she attended a dedication ceremony at the Oldwick Fire Company on 09/11/12.

A breakfast meeting to discuss shared services is scheduled for 10-04-12 with the County Planning Board. An updated website regarding County shared services should be operational next week.

A meeting to discuss Village Residential zoning was held recently. A follow up meeting needs to be scheduled.

It was the consensus of the Committee to have the applicant interested in serving on the Board of Health come to the 09-25-12 meeting at 7:15 PM for a brief interview.

It was agreed that the draft letter to area bike shops be sent out under the Mayor's signature.

➤ **Township Attorney**

Mr. Selvaggi noted that the matter of Steinberg can be discussed in Executive Session.

The JCP&L matter is scheduled to be heard in the Appellate Division in the next weeks. A final decision should be reached in 4-6 months. Discussion followed regarding the matter of the landscaping plan for the substation.

Mr. Landon noted that a pre-construction meeting will be held for the two driveways related to the substation.

Discussion followed regarding a recent letter received from the State DOT regarding the Johnson Heliport.

➤ **Township Administrator**

Mr. Landon noted the following items from his report.

- Further review of the Village Residential zoning ordinance needs to be scheduled
- Resumes for Police Special are being received
- Fox Hill Road and Hunters Glen work has started
- The chip and seal project is completed

**TOWNSHIP COMMITTEE  
SEPTEMBER 11, 2012 MINUTES**

- Authorization was given to direct the Administrator to accept the funds from JCP&L
- Work will be commencing on Bridge T85

Further discussion followed the letter from the DOT regarding the Johnson Heliport. Mr. Selvaggi stated that the DOT is the outside agency for making determinations and the municipality can comment during the 30 day comment period.

Discussion followed regarding the need for transcripts and resolutions.

Mr. Selvaggi stated that he would review the letter further and contact the division for further clarification. He noted that there is a 45 day appeal period.

Mr. Van Doren stated that the letter should be listed on the upcoming LUB agenda so that they can discuss the matter.

**6. Executive Session**

At 9:00 PM Dr. Voyce moved adoption of the following Resolution, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #77-2012  
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY  
TOWNSHIP COMMITTEE**

**BE IT RESOLVED**, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Advice of Attorney and Contract Negotiations.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

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Dana Desiderio  
Mayor

**7. Reconvened**

The meeting reconvened at 9:15 PM.

Mr. DiMare made a motion authorizing the signing of the document as amended in Executive Session related to the Steinberg matter, seconded by Dr. Voyce.

The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: Van Doren.

**8. Adjournment**

There being no further business, the meeting was adjourned at 9:20 PM.

Roberta A. Brassard  
Municipal Clerk