

ORDINANCE #2019-02

**AN ORDINANCE AMENDING CHAPTER XVII, DEVELOPMENT REGULATIONS,
OF THE CODE OF THE BOROUGH OF BEACHWOOD,
COUNTY OF OCEAN AND STATE OF NEW JERSEY**

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

I. Purpose: The purpose of this Ordinance is to amend Chapter XVII, Development Regulations, of the Code of the Borough of Beachwood in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.

II. Chapter XVII, Development Regulations, Article V, Pinelands Area, Section 17-27.5, Definitions from Other Statutes, is hereby amended by replacing or adding the following definitions:

Solar energy facility shall mean a solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

III. Chapter XVII, Development Regulations, Article V, Pinelands Area, Section 17-27.6, Application Requirements, is hereby amended by revising subsection a.2 as follows:

2. Except as provided in paragraph 3 below, the following shall not be subject to the procedures set forth in this subsection.

(a)-(f) (No change.)

(g) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:

- (1) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and
- (2) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

(h)-(j) (No change.)

- (k) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.
- (l) The clearing of land solely for agricultural or horticultural purposes.

(m)-(r) (No change.)

- (s) The installation of an accessory solar energy facility on any existing structure or impervious surface.
- (t) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.
- (u) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.
- (v) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

IV. Chapter XVII, Development Regulations, Article V, Pinelands Area, Section 17-27.7, General Procedures, is hereby amended by replacing subsections a through c in their entirety with the following:

- a. Application submission and modifications. Written notification shall be given by the Borough, by email or regular mail, to the Pinelands Commission within seven (7) days after a determination is made by the Borough that an application for development in the Pinelands Area is complete or if a determination is made by the Borough that the application has been modified. Said notice shall contain:
 1. The name and address of the applicant;
 2. The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 3. A brief description of the proposed development, including uses and intensity of uses proposed;
 4. The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 5. The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
 6. The approval agency with which the application or change thereto was filed;
 7. The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
 8. The nature of the municipal approval or approvals being sought.

- b. Meetings and hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five (5) days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:
 1. The name and address of the applicant;

2. The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 3. The date, time and location of the meeting, hearing or other formal proceeding;
 4. The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;
 5. Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and
 6. The purpose for which the meeting, hearing or other formal proceeding is to be held.
- c. Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five (5) days of the approval or denial give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:
1. The name and address of the applicant;
 2. The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 3. The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 4. The date on which the approval or denial was issued by the approval agency;
 5. Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;

6. Any revisions to the application not previously submitted to the Commission; and
7. A copy of the resolution, permit, or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

ROLL CALL as Introduced January 16, 2019

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>						X

 SUSAN A. MINOCK, RMC
 Municipal Clerk

ROLL CALL 2ND Reading for February 20, 2019

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>						
<i>Councilwoman Clayton</i>						
<i>Councilman Feeney</i>						
<i>Councilman Komsa</i>						
<i>Councilman LaCrosse</i>						
<i>Councilman Zakar</i>						

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Beachwood, Ocean County, New Jersey held on the 16th day of January, 2019. It will be further considered for final passage by the Borough Council at a special meeting held at the Beachwood Municipal Complex, 1600 Pinewald Avenue, Beachwood, New Jersey on the 6th day of February, 2019 at 7:00 p.m. or at any time and place to which such meeting may be adjourned. All persons interested were given the opportunity to be heard concerning such Ordinance. During the week prior to and including the date of such further consideration, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

 SUSAN A. MINOCK, RMC

Municipal Clerk

ADOPTED: February 6, 2019

ATTESTED BY:

Ronald F. Roma, Jr.
Mayor

Susan A. Minock, RMC
Municipal Clerk