

**BERNARDSVILLE BOROUGH  
ORDINANCE #18-1774**

**APPROPRIATING \$12,500 FROM THE  
CAPITAL FUND RESERVE FOR A MITIGATION PROJECT**

**WHEREAS**, in accordance with Section 12-29.4a of the Borough Land Development Code,

- a. *Waivers from strict compliance with the design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.*

**WHEREAS**, in accordance with Section 12-29.4b of the Borough Land Development Code,

- b. *Mitigation. If the review agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan or another project identified by the applicant. All mitigation projects are subject to the approval of the Municipal Engineer. A monetary contribution to the Municipality may be made in lieu of the work identified in the mitigation plan subject to the approval of the review agency.*

**WHEREAS**, the municipal engineer deemed a waiver was warranted and that a cash payment in the amount of \$12,500 should be paid; and

**WHEREAS**, Bernardsville Storage LLC submitted a check in the amount of \$12,500 which was deposited into the Capital Fund under the title "Reserve for Stormwater Mitigation" on June 13, 2018.

**WHEREAS**, per the Developer's Agreement, this contribution is to be used for installation of new grates and NJDEP compliant curb pieces on the existing inlets on the lower section of Pill Hill Road near the intersection of Meeker Road or another mitigation project approved by the Borough engineer.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville, in the County of Somerset, New Jersey, as follows:

**Section 1.** The sum of \$12,500 is hereby appropriated from the Capital Fund Reserve for Stormwater Mitigation for improvements as directed by the Developer's Agreement.

**Section 2.** This ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

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Borough Clerk

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Kevin Sooy, Mayor

Introduced: June 25, 2018

1st Publication:

Adopted:

2nd Publication: