

ORDINANCE
#2011-06

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XVII, DEVELOPMENT REGULATIONS, AS IT AFFECTS ARTICLE V ENTITLED "PINELANDS AREA"

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean, and State of New Jersey, as follows:

Section 1. Purpose. The purpose of this ordinance is to amend Chapter XVII, Development Regulations, of the revised General Ordinances of the Borough of Beachwood in response to amendments to the Pinelands Comprehensive Management Plan related to forestry and wetlands management, effective March 1, 2010 and December 1, 2009, respectively.

Section 2. Article V, Pinelands Area, §17-27.5, "Definitions from Other Statutes", is hereby amended by adding the following definitions:

Forestry – The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including, but not limited to, artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- (a) Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;
- (b) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- (c) Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- (d) Removal of trees necessary for the maintenance of utility or public rights-of-way;
- (e) Removal or planting of trees for the personal use of the parcel owner; and
- (f) Removal of trees for public safety.

Impervious Surface – Any surface that has been compacted or covered with a layer of material so that it prevents, impedes, or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 – Engineering, 210-3-1 Small Watershed Hydrology (WINTR-55) Version 1.0, as amended and supplemented, available with user guide and tutorials at http://www.wsi.nrcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTr55.html or at Natural Resources Conservation Service, 220 Davidson Avenue, Somerset, NJ 08873. Such surfaces may have varying degrees of permeability.

Wetlands Management – The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America

Section 3. Article V, Pinelands Area, §17-27.6c “Application requirements for other development,” is hereby amended as follows:

1. (No change).
2. In additional to paragraphs 1(a) and (b) above, an application for approval of forestry operations shall be subject to the application requirements set forth in N.J.A.C. 7:50-6.44.

Section 4. Article V, Pinelands Area, §17-27.26, “Wetlands”, is hereby amended by replacing Subsections D and E, in their entirety, with the following:

- d. Forestry shall be permitted in all wetlands subject to the requirements of N.J.A.C. 7:50-6.41 through 6.48.
- e. Fish and wildlife management and wetlands management activities in accordance with N.J.A.C. 7:50-6.10 shall be permitted in all wetlands.

Section 5. Article V, Pinelands Area, §17-27.27, “Zone Regulations”, is hereby amended by replacing Subsection c, in its entirety, with the following:

- c. Permitted principal use. No more than one (1) principal use shall be located on one (1) lot, except for forestry, agricultural, horticultural, fishing and wildlife management, wetlands management and recreational development in accordance with the provisions of N.J.A.C. 7:50-1 *et seq.*, Pinelands Comprehensive Management Plan.

Section 6. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 7. This Ordinance shall take effect immediately.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Borough in the County of Ocean, held on the 20th day of July 2011 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on 17th day of August 2011, at 7:00 p.m. in the Beachwood Municipal Complex located at 1600 Pinewald Rd. Beachwood New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Elizabeth A. Mastropasqua