

**ORDINANCE 2022-15**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**ORDINANCE AMENDING ARTICLE 42 OF CHAPTER 110, SPECIFICALLY, § 110-168 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED “SURFACE WATER RUN-OFF” ESTABLISHING MINIMUM STORMWATER MANAGEMENT REQUIREMENTS**

**WHEREAS**, Chapter 110 of the Code of the Borough of Metuchen regulates “Land Development” in the Borough of Metuchen; and

**WHEREAS**, Article 42 of Chapter 110, is entitled, “Surface Water Run-Off”; and

**WHEREAS**, the Borough Engineer has reviewed Article 42 of Chapter 110 and recommended to the Mayor and Borough Council to amend Chapter 42 to establish minimum stormwater quantity standards for “non-major developments”; and

**WHEREAS**, the Council of the Borough of Metuchen have determined to accept the recommendation of the Borough Engineer and to amend the Borough Code accordingly.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Borough of Metuchen, County of Middlesex that it hereby amends § 110-168 of the Code of the Borough of Metuchen to state the following:

**§ 110-168. Scope and purpose.**

A. Policy statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. The purpose of this article is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 110-169, and to establish minimum stormwater quantity standards for “non-major developments.”

C. Applicability.

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

(a) Non-residential major developments; and

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

(2) This article shall also be applicable to all major developments undertaken by the Borough of Metuchen.

(3) The stormwater runoff quantity standards of this article and as set forth in and consistent with *N.J.A.C. 7:8*, last amended April 19, 2010, shall be applicable to the following non-major developments:

(a) Non-residential developments; and,

(b) Residential developments that are not pre-empted by the Residential Site Improvement Standards at *N.J.A.C. 5:21*.

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

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

**BE IT FURTHER ORDAINED** by the Mayor and Council that all remaining sections and requirements of Chapter 42 of the Code shall remain and shall not be affected by the within amendments and shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and


**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials and employees shall take all necessary actions to in order to effectuate and enforce the within Ordinance.

Introduction: August 22, 2022  
 Date of Publication: August 25, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH				X	RASMUSSEN	X			
<b>MOTION</b>	<b>DELIA</b>				<b>SECOND</b>	<b>RASMUSSEN</b>			
X - INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 22, 2022.

  
 Deborah Zupan, RMC  
 Borough Clerk



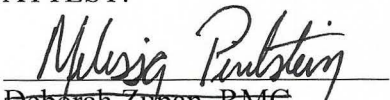
Adopted: September 12, 2022  
 Date of Publication: September 15, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
<b>MOTION</b>	<b>DELIA</b>				<b>SECOND</b>	<b>RASMUSSEN</b>			
X - INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

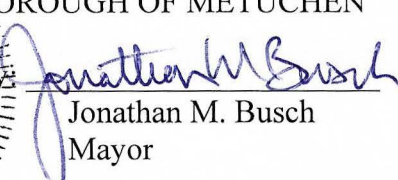
I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 12, 2022.

  
~~Deborah Zupan, RMC~~ Melissa Perilstein  
 Borough Clerk

ATTEST:

  
~~Deborah Zupan, RMC~~ Melissa Perilstein  
 Borough Clerk



BOROUGH OF METUCHEN  
  
 Jonathan M. Busch  
 Mayor