

**Ordinance # 2021-03-779**

**AN ORDINANCE OF THE BOROUGH OF PINE BEACH, OCEAN COUNTY, NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF PINE BEACH TO AMEND CHAPTER 175 (“STORMWATER MANAGEMENT”).**

BE IT ORDAINED by the Mayor and Council of the Borough of Pine Beach, Ocean County, New Jersey, as follows:

Section 1. Section II (“Definitions”) of Chapter 175-71F is hereby amended to include the following additional definitions:

“Department” means the 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, 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 land, 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.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

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

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats 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 Nongame Species Program.

Section 2. All of the other provisions of Chapter 175-71F shall remain in full force and effect.

INTRODUCTION APRIL 14, 2021

MOTION BY: MR. BUDESA-SECOND BY: MR. POLHEMUS

ROLL CALL: YES, MR. BUDESA, MRS. COLETTI, MR. NEWMAN, MR. POLHEMUS,  
MR. SAXTON, MR. WIECK

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Lawrence W. Cuneo, Mayor

**NOTICE**

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Borough Council of the Borough of Pine Beach, in the County of Ocean, and State of New Jersey, on April 14, 2021, and was then read for the first time. The said ordinance will be further considered for final passage by the Borough Council in the Municipal Building on May 12, 2021, at 7:30 P.M. At such time and place or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Charlene A. Carney, RMC/MMC  
Municipal Clerk