

ORDINANCE # 2009-_____

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY AMENDING AND SUPPLEMENTING CHAPTER 35 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERKELEY ADDING A DEFINITION OF “ENVIRONMENTALLY SENSITIVE AREAS” TO ARTICLE II, SECTION 3 AND AMENDING SUBMISSION REQUIREMENTS FOR DEVELOPMENT APPROVALS IN ARTICLE VIII, ENTITLED “APPLICATIONS FOR DEVELOPMENT; PROCEDURE”, SECTION 34, ENTITLED “SKETCH PLAT OF MAJOR SUBDIVISION OR MAJOR SITE PLAN” TO IDENTIFY ALL ENVIRONMENTALLY SENSITIVE AREAS

WHEREAS, the Township of Berkeley is pursuing Plan Endorsement from the State Planning Commission and has entered into a Memorandum of Understanding with the Office of Smart Growth based on an Action Plan approved by the Commission on September 16, 2009; and

WHEREAS, Action Item B2 of the approved Action Plan requires the Township to amend Chapter 35, entitled “Land Development Ordinance” to define “environmentally sensitive areas” and provide for a “conservation design process” in the procedures for application for development approval;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY, that Chapter 35 of the Revised General Ordinances of the Township of Berkeley be amended as follows:

Section 1. §35-3, entitled “Definitions”, shall be supplemented with a definition for Environmentally Sensitive Areas to read as follows:

“*Environmentally sensitive area*” shall mean any area of land or water shown on maps of the NJDEP or Township of Berkeley as a wetland, floodway, Natural Heritage Priority (NHP) Site, threatened or endangered species habitat, wellhead protection area or groundwater recharge area, subject to modification by Letter of Interpretation issued by NJDEP based upon a field survey.”

Section 2. §35-34.3 entitled “Plat Requirements” shall be supplemented to amend subsection “c, 6” to read as follows:

”35-34.3 Plat Requirements

c. *Detailed Information*

6. Existing mapped information relative to boundaries, nature and extent of wooded areas and Environmentally Sensitive Areas, as defined in Article III, Section 3 of Chapter 35 to include wetlands, Natural Heritage Priority (NHP) Sites, threatened or endangered species habitat, wellhead protection areas or groundwater recharge areas. Such mapped information shall delineate the limit of disturbance as well as the conservation design measures taken to minimize the removal of woodland portions of the site and the impact on Environmentally Sensitive Areas ”

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. Pursuant to the provisions of law, this Ordinance shall take effect twenty (20) days after its passage by the Township Council and approval by the Mayor, where such approval is required by law.

Section 6 A certified copy of the within Ordinance be forwarded by the Township Clerk to the following:

1. Mayor and Council Members
2. Secretary, Berkeley Township Planning Board
3. Secretary, Berkeley Township Zoning Board of Adjustment
4. Edward Liston, Jr., Esquire
5. Ocean County Planning Board
6. Township Engineer
7. Township Planner
8. Township Attorney
9. Business Administrator
10. Zoning Officer
11. Clerks, Adjacent Municipalities

ANNE M. WOLFF, Council President