

ORDINANCE #2021-08

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY READOPTING AND AMENDING SECTION 25-27.48 TITLED “WATER QUALITY” CONTAINED WITHIN CHAPTER XXV ENTITLED LAND DEVELOPMENT.

WHEREAS, on March 4, 2021, the Borough of Lakehurst adopted Ordinance 2021-04 repealing, among other provisions, Section 25-27.48 titled “Water Quality” contained within Chapter XXV, Land Development, of the Borough of Lakehurst General Ordinances; and

WHEREAS, pursuant to N.J.A.C. 7:50-6.82, the Pinelands Comprehensive Management Plan requires the Borough of Lakehurst to adopt and maintain certain water quality standards, in addition to stormwater water management regulations, in the Borough’s Land Development regulations.

NOW, THEREFORE, BE IT ORDAINED, by the Lakehurst Borough Council, County of Ocean, and State of New Jersey, that Chapter XXV, Land Development, be amended as follows:

Section 1: Chapter XXV, Land Development, §25-27, Design and Performance Standards, is hereby amended by reestablishing §25-27.48, Water Quality, as follows:

25-27.48 Water Quality.

- a. All development permitted under this chapter shall be designed and carried out so that the quality of surface and ground water will be protected and maintained.
- b. Except as otherwise specifically authorized in this section, no development which degrades surface or ground water quality, or which establishes new point sources of pollution shall be permitted.
- c. No development shall be permitted which does not meet the minimum water quality standards of the State of New Jersey or the United States.
- d. The following point and non-point sources may be developed and operated in the Pinelands:
 1. Development of new or the expansion of existing commercial, industrial, and wastewater treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in paragraphs 2 through 43, below, provided that:

- (a) There will be no direct discharge into any surface water body;

(b) All discharges from the facility or use are of a quality and quantity such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen;

(c) All public wastewater treatment facilities are designed to accept and treat septage; and

(d) All storage facilities, including ponds or lagoons, are lined to prevent leakage into ground water.

2. Development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one (1) existing on-site wastewater treatment system where a public health problem has been identified may be exempted from the standards of paragraph d, 1(ab) provided that:

(a) There will be no direct discharge into any surface water body;

(b) The facility is designed only to accommodate wastewater from existing residential, commercial, and industrial development.

(c) Adherence to paragraph d, 1(ab) above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and

(d) The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall ground water exiting from the parcel or entering a surface body of water exceed five (5) parts per million nitrate/nitrogen.

3. Improvements to existing commercial, industrial, and wastewater treatment facilities which discharge directly into surface waters provided that:

(a) There is no practical alternative available that would adhere to the standards of N.J.A.C. 7:50-6.84(a)li;

(b) There is no increase in the existing approved capacity of the facility; and

(c) All discharges from the facility into surface waters are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two (2) parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two (2) parts per million, the discharge shall not exceed two (2) parts per million nitrate/nitrogen.

4. ~~Surface water run-off, provided that:~~

- ~~(a) The total runoff generated from any net increase in impervious surfaces by a ten (10) year storm of a twenty four (24) hour duration shall be retained and infiltrated onsite. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4;~~
- ~~(b) The rates of runoff generated from the parcel by a two (2) year, ten (10) year and one hundred (100) year storm, each of a twenty four (24) hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4;~~
- ~~(c) Surface water run-off shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;~~
- ~~(d) Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of run-off wherever practical.~~
- ~~(e) A minimum separation of two (2) feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other storm water management techniques, is adequate to protect ground water quality; and~~
- ~~(f) A four (4) year maintenance guarantee is provided for the entire storm water management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten (10) years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance and the method to finance the program.~~

e. Water-saving devices such as water-saving toilets, showers, and faucets shall be installed in all new development.

f. No residential or nonresidential use dwelling unit in the Pinelands Area shall be located on a parcel of less than one (1) acre unless served by a centralized wastewater treatment plant. Notwithstanding this requirement, an application for residential development not served by a centralized wastewater treatment plant on lots between twenty thousand (20,000) square feet and one (1) acre in size in the R-1, R-2, R-3, and R-4 Zones may be considered without the necessity for a municipal lot size or density variance, provided a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61. et seq.

g. Water shall not be exported from the Pinelands except as otherwise provided in N.J.S. A 58:1A-7.1.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1345; Ord. No. 12/82 §§ VIII, XI, XIII; Ord. No. 7/20/89 §§ 35-38; Ord. No. 93- 05 § 3; Ord. No. 97-05 §§ 16-21)

Severability

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. If any section, subsection, paragraph, sentence, or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

Effective date

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Harry Robbins, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2021-08 entitled “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY READOPTING AND AMENDING SECTION 25-27.48 TITLED “WATER QUALITY” CONTAINED WITHIN CHAPTER XXV ENTITLED “LAND DEVELOPMENT”” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the nineteenth day of August 2021.

Maryanne Capasso, RMC
Municipal Clerk