

**TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1957**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN,  
STATE OF NEW JERSEY, AMENDING THE STORMWATER CONTROL  
ORDINANCE TO INCORPORATE CHANGES REQUIRED BY BERGEN COUNTY  
DEPARTMENT OF PLANNING AND ENGINEERING**

**WHEREAS**, on August 12, 2021, the Township Council of the Township of Mahwah adopted Ordinance No. 1930, adopting the New Jersey Department of Environmental Protection’s (NJDEP) model ordinance for stormwater control; and

**WHEREAS**, the Bergen County Department of Planning and Engineering has reviewed the ordinance and recommended certain changes.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mahwah, in the County of Bergen and State of New Jersey, as follows:

**SECTION 1.** Land Development: Volume II, Chapter 29, Stormwater Control, § 29-2, Definitions, “County review agency,” is hereby replaced with the following language:

“County review agency” means an agency designated by the County Commissioners 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 resource 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.

**SECTION 2.** Land Development: Volume II, Chapter 29, Stormwater Control, § 29-4, Stormwater Management Requirements for Major Development, Table 1 and Table 2, are hereby amended to read as follows:

<b>Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2

Grass Swale	50 or less	No	No	2 <sup>(c)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a)</sup> (g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on under Table 3)

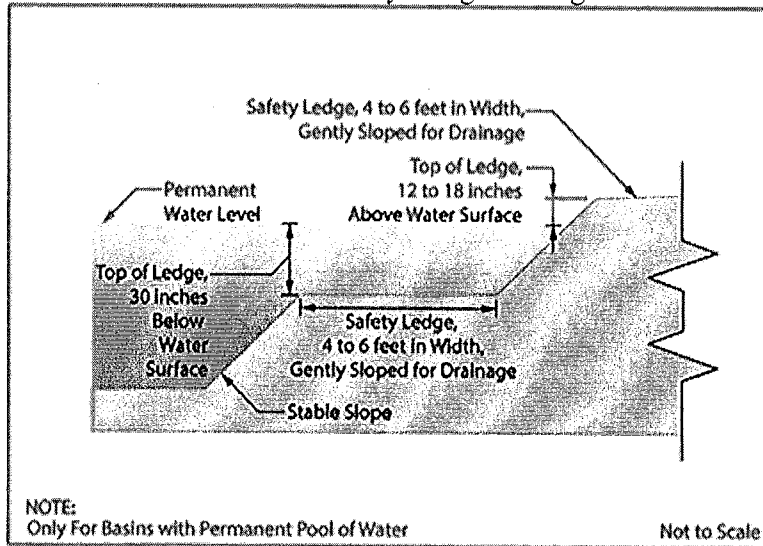
<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quantity</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2

Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found under Table 3)

**SECTION 3.** Land Development: Volume II, Chapter 29, Stormwater Control, § 29-8, Safety Standard for Stormwater Management Basins, “E”, Safety Ledge Illustration, is hereby replaced by the following illustration, to improve its resolution:

Elevation View – Basin Safety Ledge Configuration



**SECTION 4.** Land Development: Volume II, Chapter 29, Stormwater Control, § 29-9, Requirements for a Site Development Stormwater Plan, “A,” Submission of Site Development Stormwater Plan, “3,” is hereby replaced by the following language:

1. The applicant shall submit five (5) copies of the materials listed in the checklist for site development stormwater plans in accordance with §29-9.C of this ordinance.

**SECTION 5.** Land Development: Volume II, Chapter 29, Stormwater Control, § 29-10, Maintenance and Repair, “B”, General Maintenance, “8”, is hereby replaced with the following language, to correct the font size for the number “8”:

8. The requirements of §29-10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. In such event, a two-year maintenance bond, as authorized by N.J.S.A. 40:55D-53, shall be required in accordance with Section C, below.

**SECTION 6.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 7.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

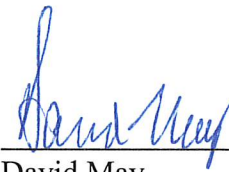
**SECTION 8.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Ordinance No. 1957

Page: 5

Dated: December 3, 2021

Attest



David May  
Council President



Kathrine G. Coviello  
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 18th of November, 2021.



Kathrine G. Coviello, RMC/CMC/MMC  
Municipal Clerk