

## **Township of Berkeley**

### **Coastal Zone Policy Consistency Statement**

#### **Introduction**

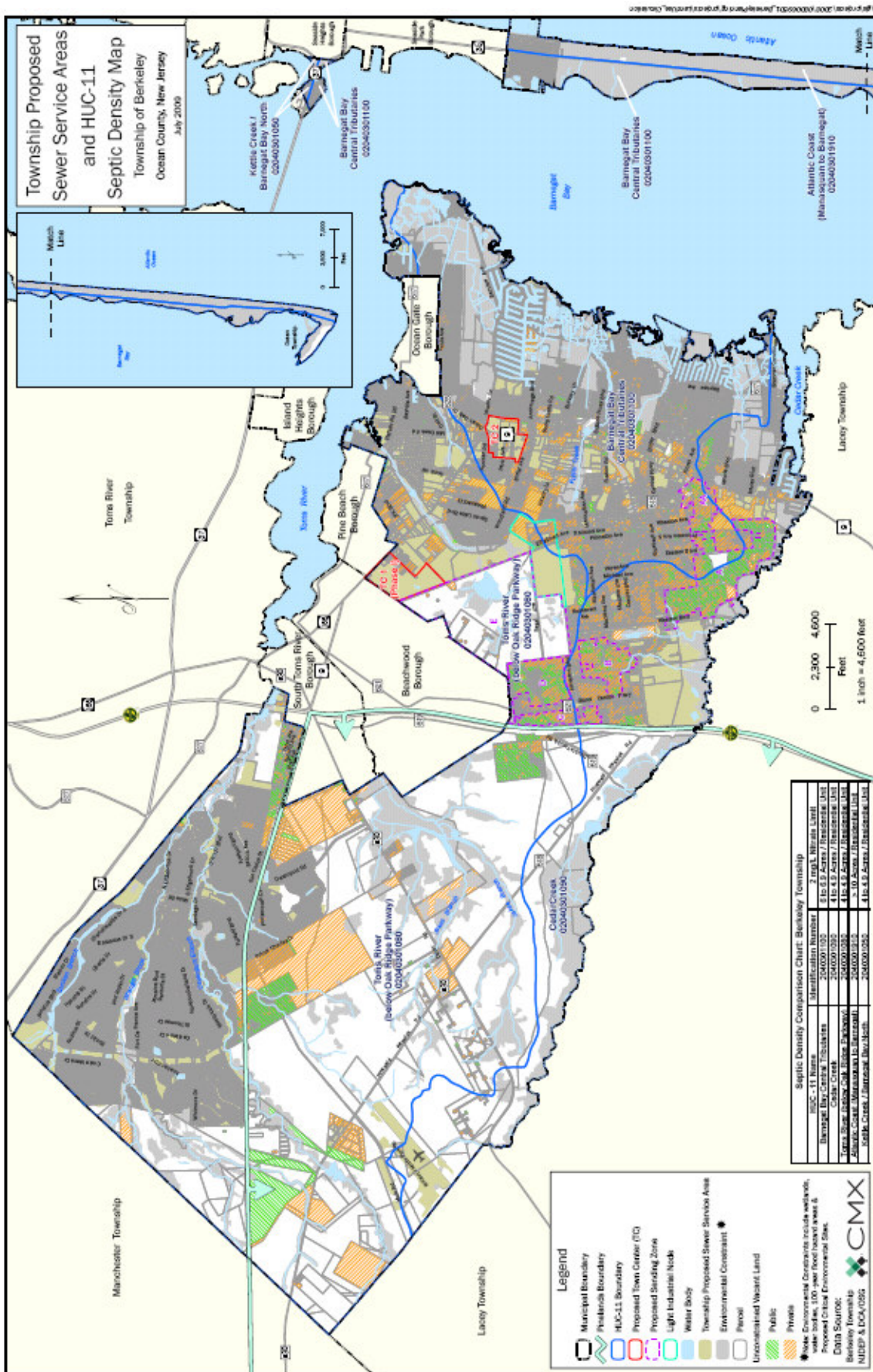
The Township of Berkeley has made significant strides to ensure that its plans are consistent with the purposes of the Coastal Area Facility Review Act, (CAFRA) N.J.S.A. 13:19-1 et seq., and the Coastal Zone Management Rules. The Township has drafted and implemented a number of planning documents and policies that further the protection of the coastal ecosystems of the Toms River Watershed, Cedar Creek Watershed and the Barnegat Bay Central and Tributaries Watershed that ultimately drain to the Barnegat Bay. The Township has also advanced the development of a Transfer of Development Rights Program and adopted a Town Center Redevelopment Plan to promote the remediation and redevelopment of a brownfield site and is confident that the plans and policies of the Township regarding the built or natural environment are consistent with the purposes of CAFRA, and the Coastal Zone Management Rules.

#### **CAFRA Center Consistency**

The Township of Berkeley has proposed two main strategies towards the advancement of natural resource protection and coastal management through the Plan Endorsement Process. These two strategies are to; 1. Augment the NJDEP regulatory programs through adoption of a Riparian Buffer Ordinance which will protect all riparian areas within 300 feet of all water bodies within the Township (except the Pinelands Management Area, which is regulated by the Pinelands Commission); and 2. Implement a Habitat Protection Ordinance which will provide assurance that Threatened and Endangered Species and their habitats are considered during the development and review process. In addition, the Township has recommended Planning Area changes to be consistent with the Land Use Plan, designating areas for public use and preservation as Planning Area 5 and areas that are currently developed as Planning Area 2.

In addition, the Township adopted a Land Use & Circulation Plan Element in March of 2009 that includes a Land Use Plan Map that introduces a secondary Town Center and three Corridor Nodes along Route 9 to curtail future strip commercial sprawl development, combined with several Sending Areas for TDR on the west side of Route 9 that will enhance the extensive open space preservation lands to the east of Route 9.

The alignment of Planning Areas, proposed Sewer Service Areas, Septic Densities, as well as Sending and Receiving Areas are depicted on the maps on the next two pages of this Consistency Statement.







## **Municipal Stormwater Regulations**

The Township of Berkeley adopted the Municipal Stormwater Ordinance in compliance with the 2005 regulatory deadline and has provided the Ocean County Planning Department with the Municipal Stormwater Management Plan.

## **Wastewater Management Plan**

The Township is currently under the purview of the Ocean County Wastewater Management Plan. The Wastewater Management Plan is currently under review by the Ocean County Planning Department and the NJDEP to comply with Executive Order 109. The Township will be working through the Plan Endorsement process with NJDEP, OSG and the Ocean County Planning Department to advance Berkeley's "chapter" of the County's Water Quality Management Plan to the completeness of a Wastewater Management Plan. The maps on the preceding pages depict the proposed Sewer Service Areas. The draft "suite" of ordinances, including the Septic Management Ordinance, has also been prepared and will apply to the areas outside of the Sewer Service Areas.

## **Water Supply**

Water is provided to the retirement communities of Holiday City and Silver Ridge, and the Northern one-third of Bayville by the United Water Co.; South Seaside Park by the Shore Water Co.; the Southern one-third of Bayville by the Aqua Water Co.; and the Berkeley residents of Pelican Island are served by Seaside Heights Water Company. All The water companies are separate privately owned operations.

In 1988, the Township formed the Berkeley Township Municipal Utilities Authority (the "MUA") to construct and operate water distribution and supply systems in the central one-third portion of Bayville. Presently residents and businesses in the central one-third portion of Bayville obtain water from privately operated wells. During the spring of 1993, the initial portion of the Authority water system reached its final stages of construction and was placed into operation. The completion date was June 21, 1993. Over the last two years, approximately 77,000 linear feet of 6.8 and 12-inch diameter water mains have been installed to further safeguard the health of current and future residents of Berkeley Township.

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In 1988, the Township formed the Berkeley Township Municipal Utilities Authority (the "MUA") to construct and operate water distribution and supply systems in the central one-third portion of Bayville. Previously all residents and businesses in the central one-third portion of Bayville obtained water from privately operated wells. During the spring of 1993, the initial portion of the Authority water system reached its final stages of construction and was placed into operation. The completion date was June 21, 1993. Over the last two years, approximately 77,000 linear feet of 6.8 and 12-inch diameter water mains have been installed.

## **Zoning Ordinance**

The Township of Berkeley has proposed four new ordinances as a result of participation in the Plan Endorsement process. These ordinances are consistent with the Coastal Zone Management Rules in that they provide additional protection measures to ensuring that coastal habitat resources are protected from development impacts and they encourage new development into the defined Berkeley Town Center, away from undeveloped, sensitive lands in the Coastal Zone.

### **Mixed Use Zone – Secondary Town Center (TC-2) and Route 9 Corridor Nodes**

- Permits areas of mixed land uses including housing, retail, service, office, restaurants and supportive services
- Incorporates provisions and standards for the development of Housing, Commercial Development/Redevelopment, Traffic & Circulation, &
- Pedestrian Connectivity

### **Riparian Buffer Ordinance**

- Protects all areas adjacent to waterways within the Township which are not already protected by NJDEP Surface Water Quality Standards Category One Waters.
- Waterways, CAFRA, Freshwater Wetland Act and Coastal Wetlands

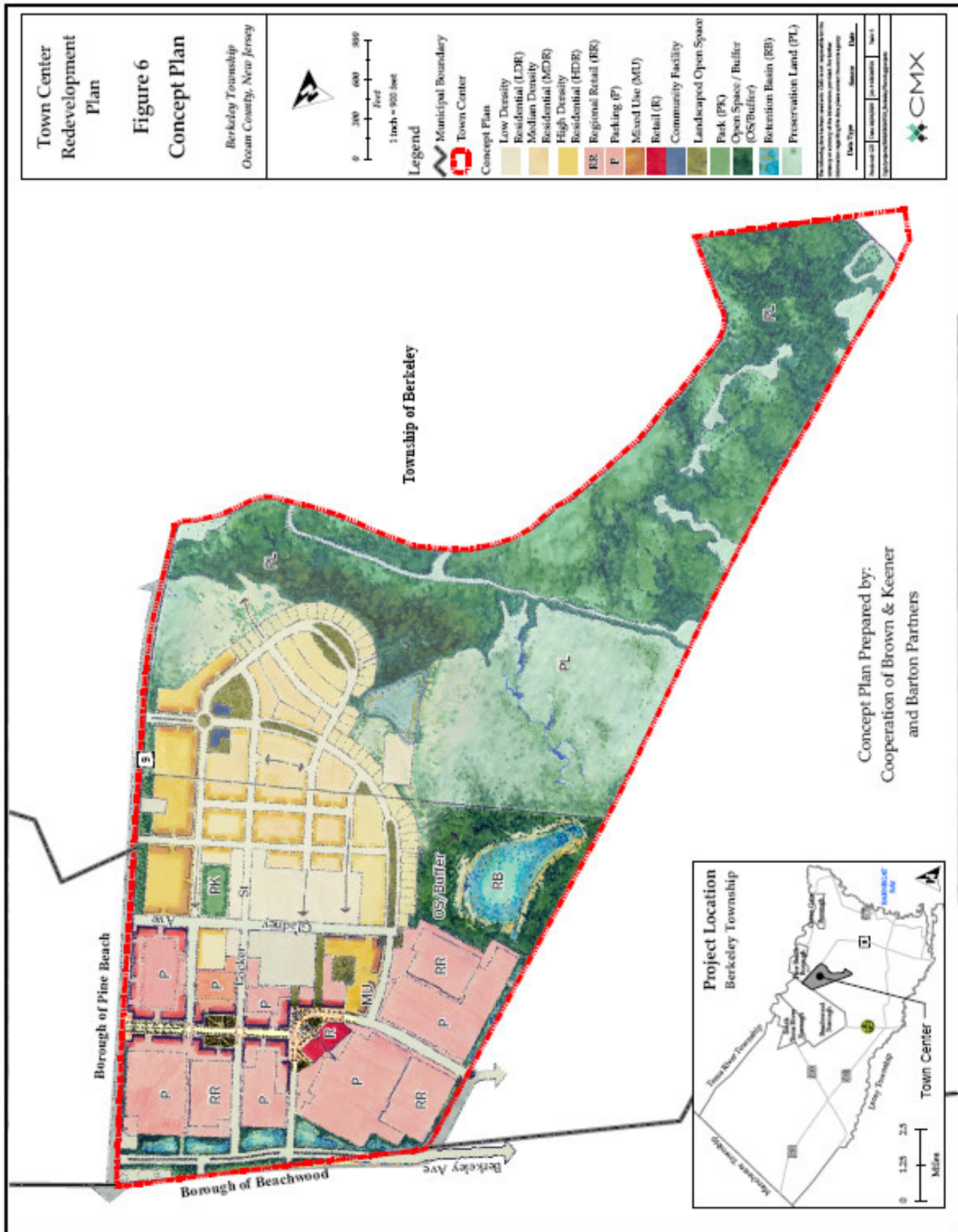
### **Habitat Protection Ordinance**

- Designed to incorporate habitat analysis at the development and review phase.
- Requires applicants to identify if property has Threatened and Endangered species habitats mapped on-site.

The inclusion of these draft ordinances through the Plan Endorsement Process creates consistency with the Center Designation and with the Coastal Zone Regulations in that it serves to adequately address future changes in these areas from the current land uses to the future possible land uses created by the Mixed Use (MU) Zone.

## **Center, Node and Planning Area Boundaries**

The Berkeley Phase 1 Town Center and Secondary Town Center (TC-2) are proposed on previously developed or disturbed lands and the nearest surface water is the Mill Creek, which is designated in the Town Center Redevelopment Plan as a large expanse of open space (see Concept Plan on page 6).





The Planning Area Boundary changes that are being proposed by the Township are intended to provide a reflection of the current and future land use in the Township. The Planning Areas have been “fine tuned” based on the Sending Areas analysis and mapping that was integrated into the Land Use & Circulation Plan Element adopted into the Berkeley Township Master Plan in March of 2009. A number of Critical Environmental Sites are proposed to be added to the Planning Areas Map as well.

### **Municipal Environmental Justice Plan**

At this time, the Department has not indicated any environmental justice issues for the Township of Berkeley. However, the Township will cooperate with any future issues and seek technical assistance from the Department at such time. The Phase 1 Town Center is focused on the remediation of the defunct Beachwood Plaza Shopping Center and a vacant and abandoned Asphalt Plant to the rear of the Plaza. The closest residents to the site are single family homeowners to the north in Beachwood and a group of a dozen or so single family residents flanking Locker Street in Berkeley within the Town Center Redevelopment Area. These neighborhoods are stable and not disproportionately populated by any one racial or ethnic group. Therefore, it is not anticipated that any environmental justice issues are present.

### **Open Space, Recreation and Parks Plan**

The Township currently has an adopted Natural Resources Inventory and an active Open Space and Recreation Plan and participates fully with the Green Acres Program.

### **Habitat Conservation Plan**

The Township has prepared a “Threatened and Endangered Species Habitat Map” as part of the Land Use & Circulation Plan adopted in March of 2009 (see map on page 9) and has proposed a draft Habitat Protection Ordinance to complement the protection of environmentally sensitive areas identified in that plan. A draft amendment of the Land Development Ordinance has been prepared in accordance with the Township’s Plan Endorsement Action Plan, which defines “environmentally sensitive areas” and requires them to be shown on maps specified in the development application checklist.

### **Historic Preservation Plan**

The Township has addressed historic preservation in previous updates of the Berkeley Township Master Plan. The Township has two potential districts of local historic significance (Pinewald and Manitou Park) and one building on the State and National Register of Historic Places (the Manitou Park School House). The area in Pinewald is along Central Avenue and the only remaining structure from the original Pinewald Village is a flag pole in the woods. The area is now developed with single family homes on aggregations of the original platted 50x100 lots created when Pinewald was laid out in the 1920s. Manitou Park was the first African American settlement in Ocean County and once had its own school house. The neighborhood deteriorated to a point where less than half of the original homes remained and is now undergoing a redevelopment of 86 single family homes on existing lots. The

historic school house is dilapidated and the Township has been trying to secure funds from the New Jersey Historic Trust to restore it at an estimated cost of \$900,000. Manitou Park was designated as an Area In Need of Rehabilitation in 2008 and the Manitou Park Redevelopment Plan seeks to coordinate the construction of the 86 market and affordable homes with improvements to streets and construction of sidewalks, as well as the introduction of water and sewer infrastructure into the neighborhood.

### **Wellhead Protection Plan**

The Land Use & Circulation Element of the Berkeley Township Master Plan, adopted in 2009, includes a Wellhead Protection Areas Map (see page 10). The Township has prepared and intends to adopt a Wellhead Protection Ordinance linked to the Map for purposes of regulating development in the Tier 1, Tier 2 and Tier 3 Wellhead Protection Areas.

### **Water Conservation Plan**

The Township of Berkeley implements water conservation through the Berkeley Township Municipal Utility Authority public outreach and education to reduce unnecessary watering during peak drought seasons and encourage reduced water consumption levels. The Township has also prepared a draft Water Conservation Ordinance based on the NJDEP model that empowers enforcement of irrigation controls and draught emergency measures for potable water use.

### **Stream Corridor Protection Plan**

The Township has proposed a Riparian Buffer Ordinance which serves to meet the requirements of a Stream Corridor Protection Plan. Virtually all of the Townships streams fall under the jurisdiction of a NJDEP regulatory requirement which establish State-required stream setback, wetland transition area, and riparian buffers.



