

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE NO. 2018-13

**ORDINANCE OF THE TOWNSHIP OF WATERFORD, COUNTY OF CAMDEN,
STATE OF NEW JERSEY AMENDING CHAPTER 176 OF THE TOWNSHIP CODE
CAPTIONED "LAND USE, DEVELOPMENT AND ZONING"**

WHEREAS, on a periodic basis the New Jersey Pinelands Commission adopts Amendments to the Pinelands Comprehensive Management Plan ("CMP"); and

WHEREAS, the New Jersey Pinelands Commission has recently adopted various Amendments to the "CMP" which must now be adopted by the Township of Waterford as part of Chapter 176 of the Township Code captioned "Land Use, Development and Zoning".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

Section 1.

Purpose: The purpose of this Ordinance is to amend Chapter 176, Land Use, Development and Zoning, of the Code of the Township of Waterford in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.

I. Chapter 176, Land Use, Article I, Title, Purpose and Definitions, §176-9, Terms defined, is hereby amended by replacing or adding the following definitions:

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM

An individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

IMMEDIATE FAMILY

Those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

II. Chapter 176, Land Use, Article III, Pinelands Commission Review and Procedures, §176-14, Local development to comply with Pinelands Comprehensive Management Plan, is hereby amended by revising subsection 176-14A(2) as follows:

(2) For the purpose of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to NJAC 7:50-6.154:

(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.

III. Chapter 176, Land Use, Article III, Pinelands Commission Review and Procedures, §176-14, Local development to comply with Pinelands Comprehensive Management Plan, is hereby amended by replacing subsection G in its entirety with the following:

G. Notices to Pinelands Commission.

- (1) Application submission and modifications. Written notification shall be given by the Township, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the Township that an application for development in the Pinelands Area is complete or if a determination is made by the approval agency that the application has been modified. Said notice shall contain:
 - (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop
 - (c) A brief description of the proposed development, including uses and intensity of uses proposed;
 - (d) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (e) 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;
 - (f) The approval agency with which the application or change thereto was filed
 - (g) 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
 - (h) The nature of the municipal approval or approvals being sought.

- (2) 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 days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:
- (a) The name and address of the applicant;
 - (b) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (c) The date, time and location of the meeting, hearing or other formal proceeding;
 - (d) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;
 - (e) 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
 - (f) The purpose for which the meeting, hearing or other formal proceeding is to be held.
- (3) 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 days of the approval or denial, give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:
- (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (d) The date on which the approval or denial was issued by the approval agency;
 - (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;

- (f) Any revisions to the application not previously submitted to the Commission; and
 - (g) 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.
- (4) Exceptions. Except as provided in § 176-14C, the requirements of this section shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single-family dwelling on an existing lot of record.

IV. Chapter 176, Land Use, Article IV, Pinelands Development Credit Program and Density Transfer Program, §176-15, Pinelands development credit program, is hereby amended by replacing subsection 176-15E(2) in its entirety with the following:

- (2) Such deed restriction shall specify the number of PDCs sold and that the property may only be used in perpetuity for the following uses:
- (a) In the Preservation District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; agricultural employee housing as an accessory use; low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed 5% of the parcel, and no more than 1% of the parcel will be covered with impermeable surfaces; and accessory uses.
 - (b) In the Agricultural District: Agriculture; forestry; agricultural employee housing as an accessory use; low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed 5% of the parcel, and no more than 1% of the parcel will be covered with impermeable surfaces; fish and wildlife management; agricultural sales establishments, excluding supermarkets, restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 sq. ft.; airports and heliports accessory to agricultural uses and which are used exclusively for the storage, fueling, loading and operation of aircraft as part of an ongoing agricultural operation; agricultural products processing facilities; and accessory uses.

V. Chapter 176, Land Use, Article VIII, General Provisions and Design Standards, §176-101, Water Quality, is hereby amended by revising subsection 176-101B(5) as follows:

- (5) Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
 - (a) (no change)
 - (b) If the proposed development is nonresidential, it is located:
 - [1] In a Pinelands Regional Growth Area or Pinelands Village; or
 - [2] In the Pinelands Rural Development Area, Agricultural Production Area, or Forest Area, subject to the standards of N.J.A.C. 7:50-6.84(a)5iii(2)
 - (c) (no change)

VI. Chapter 176, Land Use, Article VIII, General Provisions and Design Standards, §176-101, Water Quality, is hereby amended by revising subsection 176-101B(7) as follows:

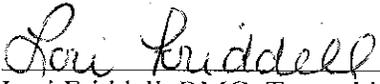
7. Alternate design pilot program treatment systems, provided that:

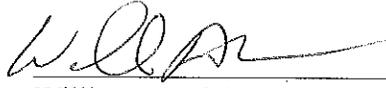
- (a)-(i) (No change.)
- (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time; and
- (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in Subsection B(7)(i) above, and grants access, with reasonable notice, to the local board of health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system.

Section 2. All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 3. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 4. This Ordinance shall only take effect after final adoption and publication as required by law and approval by the New Jersey Pinelands Commission.


Lori Friddell, RMC, Township Clerk


William A. Richardson, Jr., Mayor

Introduced: May 23, 2018
Public Hearing: June 13, 2018
Adopted: June 13, 2018

UPON INTRODUCTION ON 5-23-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X	X		X
ABSTAIN					
NO					
ABSENT				X	
UPON ADOPTION ON 6-13-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

CERTIFICATION

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on June 13, 2018.

Dated: 6/13/18


Lori A. Friddell, RMC, Township Clerk