

**2010
AMENDMENT TO
STORMWATER MANAGEMENT PLAN

TOWNSHIP OF HILLSBOROUGH
SOMERSET COUNTY, NEW JERSEY**

**Prepared for the Hillsborough Planning Board by Maser Consulting, PA
Adopted: *September 16, 2010***

ACKNOWLEDGEMENTS

PLANNING BOARD-2010

Greg Burchette, Chairman
Sam Conard, Vice Chairman
Steve Cohen, Secretary
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Robert Wagner, Jr.
Michael Merdinger
Arthur Stafford-Taylor
Dr. Steven Sireci
Doug Thomson,, Alternate #1
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MASTER PLAN SUBCOMMITTEE-2010

Michael Merdinger
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Dr. Steven Sireci
Greg Burchette
Robert Wagner, Jr., Alternate

Summary

In April 2005, the Hillsborough Township Planning Board adopted a Stormwater Management Plan as required by the Municipal Stormwater General Permit issued by the New Jersey Department of Environmental Protection (NJDEP). The Plan is part of the Township's Master Plan that addresses stormwater related impacts from development. New major developments must address the impacts by incorporating stormwater design and performance standards as part of the overall design.

The Mitigation Plan is an optional element of the Municipal Stormwater Management Plan, but is required for a municipality to grant a variance or exemption to the design and performance standards for storm water runoff quality, storm water runoff quantity and groundwater recharge, established under the Stormwater Management rules at NJC 7:8-5. The original Municipal Stormwater Management Plan did not permit off-tract stormwater mitigation for the design criteria that could not be addressed on-site. The proposed "Mitigation Plans" section replaces the previous section of the plan. The new section of the plan provides a framework for the applicant to demonstrate that the project provides the appropriate mitigation in the appropriate location.

Mitigation Plans

This mitigation plan is provided for proposed development or redevelopment projects that seek a variance or exemption from the stormwater management design and performance standards set forth in this MSWMP and N.J.A.C. 7:8-5.

Mitigation Project Criteria

To grant a variance or exemption from the stormwater regulations, new development and redevelopment plan applications must propose a mitigation project affecting the impacted sensitive receptor and located within the same drainage basin as the proposed development/redevelopment project. Proposed mitigation projects must provide for additional groundwater recharge benefits, protection from stormwater runoff quantity or quality from previously developed property that does not currently meet the design and performance standards outlined in this MSWMP.

The proposed mitigation project must be completed for the performance standard for which the variance or exemption is requested. Performance standards must ensure the long-term maintenance of the approved mitigation system, which include the maintenance requirements under Chapters 8 and 9 of the NJDEP BMP Manual. The Township does not anticipate granting variances or exemptions for "major developments" until a detailed mitigation plan is developed and approved. The Township will consider granting variances or exemptions for "major developments" subject to the following NJDEP and local requirements.

1. The Developer shows that literal compliance is technically impractical due to site conditions peculiar to the subject property or presents a substantial economic hardship.
2. The project must be within the same area that would contribute to the receptor impacted by the project. Note that depending on the specific performance standard waived, the sensitive receptor and/or the contributory area to that receptor may be different. If there are no specific sensitive receptors that would be impacted as the result of the grant of the waiver/exemption, then the location of the mitigation project can be located anywhere within the Township, and should be selected to provide the most benefit relative to an existing stormwater problem in the same category (quality, quantity or recharge).
3. Legal authorization must be obtained to construct the project at the location selected. This includes the maintenance and any access needs for the project in the future.
4. The project should be close to the location of the original project, and if possible, be located upstream at a similar distance from the identified sensitive receptor. This distance should not be based on actual location, but on a similar hydraulic distance to the sensitive receptor. For example, if the project [or which a waiver is obtained] discharges to a tributary, but the closest location discharges to the main branch, it may be more beneficial to identify a location discharging to the same tributary.
5. For ease of administration, if sensitive receptors are addressed, it is preferable to have

one location that addresses any and all of the performance standards waived, rather than one location for each performance standard.

6. It must be demonstrated that implementation of the mitigation project will result in no adverse impacts to other properties or the environment.
7. Mitigation projects that address stormwater runoff quantity can provide storage for proposed increases in runoff volume, as opposed to a direct peak flow reduction.

Developer Mitigation Plan Requirements

Proposed projects shall have Mitigation Plans submitted to the Township for review and approval prior to granting final approval for site development. Developers should include the following in a Mitigation Plan:

- Mitigation Project Name, Owner name and address, .Developer name and address, Mitigation Project Location, Drainage Area, Cost Estimate;
- Proposed Project and Mitigation Project Descriptions, Proposed mitigation strategy and impact to sensitive receptor. Descriptions should include what is being impacted, how it is impacted, what is being mitigated and how;
- Sensitive Receptor: Identify the sensitive receptor(s) related to the performance standard from which a waiver is sought Demonstrate that the mitigation site contributes to the same sensitive receptor;
- Legal authorization required for construction, maintenance, and access;
- Responsible Party including: a schedule of required maintenance or maintenance plan, who will perform the maintenance, proposed cost of maintenance, and how it will be funded;
- All other permits required for construction of the mitigation project;
- Cost estimate of construction inspection; and
- Reason a waiver or exemption is required and supporting evidence.

Due to the minimal amount of vacant or developable Township owned land available, that is not encumbered, it is anticipated that the majority of the mitigation projects proposed will result in retrofitting/rehabilitation of existing stormwater facilities and natural infrastructures. Any applicant seeking relief via a mitigation option shall provide such relief that is equal to or greater than the parameter being sought for relief. Mitigation options shall be quantifiable in order to be compared to that being substandard on the proposed site. More detailed information may be available from the Township or the Township Engineer's office.

It is the developer's responsibility to provide a detailed study of any proposed mitigation project, and provide Township with a proposed mitigation plan for review and approval. Mitigation projects should meet all applicable safety, design and performance standards. Approval of the mitigation option will be under the sole discretion of the Board based on calculations provided by the applicant and reviewed by the Board's professional consultants. The applicant will be required to submit an alternative mitigation option if one listed below is not suitable or the Board deems the selected option not applicable.



Township of Hillsborough

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RESOLUTION HILLSBOROUGH TOWNSHIP PLANNING BOARD COUNTY OF SOMERSET STATE OF NEW JERSEY

RESOLUTION APPROVING ADOPTION OF THE 2010 MASTER PLAN AMENDMENT TO THE STORMWATER MANAGEMENT PLAN ELEMENT

WHEREAS, the Planning Board of the Township of Hillsborough, County of Somerset, State of New Jersey, adopted the Stormwater Management Plan Element in 2005; and

WHEREAS, the Township Engineer has recommended an amendment to the Stormwater Management Plan Element; and

WHEREAS, the proposed 2010 Master Plan Amendment to the Stormwater Management Plan Element recommends a Mitigation Plan provision which is required in order for a municipality to grant a variance or exemption to the design and performance standards for stormwater runoff quality, stormwater runoff quantity and groundwater recharge; and

WHEREAS, the Planning Board determined that the 2010 Master Plan Amendment to the Stormwater Management Plan Element promotes sound planning policy; and

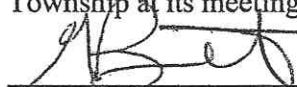
WHEREAS, the Planning Board of the Township of Hillsborough wishes to formally approve the 2010 Master Plan Amendment to the Stormwater Management Plan Element in order to incorporate the Mitigation Plan provision pursuant to the Stormwater Management Rules in NJAC 7:8-5.

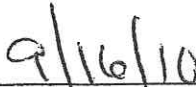
NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Hillsborough, County of Somerset, State of New Jersey hereby adopts the 2010 Master Plan Amendment to the Stormwater Management Plan Element which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and the 2010 Master Plan Amendment to the Stormwater Management Plan Element shall be filed with the Hillsborough Township Clerk and forwarded to the Somerset County Planning Board and the municipal clerks of each adjoining municipality

CERTIFICATION

Certified to be a true copy of a resolution adopted by the Planning Board of Hillsborough Township at its meeting of September 16, 2010.


Chairman


Date

Vote of Resolution
For Against Abstain

Marian Fenwick	X
Arthur Stafford-Taylor	X
Steven Cohen	X
Douglas Tomson (At. #1)	X
Tod Mershon (Alt. #2)	X
Sam Conard, Vice Chairman	X
Greg Burchette, Chairman	X