

ORDINANCE NO. 2006- 86:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980," CHAPTER XIX, ENVIRONMENTAL PROTECTION, SECTION 1, STORMWATER MANAGEMENT AND CONTROL.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter XIX, Environmental Protection, Section 1, Stormwater Management and Control, is hereby amended as follows:

19-1.1 Title

Unchanged

19-1.2 Scope and Purpose

a. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading 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

It is the purpose of this section to establish minimum stormwater management requirements and controls for development.

c. Applicability

This section shall be applicable to all development which:

1. Requires a development permit as defined in Chapter XIII of the Code of the Borough of Union Beach; and/or
2. Requires Site Plan or subdivision approval as defined in Chapter XIII of the Code of the Borough of Union Beach; and/or
3. Constitutes a major development as defined by N.J.A.C. 7:8-1.2 et seq.

d. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this section are to be considered an integral part of development approvals under the development permit, subdivision and site plan review process 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 chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except that, where any provision of this section 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.

19-1.3 Definitions and Word Usage

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, works in the plural number include the singular and words in the singular number include the plural number. The word[k] "shall" is always mandatory and not merely directory.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA Planning Map means the geographic depiction of the boundaries for coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

CAFRA Centers, Cores or Nodes means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

Compaction means the increase in soil bulk density.

Core means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County review agency means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

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.

Department means the New Jersey Department of Environmental Protection.

Designated Center means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Design engineer means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Development means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

Drainage area means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

Environmentally critical areas means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Non-game Species Program.

Empowerment Neighborhood means a neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Impervious surface means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

Infiltration is the process by which water seeps into the soil from precipitation.

Major development means any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

Municipality means any City, Borough, Town, Township, or Village.

Node means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Nutrient means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Person means any individual, corporation, company, partnership, firm, association, Borough of Union Beach, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Pollutant means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions,

chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and non-hazardous pollutants.

Recharge means the amount of water from precipitation that infiltrates into the ground and is not evapo-transpired.

Sediment means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Site means the lot or lots upon which a development is to occur or has occurred.

Soil means all unconsolidated mineral and organic material of any origin.

State Development and Redevelopment Plan Metropolitan Planning Area (PAI) means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

State Plan Policy Map is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

Stormwater means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

Stormwater runoff means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Stormwater management basin means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater management measure means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or

control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

Tidal Flood Hazard Area means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

Urban Coordinating Council Empowerment Neighborhood means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zones means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

Urban Redevelopment Area is defined as previously developed portions of areas: (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes; (2) Designated as CAFRA Centers, Cores or Nodes; (3) Designated as Urban Enterprise Zones; and (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

Waters of the State means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Wetlands or wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

19-1.4 — 1.9

Unchanged

19-1.10 Requirements for a Site Development Stormwater Plan

a Submission of Site Development Stormwater Plan

- 1 Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection 19-1.10.c below as part of the submission of the applicant's application for subdivision or site plan approval.

- 2 The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- 3 The applicant shall submit 15 copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection 19-1.10.c of this ordinance.

b Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision, site plan, or development application review process by the Planning Board, Zoning Board of Adjustment or official from which municipal approval is sought. The Board and/or Zoning Officer shall consult the Borough Engineer or other such engineer (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

c Checklist Requirements

The following information shall be required:

1 Topographic Base Map

- (a) The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2 Environmental Site Analysis

- (a) A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3 Project Description and Site Plan(s)

- (a) A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4 Land Use Planning and Source Control Plan

- (a) This plan shall provide a demonstration of how the goals and standards of Subsections 19-1.4 through 19-1.7 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5 Stormwater Management Facilities Map

- (a) The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- (i) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

- (ii) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6 Calculations

- (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Subsection 19-1.5 of this ordinance.
- (b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a

soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7 Maintenance and Repair Plan

- (a) The design and planning of the stormwater management measures and facilities shall meet the maintenance requirements of Subsection 19-1.11.

8 Waiver from Submission Requirements

- (a) The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Subsections 19-1.10.c.1 through 19-1.10.c.6 of this Section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

19-1.11 Maintenance and Repair

Unchanged

19-1.12[2.13] Violations and Penalties

- a Any person who violates any provision of this chapter shall, upon conviction thereof in Municipal Court, be punishable by imposition of a fine not less than \$100.00 nor more than \$2000.00.
- b Each instance of engaging in a separate regulated activity, in violation of this chapter shall be deemed a separate offense.
- c In addition, the Borough may institute civil action for injunctive or other relief to enforce the provisions of this chapter.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED, that the Borough Clerk is hereby directed, upon adoption of this Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S. 40:55D-16, and the Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon the approval by the County review agency, or sixty (60) days from the receipt of the ordinance by the County review agency if the county review agency should fail to act.

ATTEST:

Mary Sabik
Mary Sabik, Borough Clerk

APPROVAL:

Richard W. Ellison
Richard W. Ellison, Mayor

INTRODUCED ON FIRST READING:

JUL 20 2006

FINAL ADOPTION:

AUG 17 2006

ORDINANCE NO. 2006-86: (CONTINUED)

NOTICE OF PENDING ORDINANCE


ORDINANCE NO. 2006-86:

THE ORDINANCE PUBLISHED HERewith WAS INTRODUCED AND PASSED UPON FIRST READING AT A MEETING OF THE GOVERNING BODY OF THE BOROUGH OF UNION BEACH IN THE COUNTY OF MONMOUTH, NEW JERSEY HELD ON THURSDAY, JULY 20TH, 2006. IT WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER PUBLIC HEARING THEREON AT A MEETING OF SAID GOVERNING BODY TO BE HELD ON THURSDAY, AUGUST 17TH, 2006, IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH, NEW JERSEY, AT 8:00 P.M. OR AS SOON THEREAFTER AS SAID MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN WILL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING THE SAME.

A COPY OF THIS ORDINANCE HAS BEEN POSTED ON THE BULLETIN BOARD, AT THE MUNICIPAL BUILDING, UPON WHICH PUBLIC NOTICES ARE CUSTOMARILY POSTED, DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING. COPIES OF THE ORDINANCE ARE AVAILABLE TO THE GENERAL PUBLIC OF THE BOROUGH, WHO SHALL REQUEST SUCH COPIES AT THE OFFICE OF THE BOROUGH CLERK, 650 POOLE AVENUE, UNION BEACH, NEW JERSEY 07735.

PLEASE PUBLISH ONE TIME:

THURSDAY, AUGUST 3, 2006


MARY SABIK, BOROUGH CLERK
BOROUGH OF UNION BEACH
COUNTY OF MONMOUTH, NEW JERSEY

FURNISH AFFIDAVIT OF PUBLICATION

ADVERTISEMENT: THE COURIER

VIA FAX ON:

~~*****~~ JULY 28, 2006