

AGENDA

October 4, 2023 ~ 6:30 PM

Borough of Hawthorne, Passaic County, NJ

Watch Live: Altice (Cablevision) Ch. 77, Verizon Fios Ch. 28

Facebook: Borough Hawthorne NJ Group <https://www.facebook.com/groups/1135979460070290>



ROLL CALL
FLAG SALUTE

STATEMENT: Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to The Herald News, The Record, The Gazette and all persons who have requested the mailing of such since December 7, 2022.

CLOSED SESSION: Negotiations for Use of Real Property.

RETURN TO REGULAR MEETING

APPROVAL OF MINUTES: Minutes for the Regular Meeting of September 20, 2023.

PUBLIC COMMENT: (Agenda Items Only – 5 minute limit)

OLD BUSINESS

NEW BUSINESS

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE

APPOINTMENTS & OATH of OFFICE:

Appointment of **Ruth E. Pena** to Probationary Police Officer of the Borough of Hawthorne

Appointment of **Jose L. Ozuna** to Probationary Police Officer of the Borough of Hawthorne

REPORTS

Attorney Michael J. Pasquale, Engineer Dr. Stephen T. Boswell, Administrator Eric Maurer

INTRODUCTION OF ORDINANCE 2325-23:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE BOROUGH OF HAWTHORNE, PART 3, STORMWATER MANAGEMENT, SO AS TO CREATE ARTICLE XII, PRIVATELY-OWNED SALT STORAGE AND ESTABLISH REGULATIONS THEREUNDER

RESOLUTIONS - CONSENT AGENDA:

R 151-23 First Ave Well Pump Replacement

R 152-23 Authorize Grant Application for the NJDEP Stormwater Program

R 153-23 Release of Christian Health Care Performance Bond

REPORTS OF SPECIAL COUNCIL COMMITTEES

BILLS

PUBLIC COMMENT

ADJOURNMENT

THE NEXT COUNCIL MEETING IS WEDNESDAY, OCTOBER 18th AT 7 PM

ZONING ORDINANCE 2325-23

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE BOROUGH OF HAWTHORNE, PART 3, STORMWATER MANAGEMENT, SO AS TO CREATE ARTICLE XII, PRIVATELY-OWNED SALT STORAGE AND ESTABLISH REGULATIONS THEREUNDER

BE IT ORDAINED by the Governing Body of the Borough of Hawthorne, New Jersey that it does hereby amend and supplement the Code of the Borough of Hawthorne as follows:

SECTION 1. Chapter 540 Zoning, Part 3, Stormwater Management, is hereby amended to include within the said Part Article XII, Privately Owned Salt Storage, the same to read as follows:

**ARTICLE XII
Privately-Owned Salt Storage**

§ 540-107A 1. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Hawthorne to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 540-107A 2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;
- 4. The structure cannot be open sided; and
- 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§ 540-107A 3. Deicing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 540-107A 4. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 540-107A 5. Enforcement:

This ordinance shall be enforced by the Property Maintenance Officer of the Borough of Hawthorne during the course of ordinary enforcement duties.

§ 540-107A 6. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines in a sum not to exceed \$250 as to a first offense and not to exceed \$2,000 for any subsequent offenses.

SECTION 2. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 3. Codification of Existing Ordinances:

Chapter 540, Zoning and Land Use Development, is hereby reaffirmed and ratified as amended by this Ordinance and prior amendment.

SECTION 4. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.