

Millstone Township, Monmouth County

ORDINANCE NO. 10-12

INTRODUCTION DATE: 04-21-10

ADOPTION DATE: 05-19-10

ORDINANCE AMENDING CHAPTER XXXV (LAND USE), ARTICLE II (DEFINITIONS), SECTION 2-2 (SPECIFIC DEFINITIONS); ARTICLE IV (REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS), SECTION 4-7 (PRESERVATION OF NATURAL FEATURES), SUBSECTION 4-7.3 (NATURAL FEATURES TO BE RETAINED; EXCEPTIONS); ARTICLE IX (DEVELOPMENT APPLICATION REQUIREMENTS), SCHEDULE 4 (DOCUMENTS REQUIRED TO BE SUBMITTED), SUBSECTION IV (PROJECT USE), AND SUBSECTION V (CRITERIA FOR DETERMINING THE NEED FOR A STATEMENT OF ENVIRONMENTAL IMPACT AND ASSESSMENT (SEIA) TO THE LAND DEVELOPMENT APPLICATION; APPENDIX A (COMPLETENESS CHECKLIST) (SUBSECTION 9-3.4); ARTICLE V (ZONING DISTRICT REGULATIONS), SECTION 5-6A (RU-P PRESERVATION ZONE), SUBSECTION 5-6A.6 (FARMLAND/OPEN SPACE CONSERVATION CLUSTERS IN THE RU-P DISTRICT); ARTICLE V (ZONING DISTRICT REGULATIONS), SECTION 5-6B (RU-C RURAL CONSERVATION ZONE), SUBSECTION 5-6B.6 (FARMLAND/OPEN SPACE CONSERVATION CLUSTERS IN THE RU-C DISTRICT); ARTICLE IX (DEVELOPMENT APPLICATION REQUIREMENTS), SECTION 9-3 (STATEMENT OF ENVIRONMENTAL IMPACT AND ASSESSMENT STATEMENT); ARTICLE XI, DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS), SECTION 11-13 (EASEMENTS AND WILDLIFE CORRIDORS); ARTICLE XI, DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS), SECTION 11-24 (STEEP SLOPE BUFFER REQUIREMENTS); ARTICLE XI, DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS), BY CREATING SECTION 11-33 (THREATENED AND ENDANGERED SPECIES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

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BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [brackets]):

I

Chapter XXXV, Land Use, Article 2, Definitions, Section 2-2, Specific Definitions, is hereby amended to read as follows:

**2-2 SPECIFIC DEFINITIONS.**

**NOTE TO CODIFIER: THE FOLLOWING DEFINITIONS ARE TO BE ADDED TO SECTION 2-2 IN THE APPROPRIATE ALPHABETICAL ORDER. ALL OTHER DEFINITIONS ARE UNCHANGED.**

*Endangered Species:* Any plant or animal species whose prospects for survival are in immediate danger because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction.

*Suitable Habitat:* Habitat that contains sufficient vegetative cover and food supply to sustain the needs of a particular threatened or endangered species.

*Threatened Species:* Any plant or animal species that may become endangered if conditions surrounding them begin or continue to deteriorate.

## II

Chapter XXXV, Land Use, Article 4, Regulations Applicable to All Zoning Districts, Subsection 4-7.3, Natural Features to be Retained; Exceptions, is hereby amended to read as follows:

### **4-7 PRESERVATION OF NATURAL FEATURES.**

**4-7.3 Natural Features to be Retained; Exceptions.** In the establishment of any use, existing natural features such as trees, rock formations, endangered or threatened species habitat, vistas, streams and drainage channels shall be retained, unless such features interfere with the reasonable use of the property. In such cases, a maximum amount of such features shall be retained, consistent with the reasonable use of the property as determined by the Planning Board.

## III

Chapter XXXV, Land Use, Article 9, Development Application Requirements, Schedule 4, Documents Required to be Submitted, Subsection IV, Project Use, is amended to read as follows:

### **ARTICLE 9 DEVELOPMENT APPLICATION REQUIREMENTS.**

#### **Schedule 4 - Documents Required to be Submitted.**

Sections I. to III. No change.

#### IV. PROJECT USE.

1.- 13. No change.

14. Amount of soil to be removed or imported cubic yards. Soil Removal Application is required for any soil removal or import pursuant to Chapter XXIII of the General Ordinances of Millstone Township.

#### V. CRITERIA FOR DETERMINING THE NEED FOR A STATEMENT OF ENVIRONMENTAL IMPACT AND ASSESSMENT (SEIA)

1.- 5. No change.

6.Does the project contain any areas classified as Landscape Project Endangered Species Habitat, Ranks 3,4 and 5 by the New Jersey Department of Environmental Protection or does the Natural Heritage Program indicate that any threatened endangered species may be on the site?

If the answer to any of the questions above is "Yes" the application must be accompanied by a Statement of Environmental Impact and Assessment prepared in accordance with Section 9-3 of the Land Use Ordinance and the Completeness Checklist in Appendix "A" (Subsection9-3.4) of the Land Use Ordinance.

#### IV

Chapter XXXV, Land Use, Appendix A, Completeness Checklist (Subsection 9-3.4) to read as follows:

#### **APPENDIX A - COMPLETENESS CHECKLIST.**

(Statement of Environmental Impact and Assessment SEIA)

In order for a development application, as defined by Section 9-3.1, to be deemed complete, this SEIA checklist must be fully completed and a SEIA report addressing the requirements of Section 9-3 must be provided.

1. – 14. No change.

15. ~~Are any on site and surrounding area wildlife, including threatened and endangered species and habitats identified? (Include National Heritage Database from the NJDEP) Is a listing of all wildlife species observed on the site provided, including date and time of site inspection?~~      Yes      No

16. Is a listing of all vegetative species observed on the site provided, including date of site inspection?      Yes      No

17. Have any threatened or endangered species and habitats been identified on or within close proximity to the site, per the NJDEP Natural Heritage Database or Landscape Project mapping?      Yes      No

- a. Include a NJDEP National Heritage Database report.
- b. Include a NJDEP Landscape Project Habitat ranking map for the site.
- c. Include a NJDEP Landscape map identifying each type of habitat present on the site.
- d. Include color photographs of the site representing each type of habitat as identified on the Landscape Project mapping.
- e. If threatened or endangered species or habitats have been identified on or within close proximity of the site, Appendix D is required.

**NOTE TO CODIFIER: EXISTING 16. – 20 REMAIN THE SAME AND ARE TO BE RENUMBERED ACCORDINGLY.**

V

Chapter XXXV, Land Use, Article 5, Zoning District Regulations, Section 5-6A, RU-P Preservation Zone, Subsection 5-6A.6, Farmland/Open Space Conservation Clusters in the RU-P District, is hereby amended to read as follows:

**5-6A RU-P PRESERVATION ZONE.**

**5-6A.6 Farmland/Open Space Conservation Clusters in the RU-P District.**

a. *Purpose.* The basic purpose of permitting the development of farmland/open space conservation clusters is to provide and encourage a method of creating imaginatively designed single-family residential environments which, at the same time, preserve and safeguard desirable and appropriate agricultural lands, open spaces, treed areas, endangered or threatened species habitat, existing streetscapes, steep slopes, flood plains, wetlands, wetlands transitional areas, stream corridors and scenic vistas by permitting the reduction of lot sizes and by providing a density bonus.

b. – d. No change.

e. *Design Provisions for Farmland/Open Space Conservation Clusters.* No change.

1. The design of a farmland/open space conservation cluster shall be in accordance with an overall design theme to be indicated in writing by the applicant, and the plans shall first identify the portions of the tract to be preserved and safeguarded,

including agricultural lands, open spaces, treed areas, endangered or threatened species habitat, existing streetscapes, steep slopes, flood plains, wetlands, wetlands transitional areas, stream corridors and scenic vistas;

2. – 7. No change.

f. – g. No change.

## VI

Chapter XXXV, Land Use, Article 5, Zoning District Regulations, Section 5-6B, RU-C Rural Conservation Zone, Subsection 5-6B.6, Farmland/Open Space Conservation Clusters in the RU-C District is hereby amended to read as follows:

### **5-6B RU-C CONSERVATION ZONE.**

#### **5-6B.6 Farmland/Open Space Conservation Clusters in the RU-C District.**

a. *Purpose.* The basic purpose of permitting the development of farmland/open space conservation clusters is to provide and encourage a method of creating imaginatively designed single-family residential environments which, at the same time, preserve and safeguard desirable and appropriate agricultural lands, open spaces, treed areas, endangered or threatened species habitat, existing streetscapes, steep slopes, flood plains, wetlands, wetlands transitional areas, stream corridors and scenic vistas by permitting the reduction of lot sizes and by providing a density bonus.

b. – d. No change.

e. *Design Provisions for Farmland/Open Space Conservation Clusters.* No change.

1. The design of a farmland/open space conservation cluster shall be in accordance with an overall design theme to be indicated in writing by the applicant, and the plans shall first identify the portions of the tract to be preserved and safeguarded, including agricultural lands, open spaces, treed areas, endangered or threatened species habitat, existing streetscapes, steep slopes, flood plains, wetlands, wetlands transitional areas, stream corridors and scenic vistas;

2. – 7. No change.

f. – g. No change.

## VII

Chapter XXXV, Land Use, Article 9, Development Application Requirements, Section 9-3, Statement of Environmental Impact and Assessment Statement, is hereby amended to read as follows:

**9-3 Statement of Environmental Impact and Assessment Statement (SEIA).**

It is the purpose of this section to protect the health, safety and welfare of people and property within the Township of Millstone from improper development, construction and building on environmentally sensitive areas such as steep slopes, soils subject to flooding, hillside areas, or any other areas in the Township which may be sensitive to development due to existing environmental constraints. It is the intent of this section to reduce peculiar hazards and the degradation of land areas by reason of erosion, siltation, flooding, soil spillage, surface water runoff, pollution of potable water supplies, destruction of unique and predominant vistas, destruction of endangered or threatened species habitat and to encourage appropriate planning, engineering, design in certain areas to preserve and maximize the best use of the natural terrain and maintain the quality and quantity of the Township's inherent natural resources.

**9-3.1 Applicability.**

A Statement of Environmental Impact and Assessment shall be submitted with applications for development for: 1) all major subdivisions of land and site plans; and 2) other applications for development or uses of land on sites within the Township which contain endangered or threatened species as identified by the NJDEP Landscape Project Endangered Species Habitat Ranking or the Natural Heritage Program Database; a one hundred (100) year floodplain; wetlands or wetlands transition areas in accordance with N.J.S.A. 13:9B-1 et. seq; slope areas where the inclination of the land's surface from the horizontal is fifteen (15) percent or greater; and/or lakes, ponds or other open waters.

**9-3.2** No change.

**9-3.3 Information and Documentation Required for a SEIA.** – No change.

a. No change.

b. No change.

1. – 10. No change.

11. Location of endangered or threatened species habitat if applicable.

**9-3.4 Conditions of the SEIA.**

a. Data Required for SEIA. Applicants shall discuss and analyze in the SEIA those factors required for the particular project as outlined in Appendix "A"\* and "D"

attached hereto, and adopted as part of this Chapter and any other factors pertinent to the proposed project or request a pre-application conference with the Environmental Commission to discuss the scope and detail of the inventory required for a particular project. Applications requiring a SEIA may be rejected upon recommendation of the Environmental Commission and by resolution of the Board for failure to furnish sufficient information to enable the Board to take an adequate environmental appraisal.

b. No change.

1. – 2. No change.

3. Endangered or Threatened Species. The applicant shall include a Natural Heritage Database Report and NJDEP Landscape Project Endangered Species Habitat Ranking Map within the SEIA. If there is any record of endangered or threatened species on or within close proximity to the site, the SEIA shall include Appendix D in accordance with Section 11-33 of the Millstone Township Land use Ordinances.

**NOTE TO COFIDIER: Existing paragraph becomes 3 becomes paragraph 4. and all subparagraphs thereafter shall be renumbered accordingly.**

## VIII

Chapter XXXV, Land Use, Article 11, Design and Performance Standards and Construction Specifications, Section 11-13, Easements and Wildlife Corridors, is hereby amended to read as follows:

### **11-13 EASEMENTS AND WILDLIFE CORRIDORS.**

**11-13.1 Utility Easements.** Easements along rear property lines or elsewhere for utility installation may be required, but are discouraged. Such easements shall be at least twenty (20) feet wide for one utility and five (5) feet for each additional utility and be located in consultation with the companies, municipal departments concerned or other jurisdictional agencies and, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.

~~11-13.2 Floodplain and conservation easements shall be indicated on the preliminary and final plats and shown in such a manner that their boundaries can be accurately determined.~~

**11-13.2 Conservation Easements.** Within any land development applications for new single family dwellings, residential additions, accessory structures, all agricultural, commercial, office, industrial, residential subdivisions and site plans where conservation values relating to scenic vistas, floodplains, wetlands and associated buffers, open space, historical areas, soil types, steep slopes, tree preservation, protection of watercourses, protection of endangered or threatened species habitat, protection of animal life and

elimination of excessive noise are deemed to require special protection, said areas shall be located within a conservation easement accurately described on required forms and plats and dedicated to the Township of Millstone. All such easement dedications shall be in a form satisfactory to the Township Attorney. Such dedications shall be expressed on the plat as follows: "Conservation Easement dedicated to the Township of Millstone". Property owners will be required to sign a Notice of Conservation Easement Restrictions form, issued by construction and code enforcement offices, acknowledging the fact that they are aware their property contains a conservation easement which limits usage of that portion of the property.

**11-13.3 Conservation Easement Monumentation.** ~~Where conservation values relating to scenic vistas, open space, historical areas, soil types, steep slopes, tree preservation, protection of watercourses, protection of animal life and elimination of excessive noise are deemed by the Planning Board to require special protection, said areas shall be located within a conservation easement dedicated to the Township of Millstone. All such easements shall be in a form satisfactory to the Township Attorney. Such dedications shall be expressed on the plat as follows: "Conservation Easement dedicated to the Township of Millstone. Monument installation per subsection 11-13.3 of the Development Regulations Ordinance must be completed and approved prior to issuance of Certificate of Occupancy."~~

All conservation easements shall be delineated in the field with rigid 3.5" x 3.5" plastic composite posts at a height of 3.5 feet above grade and shall be embedded in concrete. The posts shall be marked with a 3" x 3" anodized aluminum marker with a protective coating. The marker shall state "Conservation Easement" with a Millstone Township logo and applicable ordinance number and shall face the home. Markers may be purchased from the Township. The location of the conservation markers will be reviewed on a case by case basis at the discretion of the Planning Board and/or Township Engineer. At a minimum, conservation markers shall be installed at the intersection of the conservation easement with a property line and at a point midway between property lines. The location and height of the markers shall be shown on the plat and the markers themselves will be items incorporated into the developer's performance bond.

Conservation monuments on a subject lot shall be installed prior to the issuance of a Certificate of Occupancy. ~~The Planning Board Approving agencies may waive the markers/post requirement for agricultural areas or other areas where they are determined to be not warranted. The removal of tree and ground cover shall be prohibited in a conservation easement or floodplain easement except for the following purposes; the removal of dead or diseased trees; removal of hazard trees, limited thinning of trees and growth to encourage the most desirable growth; the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes, or approved conservation plan by the Soil Conservation District. Such easement dedication(s) shall be expressed on the plat as follows: "Conservation Easement granted to the Township of Millstone."~~



**11-13.4 Wildlife Corridor Easements.** The Planning Board in its discretion and where applicable may require the dedication of a strip or strips of land, a minimum of fifteen (15) feet in width around the interior perimeter of all or portions of a subdivision tract. The purpose and intent of said dedications being the preservation of wildlife corridors consistent with the Township’s rural characteristics and agricultural pursuits. Such dedications shall be expressed on the plat as follows: “Wildlife Corridor dedicated to the Township of Millstone.”

**11-13.5 Horse Trail Easement – No change.**

**11-13.6 Prohibited Activities.** The following activities are prohibited in any Township easement unless zoning permits and approvals from the appropriate government agencies have been secured: altering stream courses; constructing dams or other obstructions to stream flow; filling in depressions, ponds, wetlands, marshes, and other aquatic features; excavating hills, filling in gullies or ravines, or otherwise altering the topography; cutting trees or removing vegetation; disposing of trash, oils, pesticides, chemicals, or other noxious materials; constructing structures of any kind, whether permanent or temporary; or making any changes to the existing environment within the easement.

With the exception of Township authorized vehicles and farm vehicles associated with an approved farming activity, no motorized vehicles are permitted within Conservation, Horse Trail or Wildlife Corridor Easements.

**11-13.7 Permits Required.** An Easement Use permit issued by the Code Enforcement Officer is required for any activity proposed in any easement including removal of a dead or hazardous tree, tree trimming or additional plantings. The permit review fee may be waived for a minor activity such as the removal of a hazardous tree. Failure to obtain an Easement Use permit prior to an activity within an easement shall cause issuance of a summons.

## IX

Chapter XXXV, Land Use, Article 11, Design and Performance Standards and Construction Specifications, Section 11-24, Steep Slope Buffer Requirements, is hereby amended to read as follows:

### **ARTICLE 11 DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS.**

#### **11-24 STEEP SLOPE BUFFER REQUIREMENTS.**

**11-24.1** Any property ~~which is the subject of a major subdivision application and~~ which contains slope areas in excess of five (5) vertical feet in height and fifteen (15) percent or greater, (hereafter “steep slopes”), shall comply with the provisions set forth below. Notwithstanding the provisions hereof, all development applications must observe subsection 4-4.7, “Lot Area Requirements” and Section 9-5, “Environmental Constraints on Development on Steep Slopes, Flood Plains and Poorly Drained Soils.”

**11-24.2** No change.

**11-24.3** Existing and proposed lots with steep slopes shall be subject to the provisions of Sections 4-4.7 and 9-5 and the following design standards:

- a. Existing, wooded and well stabilized slopes:
  1. Steep slopes shall not be disturbed and shall be contained in conservation easements.
  2. A slope buffer area of fifty (50) feet shall be provided at the top and bottom of a steep slope area. The slope buffer area shall be contained in a conservation easement (See Diagram A)\*
- b. Previously disturbed, eroded and/or poorly stabilized steep slopes in excess of five (5) vertical feet:
  1. ~~The Approval Board may require filling of the~~ steep slope area may be required by the approving Township agencies to be filled with compacted clean fill to a maximum slope of twenty-five (25) percent and re-stabilization of the slope as described.
  2. No change.
  3. A slope buffer area of fifty (50) feet shall be provided at the top and bottom of all steep slopes. If the slope is in excess of ~~twenty-five~~ (25) percent, the lower slope buffer shall be measured from a downward line at an angle of twenty-five (25) percent extended to intercept the existing grade; the area between the intersected existing grade and the existing top of slope shall comprise the buffer area, however, in no case shall the slope buffer be less than fifty (50) feet. (See Diagram B)\*
  4. No change.
  5. No change.
    - a. No change.

Chapter XXXV, Land Use, Article 11, Design and Performance Standards and Construction Specifications, Section 11-33, Threatened and Endangered Species, is hereby created to read as follows:

## **11-33 THREATENED AND ENDANGERED SPECIES.**

### **11-33.1 Applicability**

Prior to any development application being deemed complete by either the Township Planning Board or Zoning Board of Adjustment, including major or minor subdivision and site plan approvals, a threatened and endangered species investigation as outlined in this section shall be filed as part of the application. This requirement shall not apply to use variance applications, signage applications, bulk variances for decks, porches, etc., required for existing uses, site plan waivers, minor revisions to existing sites, and sites for which final approval has been granted. Any person or business entity required to complete a Tree Clearing Application in accordance with Section 11-32 of this ordinance shall be required to perform a threatened and endangered species investigation as outlined within that section. The Board Engineer and the Millstone Township Environmental Commission shall review and comment on the results of the threatened and endangered species investigation. Failure of an applicant to fully comply with any part of the provisions as outlined in this section shall result in the denial of the application.

An applicant may request conditional completeness of an application from the Board. This may be granted in the case that the optimum timing to complete the survey is incongruent with the readiness of the application.

### **11-33.2 Standards for Threatened and Endangered Species Investigation**

- A. *State Records Search.* The applicant shall provide a New Jersey Department of Environmental Protection Landscape Habitat Ranking Map and a NJDEP Natural Heritage Program database report of the site. A site that contains Habitat Ranking 3, 4, 5 and/or a Natural Heritage Program database report which identifies threatened or endangered species on or within close proximity of the site shall require a Threatened and Endangered Species Survey. If no threatened or endangered species have been identified on the Landscape Habitat Ranking Map or the Natural Heritage database report, no further Threatened and Endangered Species survey is required.
- B. *Surveyor Requirements.* The Threatened and Endangered Species Survey must be completed by a surveyor deemed qualified by the Environmental Commission. The Township maintains a listing of qualified surveyors as recognized by the US

Fish & Wildlife Service and the NJ Endangered and Nongame Species Program which is available in the Land Use Office. The listing may not include all individuals qualified to survey for the species. The list will be updated periodically.

1. To be deemed qualified by the Environmental Commission and/or to be included within the Township List of Qualified Surveyors, the individual must be recognized as a qualified surveyor by a Federal or State agency. The individual shall submit a copy of a Threatened and Endangered Species Survey report that has been approved by a Federal or State agency, such as the US Fish & Wildlife Service, Pinelands Commission or NJDEP Endangered & Nongame Species Program. The Environmental Commission will review the documents and determine if the surveyor shall be approved and included within the Township listing.
  2. Exception: An individual who has obtained a Master's Degree in the field relevant to the threatened and/or endangered species for which the survey is being performed shall be excepted from the qualified surveyor requirement. For example, if the site is being surveyed for a threatened or endangered bird species, an individual with a Master's degree in Ornithology may conduct the survey.
- C. *Time Frame of Survey.* The Threatened and Endangered Species Survey must occur during the time periods in which the targeted species can be readily observed and identified. For plants, this may be the flowering period. For wildlife, this may be during the breeding season. A survey for a wildlife species that uses different habitat types to meet different needs must be designed so that the evaluators are investigating the study area during the season or time period that the species might be using the habitat.
- D. *Survey.* A qualified surveyor shall complete Appendix D - Threatened / Endangered Species Survey Data Sheet, attached hereto,\* and adopted as a part of this Chapter, for each threatened or endangered species identified on the NJDEP Landscape Project Habitat Ranking 3, 4, 5 map and/or the NJDEP Natural Heritage Database report. During the survey investigation, if any threatened or endangered species that was not listed in either NJDEP database was identified, the surveyor shall also complete Appendix D for those species. All sections of Appendix D including required attachments stated within the form shall be completed by the surveyor in order to be deemed complete for review. Appendix D shall be included within the SEIA, if applicable. No formal written report is required under this ordinance unless specifically requested by the Board.

### **11-33.3 Review of Findings.**

The Board Engineer and the Millstone Township Environmental Commission shall review and provide recommendation to the Board on the results of the threatened and endangered species investigation. Should the Board feel the need to retain their own qualified surveyor to review the survey results or perform an additional survey, the applicant shall post an additional escrow amount to cover such costs.

#### **11-33.4 Protective Measures.**

In the event that a threatened and/or endangered species or suitable habitat is identified on the subject property, the following minimum protective measures shall be required:

- A. Any area of a subject property located outside of a protected wetland where a threatened or endangered species or suitable habitat is identified shall be contained within a conservation easement including an extended 15' perimeter buffer.
- B. Protective fencing shall be required to be installed a minimum of 15' from the perimeter of any area where threatened or endangered species or suitable habitat has been identified. Protective fencing shall consist of silt fence installed in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*. Fencing shall be installed prior to any site work and be maintained in good condition throughout all phases of construction. Protective fencing location shall be detailed on the grading plan along with a note stating the duration of fencing requirements.
- C. The duration and timing of site disturbance shall be limited as applicable, such as during hibernation of a species or as otherwise recommended by the Environmental Commission to ensure protection of the threatened or endangered species.
- D. Further limitations may be imposed as recommended by the qualified surveyor, Environmental Commission or the Board Engineer.

\*Editor's Note: Appendix D may be found at the end of this Chapter.

#### XI

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

#### XII

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

### XIII

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

#### EXPLANATORY STATEMENT:

This Ordinance (1) adds endangered species, suitable habitat and threatened species to Section 2-2, Specific Definitions, of the Land Use Ordinances; (2) includes endangered or threatened species as a natural feature to be retained in the Preservation of Natural Features section of the Township's Land Use Ordinances; (3) adds additional criteria to be included in the Land Use Development Application of the Development Regulations, Section IV, Project Use and Section V, Criteria for Determining the Need for a Statement of Environmental Impact and Assessment (SEIA); (4) adds additional criteria to be included in Appendix A (Subsection 9-3.4), Completeness Checklist, Statement of Environmental Impact and Assessment (SEIA) regarding threatened and endangered species; (5) includes endangered or threatened species habitat to be preserved in the RU-P zoning district and in the Design Provision for Farmland/Open Space Conservation Clusters; (6) includes endangered or threatened species habitat to be preserved in the RU-C zoning district and in the Design Provision for Farmland/Open Space Conservation Clusters within that zone; (7) amends the requirements/conditions of a Statement of Environmental Impact and Assessment Statement to include endangered and threatened species/habitat for development applications; (8) amends the requirements regarding easement and wildlife corridors located in various types of easements located within the Township and further provides certain prohibited activities within the various easements. It further requires that an Easement Use Permit must be obtained for any proposed activity in any easement; (9) deletes the condition that major subdivision applications comply with steep slope buffer requirements thereby making any property subject to the requirements set forth in the section in regard to steep slope buffer requirements; (10) creates a Threatened and Endangered Species Ordinance, within the Township's Land Use and Development Regulations.

**APPENDIX D**

**Threatened / Endangered Species Survey Data Sheet**

Species \_\_\_\_\_

(One survey sheet to be filled out per species)

Was Species Located? (YES or NO) – circle one

Was Suitable Habitat Identified? (YES or NO) – circle one

1. Block and Lot of Subject Property.

Block(s) \_\_\_\_\_

Lot(s) \_\_\_\_\_

2. Client Name & Contact Information.

Name: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

3. Property Owner Name & Contact Information.

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

4. Surveyor(s) - Attach relevant qualifications.

Name(s): \_\_\_\_\_

Company/Affiliation:

\_\_\_\_\_





12. Presence & relative abundance of prey species observed if applicable:

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13. Conclusions – If species or suitable habitat exists provide explanation of how the proposed development has been designed to comply with threatened/endangered species standards.

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14. Recommendations – include potential changes to the design of the proposed development to ensure protection of species and habitat.

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15. Provide area of threatened and/or endangered species habitat within the subject property in square feet or acres:

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16. Surveyor's signature:

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17. Provide the following documents as an attachment to this survey data sheet:

- a. Surveyor Qualifications.
- b. NJDEP Protocol for specific species surveyed.
- c. Landscape Habitat mapping of site.
- d. Map of subject property identifying survey area. If species or suitable habitat is present, identify the location on the map including GPS coordinates.

- e. Site photographs including survey locations, suitable habitat and threatened and endangered species if applicable.